

# **AGENDA**

# **Ordinary Council Meeting**

Date: Monday, 22 January 2024

Time: 5 pm

**Location: Cowra Council Chambers** 

116 Kendal Street, Cowra

Michael Jones
Acting General Manager

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## I INTRODUCTION

## I.I Recording & Publishing

In accordance with the Local Government Act (1993), Cowra Council is recording this meeting and will upload the recording to Council's website. By speaking at this meeting, you agree to being recorded and having that recording published in the public domain. Please ensure that when you speak at Council meetings you are respectful to others and use appropriate language at all times. Cowra Council accepts no liability for any defamatory or offensive remarks or gestures made during the course of this meeting.

## I.2 Acknowledgement of Country

We acknowledge the traditional custodians of the land on which we gather, the Wiradjuri people, and pay our respects to elders both past and present.

## 1.3 Apologies and Applications for Leave of Absence by Councillors

List of apologies for the meeting.

#### 1.4 Disclosures of Interest

Councillors and staff please indicate in relation to any interests you need to declare:

- a. What report/item you are declaring an interest in?
- b. Whether the interest is pecuniary or non-pecuniary?
- c. What is the nature of the interest?

#### 1.5 Presentations

#### 1.6 Public Forum

I invite any member of the public wishing to speak on an item in the agenda to please come to the lectern, introduce yourself, state the item you wish to speak on and allow time for any councillor or member of staff if they have declared an interest in the item to manage that conflict which may include them leaving the chamber during your presentation.

## 2 CONFIRMATION OF MINUTES

Confirmation of Minutes of Ordinary Council Meeting held on 18 December 2023



# **MINUTES**

Ordinary Council Meeting Monday, 18 December 2023

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## MINUTES OF COWRA COUNCIL ORDINARY COUNCIL MEETING HELD AT THE COWRA COUNCIL CHAMBERS, 116 KENDAL STREET, COWRA ON MONDAY, 18 DECEMBER 2023 AT 5 PM

PRESENT: Cr Ruth Fagan (Mayor), Cr Paul Smith (Deputy Mayor), Cr Sharon

D'Elboux, Cr Cheryl Downing, Cr Nikki Kiss OAM, Cr Judi Smith, Cr

Bill West, Cr Peter Wright

IN ATTENDANCE: Mr Paul Devery (General Manager), Mr Michael Jones (Director -

Corporate Services), Mr Dirk Wymer (Director-Infrastructure &

Operations)

#### Ī INTRODUCTION

#### 1.1 Recording & publishing

The Mayor advised that the meeting was being recorded.

## Acknowledgement of Country

The Mayor delivered the Acknowledgment of Country.

#### 1.3 Apologies and Applications for Leave of Absence by Councillors

#### **RESOLUTION 259/23**

Moved: Cr Judi Smith

Seconded: Cr Nikki Kiss OAM

That apologies from Cr Erin Watt and Mrs Larissa Hackett (Director-Environmental Services) be received and accepted.

**CARRIED** 

#### 1.4 Disclosures of Interest

Cr Sharon D'Elboux declared a non-pecuniary interest in relation to Item 6.1, point 6, Committee Minutes - Traffic Committee due to infrastructure near her place of work and her role as President of the Cowra Public School P&C.

Cr Ruth Fagan declared a pecuniary interest in relation to item 3.11, Planning proposal PP 2023-884, Lot 2 DP 1028751, Lynch Street Cowra, seeking to amend Cowra LEP 2012 by rezoning Lot 2 DP 1028751 from SP2 Infrastructure to E3 Productivity Support, lodged by John Sarlas due to her husband advising the Vendors.

Cr Bill West declared a non-pecuniary interest in relation to item 10.1, Sale of Land - Lot 9 Cowra Airport to Louise Donkin due to the applicant being a neighbour.

### 1.5 Presentations

Nil

## I.6 Public Forum

Nil

#### 2 CONFIRMATION OF MINUTES

#### **RESOLUTION 260/23**

Moved: Cr Sharon D'Elboux

Seconded: Cr Bill West

That the minutes of Ordinary Council Meeting held on 27 November 2023 be confirmed.

CARRIED

#### **RESOLUTION 261/23**

Moved: Cr Sharon D'Elboux Seconded: Cr Cheryl Downing

That the minutes of Extraordinary Council Meeting held on 11 December 2023 be confirmed.

**CARRIED** 

# 3 GENERAL COMMITTEE RECOMMENDATIONS - MONDAY, 11 DECEMBER 2023

#### **GENERAL MANAGERS REPORT**

## 3.1 Weir Bequest

#### **RESOLUTION 262/23**

Moved: Cr Cheryl Downing Seconded: Cr Judi Smith

- I. That Council note the bequest from the Estate of the late Margaret Edith Weir of \$50,000 to the Cowra Regional Art Gallery and \$50,000 to the Peace Bell Committee.
- 2. That Council send a letter to the family expressing appreciation for this most generous gesture
- 3. That the Art Gallery Advisory Committee and the Peace Bell committee be requested to give consideration to how to best use the funds and make recommendations to Council.

## 3.2 Growing Regions Application

#### **RESOLUTION 263/23**

Moved: Cr Judi Smith Seconded: Cr Paul Smith

That Council allocate an additional \$40,000, funded from the Built Asset Replacement Reserve, to allow for resources to be engaged to complete the full application for Aquatic Centre funding under the Federal Government's Growing Regions program.

**CARRIED** 

### **DIRECTOR-CORPORATE SERVICES REPORT**

## 3.3 Donation - Woodstock Swimming Pool Incorporated

## **RESOLUTION 264/23**

Moved: Cr Judi Smith

Seconded: Cr Cheryl Downing

That Council provide a donation of \$5,270.00 from the Section 356 expenses budget to assist the Woodstock Swimming Pool Committee with the Public Liability Insurance for Woodstock Community Pool.

CARRIED

## 3.4 Appointment of 2024 Cowra Youth Council Members

## **RESOLUTION 265/23**

Moved: Cr Judi Smith

Seconded: Cr Cheryl Downing

That Council endorse the appointment of the following nominees to the 2024 Cowra Youth Council:

- Georgie Anning
- Ezekiel Austin
- Zipporah Austin
- Laura Bennett
- Callie Bridges
- Lily Bridges
- Emma Haslem
- Cohan Howden

- Aiden Gunderson
- Sienna Launders
- Isabella Lette
- Isabella Pepper
- Taylia Penyu
- Laura Price
- Alyvia Slade

### 3.5 Section 355 Committee Draft Minutes - Audit, Risk & Improvement Committee

#### **RESOLUTION 266/23**

Moved: Cr Paul Smith Seconded: Cr Bill West

That the draft Minutes of the Audit, Risk & Improvement Committee meeting held on 30 November 2023 be noted.

**CARRIED** 

## 3.6 Sculpture Park Master Plan

#### **RESOLUTION 267/23**

Moved: Cr Sharon D'Elboux

Seconded: Cr Bill West

- 1. That Council place the draft sculpture park masterplan on public exhibition for a minimum of 28 days from 8<sup>th</sup> January 2024.
- 2. That Council endorse the application to lodge a submission for grant funding under the public spaces legacy program to construct pathways at the sculpture park in accordance with the draft master plan.
- 3. That reports are brought back to Council on the financial analysis and curatorial framework for the sculpture park.

CARRIED

## 3.7 Investments

#### **RESOLUTION 268/23**

Moved: Cr Paul Smith Seconded: Cr Judi Smith

That Council note the Investments and Financial Report for November 2023.

**CARRIED** 

#### **DIRECTOR-INFRASTRUCTURE & OPERATIONS REPORT**

3.8 Dam Safety Management Plans: Cowra Stormwater Detention Basins

## **RESOLUTION 269/23**

Moved: Cr Judi Smith

Seconded: Cr Sharon D'Elboux

That Council allocate \$70,000 to complete the Dam Safety Management System for the Cowra detention basins in the 2023/2024 Operational Plan second quarter review to comply with the requirements of the Dam Safety Management Regulation (2019).

3.9 Proposed Policy: Pipes Along and Across Roads - Water, Drainage and Irrigation

#### **RESOLUTION 270/23**

Moved: Cr Bill West

Seconded: Cr Cheryl Downing

- I. That Council endorses the draft Pipes Along and Across Roads Water, Drainage and Irrigation Policy for the purpose of public exhibition for a minimum of twenty eight (28) days from 8 January 2024 in accordance with the Community Engagement Strategy.
- 2. That following the public exhibition the Director Infrastructure & Operations provide a further report to Council for the formal adoption of the Draft Pipes Along and Across Roads Water, Drainage and Irrigation Policy considering any submissions made.

CARRIED

### **DIRECTOR-ENVIRONMENTAL SERVICES REPORT**

3.10 Development Application No. 110/2023, Lot 149 DP 1162233, 13 Vineyard Drive Cowra, Inground swimming pool, lodged by SJ Pools & Concreting

#### **RESOLUTION 271/23**

Moved: Cr Judi Smith Seconded: Cr Paul Smith

- I. That Council notes that the reason for the decision is that the proposal largely complies with Section 4.15 of the Environmental Planning and Assessment Act 1979. The variations to E.4.5(a) of Part E of Council's Development Control Plan 2021 is sufficiently justified and the application was publicly notified and no submissions were received; and
- 2. That Council approves a variation to E.4.5(a) of Part E of Council's Development Control Plan 2021 for this development to allow a swimming pool forward of the building line; and
- 3. That Development Application No. 110/2023, for the construction of an inground swimming pool on Lot 149 DP 1162233, 13 Vineyard Drive Cowra be approved subject to the following conditions:

## **GENERAL CONDITIONS**

1. Development is to be in accordance with approved plans.

The development is to be implemented in accordance with the plans and supporting documents stamped and approved and set out in the following table except where modified by any conditions of this consent.

Plan No./	Prepared by/Reference	Cowra Shire Council
Supporting Document	Details	Reference
Site Plan	Bellriver Homes N.D.	Received 6 November 2023 Stamped No. 10.2023.110.1
Pool Shell Specification / Dig Sheet	Barrier Reef Pools Brooklyn 8.6m 4.4m N.D.	Received 6 November 2023 Stamped No. 10.2023.110.1
Statement of Environmental Effects (Pro-forma Template)	Scott James N.D.	Received 6 November 2023 Stamped No. 10.2023.110.1
BASIX Certificate No. A1373199	Scott T James Issued: 19 October 2023	Received 6 November 2023 Stamped No. 10.2023.110.1

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

- 2. The applicant shall comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the Environmental Planning and Assessment Regulation 2021 (see attached Advisory Note).
- 3. Permanent pool fences and gates forming pool barriers shall be designed, constructed, installed and maintained in accordance with the Swimming Pools Act 1992 and the Swimming Pools Regulation 2008. The pool shall not be filled until fencing has been constructed to the satisfaction of the Principal Certifier.
- 4. A Warning Notice prepared in accordance with Part 3 of the Swimming Pools Regulation 2008 shall be exhibited in a prominent position adjacent to the pool.
- 5. The applicant must lodge an application for the issue of a Swimming Pool Compliance Certificate under the Swimming Pools Act 1992.

## CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

- 6. All backwash water or water discharged from the pool during emptying shall be discharged in accordance with Australian Standard 3500 'National Plumbing and Drainage Code' and as follows:
  - (i) In an area serviced by reticulated sewerage, connect to Cowra Shire Council's sewerage system.
  - (ii) Where reticulated sewerage is not available, all backwash shall be directed to absorption trenches. Details of these trenches shall be submitted to and approved by Cowra Shire Council prior to the issue

- of a Construction Certificate. The discharge must be located and designed so as to not impact on the effluent land application area or result in water pollution (i.e. discharge into waterway).
- (iii) The sewer connection can be via a suitable existing gulley or, alternatively, a gulley can be cut into the house drainage line for this purpose.

## CONDITIONS TO BE COMPLIED WITH PRIOR TO THE COMMENCEMENT OF WORKS

- 7. The Applicant is to obtain a Construction Certificate from either Council or an Accredited Certifier, certifying that the proposed works are in accordance with the Building Code of Australia and applicable Council Engineering Standards prior to any building and or subdivision works commencing. No building, engineering or excavation work is to be carried out in relation to this development until the necessary construction certificates have been obtained. It is the responsibility of the Applicant to ensure that the development complies with the Building Code of Australia and applicable engineering standards in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.
- 8. It is the responsibility of the Applicant to ensure that the development complies with the Building Code of Australia and applicable engineering standards in the case of building work.
- 9. The Applicant is to submit to Cowra Shire Council, at least two days prior to the commencement of any works, a 'Notice of Commencement of Building or Subdivision Works' and 'Appointment of Principal Certifier'.
- 10. Prior to the commencement of work on the site, all erosion and sediment control measures shall be implemented and maintained prior to, during and after the construction phase of the development. The erosion and sediment control measures are to comply with Part B of Cowra Shire Council Development Control Plan 2021 at all times.
- II. Prior to the installation of the pool a 'peg-out' survey plan is to be submitted to the Principal Certifier which establishes the position of the property boundary and demonstrates that the development will be constructed in accordance with the boundary setbacks provided on the approved plans.

## CONDITIONS TO BE COMPLIED WITH DURING CONSTRUCTION

- 12. While building work is being carried out, any such work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.
- 13. Any damage caused to footpaths, roadways, utility installations and the like by reason of construction operations shall be made good and repaired

to a standard equivalent to that existing prior to commencement of construction. The full cost of restoration/repairs of property or services damaged during the works shall be met by the Applicant.

- 14. All storage of goods and building materials and the carrying out of building operations related to the development proposal shall be carried out within the confines of the property. All vehicles must be parked legally and no vehicles are permitted to be parked over the public footpath. The unloading of building materials over any part of a public road by means of a lift, hoist or tackle projecting over the footway will require separate approval under Section 68 of the Local Government Act 1993.
- 15. Building activities and excavation work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 6.00 pm on weekdays and 8.00 am and 1.00 pm on Saturdays. No work on Sundays or Public Holidays is permitted.
- 16. All building rubbish and debris, including that which can be windblown, shall be contained on site in a suitable container for disposal at an approved Waste Landfill Depot. The container shall be erected on the building site prior to work commencing and shall be maintained for the term of the construction to the completion of the project. No building rubbish or debris shall be placed or permitted to be placed on any adjoining public reserve, footway or road. The waste container shall be regularly cleaned to ensure proper containment of the building wastes generated on the construction site.

## CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

- 17. The Applicant must not commence occupation or use of the pool until a Whole or Partial Occupation Certificate has been issued from the Principal Certifier appointed for the subject development.
- 18. The swimming pool is to be registered on the NSW Swimming Pool Register with evidence of registration provided to the Principal Certifier prior to the issue of any Occupation Certificate.

### **ADVICE**

If, during work, an Aboriginal object is uncovered then WORK IS TO CEASE IMMEDIATELY and the Office of Environment & Heritage is to be contacted urgently on (02) 6883 5300. Under the National Parks and Wildlife Act 1974 it is an offence to harm an Aboriginal object or place without an 'Aboriginal heritage impact permit' (AHIP). Before making an application for an AHIP, the applicant must undertake Aboriginal community consultation in accordance with clause 80C of the NPW Regulation.

**CARRIED** 

In Favour: Crs Ruth Fagan, Paul Smith, Sharon D'Elboux, Cheryl Downing, Nikki Kiss OAM,

Judi Smith, Bill West and Peter Wright

Against: Nil

**CARRIED 8/0** 

At 5.14 pm, Cr Ruth Fagan left the meeting

Cr Paul Smith assumed the position of Chair of the meeting

3.11 Planning Proposal PP 2023-884, Lot 2 DP 1028751, Lynch Street Cowra, seeking to amend Cowra LEP 2012 by rezoning Lot 2 DP 1028751 from SP2 Infrastructure to E3 Productivity Support, lodged by John Sarlas

#### **RESOLUTION 272/23**

Moved: Cr Bill West

Seconded: Cr Sharon D'Elboux

- 1. That Council notes PP-2023-884 submitted by applicant John Sarlas and dated November 2023 (Rev 4) which seeks to amend Cowra Local Environmental Plan 2012 by rezoning Lot 2 DP 1028751 from SP2 Infrastructure to E3 Productivity Support; and
- 2. That Council supports PP-2023-884 for submission to NSW Department of Planning & Environment for Gateway Determination in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979.
- 3. That Council notifies the applicant of its decision to support PP-2023-884 for Gateway Determination.
- 4. That Council submits PP-2023-884 to NSW Department of Planning & Environment with a request for Gateway Determination in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979.

CARRIED

In Favour: Crs Paul Smith, Sharon D'Elboux, Cheryl Downing, Nikki Kiss OAM, Judi Smith, Bill

West and Peter Wright

Against: Nil

CARRIED 7/0

At 5:17 pm, Cr Ruth Fagan returned to the meeting and resumed the Chair

3.12 Development Application No. 105/2023, Lot 8 DP 235440, 12 Comerford Street Cowra, Garage, lodged by G C Hayes

#### **RESOLUTION 273/23**

Moved: Cr Judi Smith Seconded: Cr Peter Wright

I. That Council notes that the reason for the decision is that the proposal largely complies with Section 4.15 of the Environmental Planning and Assessment Act 1979. The variations to Section E.4.3.3 of Part E of Council's Development Control Plan 2021 is sufficiently justified and the application was publicly notified and no submissions were received; and

- 2. That Council approves variations to E.4.3.3.d and E.4.3.3.e.ii of Part E of Council's Development Control Plan 2021 for this development to allow a second access crossing and a 1m setback to the secondary street frontage; and
- 3. That Development Application No. 105/2023, for the construction of a garage on Lot 8 DP 235440, 12 Comerford Street Cowra be approved subject to the following conditions:

#### **GENERAL CONDITIONS**

1. Development is to be in accordance with approved plans.

The development is to be implemented in accordance with the plans and supporting documents stamped and approved and set out in the following table except where modified by any conditions of this consent.

Plan No./	Prepared by/Reference	Cowra Shire Council
Supporting Document	Details	Reference
Site Plan (including	-	Received 10 November 2023
driveways)		Stamped No. 10.2023.105.1
Garage Floor Plan & Elevations Dwg. No. COWR01-2197 Rev A Page I/I	Ranbuild N.D.	Received 10 November 2023 Stamped No. 10.2023.105.1
Statement of Environmental Effects (Pro-forma Template)	Graeme Hayes N.D.	Received I December 2023 Stamped No. 10.2023.105.1(A)

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

2. The applicant shall comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the Environmental Planning and Assessment Regulation 2021 (see attached Advisory Note).

## CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

3. Prior to the issue of a Construction Certificate, the Applicant must obtain consent from the roads authority pursuant to Section 138 of the Roads Act 1993 for the carrying out of works in a road reserve. In addition to the driveway construction, the Applicant shall also include relocation of the existing stormwater outlet in the Section 138 application. All costs associated with the repair of any damages caused by the driveway construction and repair works to the kerb shall be borne by the Applicant and at no cost to Council.

## CONDITIONS TO BE COMPLIED WITH PRIOR TO THE COMMENCEMENT OF WORKS

- 4. The Applicant is to obtain a Construction Certificate from either Council or an Accredited Certifier, certifying that the proposed works are in accordance with the Building Code of Australia and applicable Council Engineering Standards prior to any building and or subdivision works commencing. No building, engineering or excavation work is to be carried out in relation to this development until the necessary construction certificates have been obtained. It is the responsibility of the Applicant to ensure that the development complies with the Building Code of Australia and applicable engineering standards in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.
- 5. It is the responsibility of the Applicant to ensure that the development complies with the Building Code of Australia and applicable engineering standards in the case of building work.
- 6. The Applicant is to submit to Cowra Shire Council, at least two days prior to the commencement of any works, a 'Notice of Commencement of Building or Subdivision Works' and 'Appointment of Principal Certifier'.
- 7. Prior to the commencement of work on the site, all erosion and sediment control measures shall be implemented and maintained prior to, during and after the construction phase of the development. The erosion and sediment control measures are to comply with Part B of Cowra Shire Council Development Control Plan 2021 at all times.
- 8. Prior to the construction of the footings a 'peg-out' survey plan is to be submitted to the Principal Certifier which establishes the position of the property boundary and demonstrates that the development will be constructed in accordance with the boundary setbacks provided on the approved plans.

## CONDITIONS TO BE COMPLIED WITH DURING CONSTRUCTION

- 9. While building work is being carried out, any such work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.
- 10. Any damage caused to footpaths, roadways, utility installations and the like by reason of construction operations shall be made good and repaired to a standard equivalent to that existing prior to commencement of construction. The full cost of restoration/repairs of property or services damaged during the works shall be met by the Applicant.
- II. All storage of goods and building materials and the carrying out of building operations related to the development proposal shall be carried out within the confines of the property. All vehicles must be parked legally and no vehicles are permitted to be parked over the public footpath. The unloading of building materials over any part of a public road by means of

- a lift, hoist or tackle projecting over the footway will require separate approval under Section 68 of the Local Government Act 1993.
- 12. Building activities and excavation work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 6.00 pm on weekdays and 8.00 am and 1.00 pm on Saturdays. No work on Sundays or Public Holidays is permitted.
- 13. All building rubbish and debris, including that which can be windblown, shall be contained on site in a suitable container for disposal at an approved Waste Landfill Depot. The container shall be erected on the building site prior to work commencing and shall be maintained for the term of the construction to the completion of the project. No building rubbish or debris shall be placed or permitted to be placed on any adjoining public reserve, footway or road. The waste container shall be regularly cleaned to ensure proper containment of the building wastes generated on the construction site.
- 14. All roofed and paved areas are to be properly drained and discharged to Council's stormwater management system in Flint Street.
- 15. Where the proposed building works necessitate the cutting-in of new stormwater outlets into the existing street kerb, the Applicant and plumbing/drainage contractor shall ensure that the following procedures are carried out:
  - (i) A kerb adaptor suitable for the particular kerb profile and capable of withstanding vehicle loadings is to be utilised;
  - (ii) The opening in the kerb is created by either a saw cut or bored hole only. Breaking out the kerb by impact methods is not permitted;
  - (iii) The kerb adaptor is to be kept flush with the top and outside face of the kerb; and
  - (iv) The fixing of the kerb adapter and filling in of side gaps is to be undertaken by the use of an epoxy resin. Mortar or concrete is not to be used

## CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

- 16. The Applicant must not commence occupation or use of the garage until a Whole or Partial Occupation Certificate has been issued from the Principal Certifier appointed for the subject development.
- 17. Prior to the issue of a Whole Occupation Certificate, the Applicant shall construct an access crossing to the development site from Flint Street in accordance with consent from the road's authority pursuant to Section 138 of the Roads Act 1993 for the carrying out of works in a road reserve. The driveway is to be constructed in accordance with the Section 138 Permit. All costs associated with the construction of the access driveway(s) shall be borne by the Applicant.

#### ADVICE

If, during work, an Aboriginal object is uncovered then WORK IS TO CEASE IMMEDIATELY and the Office of Environment & Heritage is to be contacted urgently on (02) 6883 5300. Under the National Parks and Wildlife Act 1974 it is an offence to harm an Aboriginal object or place without an 'Aboriginal heritage impact permit' (AHIP). Before making an application for an AHIP, the applicant must undertake Aboriginal community consultation in accordance with clause 80C of the NPW Regulation.

CARRIED

In Favour: Crs Ruth Fagan, Paul Smith, Sharon D'Elboux, Cheryl Downing, Nikki Kiss OAM,

Judi Smith, Bill West and Peter Wright

Against: Nil

**CARRIED 8/0** 

#### 4 GENERAL MANAGER

4.1 Acting General Manager

#### **RESOLUTION 274/23**

Moved: Cr Sharon D'Elboux Seconded: Cr Nikki Kiss OAM

That the Director - Corporate Services, Mr Michael Jones, be appointed Acting General Manager for the period 15 January 2024 to 19 January 2024 inclusive due to the General Manager's absence on leave.

**CARRIED** 

#### 5 DIRECTOR-CORPORATE SERVICES

5.1 Section 355 Committee Draft Minutes - Cowra Regional Art Gallery Advisory Committee

#### **RESOLUTION 275/23**

Moved: Cr Sharon D'Elboux Seconded: Cr Judi Smith

That the draft Minutes of the Cowra Regional Art Gallery Advisory Committee meeting held on 11 October 2023 be noted.

## 5.2 Release of Closed Decisions

#### **RESOLUTION 276/23**

Moved: Cr Nikki Kiss OAM Seconded: Cr Peter Wright

That Council note the release of the resolutions made in Closed Council at the Ordinary Council Meeting on 24 July, 25 September and 27 November 2023:

## <u>Mayoral Minute - General Manager Renewal of Contract</u> RESOLUTION 130/23

- That Council note the correspondence dated 6 June 2023 from the General Manager, Paul Devery seeking renewal of appointment as General Manager of Cowra Council.
- 2. That in accordance with Clause 5.2 of the General Manager's Employment Contract, Council offer Mr Devery a further five-year contract.
- 3. That the Mayor be authorised in consultation with Christian Morris of Local Government Management Solutions and the Review Panel to commence negotiations of a new contract and report back to Council.

<u>Mayoral Minute - General Manager Renewal of Contract 2024-2029 and Performance Agreement 2023-2024</u>

#### **RESOLUTION 201/23**

- I. That Council agree to offer a new contract to the General Manager, Paul Devery for a further five (5) years.
- 2. That Council agree to offer the General Manager, Paul Devery a total remuneration package of \$300,000 to commence on 5 May 2024.
- 3. That the Mayor be authorised to formalise the General Manager's new contract to commence 5 May 2024.

#### Request for Water Account Adjustments

## **RESOLUTION 257/23**

That Council approve a credit adjustment:

- 1. to the value of \$2,686.04 to the water account (Assessment Number 78212) on the grounds of extenuating circumstances.
- 2. to the value of \$298.17 to the water account (Assessment Number 39693) on the grounds of extenuating circumstances.
- 3. to the value of \$838.94 to the water account (Assessment Number 85151) on the grounds of extenuating circumstances.
- 4. to the value of \$906.66 to the water account (Assessment Number 84054) on the grounds of extenuating circumstances.

**CARRIED** 

## 5.3 Donation - Woodstock Soldiers Memorial Hall

### **RESOLUTION 277/23**

Moved: Cr Judi Smith

Seconded: Cr Cheryl Downing

That Council provide a donation of \$1,500 from the Section 356 expenses

budget to assist Woodstock Memorial Hall with the Festival of Small Halls to be held on Wednesday 10 January 2024.

**CARRIED** 

At 5:30 pm, Cr Sharon D'Elboux left the meeting.

#### 6 DIRECTOR-INFRASTRUCTURE & OPERATIONS

## 6.1 Committee Minutes - Traffic Committee

#### **RESOLUTION 278/23**

Moved: Cr Paul Smith

Seconded: Cr Cheryl Downing

- I. That the minutes of the Traffic Committee meeting held on II December 2023 be noted.
- 2. That Council approves the route of the Class 2 special event, Festival of International Understanding, to be held by Cowra Shire Council on 23 March 2024 subject to compliance with the requirements of Transport for New South Wales (TfNSW) and NSW Police.
- 3. That Council approves the Class 3 special event, Cargo to Grenfell Walk, to be held on 14 16 March 2024 subject to:
  - receival of Driver Certification for Escort Vehicles to comply with the requirements of Transport for NSW (TfNSW); and
  - approval from NSW Police.
- 4. That Council approves, in principle, the Class 3 special event to be held by Cowra Shire Council on 26 January 2024, Australia Day, subject to compliance with the requirements of TfNSW and NSW Police.
- 5. That unrestricted parking zone between Newcombe Street and the Comerford Street access to 131 Lachlan Street remain unchanged, but the request be noted.
- 6. That
  - a design be submitted and an estimate provided to TfNSW for approval and funding under the Minor Works Funding Program for the pedestrian crossing in Brisbane Street between Busby Place & Vaux Street, in order to be made compliant with AS 1742.10-2009 Manual of Uniform Traffic Control Devices Pedestrian Control and Protection, AS/NZ 1158.4 Lighting for Roads & Public Spaces, and RTA Technical Directions TDT2002/12c & TDT2011/01a.
  - the crossing to be subjected to an upgrade in the form of new linemarking & pavement markings, and
  - options for temporary kerb extensions be investigated prior to design approval and available funding from TfNSW.

#### 7. That

• the start of the bike lane immediately east of the intersection of Macquarie & Liverpool Streets be moved to a point 35m east of the

intersection for both sides of Liverpool Street, and

- the current parking conditions remain.
- 8. That approval be given for the installation of the signage on North Logan Road to facilitate the crossing of dairy cattle, subject to installation compliance issued by Transport for NSW (TfNSW).

**CARRIED** 

At 5:38 pm, Cr Sharon D'Elboux returned to the meeting.

#### 7 DIRECTOR-ENVIRONMENTAL SERVICES

7.1 Variation to Access Incentive Scheme Grant Funding - Lot 1, DP 581299, No. 5 Kendal Street, Cowra

### **RESOLUTION 279/23**

Moved: Cr Nikki Kiss OAM Seconded: Cr Cheryl Downing

That Council provides \$10,000 from the Access Incentive Scheme Grant fund to assist in the costs for providing improved access to and within the premises and disabled facilities at 5 Kendal Street, Cowra

**CARRIED** 

#### 8 LATE REPORTS

Nil

#### 9 CONFIDENTIAL MATTERS

### **RESOLUTION 280/23**

Moved: Cr Nikki Kiss OAM Seconded: Cr Sharon D'Elboux

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:

# 10 CONFIDENTIAL GENERAL COMMITTEE RECOMMENDATIONS - MONDAY, 11 DECEMBER 2023

10.1 Sale of land - lot 9 Cowra Airport to Louise Donkin

This matter is considered to be confidential under Section 10A(2) - d(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

#### II CONFIDENTIAL GENERAL MANAGER

## **II.I CBD Activation Strategy**

This matter is considered to be confidential under Section IOA(2)(d(i)) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

#### 12 CONFIDENTIAL DIRECTOR-INFRASTRUCTURE & OPERATIONS

12.1 Request for Tender 13/2023 - Delivery of Stormwater Drainage Projects

This matter is considered to be confidential under Section IOA(2)(d(i)) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

## 3 MAYORAL MINUTES

3.1 Mayoral Minute - Central NSW Joint Organisation Board Meeting

Report November 2023

File Number: D24/36

Author: Ruth Fagan, Councillor

#### RECOMMENDATION

That Council note the Mayoral Minute regarding the Central NSW Joint Organisation Board meeting held on 23 November 2023.

#### INTRODUCTION

The Central NSW Joint Organisation (CNSWJO) Board met on 23 November 2023 at Parliament House, Sydney.

The Board, with coordination from the Office of the Member for Orange Phil Donato MP and support with the Member for Barwon Roy Butler MP, held a roundtable with the Premier, Treasurer and various Ministers.

#### **BACKGROUND**

The Board spoke with the following State Representatives:

- The Hon Chris Minns MP, Premier, Member of the Legislative Assembly and Member for Kogarah;
- The Hon Daniel Mookhey MLC, Treasurer;
- The Hon Penny Sharpe MLC, Minister for Climate Change, Minister for Energy, Minister for the Environment, Minister for Heritage, Leader of the Government in the Legislative Council:
- The Hon Rose Jackson MLC, Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast; and
- The Hon Jenny Aitchison MP, Minister for Regional Transport and Roads and Member for Maitland.

The Board also heard a presentation from Ernest and Young on the Business Case for the Priority Investments in the Nexus Between Emissions Reduction and Energy Security in Central NSW.

The consistent themes on the day were:

- The impending drought;
- Mental Health;
- Energy Transition;
- Housing; and
- Natural disasters and their funding.

Follow-up actions from the round table of the region's behalf were:

- The Hon Penny Sharpe MLC welcomed spending more time with CNSWJO representatives early in 2024 on the Ernst & Young Business Case on the Nexus Between Net Zero and Energy Security;
- The Premier Disaster funding;
- The Treasurer the NW Government Population Projections Review and water & sewer disaster funding;
- The Hon Rose Jackson MLC priority water projects and preparedness for the upcoming drought; and
- The Hon Jenny Aitchison MP challenges of freight from the rewiring of NSW construction task.

Highlights from the Board meeting follow, and the full agenda is available at www.centraljo.nsw.gov.au/business-papers-agendas

### **Audited Accounts and Annual Statement**

The Audited Accounts and Annual Statement were adopted. The Joint Organisation's net operating result for the year ended 30 June 2023 was \$182,000. To review the Audited Accounts and Annual Statement please go to <a href="https://www.centraljo.nsw.gov.au/publications">www.centraljo.nsw.gov.au/publications</a>

## **Board and GMAC Meeting dates for 2024**

The following dates for GMAC and Board meetings for 2024 be:

Board	29 February	30 May	29 August	28 November
Location	Lachlan	State Parliament	Federal Parliament	Lithgow
GMAC	1 February	2 May	25 July	31 October
Location	Orange	Oberon	Parkes	Orange

## Portfolio Mayors

Cr Ruth Fagan, Mayor of Cowra, has taken on the role of Portfolio Mayoral role for Regional Prosperity and Cr Jess Jennings, Mayor of Bathurst, has taken up the Portfolio Mayoral roles for Energy, Transport and Water.

#### **Advocacy**

Between meetings the Board has an opt-in Subcommittee of Mayors to oversee advocacy. The Board resolved to ask this committee to progress;

- advocacy for a Safe, Swift and Secure Link between Sydney and Central NSW; and
- oversight of advocacy for on the renewable energy transition and council financial sustainability.

The Board also resolved to:

- develop a media campaign on Council sustainability; and
- provide a letter of support for Cr J Jennings for his fact-finding visit to the United States.

Cr Jennings is a strong supporter of tunnelling options and is visiting the United States with a view to looking at tunnelling and other transport innovations that might apply to this region.

The following submissions were endorsed by the Board:

- AEMC on Enhancing Community Engagement in Transmission Building;
- the Inquiry into the implementation of recommendations relating to workforce issues, workplace culture and funding considerations for remote, rural and regional health; and
- IPART Water NSW Operating Licence Review;
- the Inquiry into the performance of the Regional Investment Activation Fund and the Regional Job Creation Fund;
- Water Infrastructure NSW 91 Proposed New Indicators for LWUs;
- the planning system and the impacts of climate change on the environment and communities
- the Inquiry into Protecting Local Water Utilities from Privatisation

All submissions are available on the CNSWJO website at https://www.centraljo.nsw.gov.au/submissions/

## **Policy Lab**

In September all Councillors of the region were invited to attend a Policy Lab Workshop at the Charles Sturt University campus in Orange. Please contact CNSWJO for the trms of reference and any other reports from this initiative, which itself was inspired by a request from Councilors in the region at an event on August 2022 for more opportunities to get together and influence policy.

Policy on local government democracy and social media was developed for Board consideration. A report from the event was provided to all attendees and informed the Board resolve to adopt policy, update advocacy plans and receive advice on programming in both local government reform and social media. The report from Policy Lab#I is included in the Minutes attachment.

Preparation is underway for the next Policy Lab which will be on Productive Water. All Councilors will again be welcome to attend.

## **Disaster Risk Reduction Fund Program**

GHD commenced the needs analysis on disaster risk reduction by distributing a survey through CNSWJO to collect data. All member Councils have provided their responses. Currently, the data is undergoing evaluation, and individual Council meetings are being held to ensure clarity and to gather any missing details.

#### **Transport**

CNSWJO members contributed to the research by the Grattan Institute coordinated by ALGA which was published recently. This work found the nation's local road network is in a dangerous state of disrepair and called for an extra \$1 billion a year to fix and maintain them.

Subsequently, the federal government has announced Roads to Recovery funding for local councils will increase to \$Ibillion a year, along with a \$40billion boost to the Black Spot program and measures to remove administrative burdens from roads funding.

## **Regional Water**

Reported was the progress of the following projects in the water portfolio:

- Project to transition local water utility strategic planning into the Integrated Planning and Reporting (IP&R) framework;
- Regional Water Loss Management project;
- Renegotiation of the agreement with Smart Water for water efficiency collateral;
- Regional asset management assessments using the National Asset Management Assessment Framework (NAMAF).

It also provides advice on finalised, current and upcoming consultative processes including;

- Independent Pricing and Regulatory Tribunal WaterNSW Operating Licence Review;
- Joint Select Committee on Protecting Local Water Utilities from Privatisation;
- DPE Water Review of Performance Monitoring Indicators for Local Water Utilities;
- DPE Water third consultation on the draft Lachlan Regional Water Strategy; and
- DPE Water consultation on Harmonisation of Water Restrictions.

Following a presentation by Water Infrastructure NSW on the Wyangala Dam wall raising project Final Business Case, advice is provided on discussions within the region on the next steps for advocacy to Government including endorsement by the Board of advocacy collateral on the region's Priority Water Infrastructure Projects.

## Energy

Both the Board and Minister Sharp were provided with advice from Ernst & Young on the fully-funded business case for priority projects for investment in the nexus between energy security and emissions reduction.

The Board endorsed the business case 'placemat', and approved a regional application by CNSWJO for interested member councils for the Community Energy Upgrades Fund.

It was resolved that the Board advocate to

- the NSW OECC to extend the JONZA program to ensure embedment and efficient implementation of activities that support the region's net zero aspirations into the future;
   and
- the EPA and the OECC for support and funding to progress activities that will assist councils in reducing emissions from landfill.

### Value for Members

A snapshot of the value to members of the various activities undertaken by the JO for their members in the context of the CNSWJO Strategic Plan follows.

Where a majority of the staffing resource of the JO goes to providing support for the operations of Councils and supporting Councils with the sustainability challenge, it is notable that the CNSWJO program for 2022/2023 had a return of investment for every dollar members spend on fees of 9.46:1.

VALUE FOR MEMBERS	FY	FY	FY	FY	FYTD
	2019/	2020/	2021/	2022/	2023/
	2020	2021	2022	2023	2024
SUBMISSIONS	20	23	16	13	12
PLANS, STRATEGIES AND	26	12	3	9	26
COLLATERAL					
GRANTS SEEKING	3	3	1	9	1
GRANT FUNDING	\$215k	\$736k	\$738k	\$2.05m	\$567k
AWARDED					
COMPLIANCE	13	9	11	16	
DATA	6	3	1	14	12
COST SAVINGS	\$1.87m	\$2.2m	\$2.1m	\$4.2m	\$1.5m
REPRESENTATION AND	147	159	210	143	77
OPPORTUNITIES					
COUNCILS HAVE BEEN					
AFFORDED					
MEDIA INCLUDING	13	18	25	32	13
SOCIAL MEDIA					
PR VALUE OF TOURISM	\$1.5m	\$2.4m	\$1.9m	\$1.4m	
MEDIA PR VALUE	35	102	101	51	13

## Savings

The following table shows the savings achieved by member Councils through aggregated procurement and programming. An explanation of the meaning of each column has been reported previously and is available on request.

Please request advice from previous years where costs savings continue to grow every year.

The cost to members is calculated on a percentage of each CNSWJO staff member and their corresponding workload on procurement and contract management. This figure is updated quarterly in line with the cost savings.

### **Spend and Cost Savings**

The table following reflects the **spend** by members for the **22/23 financial year**:

SPEND	Water Utilities Alliance Contracts		WHS contracts	IT contracts	Supply contracts	Roads/ Transport contracts	Energy contracts	RDOCS contracts	Other contracts	Training	Total
Bathurst	\$18,900	\$69,842	\$13,043	SO	\$1,725,583	SO	\$3,331,941	\$56,480	SO	\$3.70	\$5,216,158
Blayney	\$6,700	\$17,705	\$0	\$0	\$674,947	\$0	\$316,289	\$6,227	SO	\$0	\$1,021,868
Cabonne	\$21,430	\$33,583	\$280	SO	\$2,016,501	\$0	\$478,581	\$2,863	SO	\$1,650	\$2,554,889
Central Tablelands Water	\$14,023	\$604	\$0	\$0	\$0	\$0	\$321,534	\$5,395	\$0	\$0	\$341,555
Cowra	\$14,323	\$44,090	\$13,905	SO	\$826,701	\$0	\$952,990	\$3,000	SO	\$6,470	\$1,861,480
Forbes	\$7,000	\$33,768	\$0	\$0	\$1,516,762	\$0	\$918,823	\$32,423	\$0	\$6,010	\$2,514,786
Lachlan	\$7,000	\$28,538	SO	SO	\$1,148,259	\$0	\$410,575	\$2,343	SO	\$12,480	\$1,609,195
Lithgow	\$7,000	\$9,802	\$0	\$0	\$0	\$0	\$0	\$20,000	50	\$0	\$36,802
Oberon	\$7,000	\$14,527	\$0	\$0	\$881,172	\$0	\$280,250	\$19,142	\$0	\$3,585	\$1,205,676
Orange	\$55,068	\$98,525	\$14,148	SO	\$979,441	\$0	\$3,687,729	\$34,228	SO	\$26,445	\$4,895,583
Parkes	\$21,430	\$37,658	\$0	SO	\$1,499,540	\$0	\$1,629,480	\$40,174	50	\$14,615	\$3,242,897
Upper Macquarle County Council	SO	SO	\$0	SO	SO	\$0	\$0	SO	SO	SO	\$0
Weddin	\$17,416	\$2,014	\$0	\$0	\$592,025	\$0	\$197,294	\$3,460	\$0	\$3.70	\$812,580
Total	\$197,291	\$390,657	\$41,376	\$0	\$11,860,931	\$0	\$12,525,487	\$225,733	\$0	\$71,995	\$25,313,470

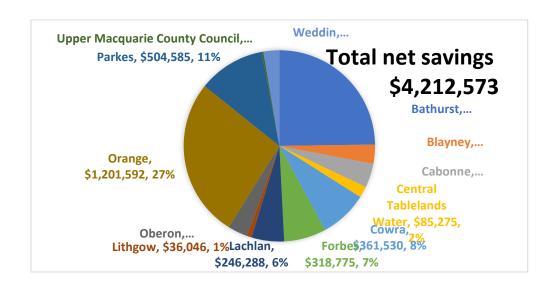
The table following reflects the **savings** by members for the **22/23 financial year**. It is noteworthy the savings achieved through the electricity contract have been calculated and included, where the previous report did not include these. As such, there is an additional \$2.3m in savings shown for the last financial year. Further details can be found in the Energy Report.

SAVINGS	Water Utilities Alliance Contracts	HR Contracts	WHS contracts		Supply contracts	Roads/ Transport contracts	Energy contracts	RDOCS contracts	Other contracts	Training	Legal advice re Procurement	Participation in regional procurement	Total
Bathurst	\$1,500	\$48,996	\$2,302	\$0	\$21,026	\$0	\$987,394	\$15,647	\$0	\$100	\$5,546	\$25,000	\$1,107,510
Blayney	\$1,500	\$12,661	\$0	\$0	\$11,481	\$0	\$84,946	\$1,099	\$0	\$0	\$5,546	\$27,000	\$144,232
Cabonne	\$1,500	\$13,372	\$49	\$0	\$41,138	\$0	\$86,983	\$1,388	\$0	\$5,786	\$5,546	\$26,000	\$181,762
Central Tablelands Water	\$1,500	\$107	\$0	\$0	\$0	\$0	\$46,540	\$2,191	\$0	\$0	\$4,937	\$30,000	\$85,275
Cowra	\$1,500	\$25,660	\$2,454	\$0	\$51,380	\$0	\$224,910	\$1,455	\$0	\$3,625	\$5,546	\$45,000	\$361,530
Forbes	\$1,500	\$13,509	\$0	\$0	\$59,982	\$0	\$196,440	\$8,584	\$0	\$10,215	\$5,546	\$23,000	\$318,775
Lachlan	\$1,500	\$21,716	\$0	\$0	\$32,483	\$0	\$134,552	\$1,136	\$0	\$10,356	\$5,546	\$39,000	\$246,288
Lithgow	\$1,500	\$0	\$0	\$0	\$0	\$0	\$0	\$6,000	\$0	\$0	\$5,546	\$23,000	\$36,046
Oberon	\$1,500	\$19,774	\$0	\$0	\$29,569	\$0	\$51,680	\$4,019	\$0	\$0	\$5,546	\$38,000	\$150,088
Orange	\$1,500	\$72,097	\$2,497	\$0	\$30,640	\$0	\$1,052,070	\$9,425	\$0	\$5,818	\$5,546	\$22,000	\$1,201,592
Parkes	\$1,500	\$6,130	\$0	\$0	\$51,529	\$0	\$395,878	\$8,428	\$0	\$7,574	\$5,546	\$28,000	\$504,585
Upper Macquarie County Council	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,937	\$8,000	\$12,937
Weddin	\$1,500	\$355	\$0	\$0	\$10,539	\$0	\$53,624	\$611	\$0	\$5,582	\$5,546	\$42,000	\$119,756
Sub Total	\$18,000	\$234,377	\$7,302	\$0	\$339,767	\$0	\$3,315,016	\$59,982	\$0	\$49,055	\$70,875	\$376,000	\$4,470,373
											Cost to m	embers	\$257,800
												Total	\$4,212,573

The table below reflects the **spend** by members for the **23/24 financial year** as of 15 November 2023:

SPEND	Water Utilities Alliance Contracts	HR Contracts	WHScontracts	IT contracts	Supply contracts	Roads / Transport contracts	Ene rgy contracts	RDOCS contracts	Other contracts	Training	Total
Bathurst	\$0	\$14,814	\$0	\$0	\$384,391	\$0	\$0	\$9,891	\$0	\$4,310	\$413,407
Blayney	\$0	\$865	\$0	\$0	\$175,576	\$0	\$0	\$3,477	\$0	\$4,310	\$184,227
Cabonne	\$0	\$4,683	\$0	\$0	\$477,045	\$0	\$0	\$0	\$0	\$11,910	\$493,638
Central Tablelands Water	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Cowra	\$0	\$4,397	\$8,174	\$0	\$279,849	\$0	\$0	\$0	\$0	\$615	\$293,035
Forbes	\$0	\$3,613	\$0	\$0	\$608,921	\$0	\$0	\$3,021	\$0	\$15,295	\$630,850
Lachlan	\$0	\$2,963	\$0	\$0	\$525,272	\$0	\$0	\$0	\$0	\$8,280	\$536,515
Lithgow	\$0	\$0	\$0	\$0	\$958	\$0	\$0	\$0	\$0	\$5,540	\$6,498
Oberon	\$0	\$2,248	\$502	\$0	\$225,687	\$0	\$0	\$2,197	\$0	\$7,970	\$238,604
Orange	\$0	\$21,109	\$13,675	\$0	\$285,594	\$0	\$0	\$11,308	\$0	\$24,320	\$356,006
Parkes	\$0	\$6,630	\$0	\$0	\$509,506	\$0	\$0	\$7,776	\$0	\$5,540	\$529,452
Upper Macquarle County Council	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Weddin	\$0	\$726	\$0	\$0	\$93,974	\$0	\$0	\$1,318	\$0	\$5,230	\$101,248
Total	\$0	\$62,049	\$22,351	\$0	\$3,566,775	\$0	\$0	\$38,988	\$0	\$93,320	\$3,783,482

The table below reflects the **savings** by members for the **23/24 financial year** as of 15 November 2023:



## **ATTACHMENTS**

Minutes - CNSWJO Board Meeting 23 November 2023 <a href="#">J</a>

## Minutes of the CNSWJO Board Meeting 23 November 2023 held in Sydney

#### Minutes of the CNSWJO Board Meeting 23 November 2023 held in Sydney

#### In Attendance\*

Cr J Jennings	Bathurst Regional Council	Cr J Hamling	Orange City Council
Cr D Somervaille	Blayney Shire Council	Cr M Statham	Lithgow City Council
Cr K Beatty	Cabonne Council	Cr M Kellam	Oberon Council
Cr R Fagan	Cowra Shire Council	Cr N Westcott	Parkes Shire Council
Cr P Miller OAM	Forbes Shire Council	Cr P Best	Weddin Shire Council
Cr P Phillips	Lachlan Shire Council		

Mr D Sherley	Bathurst Regional Council	Mr G Rhodes	CTW
Mr B Byrnes	Cabonne Council	Ms K Annis-Brown	OLG
Mr P Devery	Cowra Shire Council	Ms O West	Regional NSW
Mr S Loane OAM	Forbes Shire Council	Ms J Bennett	CNSWJO
Mr G Tory	Lachlan Shire Council	Ms M Macpherson	CNSWJO
Mr R Gurney	Lithgow City Council	Ms K Barker	CNSWJO
Mr G Wallace	Oberon Council	Ms C Griffin	CNSWJO
Mr D Waddell	Orange City Council		
Mr K Boyd PSM	Parkes Shire Council		
Ms N Vu	Weddin Shire Council		

<sup>\*</sup>Voting members in bold

Meeting opened at 9.00am by Chair Cr Kevin Beatty

#### 1. Welcome

Cr Beatty noted this was the 10<sup>th</sup> visit to NSW Parliament by the region and thanked both Mr Phil Donato, Member for Orange and Roy Butler, Member for Barwon, for their supporting in hosting this meeting.

#### 2. Acknowledgement of Country

Acknowledgment to Country

### 3. Apologies applications for a leave of absence by Joint Voting representatives

Cr S Ferguson, Cr C Bembrick, Mr M Dicker, Cr A McGibbon, Mr C Butler and Mr T Johnson.

Resolved	Cr J Hamling/Cr P Miller
That the apologies for the Central NSW Joint Organisation Board meeting 23 No	ovember 2023 listed above
be accepted.	

#### 4. Conflicts of Interest

Resolved	Cr P Miller/Cr J Hamling
Nil declared	

### 5. Speakers

#### 1. Ernst & Young

Presentation on the Business Case for the Priority Investments in the Nexus Between Emissions Reduction and Energy Security in Central NSW

Resolved	Cr M Kellam/Cr J Jennings
That items 8L and 8K be brought forward.	

Priority Seven: Transition to a sustainable, secure and affordable energy future

## Il Just Transition to a Renewable Energy Future Report Resolved Cr J Jennings/Cr P Miller

That the Board note the Just Transition to a Renewable Energy Future Report and;

- 1. call on the NSW Government to, as a matter of urgency;
  - a. provide a whole of government approach to the logistics of the infrastructure effort to rewire regional NSW;
  - b. review the State Significant Development Process particularly with regard to
    - i. cumulative impacts;
    - ii. its applicability to the large-scale infrastructure effort in rewiring NSW;
    - iii. timeframes for the post consultation period;
    - iv. additional compulsory pre consultation requirements
    - v. a fit for purpose mandated planning agreement policy and process; and
  - identify all cumulative impacts of rewiring of regional NSW including transport and housing:
  - d. note development outside the Renewable Energy Zone and Energy Co remit is also substantial;
  - e. provide just compensation to communities for these impacts where this compensation includes consideration of the ongoing, cumulative impacts of poor processes to date;
  - f. direct NSW Government agencies and State-Owned Corporations to develop and implement policy that better engage and inform community on State Significant Development;
  - g. provide assurance for energy security for the communities of Central NSW through the next decade of transition and beyond;
  - h. ensure that there is sufficient water for urban communities leading into the next drought and that they have priority over the energy transition effort; and
  - develop and implement policy that allows for optimal outcomes for agriculture co-located with large scale renewable energy generation;
  - royalties on power generation from renewable energy productions go to all affected communities including those responsible for and impacted by the transport task;
  - j. freight impacts for the Central NSW region be urgently assessed;
- advocate for more funding for distributed energy generation, including seeking support for roll-out in the Central NSW region from Essential Energy, Endeavour Energy and Iberdrola;
- 3. advocate for incentivising domestic battery uptake in region, to help both support the energy transition and energy security;
- 4. note in particular the advice regarding windfarm projects in Forestry Corporation softwood forests in Bathurst, Lithgow, Oberon and Orange;
- update the advocacy policy and the CNSWJO Risk Management Plan in line with the resolve above; and
- ask the Advocacy Subcommittee of Mayors to monitor the situation closely and act in the
  interest of the region between Board meetings with an ongoing focus on supporting
  communities through this difficult period including seeking recompense and energy security.

10:50 Crs Westcott and Miller left the meeting to attend Question Time

#### **8k Energy Report**

Resolved Cr M Kellam/Cr J Jennings

That the Board note the Energy Program Report and;

- note the progress of the business case on the nexus between energy security and emissions reduction and
  - a. note the draft business case document and the appendices;
  - b. endorse option 3 of the business case as the recommended option;
  - c. endorse the business case 'placemat';
- 2. advocate to the NSW OECC to extend the JONZA program to ensure embedment and efficient implementation of activities that support the region's net zero aspirations into the future;
- 3. advocate to the EPA and the OECC for support and funding to progress activities that will assist councils in reducing emissions from landfill;
- 4. approve a regional application by CNSWJO for interested member councils for the Community Energy Upgrades Fund;
- 5. note the estimated cost savings of \$2.37m for members between January to June 2023 under the large sites and streetlighting electricity contract;
- note the AER's draft determination in relation to Essential Energy's pricing proposal for public lighting was not approved and note the importance of the ongoing work that the Southern Lights Group continues to conduct on behalf of members, where it was the only submission received in relation to public lighting; and
- 7. make a submission to the Renewable Energy Framework consultation.

11:50 Crs Westcott and Miller returned from Question time

**Speaker: The Hon. Penny Sharpe, MLC,** Minister for Climate Change, Minister for Energy Minister for the Environment, Minister for Heritage and Leader of the Government in the Legislative Council

**Action/s**: Minister Sharpe welcomed spending more time early in the New Year on the Ernst and Young Business Case. CNSWJO staff to follow-up.

Speaker: The Hon. Chris Minns, MP

Premier, Member of the Legislative Assembly, Member for Kogarah

Action/s: Follow-up to be provided on disaster funding.

Speaker: The Hon. Daniel Mookhey, MLC, Treasurer

Action/s: Follow up on population projections review and water & sewer disaster funding.

#### 6. Minutes

### 6a. Noting of the Minutes of the CNSWJO GMAC Meeting 26 October in Forbes

Resolved Cr R Fagan/Cr P Miller
That the Central NSW Joint Organisation Board confirm the Minutes of the CNSWJO GAMC Meeting 23
October 2023 held in Forbes

#### 6b. Confirmation of the Minutes of the CNSWJO Board Meeting 23 August held in Sydney

Resolved Cr P Miller/Cr R Fagan
That the Central NSW Joint Organisation Board confirm the Minutes of the CNSWJO Board Meeting 23
August 2023 held in Sydney

7. Business Arising from the Minutes - Matters in Progress

## Resolved Cr P Miller/Cr M Kellam

That the Central NSW Joint Organisation Board note the Matters in Progress, making deletions as suggested.

#### 8. Reports on Statement of Regional Strategic Priority

#### **Priority One: Inter-Council Co-operation**

#### a. Financial Report

Resolved	Cr M Kellam/Cr P Miller
That the Board note the Financial Report.	

#### b. Adoption of the Audited Financial Statements for the year ended 30 June 2023

Resolved	Cr J Hamling/Cr M Kellam
That the Board note the Compliance Report	

#### c. Annual Compliance and CNSWJO Meeting dates for 2024

Resolved Cr N Westcott/Cr P Miller

That the Board note the Compliance report and;

- 1. note the Calendar of Compliance and Reporting-Requirements update;
- 2. endorse the 2023 Annual Performance Statement and place it on the website;
- note the advice from the Chair and Executive Officer that this is summarised in the Annual Performance Statement;
- 4. note the report to on code of conduct complaint statistics;
- 5. note the Pecuniary Interest Returns under clause 4.21 of the Model Code of Conduct;
- 6. determine the dates for GMAC and Board meetings for 2024 be:

Board	29 February	30 May	29 August	28 November
Location	Lachlan	State Parliament	Federal Parliament	Lithgow
GMAC	1 February	2 May	25 July	31 October
Location	Orange	Oberon	Parkes	Orange

#### d. Policy and Procedure Annual Review

Resolved Cr P Miller/Cr M Statham

That the Board note the CNSWJO Policy Procedure Annual Review report and adopt the updated Policy and Procedure Manual noting it includes;

- 1. a new policy on the JO making applications through competitive grants processes;
- 2. policy aligning with Modern Slavery Legislation;
- 3. inclusion in the Charter an annual fee for the Chair of \$10K;
- 4. changes to the credit card use to allow for increased programming; and
- 5. updates associated with policy in procurement adopted in May of this year

#### e. The CNSWJO Governance and Advocacy Report

## Resolved Cr P Phillips/Cr M Kellam

That the Board note the Governance and Advocacy Report and;

- 1. nominate Portfolio Mayors as follows:
  - a. Cr J Jennings to Energy, Water and Transport; and
  - b. Cr R Fagan to Regional Prosperity; and
- 2. note that a report will be received from the Rural Doctors' Network workshop in Forbes 31 October and encourage members to take up the "State of Play" opportunity in the interim;
- 3. endorse the activities of the Opt in Advocacy Subcommittee of Mayors, that being;
  - a. developing a media campaign on Council sustainability;

- b. progressing advocacy for a Safe Swift and Secure Link between Sydney and Central NSW; and
- providing oversight of advocacy for on the renewable energy transition and council financial sustainability:
- 4. provide a letter of support for Cr J Jennings for his fact finding visit to the United States;
- 5. develop policy on the need for national strategy for the Safe Swift and Secure Link between Sydney and Central NSW;
- 6. adopt the response to the Inquiry into the performance of the Regional Investment Activation Fund and the Regional Job Creation Fund; and
- 7. endorse the following submissions that have been lodged to:
  - a. AEMC on Enhancing Community Engagement in Transmission Building;
  - b. the Inquiry into the implementation of recommendations relating to workforce issues, workplace culture and funding considerations for remote, rural and regional health; and
  - c. IPART Water NSW Operating Licence Review;
  - d. Water Infrastructure NSW 91 Proposed New Indicators for LWUs; and
  - e. The Planning system and the Impacts of Climate Change on the Environment and Communities.
  - f. the Inquiry into Protecting Local Water Utilities from privatisation

#### f. Report from Policy Labs for dissemination to attendees

#### Resolved Cr J Hamling/Cr R Fagan

That the Board note the Report from Policy Lab#1 with Charles Sturt University adopt policy, update advocacy plans and receive advice on programming for;

- 1. reframing the rhetoric speak about local government in terms of capability, opportunity etc;
- encouraging a 'big conversation' about expanding regional collaboration consider a more authoritative regional board (representing member councils) that's better placed to advise/negotiate with state and federal agencies;
- using a regional strategy to build trust in/respect for local government and improve its status in the overall system of government while not glossing over the difficult issues for example financial sustainability;
- 4. removing red tape barriers to more regional action while avoiding raising amalgamations;
- 5. leveraging available resources and talent more effectively;
- 6. reviewing financial sustainability, addressing 'spatial fiscal imbalance' particularly between Western Sydney and Central NSW where this is to include a review Federal Assistance Grants system and distribution of other grants to improve equity; avoid competitive grants;
- 7. expanding self-regulation (eg in planning, environment, water) Audit Risk and Improvement Committees could be useful but must have effective local representation;
- 8. supporting the primary democratic role of councillors;
- 9. providing more background information on election candidates;
- 10. exploring opportunities for improving candidacy;
- 11. optimising the Integrated Planning & Reporting framework including as a basis for enhanced community engagement and making the cycle a better fit for newly elected councils;
- 12. rejecting
  - a. mandatory popular election of mayors or wards;
  - b. amalgamations
  - c. changes that might increase oversight and
  - d. changing the councillor-executive relationship at least in the short term pending needed changes; and regarding social media;
- 13. the Board provide the advice on social media to Council as a proforma report; and
- 14. that this advice include;
  - a. canvassing the idea of a shared resource in social media support; and

- b. consideration of Councils' other regulatory obligations relevant to social media under the Local Government Act, Work Health and Safety Act and other material legislation and
- 15. the Mayoral Board report to Councils include advice from this report

#### g. Regional Procurement and Contracts

Resolved Cr P Miller/Cr N Wescott

That the Board note the report on Procurement and Contract Management and that it;

- 1. note the use of delegations under the procurement policy between Board meetings;
- 2. note the procurement activity report since the last meeting;
- 3. approve a 12-month extension of the Supply of Linemarking Services Contract;
- approve to seek a variation to the current TLD1\_2021 Safety Compliance Training Contract for Admire Workplace Safety, enabling the delivery of Traffic Control Training Services under the TLD1\_2021 Contract: and
- approve the additional procurement processes added to the CNSWJO regional procurement plan for 2023/2024.

#### h. Disaster Risk Reduction Fund (DRRF) Program report

Resolved Cr P Miller/Cr M Kellam

That the Board note the Disaster Risk Reduction Fund Program report and note;

- 1. the progress on the needs analysis currently underway;
- 2. the progress on the Regional Resilience Program working groups;
  - a. including the commencement of a collaborative procurement for the technology deliverable;
- the update and upcoming commencement of the Transport for NSW Customer Resilience Journey Plans project; and
- 4. the progress of the 'Fix Me' project

#### **Priority Five: Transport and Infrastructure**

## i. Transport Advocacy

#### Resolved Cr J Hamling/Cr J Jennings

That the Board note the Transport report and adopt the 'plan on a page' for the recently adopted CNSWJO Regional Transport Technical Committee Strategy 2023-2028.

#### Priority Six: Regional Water Security and Productive Water

## j. Regional Water Report

Resolved Cr J Jennings/Cr P Best

That the Board note the Regional Water Report and

- 1. endorses the Priority Water Infrastructure brochure; and
- notes the renegotiation of the agreement with Smart Water for the provision water efficiency collateral for member councils.

#### Quarterly Review of the Central NSW JO Strategic Plan and Statement of Regional Strategic Priority 2022-2025

#### tesolved Cr M Kellam/Cr J Jennings

That the Board note the Quarterly Review of the Central NSW JO Strategic Plan and Statement of Regional Strategic Priority 2022-2025; and

- note that Councils have been sent their PlaceMats for the pre-Community Strategic Plan consultation period;
- receive a report from State agency consultations to inform Community Strategic Plans and in the interim circulate this to members for feedback;
- 3. note costs saving of \$4.2m and ROI of 9.4:1 for members in the 2022/2023 financial year;

- 4. progress an application to the Round Two EOI for the Disaster Risk Reduction Fund to be developed by the sponsoring General Managers under the hand of the Chair;
- 5. employ a new staff member under the auspices of the Chair to
  - a. provide continuity of service during a maternity leave period and
  - b. provide a greater level of operational support to the water priority;
- note that a briefing is being sought for members regarding budgetary implications of 4 and 5 above and work arrangements of the Executive Officer give her family commitments where the Chair will make his final decisions based on member feedback; and
- 7. a full report on the Executive Officer transition will be provided to the Board in February in the context if the overall budget going forward.

#### 10. Late reports - Regional NSW will circulate reports for members in due course

#### 11. Matters raised by Members and attendees

OLG advised there is a JO review and an IP&R leading practice program in progress.

#### 12. Speakers to the next meeting.

Saul Griffith or suitable alternative, Alistair Lunn and Ant Hayes from TfNSW

13. Next meetings:

GMAC: 1 February 2024 – Orange. Board: 29 February 2024 – Lachlan

**Speaker: The Hon. Rose Jackson, MLC,** Minister for Water, Minister for Housing, Minister for Homelessness, Minister for Mental Health, Minister for Youth, and Minister for the North Coast

**Action/s:** The region will continue to provide follow-up on priority water projects and preparedness for the upcoming drought.

**Speaker: The Hon. Jenny Aitchison,** Member for Maitland and Minister for Regional Transport and Roads

**Action/s:** Follow-up on the challenges of freight from the rewiring of NSW construction task will be provided.

## 14. Meeting closed 4:40pm

Page 7 is the last page of the Central NSW Joint Organisation meeting 23 November 2023 at Sydney

# 4 GENERAL MANAGER

4.1 Section 355 Committee Minutes - CBD Committee

File Number: D24/27

Author: Paul Devery, General Manager

### **RECOMMENDATION**

# **That**

- I. the minutes of the CBD Committee meeting held on 21 November 2023 be noted.
- 2. the draft minutes of the CBD Committee held on 19 December 2023 be noted.

#### INTRODUCTION

The Minutes of the Cowra Council Section 355 Committee are presented for information and noting.

### **BACKGROUND**

Attached for the information of Councillors are the minutes from the recent Section 355 Committee meetings.

# **BUDGETARY IMPLICATIONS**

N/A

#### **ATTACHMENTS**

- 1. S355 Committee Minutes CBD Committee November 2023 😃
- 2. S355 Committee Draft Minutes CBD Committee December 2023 &



# **MINUTES**

CBD Committee Meeting 21 November 2023

# **21 NOVEMBER 2023**

# **Order Of Business**

	Ackı	nowledgement of Country	
I	Аро	ologies	3
2	Con	nfirmation of Minutes	3
3	Gen	neral Business	3
	3.1	Data Update	3
	3.2		
	3.3	Other Items Raised by Members	
4	Nex	ct Meeting Date	4
5		eting Close	

**21 NOVEMBER 2023** 

# MINUTES OF COWRA COUNCIL CBD COMMITTEE MEETING HELD AT THE NGULUWAY ROOM, DARLING STREET, COWRA ON 21 NOVEMBER 2023 AT 6PM

**PRESENT:** Cr Sharon D'Elboux (Chair), Cr Bill West, Cr Cheryl Downing, Cr Erin Watt, Phillip Beer, Ashlea Field, Zachary Jones, Martina Lindsay, Kurt Overzet, Amy Gormly, Marc McLeish

**IN ATTENDANCE:** Paul Devery, Ponie De Wet

#### **ACKNOWLEDGEMENT OF COUNTRY**

Cr Downing delivered the Acknowledgement of Country.

#### I APOLOGIES

Cr Paul Smith (Deputy Mayor), Christine Muddle, Stassi Austin, Ian Docker, Jesse Murphy

### **2** CONFIRMATION OF MINUTES

The minutes of CBD Committee Meeting held on 17 October 2023 be confirmed.

Moved: M Lindsay

Seconded: Cr C Downing

**CARRIED** 

#### **3 GENERAL BUSINESS**

#### 3.1 Data Update

Council Business Officer P De Wet provided a brief overview of the most recent Spendmapp data.

Tourism Manager K Overzet indicated he is willing to present Localis Tourism data to the December meeting.

#### 3.2 Request for Quotation - CBD Activation Strategy

The meeting discussed at length the draft RFQ document and numerous changes were suggested. The updated RFQ will be included as an attachment to the 27 November 2023 council meeting report. Media will be planned pending the decision of council on 27 November 2023.

That the assessment panel to consider the RFQ responses comprise of: Chair Cr Sharon D'Elboux, Amy Gormly, Martina Lindsay, Phil Beer and General Manager Paul Devery

Page 3

**21 NOVEMBER 2023** 

Moved: K Overzet Seconded: A Field

**CARRIED** 

# 3.3 Other Items Raised by Members

- Cowra Christmas Festival
- Cowra Tourism provided an update on the planning for the Festival.

# 4 NEXT MEETING DATE

The next meeting will be held on 19 December 2023 at 6pm at Club Cowra, Darling Street, Cowra.

# 5 MEETING CLOSE

	CHAIRPERSON
The Meeting closed at 7.28pm	

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# **MINUTES**

**CBD** Committee Meeting 19 December 2023

# **19 DECEMBER 2023**

# **Order Of Business**

	A ala	moviled server Of Counting
		nowledgement Of Country
ı	APC	PLOGIES
2	CON	NFIRMATION OF MINUTES
3	GEN	IERAL BUSINESS
	3.1	CBD Activation Strategy Update
	3.2	Data Update
	3.3	Other Items Raised by Members
4	NEX	T MEETING DATE
5	MEE	TING CLOSE

Page 2

**19 DECEMBER 2023** 

# MINUTES OF COWRA COUNCIL CBD COMMITTEE MEETING HELD AT THE CLUB COWRA ON 19 DECEMBER 2023 AT 6PM

**PRESENT:** Cr Sharon D'Elboux (Chair), Cr Bill West, Cr Cheryl Downing, Cr Paul Smith, Phillip Beer, Ashlea Field, Christine Muddle, Martina Lindsay, Kurt Overzet, Marc McLeish, Ian Docker, Amy Gormly (arrived 6.12pm), Jesse Murphy (arrived 6.15pm), Stassi Austin (arrived 6.46pm)

**IN ATTENDANCE:** Mr Paul Devery

#### **ACKNOWLEDGEMENT OF COUNTRY**

Cr Downing delivered the Acknowledgement of Country.

#### I APOLOGIES

Cr Erin Watt, Zachary Jones, Ponie De Wet

#### **2** CONFIRMATION OF MINUTES

The minutes of CBD Committee Meeting held on 21 November 2023 be confirmed.

Moved: Martina Lindsay
Seconded: Kurt Overzet

### **3 GENERAL BUSINESS**

### 3.1 CBD Activation Strategy Update

Cr D'Elboux provided an update including:

- Council endorsed running RFQ at meeting on 27 November
- RFQ closed 7 December with 7 submissions received
- Engagement of Village Well recommended and endorsed at council meeting on 18
   December
- Cr D'Elboux has spoken to Village Well
- Workshop date confirmed for 24 February 2024 from I-3pm
- Village Well reps will meet with committee at meeting on 20 February 2024
- Committee has been sent a link to the Village Well submission.

# 3.2 Data Update

Tourism Manager Kurt Overzet presented and discussed Localis data.

Page 3

**19 DECEMBER 2023** 

### 3.3 Other Items Raised by Members

Cowra Cash Cards

Concern was expressed over the future of the Cowra Ca\$h Card with the program not being administered at this time.

Tourism Manager Kurt Overzet agreed to make inquiries of Why Leave Town and consider how to move forward with the program, including possibly submitting a proposal to the Board of Cowra Tourism to consider assuming administration responsibility for the program.

Marc McLeish will make inquiries of Business Chamber reps to get clarity on the status of the Chamber.

Landscaping

Martina Lindsay disseminated for information photos of various landscaping, beautification ideas she has come across in recent travels

### 4 NEXT MEETING DATE

The next meeting will be held on 16 January 2024 at 6pm in the Nguluway Room, Darling Street, Cowra.

#### 5 MEETING CLOSE

	CHAIDDEDSON
	•••••
The Freeding closed at 7.05pm	
The Meeting closed at 7.03pm	

# 5 DIRECTOR-CORPORATE SERVICES

5.1 Investments

File Number: D24/25

Author: Michael Jones, Director - Corporate Services

#### RECOMMENDATION

That Council note the Investments and Financial Report for December 2023.

#### INTRODUCTION

The purpose of this report is to provide Councillors with useful and timely information on Council's investments, rate collections, loans and estimated financial position.

### **BACKGROUND**

The Local Government (General) Regulation 2021 (Part 9, Division 5, Clause 212), effective from I September 2021, requires the Responsible Accounting Officer of a Council to provide a written report setting out details of all monies that have been invested under Section 625 (2) of the Local Government Act 1993, as per the Minister's Order of 12 January 2011 published in the Government Gazette on 11 February 2011. The Responsible Officer must also include in the report a certificate as to whether the investment has been made in accordance with the Act, the Regulations and the Council's Investment Policies. This certificate appears below the table of investments

#### **BUDGETARY IMPLICATIONS**

Nil

# **ATTACHMENTS**

I. Investments Report - December 2023 😃

# **ATTACHMENT**

# Investments and Financial Report

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# **Investments**

# I. Investments Portfolio as at 31 December 2023

Council's investments are as listed below in lodgement date order:

	S&P	Date	Term	0/	Date	Principal
	Rating	Lodged	(Days)		Due	
COMMONWEALTH BANK OF AUSTRALIA	A-1+	18/04/2023	336	4.40%	19/03/2024	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	2/05/2023	273	4.45%	30/01/2024	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	4/05/2023	271	4.58%	30/01/2024	500,000.00
SUNCORP-METWAY LTD (BARP)	A-1	30/05/2023	245	4.96%	30/01/2024	2,000,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	6/06/2023	217	4.81%	9/01/2024	500,000.00
SUNCORP-METWAY LTD	A-1	6/06/2023	245	5.10%	6/02/2024	500,000.00
ST GEORGE BANK	A-1+	14/06/2023	216	4.40%	16/01/2024	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	27/06/2023	210	5.14%	23/01/2024	500,000.00
SUNCORP-METWAY LTD	A-1	27/06/2023	210	5.35%	23/01/2024	500,000.00
SUNCORP-METWAY LTD	A-1	4/07/2023	189	5.40%	9/01/2024	500,000.00
ING BANK	A-2	18/07/2023	182	5.00%	16/01/2024	500,000.00
ING BANK	A-2	25/07/2023	189	5.00%	30/01/2024	500,000.00
ST GEORGE BANK	A-1+	25/07/2023	182	4.24%	23/01/2024	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	8/08/2023	182	5.40%	6/02/2024	1,000,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	8/08/2023	196	5.42%	20/02/2024	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	8/08/2023	210	5.43%	5/03/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	8/08/2023	182	5.20%	6/02/2024	500,000.00
NEWCASTLE PERMANENT BUILDING SOCIETY LTD	A-2	15/08/2023	182	5.00%	13/02/2024	1,000,000.00
ST GEORGE BANK	A-1+	22/08/2023	154	4.24%	23/01/2024	500,000.00
ST GEORGE BANK	A-1+	29/08/2023	154	4.24%	30/01/2024	500,000.00
IMB LTD	A-2	5/09/2023	182	5.00%	5/03/2024	500,000.00
ING BANK	A-2	5/09/2023	217	4.80%	9/04/2024	1,000,000.00
BANK OF QUEENSLAND	A-2	12/09/2023	182	4.90%	12/03/2024	500,000.00
ING BANK	A-2	14/09/2023	215	4.07%	16/04/2024	500,000.00
BENDIGO & ADELAIDE BANK LTD	A-2	19/09/2023	182	4.81%	19/03/2024	1,000,000.00
IMB LTD	A-2	19/09/2023	182	5.00%	19/03/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	26/09/2023	245	5.15%	28/05/2024	500,000.00
SUNCORP-METWAY LTD	A-1	26/09/2023	245	5.15%	28/05/2024	500,000.00
ING BANK	A-2	3/10/2023	245	5.00%	4/06/2024	500,000.00
ING BANK	A-2	3/10/2023	245	5.00%	4/06/2024	500,000.00
SUNCORP-METWAY LTD	A-1	3/10/2023	210	5.07%	30/04/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-2	5/10/2023	264	5.10%	25/06/2024	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	10/10/2023	126	4.68%	13/02/2024	1,000,000.00
IMB LTD	A-2	10/10/2023	154	4.90%	12/03/2024	600,000.00
SUNCORP-METWAY LTD	A-1	10/10/2023	182	5.13%	9/04/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-2	11/10/2023	90	4.85%	9/01/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-2	24/10/2023	245	5.15%	25/06/2024	500,000.00
BANK OF QUEENSLAND(Wyangala Sewer Handover)	A-2	31/10/2023	182	5.30%	30/04/2024	1,000,000.00
ING BANK(Wyangala Sewer Handover)	A-2	31/10/2023	273	5.17%	30/07/2024	920,914.23
NATIONAL AUSTRALIA BANK LTD	A-1+	31/10/2023	273	5.30%	30/07/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	7/11/2023	112	5.00%	27/02/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-2	7/11/2023	182	5.20%	7/05/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	21/11/2023	210	5.20%	18/06/2024	1,000,000.00
BANK OF QUEENSLAND	A-2	23/11/2023	61	4.60%	23/01/2024	500,000.00
ING BANK	A-2	23/11/2023	40	4.41%	2/01/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	28/11/2023	91	4.95%	27/02/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	28/11/2023	120	5.05%	27/03/2024	500,000.00
ST GEORGE BANK	A-1+	30/11/2023	96	4.08%	5/03/2024	500,000.00
IMB LTD	A-2	5/12/2023	126	5.10%	9/04/2024	250,000.00
NATIONAL AUSTRALIA BANK LTD	A-2	5/12/2023	182	5.15%	4/06/2024	500,000.00
SUNCORP-METWAY LTD	A-1	5/12/2023	98	5.03%	12/03/2024	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	12/12/2023	182	4.93%	11/06/2024	500,000.00
ING BANK	A-2	12/12/2023	161	4.81%	21/05/2024	500,000.00
ING BANK	A-2	12/12/2023	217	5.00%	16/07/2024	500,000.00
SUNCORP-METWAY LTD	A-1	12/12/2023	154	5.13%	14/05/2024	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	19/12/2023	154	4.88%	21/05/2024	500,000.00
ST GEORGE BANK	A-1+	19/12/2023	126	4.16%	23/04/2024	500,000.00
SUNCORP-METWAY LTD	A-1	19/12/2023	182	5.11%	18/06/2024	500,000.00
Total						\$34,270,914.23

I hereby certify that all of the above investments have been placed in accordance with the Act, the Regulations and Council's Investment Policy. Scott Ellison

Manager – Finance 31/12/23

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#### 2. Interest Rate

The average interest rate for Council's investments held is 4.92%. At the time of preparing this report, average (market rates) interest rates were as follows as at 31 December 2023:

30	60	90	120	150	180	270	I YR
Days							
3.49%	3.71%	4.92%	4.96%	5.00%	5.05%	5.08%	5.10%

### 3. General Fund Balance

As at 31 December 2023 balances for Cowra Shire Council for Transaction Accounts and Cash in hand were as follows:

CBA General Account	\$'000
General Fund bank account	339
On-Call account balance	6,500
Cash in hand	4
TOTAL	6,843

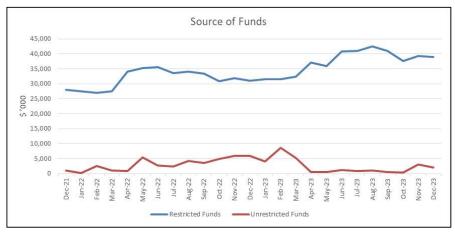
The General Fund bank account is monitored on a daily basis to ensure investments are maximised and that sufficient funds are available for day to day operations.

The table and graph below show Council's source of funds with the split between Restricted and Unrestricted. The unrestricted funds representing the operating capital available to Council at any given time.

Source of Funds	\$'000
Investment Portfolio	34,271
Cash and Cash Equivalents - General Ledger	6,843
TOTAL	41,114
Represented By:	
Restricted Funds	38,996
Unrestricted Funds	2,118
TOTAL	41,114

# 4. Council's Investments - Mix of Investment Ratings

Council's investments are made in accordance with its investment policy and in particular are subject to Section 6 of that policy as follows:



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#### "6. Approved Investments

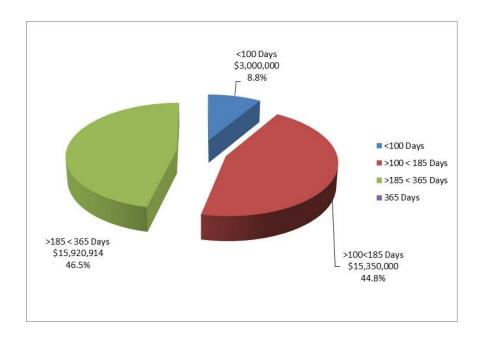
Investments are limited to those allowed by the most current Ministerial Investment Order that has been issued by the NSW Minister for Local Government.

All investments must be denominated in Australian Dollars. Authorised new investments as from 12 January 2011 are limited to the following, as per the attached Ministerial Investment Order.

- Any public funds or securities issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory.
- b. Any debentures or securities issued by a Council (within the meaning of the Local Government Act 1993 (NSW).
- c. Interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit taking institution (as defined in the Banking Act 1959(Cwth)), but excluding subordinated debt obligations.
- d. Any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority.
- e. A deposit with the New South Wales Treasury Corporation or investments in an Hour Glass Investment Facility of the New South Wales Treasury Corporation."

It should be noted that 100% of Council's investments are as per (c) above.

The following pie-chart shows Council's mix of investments for the period detailing the various classes of investments as per the Moody's and Standard and Poor's classifications.



# Rating Types as per Council's Investment Policy and the Department of Local Government Guidelines

Any securities which are issued by a body or company (or controlled parent entity either immediate or ultimate) with a Moody's Investors Service, Inc. credit rating of ``Aaa", ``Aa1", ``Aa2", ``Aa3", "A1" or "A2" or a Standard &Poor's Investors Service, Inc credit rating of ``AAA", ``AA+", ``AA+", ``AA-"; "A+"; or "A"

Any securities which are given a Moody's Investors Service Inc credit rating of ``Aaa", ``Aa1", ``Aa2", ``Aa3", "A1"; "A2" or ``Prime-I" or a Standard and Poor's Investors Service, Inc credit rating of ``AAA", ``AA+", ``AA-", "A+"; "A"; AI+" or ``AI"

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#### 5. Interest on Investment Income

2023/2024 estimated interest on investments amount is \$1,112,082 and has been included in the Budget. Performance of investments is monitored monthly.

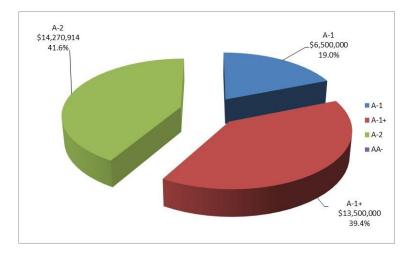
# 6. Term Deposit Average Monthly Interest Rate Compared to the RBA Cash Rate Target

The following graph compares the average monthly interest rate secured by Council to the RBA Cash Rate Target. Monetary policy decisions by the RBA are expressed in terms of a target for the cash rate, which is the overnight money market interest rate.



# 7. Maturity Profile of Council's Investments

The following pie-chart shows the mix of Council investments for the month by maturity type.

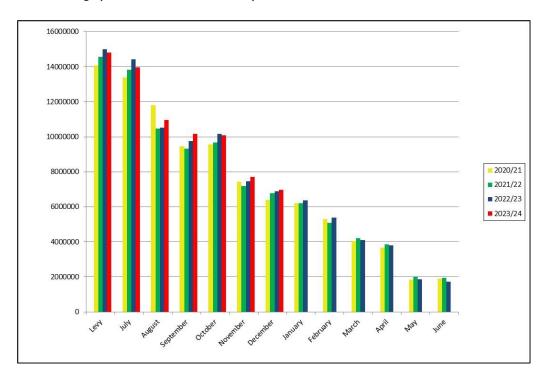


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# **Rates**

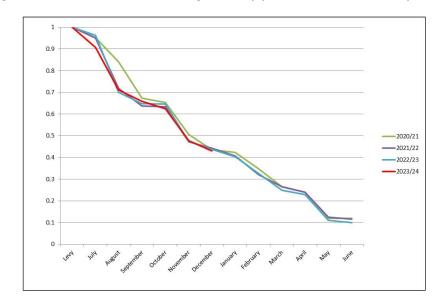
### 8. Comparison of Rate Collection Progress for 2023/24 to prior years

The following graph shows the total rate levy and arrears carried forward at the time of the rate levy in July 2024. Council's debt collection policy has the objective of having no more than 10% of rates outstanding by the end of each financial year.



# 9. Council Rate Levy - % Comparison

As the levy varies each year, the following graph shows the total percentage of rates and arrears outstanding each month based on 100% being total levy plus total arrears in each year.



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# 10. Council Rate Levy - Arrears and Recovery Action

At the 30 June each year, the total rate arrears figure consists of the unpaid rates from the year just ended together with outstanding balances from previous years.

Arrears at 30 June 2023		\$ 1,732,428
Collected – Year to Date (as per last month's report)	\$ 515,414	
Collected in December 2023	\$ 43,818	\$ 559,232
Balance as at 20 <sup>th</sup> December 2023		\$ 1,173,196
Rates – Currently under legal proceedings	\$ 123,274	
Arrangements (Repayment Schedules)	\$ 1,049,922	
	\$ 1,173,196	

# 11. Indicative Position of General Fund for the Current Year to 30 June 2024

The following table shows Council's budget result based on the budget set as per Council's Operational Plan for 2023/2024.

	BUDGET II	BUDGET INCOME STATEMENT - 2023/2024					ASH AT E	ND OF Y	EAR - 20	23/2024
		OPERATING RESULT - BEFORE CAPITAL GRANTS & CONTRIBUTIONS								
	Consolidated '000					Consolidated '000	General '000	Water '000	Sewer '000	Waste '000
Adopted Resolution Budget	904	1,438	(33)	(544)	42	35,007	16,912	6,734	9,047	2,314
End of 1st Quarter - Prior to Review	904	1,438	(33)	(544)	42	35,007	16,912	6,734	9,047	2,314
Ist Quarter Budget Review	11,810	8,878	3,371	(535)	96	32,621	14,520	7,157	8,699	2,245
263/23 Growing Regions Application	(40)	(40)				(40)	(40)			
269/23 Dam Safety Management Plans: Cowra Stormwater Basins	(70)	(70)				(70)	(70)			
	11,700	8,768	3,371	(535)	96	32,511	14,410	7,157	8,699	2,245

# Loans

# 12. Interest Rate

The average interest rate for Council's current loans is 5.65%. Weighted Average Interest Rate (based on principal outstanding) is 6.51%.

# 13. Loan Summary

Summary of Current Loans and Purpose as at 31 December 2023.

Loan <b>N</b> º	Lender		Due Date	Principal	Interest Rate	Principal O/S 31/12/23
	<u>GENERAL</u>					
233	NATIONAL AUST. BANK (SALEYARDS)	29/05/2003	29/11/2022	220,000	6.20	0
234	NATIONAL AUST. BANK (POOL KIOSK)	13/06/2003	13/06/2023	1,600,000	5.81	0
236	COMMONWEALTH (RIVER PK AMEN/VAUX DRAINAGE)	28/01/2005	1/02/2025	433,500	6.31	53,881
241B	COMMONWEALTH BANK (VAUX ST DRAINAGE WEST)	18/12/2006	18/12/2036	166,000	6.35	109,054
242B	COMMONWEALTH BANK (MULYAN OVAL AMENITIES)	22/08/2007	24/08/2037	95,000	6.80	66,216
249	NATIONAL AUST. BANK (CIVIC CENTRE REFURBISHMENT)	22/12/2008	22/12/2033	1,395,390	8.15	887,211
245	NATIONAL AUST. BANK (CIVIC CENTRE REFURBISHMENT)	29/06/2009	29/06/2029	234,000	8.33	103,978
246	NATIONAL AUST. BANK (SALEYARDS EFFLUENT SCREENS)	16/04/2010	16/04/2025	225,000	8.01	36,289
250	NATIONAL AUST. BANK (DRAINAGE IMPROVEMENTS)	28/06/2013	28/06/2028	250,000	6.36	101,007
253A	NSW TREASURY (DEPOT REDEVELOPMENT - STAGE 1)	27/06/2016	27/06/2026	400,000	2.63	110,071
253B	NSW TREASURY (AIRPORT SUBDIVISION)	27/06/2016	27/06/2026	1,478,993	2.63	406,951
253C	NSW TREASURY (CEMETERY EXPANSION)	27/06/2016	27/06/2026	250,000	2.63	68,772
254A	NSW TREASURY (DEPOT REDEVELOPMENT - STAGE 2)	11/05/2020	11/05/2040	512,120	2.41	439,219
254B	NSW TREASURY (CBD FOOTPATH REFURBISHMENT)	11/05/2020	11/05/2040	1,437,788	2.41	1,233,386
254C	NSW TREASURY (LOW LEVEL BRIDGE REPAIRS)	11/05/2020	11/05/2040	500,000	2.41	428,921
						4,044,956
	<u>WASTE</u>					
247	NATIONAL AUST. BANK (RECYCLING PLANT)	16/04/2010	16/04/2025	538,500	8.01	86,851
						86,851
	WATER					
238	COMMONWEALTH (CBD MAINS REPLACEMENT)	22/02/2006	23/02/2031	1,000,000	6.03	464,748
241A	COMMONWEALTH BANK (WATER MAIN REPLACEMENT)	18/12/2006	18/12/2036	1,256,000	6.35	825,428
242A	COMMONWEALTH BANK (1C1 ZONE)	22/08/2007	24/08/2037	1,286,500	6.80	896,228
251	WESTPAC (EMERGENCY WATER SUPPLY CONSTRUCTION)	28/06/2013	27/06/2033	1,186,124	6.566	751,510
252	NATIONAL AUSTRALIA BANK (WATER TREATMENT PLANT AUTOMATION)		18/06/2024	3,875,000	5.050	243,406
						3,181,321
	<u>SEWERAGE</u>					
244	NATIONAL AUST. BANK (SEWER TREATMENT PLANT )	6/05/2010	04/05/2040	7,213,230	8.13	5,857,993
						5,857,993
	GRAND TOTAL					\$13,171,122

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**5.2** Release of Closed Decisions

File Number: D23/2194

Author: Michael Jones, Director - Corporate Services

#### RECOMMENDATION

That Council note the release of the resolutions made in Closed Council at the Ordinary Council Meeting on 18 December 2023:

# Sale of land - lot 9 Cowra Airport to Louise Donkin

### **RESOLUTION 281/23**

- I. That Council accept the offer from Louise Donkin to purchase lot 9 in the Cowra Airport subdivision for an amount of \$78,125.00 excluding GST.
- 2. That the General Manager be authorised to complete any documentation required to give effect to this sale.

# **CBD Activation Strategy**

### **RESOLUTION 282/23**

That Council accept the Request for Quotation submission from Village Well to facilitate the preparation of a CBD Activation Strategy.

# <u>Request for Tender 13/2023 - Delivery of Stormwater Drainage Projects</u> RESOLUTION 283/23

### That Council:

- I. Accept the offer from Conseth Solutions for Request for Tender 13/2023 Delivery of Stormwater Drainage Projects for the lump sum of \$685,078.54 (excluding GST).
- 2. Accept the offer from Civilmart for the supply of reinforced concrete products for the Delivery of Stormwater Drainage Projects for the sum of \$178,218.00 (excluding GST).
- 3. Authorise the General Manager to execute any documentation required to award the Contracts for RFT 13/2023.
- 4. Notify the unsuccessful tenderers of its decision.

#### INTRODUCTION

The above decisions were made at the Ordinary Council Meeting on 18 December 2023. These decisions have now been released by the Chairperson.

### **BUDGETARY IMPLICATIONS**

Nil

#### **ATTACHMENTS**

Nil

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5.3 Section 355 Committee Draft Minutes - Cowra Youth Council

File Number: D24/7

Author: Michael Jones, Director - Corporate Services

# **RECOMMENDATION**

That the draft Minutes of the Cowra Youth Council ordinary meeting held on 11 December 2023 be noted.

#### **BACKGROUND**

Attached for the information of Councillors are the draft Minutes from the recent Section 355 Committee meeting.

### **BUDGETARY IMPLICATIONS**

Nil

# **ATTACHMENTS**

I. Draft Minutes of the Cowra Youth Council ordinary meeting - II December 2023  $\underline{\mathbb{J}}$ 

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# **MINUTES**

Cowra Youth Council Meeting Monday, 11 December 2023

# **II DECEMBER 2023**

# **Order Of Business**

ı	Apo	Apologies3		
2	Con	Confirmation of Minutes		
3	Business Arising From Previous Minutes			
	3.1	CYC Mayoral Reception & Presentation	3	
	3.2	Festival Youth Ambassador Program	3	
	3.3	International Day of People with a Disability	4	
	3.4	Christmas Street Festival	4	
4	General Business			
	4.1	Welcome Party	4	
	4.2	2024 Meeting Dates	4	
	4.3	2024 Australia Day	4	
5	Next Meeting Date			
4	Meeting Close			

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**II DECEMBER 2023** 

# MINUTES OF COWRA COUNCIL COWRA YOUTH COUNCIL MEETING HELD AT THE MEALSROOM, COWRA COUNCIL CHAMBERS, 116 KENDAL STREET, COWRA ON MONDAY, 11 DECEMBER 2023 AT 3.30 - 5.00PM

PRESENT: (Chairperson) Mr Cohan Howden, Ms Destiny Pepper, Mr Ethan Austin,

Ms Laura Price, Ms Alyvia Slade, Ms Georgie Anning, Cr Judi Smith, Cr Erin Watt, Ms Zipporah Austin, Ms Laura Bennett, Ms Callie Bridges, Ms

Isabella Lette, Ms Taylia Penyu,

IN ATTENDANCE: Mrs Linda Barron (Community Development Officer)

2024 new members - Ezekiel Austin, Sienna Launders, Aiden Gunderson,

Isabella Pepper

#### I APOLOGIES

Alex Shaw, Louis Gough, Emma Haslem, Lily Bridges

**CARRIED** 

#### 2 CONFIRMATION OF MINUTES

#### **RECOMMENDATION**

That the minutes of Cowra Youth Council Meeting held on 30 November 2023 be confirmed.

Moved: Zippi Austin Seconder: Georgie Anning

**CARRIED** 

### 3 BUSINESS ARISING FROM PREVIOUS MINUTES

### 3.1 CYC Mayoral Reception & Presentation

All members thought the Mayoral Reception and presentation evening was a good event. There was some feedback that their could have been more food and it was suggested that we could order a cake for future events.

#### 3.2 Festival Youth Ambassador Program

Cohan will represent the CYC in the 2024 Festival Youth Ambassador Program. Laura Price will also participate in the program representing St Raphael's Catholic School. The Guest Nation is Italy. Youth Council members will support Cohan with entering a float in the Festival Parade and assisting with fundraising activities, including a stall at the Carnival. Cohan will nominate a charity.

The Youth Council has also been asked to partner with Rotary again to run the annual Festival Duck Race. Members assist with promotion, selling duck tickets and running the race on the river.

Page 3

**II DECEMBER 2023** 

#### 3.3 International Day of People with a Disability

Taylia, Izzy and Alex represented the Youth Council at the Cowra Disability Day held on Friday I December to celebrate the International Day of People with a Disability. The Friendship bags and Kindness boxes were popular with most items given away. If making the boxes in the future, it was noted we should advise children that they aren't to be opened. We will also look to include an interactive activity to engage more with attendees.

T-shirts produced with Laura Bennett's winning design were a success. Shirts have been distributed to members and to disability service providers.

#### 3.4 Christmas Street Festival

The RDA were appreciative of the help offered by Youth Council members at their BBQ for the Christmas Street Festival. Cohan reported that the BBQ was very popular and a successful fundraiser with some items sold out. It was felt that we had more helpers than was needed by the RDA as they had many tasks already covered by their volunteers.

The CYC contribution will go towards 'Topsy', the RDA horse sponsored by the Youth Council.

#### 4 GENERAL BUSINESS

#### 4.1 Welcome Party

Escape Rooms are unavailable in Orange, so alternative activities were discussed. Date options were also considered. Late January dates do not work with school commencement. Wednesday 17 January had the best availability.

It was agreed to create a poll for members to vote on their preferred activity. A trip to Orange or Cowra Pool were the main options discussed.

# 4.2 2024 Meeting Dates

There will be no formal CYC meeting in January. The Planning Workshop is a one-off workshop and is scheduled as early as possible after school returns. It was agreed to hold the workshop on Wednesday 7 February from 4-7.30pm as this was the best day to suit everyone. Dinner will be included.

Normal monthly CYC meetings are held on the second Monday of the month.

#### 4.3 2024 Australia Day

The Youth Council has a representative on the judging panel for the Australia Day Awards. This role normally falls to the Chairperson. For this year, Laura Price will assist Cohan as his mum has been nominated for one of the Awards.

Cohan was congratulated on his nomination for Cowra Young Citizen of the Year. All members were invited to attend the official Service on Friday 26 January for the Awards Presentation.

Page 4

II DECEMBER 2023

	FFTI		

The next meeting will be the 2024 CYC Planning Workshop to be held on Wednesday 7 February from 4-7.30pm in the Council Chambers.

# **6 MEETING CLOSE**

	CHAIDDEDSON
	•••••
The Meeting closed at 4.25pm.	

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# 6 DIRECTOR-ENVIRONMENTAL SERVICES

6.1 Development Application No. 39/2023, Lot 14 DP 1239980, Killara

Road Cowra, 16 Lot Subdivision, lodged by W M Murphy

File Number: D24/20

Author: Larissa Hackett, Director Environmental Services

### RECOMMENDATION

- 1. That Council notes that the reason for the decision is that the proposal largely complies with Section 4.15 of the Environmental Planning and Assessment Act 1979. The variations to Section D.4.11.a of Part D of Council's Development Control Plan 2021, Section 2.3 of Cowra Council's Development Servicing Plan for Water and Sewer 2008 and Section 4.4.2 of Cowra Council Section 94 Contributions Plan 2016 are sufficiently justified. The application was publicly notified and four submissions were received as addressed in this report; and
- 2. That Council approves variations to Section D.4.11.a of Part D of Council's Development Control Plan 2021, Section 2.3 of Cowra Council's Development Servicing Plan for Water and Sewer 2008 and Section 4.4.1 of Cowra Council Section 94 Contributions Plan 2016 for this development to allow the following:
  - To allow boundary fencing to be constructed prior to the issue of the Occupation Certificates for future dwellings; and
  - To allow for water and sewer headworks contributions to be deferred until such time as the lots are sold; and
  - To allow Section 7.11 (formerly Section 94) contributions to be deferred until such time as the lots are sold; and
- 3. That Development Application No. 39/2023, for the construction of a 16 lot subdivision on Lot 14 DP 1239980, Killara Road Cowra be approved subject to the following conditions:

# **GENERAL CONDITIONS**

1. Development is to be in accordance with approved plans.

The development is to be implemented in accordance with the plans and supporting documents stamped and approved and set out in the following table except where modified by any conditions of this consent.

Plan No./ Supporting Document	Prepared by/Reference Details	Cowra Shire Council Reference
Plan of Proposed Subdivision Ref: 21-073	Karl Lupis 19/09/2022	Received 27 July 2023 Stamped No. DA 10.2023.39.1
Killara Rd, Cowra	Aquatec	Received 27 July 2023

Pressure Sewer System Design Summary Report Revision I	17 March 2023	Stamped No. DA 10.2023.39.1
Proposed Subdivision at Lot 14 DP 1239980, 70 Cowra Road Civil Design of Proposed Road Rev 00 Dwg No. C00, C01, C02, C03, C04, C05, C06, C07, ESCP00, ESCP01, ESCP02, ESCP03 & ESCP04	SEEC 13/06/2023	Received 27 July 2023 Stamped No. DA 10.2023.39.1
Flood Assessment & Concept Stormwater Management Plan Ref: 21000280-FS-01 Rev D	SEEC 13/06/2023	Received 27 July 2023 Stamped No. DA 10.2023.39.1
Concept Stormwater Drainage Title Sheet, Locality Plan and Drawing Schedule Rev 03 Dwg No. STW00	SEEC 13/06/2023	Received 27 July 2023 Stamped No. DA 10.2023.39.1
Concept Stormwater Drainage General Arrangement Plan Rev 06 Dwg No. STW01	SEEC 21/12/2023	Received 21 December 2023 Stamped No. DA 10.2023.39.1(A)
Concept Stormwater Drainage Sections & Details Rev 03 Dwg No. STW02	SEEC 13/06/2023	Received 27 July 2023 Stamped No. DA 10.2023.39.1
Concept Stormwater Drainage 'Drains' Model Layout and Typical Detail Rev 03 Dwg No. STW03	SEEC 13/06/2023	Received 27 July 2023 Stamped No. DA 10.2023.39.1
Preliminary Contamination	Envirowest Consulting Pty Ltd	Received 27 July 2023 Stamped

Investigation Ref: 7370c	19/08/2016	No. DA 10.2023.39.1
Statement of Environmental Effects	Kate Alberry	Received 27 July 2023 Stamped No. DA 10.2023.39.1

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

- 2. The applicant shall comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the Environmental Planning and Assessment Regulation 2021 (see attached Advisory Note).
- 3. The provision by the developer of satisfactory arrangements with the appropriate authorities for the construction of underground electricity including house services to allotment boundaries, street lighting and trunk mains, transformers and any other ancillary equipment together with the connection of telephone services and underground reticulated natural gas, to each allotment, noting that adequate ducting for all road crossings required shall be installed prior to construction of the road surface; the developer to contribute the difference between the contribution (if any) by the utility authority and the cost of the underground supply.
- 4. Pursuant to Section 7.11 (formerly Section 94) of the Environmental Planning & Assessment Act 1979, the monetary contributions set out in the following table are to be paid to Council at the time of sale of each lot. The contributions are current as at the date of this consent and are levied in accordance with the Cowra Section 94 Contributions Plan 2016, adopted on 26 April 2016. The contributions payable will be calculated in accordance with the contributions plan current at the time of payment, and will be adjusted at the time of payment in accordance with the Consumer Price Index (CPI) (All Groups Index for Sydney) published by the Australian Bureau of Statistic (ABS). Contribution amounts will be adjusted by Council each financial year.

Contribution Type <sup>3</sup>	Rate	Rate Amount	No. of Lots <sup>2</sup>	Total Contribution	Rate remains current until
Open Space Recreational Sporting Facilities	Lot	\$814.36	14	\$11,401.04	30 June 2024
Civic & Community Facilities	Lot	\$1,316.06	14	\$18,424,84	30 June 2024
Transport Infrastructure	Lot	\$0.00	14	\$0.00	30 June 2024
Plan Management Administration	Lot	\$152.87	14	\$2,140.18	30 June 2024
Total Contribution Payable				\$31,966.06	30 June 2024

Per Lot Contribution Payable	\$2,283,29	30 June 2024	
Notes			
' Per Lot			
<sup>2</sup> No. of additional lots created. The original lot is discounted from the calculations.			
<sup>3</sup> Council's Section 94 Contributions Plan 2016 may be viewed during office hours at Council's Customer			
Service Centre, 116 Kendal Street Cowra, or on Council's website www.cowracouncil.com.au			

# CONDITIONS TO BE COMPLIED WITH PRIOR TO THE COMMENCEMENT OF SUBDIVISION WORKS

5. The Applicant is to obtain a Subdivision Works Certificate from either Council or an Accredited Certifying Authority, certifying that the proposed works related to water, sewer, stormwater and road construction are in accordance with the applicable Council policies and Engineering Standards prior to any building and/or subdivision works commencing.

No building, engineering or excavation work is to be carried out in relation to this development until the necessary Certificates have been obtained. It is the responsibility of the Applicant to ensure that the development complies with the applicable Council Engineering Standards. This may entail alterations to the proposal so that it complies with these standards.

- 6. Prior to the commencement of work on the site, all erosion and sediment control measures shall be implemented and maintained prior to, during and after the construction phase of the development. The erosion and sediment control measures are to comply with the provisions of the Cowra Shire Council Development Control Plan 2021 at all times.
- 7. The Applicant is to submit to Cowra Shire Council, at least two days prior to the commencement of any works, a 'Notice of Commencement of Building or Subdivision Works' and 'Appointment of Principal Certifier'.

# CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

- 8. Prior to the issue of a Subdivision Works Certificate, the Applicant must obtain consent from Council pursuant to Section 138 of the Roads Act 1993 for carrying out of works in the road reserve. Details of the proposed driveway crossings to each proposed lot in the development site from the new road is to be identified on engineering drawings.
- 9. All roads in the subdivision are to be constructed to a sealed road standard to widths as identified on the approved plans and in accordance with Cowra Shire Council's Development Control Plan Part D Subdivision Code 2021 and Cowra Infrastructure and Operations Engineering Standards. Full engineering details of the proposed new road prepared by a qualified practising Civil Engineer showing long section, cross section and drainage details for the roads, together with a sample of gravel to be used are to be submitted to Council for approval prior to the commencement of works in association with the Subdivision Works Certificate.
- 10. Prior to the issue of a Subdivision Works Certificate, the applicant must demonstrate that the development complies with firefighting capabilities in

accordance with AS 2419.1:2021, Fire Hydrant Installations, and Fire and Rescue NSW (FRNSW) guidelines. All costs associated with the augmentation of water reticulation relating to the development shall be borne by the Applicant and at no cost to Council.

- II. Prior to the issue of a Subdivision Works Certificate, a Stormwater Management Plan shall be submitted and approved by Council's Director -Infrastructure & Operations, demonstrating that adequate provision will be made for the estimated potential stormwater runoff from the development to the satisfaction of Council. The Plan is to include:
  - An easement for the purpose of draining stormwater along the eastern boundaries of proposed lots 109-113 to divert overland flow north to proposed lot 115.
  - Any required stormwater drainage facilities necessary to service the subdivision, including absorption trench details.
- 12. Prior to the issue of a Subdivision Works Certificate an approval under Section 68 of the Local Government Act 1993 to carry out water supply and sewerage work and to connect to the existing water supply and sewerage system network must be obtained.

### CONDITIONS TO BE COMPLIED WITH DURING CONSTRUCTION WORKS

- 13. All construction work shall be carried out within the confines of the property unless separate written permission is obtained from the relevant landowner and/or authority in control of the land. A copy of any written notices authorising off-site construction operations shall be submitted to Council prior to any operations commencing on the affected land.
- 14. Any damage caused to footpaths, roadways, utility installations and the like by reason of construction operations shall be made good and repaired to a standard equivalent to that existing prior to commencement of construction. The full cost of restoration/repairs of property or services damaged during the works shall be met by the Applicant.
- 15. Construction activities and excavation work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 6.00 pm on weekdays and 8.00 am and 1.00 pm on Saturdays. No work on Sundays or Public Holidays is permitted.
- 16. The Applicant shall discharge sewerage to the Low Pressure Sewerage Scheme connected to the property.

All work shall be carried out by a licensed plumber and drainer and to the requirements of NSW Environment and Health Protection Guidelines and Australian Standard/ New Zealand Standard 1547:2000 On-Site Domestic Wastewater Management, Australian Standard 3500, 'National Plumbing and Drainage' and the 'New South Wales Code of Practice; Plumbing and Drainage'.

The applicant is to obtain a Certificate from Council certifying compliance with the conditions of any relevant approval to carry out plumbing and drainage work. For

the purpose of obtaining a certificate the works must be inspected by the Council at the time specified below:

- a) Boundary Kit Installation: When the boundary kit with a non-return valve is installed and connected to internal sewer plumbing and to the rising main that connects to the existing reticulated sewer.
- b) Rising main construction: When the rising main is constructed prior to backfill. The rising main will connect the property to council's sewer reticulation and terminate at the boundary kit of the property and should be appropriately sized.

# CONDITIONS TO BE COMPLIED WITH PRIOR TO ISSUE OF THE SUBDIVISION CERTIFICATE

17. Prior to the issue of a Subdivision Certificate the creation of a Section 88B Instrument and I copy are to be submitted with the application for a Subdivision Certificate for approval by the Director Environmental Services and at no cost to Council. The final plan of subdivision and accompanying Section 88B Instrument are to provide for the items listed in the following table:

Item for inclusion in Plan of Subdivision and/or Section 88B Instrument		Details of Item	
	No filling is to be placed below the flood planning level on each of the following lots, being:		
	Proposed Lot	RL	
Building Restrictions	100	292.900 AHD	
Building Restrictions	101	292.410 AHD	
	106	293.990 AHD	
	107	293.170 AHD	
	108	292.890 AHD	
	113	289.020 AHD	
	114	289.020 AHD	
Building Restrictions	habitable structure	ny dwelling or other e installed or constructed on s to be at or above the flood eg:	
	Proposed Lot	RL	
	100	292.900 AHD	
	101	292.410 AHD	

	106	293.990 AHD	
	107	293.170 AHD	
	108	292.890 AHD	
	113	289.020 AHD	
	114	289.020 AHD	
Building Restriction	No dwelling or other habitable structure is to be installed or constructed on proposed Lot 115.		
Drainage Easements	The creation of easements for drainage of water over all drainage pipelines and structures located within the proposed allotments in accordance with Council's policy.		
Sewer Easements	The creation of 3m wide easements for drainage of sewage over all sewage pipelines and structures located within the proposed allotments in accordance with Council's policy.		
88B restriction	A restriction is to be created on the title of each of the newly created lots for the purpose of the construction of boundary fencing prior to the issue of an Occupation Certificate for a dwelling. The restriction is to ensure that all lot boundaries are fenced to a minimum standard in accordance with the requirements of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 relating to the fencing of land in the R5 Large Lot Residential zone.		

18. Prior to the issue of the Subdivision Certificate, the applicant must submit to Council details of a Caveat to be lodged under Part 7A of the Real Property Act 1900 that provides for the payment of contributions listed in the table appended to this condition. The Caveat is to be prepared at no cost to Council and is to be lodged with the Registrar-General with the final plan of survey released as part of the issue of the Subdivision Certificate.

Lot/s	Item	Details
Lots 100 to	Reticulated Water	At the time of sale of the lots, arrangements must be made for the payment of all necessary

114	Connection	monetary contributions for the provision of reticulated water in accordance with the advice attached to this consent.
	Reticulated Sewer Connection	At the time of sale of the lots, arrangements must be made for the payment of all necessary monetary contributions for the provision of reticulated sewer in accordance with the advice attached to this consent.
	Section 7.11 Contributions	At the time of sale of the lots, arrangements must be made for the payment of the Section 7.11 Contributions as detailed in condition 4.

- 19. Prior to the issue of the Subdivision Certificate, the applicant is to submit a bank guarantee to the satisfaction of Council for the amount of the total contributions referenced in condition 18.
- 20. Prior to the issue of the Subdivision Certificate, the new road in the subdivision is to be constructed to a sealed road standard to widths as identified on the approved plans and in accordance with Cowra Council's Development Control Plan 2021 and Cowra Infrastructure and Operations Engineering Standards.
- 21. Prior to the issue of the Subdivision Certificate, the applicant must construct the access driveways from the new road to all lots in the subdivision in accordance with consent from the roads authority pursuant to Section 138 of the Roads Act 1993 for the carrying out of works in a road reserve. All costs associated with the construction of the new access driveway(s) shall be borne by the Applicant and at no cost to Council.
- 22. Prior to issue of the Subdivision Certificate, the applicant shall connect all new lots in the plan of subdivision to Council's Reticulated Water Supply System and to the satisfaction of the relevant service provider, being Cowra Shire Council
- 23. Prior to issue of the Subdivision Certificate, the applicant shall connect all new lots in the plan of subdivision to Council's Reticulated Sewer Supply System and to the satisfaction of the relevant service provider, being Cowra Shire Council.
- 24. Prior to the issue of the Subdivision Certificate, the applicant shall construct all stormwater drainage facilities necessary to service the proposed allotments in accordance with the approved plans.
- 25. Prior to the issue of a Subdivision Certificate, the applicant must provide to Council a Notification of Arrangement from Essential Energy confirming that satisfactory arrangements have been made for the provision of power with respect to all lots in the subdivision. It is the applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions.
- 26. Prior to the issue of the Subdivision Certificate, the applicant is to provide evidence to Council that arrangements have been made for:
  - (a) The installation of fibre-ready facilities (or equivalent) to all individual lots and/or premises in a real estate development project so as to enable fibre to

be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose, and

- (b) The provision of fixed-line telecommunications infrastructure in the fibreready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.
- 27. The Applicant is to lodge with Cowra Shire Council a Subdivision Certificate Application together with the final subdivision plan and a minimum of four copies for signature. All necessary information to support the certificate release and the necessary fee is required to be included with the Subdivision Certificate Application.
- 28. The final plan of subdivision will show details dedicating the new road in the subdivision as a public road.
- 29. The Applicant shall make separate application for the naming of the proposed new road in the subdivision with Council prior to release of the Subdivision Certificate.
- 30. The Applicant shall include on the final plan of subdivision any and all necessary easements required over access, water, sewer, stormwater, building envelopes electricity and telecommunications mains as required by this consent.
- 31. The Applicant is required to obtain a Certificate of Compliance pursuant to Section 68 of the Local Government Act 1993 certifying that all works, fees and charges required in connection with the provision of water and sewer supply to the development have been undertaken and complied with in full. The certificate shall include all relevant works verified by appropriate inspections, fees and charges that are currently being applied at the time of the issue of the Subdivision Certificate. Water and sewer reticulation mains and metered services must be physically provided to the development in accordance with Cowra Infrastructure and Operations Engineering Standards. Council will not issue the Subdivision Certificate until a Compliance Certificate has been issued, verifying that all works have been satisfactorily completed. Necessary inspections must be arranged at least 48 hours in advance. Contact Cowra Infrastructure and Operations on (02) 6340 2070.

# **ADVICE**

- I. The following monetary contributions in relation to the augmentation of reticulated water and sewer supply must be paid in full to Cowra Shire Council in accordance with condition 18:
  - Water = 16.8 ET = \$68,812.80 (\$4,915.20 per lot).
  - Sewer = 14 ET = \$85,638.00 (\$6,117.00 per lot).

The contributions nominated are valid only until the end of this financial year, after which a new amount may apply.

2. If, during work, an Aboriginal object is uncovered then WORK IS TO CEASE

IMMEDIATELY and the Office of Environment & Heritage is to be contacted urgently on (02) 6883 5300. Under the National Parks and Wildlife Act 1974 it is an offence to harm an Aboriginal object or place without an 'Aboriginal heritage impact permit' (AHIP). Before making an application for an AHIP, the applicant must undertake Aboriginal community consultation in accordance with clause 80C of the NPW Regulation.

### INTRODUCTION

Development Application No. 39/2023 proposes a 16 Lot Subdivision on Lot 14 DP 1239980, Killara Road Cowra. The application was lodged by W M Murphy on 27 July 2023.

The application is being reported to Council because the proposed subdivision exceeds the number of allotments able to be approved by Council Officers under delegation and the application seeks a number of Council policy variations as per the recommendation. In addition, four submissions were received following Council's neighbour notification process.

A copy of the site and elevation plans of the proposed 16 Lot Subdivision are included in Attachment '1' to this report and a copy of the Statement of Environmental Effects is included in Attachment '2'.

# **Description of Site**

Lot 14 DP 1239980, Killara Road Cowra is an allotment of approximately 11.5 hectares located north of Cowra Road between River Park Road and Killara Road. The site is approximately 750 metres south of the Lachlan River. A Location Map is included in Attachment '3' to this report. The site is vacant and has previously been used as a vineyard and more recently for cropping. The slope of the land is variable but is generally gently sloping with a drainage depression in the vicinity of proposed Lot 100.

The site is adjoined to the south, west and east by R5 large lot residential land uses and to the north towards the Lachlan River by agricultural land uses including an ancillary dwelling. An Aerial Photograph is included in Attachment '4' to this report.

# **Description of Proposal**

The applicant is seeking approval to subdivide Lot 14 DP 1239980 into 16 new allotments including one residual lot:



# Proposed lot sizes are as follows:

Lot 100	I.6ha
Lot I0I	4000m²
Lot 102	4000m²
Lot 103	4000m²
Lot 104	4000m²
Lot 105	4000m²
Lot 106	4000m²
Lot 107	4000m <sup>2</sup>

Lot 108	4000m²
Lot 109	4000m²
Lot 110	4000m²
Lot III	4000m²
Lot 112	4000m²
Lot 113	4285m²
Lot 114	4730m²
Lot 115	3.069 ha (residual)

Access to each lot will be provided from a new road ending in a cul-de-sac to be constructed off Cowra Road. The development will be serviced by reticulated water and includes installation of reticulated sewerage infrastructure to connect to Council's existing sewerage system.

#### **Environmental Impact Assessment**

In determining a development application, a consent authority is to take into consideration such of the matters as are of relevance to the development in accordance with Section 4.15(I) of the Environmental Planning and Assessment Act 1979. The following section provides an evaluation of the relevant Section 4.15 Matters for consideration for DA 39/2023:

# S4.15(1)(a)(i) Any Environmental Planning Instrument

#### Cowra Local Environmental Plan 2012

# I.2 Aims of Plan

The development is not inconsistent the aims of the LEP.

#### 1.4 Definitions

The proposal represents a subdivision under the LEP. The proposed development is permissible with consent under clause 2.6 (see below).

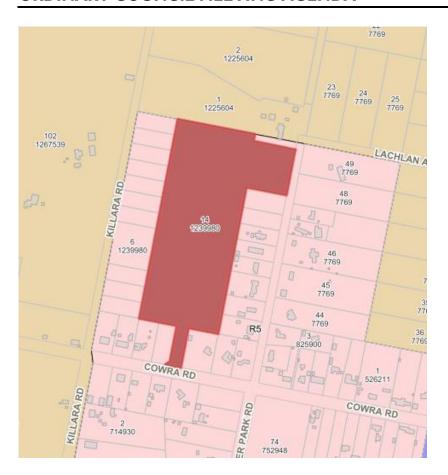
#### 1.6 Consent authority

The consent authority for the purposes of this Plan is (subject to the Act) the Council.

#### 2.1 <u>Land use zones</u>

The site is zoned <u>R5 Large Lot Residential</u>, and the proposed development is permitted in the zone with consent.

#### Cowra LEP - Zoning Map



Clause 2.3 Zoning objectives

# Zone R5 Large Lot Residential

I Objectives of zone

Objective	Comment
• To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.	Not inconsistent.
• To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.	Not inconsistent.
• To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.	Consistent.
To minimise conflict between land uses within this zone and land uses within adjoining zones.	Consistent

#### 2.6 - Subdivision Consent Requirements

Clause 2.6 requires that land in the Cowra Shire Local Government Area may be subdivided, but only with the consent of Cowra Shire Council.

#### 4.1 - Minimum Lot Size

The objectives of the Clause are as follows:

- to ensure that new subdivisions reflect characteristic lot sizes and patterns in the surrounding locality,
- to ensure that lot sizes for dwelling houses are consistent with lot sizes on adjoining land,
- to ensure that lot sizes have a practical and efficient layout to meet the intended use of the lot,
- to prevent the fragmentation of rural land.

The proposed subdivision design is consistent with the objectives of Clause 4.1.

The subject land is identified as "Area B" on the LEP Lot Size Map (Reference Sheet LSZ\_002C).

Subclause (3B)(a) allows for subdivision to create lots of at least 4,000m², provided the consent authority is satisfied that each lot is, or will be, serviced by a sewerage reticulation system. The proposed lots are to be connected to Council's reticulated sewer system via a low pressure sewage scheme. The proposed development is consistent with the minimum lot size specified in Clause 4.1.

#### 5.10 Heritage conservation

There are no heritage items located on the site (identified on either the SHR or in the LEP), and the site is not located in a Heritage Conservation Area.

#### 5.11 Bushfire

The site is not located within an area mapped as prone to bushfire.

5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones

Clause 5.16 of CLEP specifies matters to be considered in determining an application for subdivision or dwellings in rural residential zones. These matters include as follows:

- (a) the existing uses and approved uses of land in the vicinity of the development,
- (b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,
- (c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),

(d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).

#### Comments

The land is zoned R5 Large Lot Residential and residential land uses are the preferred and predominant land uses in the vicinity of the site. The development is unlikely to adversely impact on other land uses in the vicinity. It is assessed that the proposal complies with the matters for consideration under Clause 5.16.

#### 5.21 Flood planning

The extreme north-eastern corner of the subject land is identified on Council's adopted Flood Planning Map as being subject to flooding as illustrated in the following image:



This flood prone area of the land comprises part of the residual Lot 115 of 3.069 ha. This flood liable land is not included as part of the residential component of this subdivision and will be included in the residue Lot 115 entirely. All residential lots are not located on land mapped as flood prone. It has been demonstrated that there are suitable building envelopes on each lot above the flood planning level.

In addition to the above flood prone area there is an existing overland flow path that traverses proposed Lot 100 on the southern boundary. This flow path traverses Lot 6 DP 1239980 to the west before running through a culvert under Killara Road and into the adjoining agricultural property where the water eventually makes its way back onto the Lachlan River floodplain to the north-west.



The applicant has submitted a Flood Assessment & Concept Stormwater Management Plan with the application. This assessment makes recommendations for stormwater management measures and floor levels for future dwellings in the vicinity of the overland flow path and other lots in the vicinity of flood prone land. These recommendations are reflected in the recommended conditions of consent. It is assessed that the application has satisfactorily addressed the flood hazard and the considerations of clause 5.21.

#### 7.6 Groundwater vulnerability

The land is identified as 'Groundwater vulnerable' on the groundwater vulnerability map in CLEP 2012. The following Clauses 7.6(3) & (4) apply:

- (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.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
  - (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
  - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

The subject land is identified on the groundwater vulnerability map adopted with the Cowra Local Environmental Plan 2012 and is therefore subject to the considerations of Clause 7.6 which aims to protect the supply and quality of groundwater. The development is proposed and required to be connected to Council's reticulated sewerage system and all new lots will also be connected to Council's reticulated water supply system. The proposed development will not result in any works that impact on the supply or quality of groundwater in the locality. The development is consistent with the objectives and controls of Clause 7.6.

#### Clause 7.8 Essential Services

Clause 7.8 requires Council to be satisfied that the proposed development will be connected to essential services:

#### Water

• The applicant proposes connection of all lots to Council's reticulated water supply.

#### Electricity

 The proposed development will be connected to electricity supply to the requirements of the relevant energy provider.

# Sewage

• The applicant proposes connection of all lots to Council's reticulated sewerage service via a low pressure sewerage scheme.

#### Stormwater

Stormwater runoff from the allotments will be managed with a combination of swale drains, on-site discharge and discharge to the street drainage system with dish drains to be constructed within the new road reserve. Box culverts will be used to convey stormwater under the new road. A final detailed stormwater management plan is required to be approved by Council prior to the issue of the Subdivision Works Certificate as conditioned.

#### Access

All lots have frontage to the proposed new road and a condition of consent will require access construction from the new road to each lot.

# **State Environmental Planning Policies**

SEPP	COMMENTS
SEPP (Housing) 2021	Not applicable
SEPP (Primary Production) 2021	Not applicable
SEPP (Resources and Energy) 2021	Not applicable
SEPP (Resilience and Hazards)	Includes the former SEPP 55 – Remediation of Land.

2021	See comment below.
SEPP (Industry and Employment) 2021	Not applicable
SEPP (Transport and Infrastructure) 2021	Not applicable
SEPP (Biodiversity and Conservation) 2021	Not applicable
SEPP (Planning Systems) 2021	Not applicable
SEPP (Precincts – Eastern Harbour City) 2021	Not applicable
SEPP (Precincts – Central River City) 2021	Not applicable
SEPP (Precincts – Western Parkland City) 2021	Not applicable
SEPP (Precincts - Regional) 2021	Not applicable
SEPP (Building Sustainability Index: BASIX)	Not applicable
SEPP 65—Design Quality of Residential Apartment Development	Not applicable
SEPP (Exempt and Complying Development Codes) 2008	Not applicable

# • SEPP (RESILIENCE AND HAZARDS) 2021

Under Clause 4.6 a consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose

Historically, the site has been subject to cropping and viticulture which are potentially contaminating land uses. Accordingly, preliminary contamination investigations were carried out on the site prior to the approval of the previous subdivision stage. Thirty-six soil samples were taken across the site and analysed for various metals and organochlorine pesticides (OCP). The sampling program did not detect elevated levels of the analysed metals or OCP. It is assessed that the site is suitable for residential use and no further investigation is warranted in this instance.

#### S4.15(1)(a)(ii) Any draft Environmental Planning Instrument

There are no draft Environmental Planning Instruments that apply to the development.

# S4.15(1)(a)(iii) Any Development Control Plan (DCP)

# Cowra Shire Council Development Control Plan 2021

#### **PART A - PLAN INTRODUCTION**

Consent is required for the proposed subdivision.

#### **PART B - LAND MANAGEMENT**

Appropriate erosion and sediment controls to be implemented prior to the commencement of works.

#### **PART C - BIODIVERSITY MANAGEMENT**

The subject land is essentially cleared of vegetation – no further assessment required relating to Biodiversity.

#### **PART D - SUBDIVISION DEVELOPMENT**

Section	Comments
D.4.1 Application of this part	The land is zoned R5 Large Lot Residential under the LEP, so Part D.4 is applicable to the proposed development.
D.4.2 Objectives	The proposed 16-lot residential subdivision within the R5 Large Lot Residential zone is consistent with the objectives contained in this section.
D.4.3. Lot Size	The subject land is located in West Cowra and is proposed to be connected to Council's reticulated sewer. Accordingly, the minimum lot size for a subdivision is 4,000 square metres for all proposed lots. The proposed development is consistent with Section D.4.3.
D.4.4. Lot Layout and Dimensions	The proposed lots are of sufficient area and shape to enable the future siting of dwellings and ancillary outbuildings without adverse impacts on adjoining land-use. Future dwellings and ancillary outbuildings can be designed in accordance with Section G.I.4. Siting Controls of Part G of the DCP.
	There are no "right of carriageway" or "battle-axe" access proposed as part of this application. The development is consistent with Section D.4.4
D.4.5. Street Design	The proposed development includes the construction of a new road, being a cul-de-sac which complies with this section.
D.4.6. Access	Access to all proposed lots can be obtained from the proposed new road.

D.4.7. Water Supply	All new lots are proposed to be connected to Council's reticulated water supply.
D.4.8. Effluent Management	A geotechnical report is not necessary. All lots are proposed to be connected to Council's reticulated sewer supply via a Low Pressure Sewerage Scheme.
D.4.9. Utilities	All necessary utilities are available for connection as shown on the subdivision plans and as conditioned for completion prior to the issue of the Subdivision Certificate.
D.4.10 Naming of new roads	A new road is proposed as part of this application and a road name is proposed in accordance with this section. The name will be assessed in accordance with Council's policy for the naming & renaming of bridges, roads, streets and places.
D.4.11 Fencing Requirements	Variation requested. See discussion below.

Section D.4.11 Fencing Requirements states the following:

The following controls apply to large lot residential subdivision:

- a. Unfenced boundaries are to be fenced to a minimum standard in accordance with the requirements of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 relating to the fencing of land in the R5 Large Lot Residential zone.
- b. Any boundary fencing that does not meet with the requirements of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 relating to the fencing of land in the R5 Large Lot Residential zone, must be detailed on the plans submitted to Council for approval with the Development Application.

Note: Council will require all fencing to be constructed prior to the issue of the Subdivision Certificate for the subdivision, or each stage thereof.

The above control requires boundary fencing to be constructed prior to the issue of the Subdivision Certificate. The applicant has requested a variation to this requirement and has instead requested that a restriction on title be imposed on all residential lots requiring fencing to be constructed prior to the issue of an Occupation Certificate for a dwelling. The applicant requests the variation for the following reasons:

We seek a variation to defer the fencing requirement, allowing construction of the fencing to take place prior to the issue of an occupation certificate for the future dwelling rather than before the issue of a subdivision certificate. According to Section A.I.3 Part A of the Cowra Council Development Control Plan, variations can be granted if sufficient reasons are provided. Our reasons are as follows:

Cattle are currently grazing the land as part of the owner's farming practices,

- The Council granted this variation and included a requirement in the conditions of approval for the first stage of the subdivision in 2016.
- This practice is essential for maintaining the land and aligns with the approved land use.

#### Assessment comment:

This variation essentially transfers the requirement to construct boundary fencing onto the future lot owners. Whilst this would ideally be the developer's responsibility, the variation allows for the continuation of agricultural practices until such time as the lots are sold. The same variation was granted to the previous subdivision stage. Whilst the fencing is deferred, the outcome is that all lots will be appropriately fenced in accordance with Section D.4.11 and it is assessed that the variation can be supported.

#### **PART K - LAND USE BUFFERS**

#### **Cowra Airport Obstacle Limitation Surface**

The subject land is located outside of the OLS and all other buffers under Part K.

#### PART O - ENVIRONMENTAL HAZARD MANAGEMENT

The north-eastern corner of the site is mapped as flood prone as previously discussed. This area will be retained as a residual allotment and will not be developed.

The subject land is not mapped as bushfire prone.

There is no identified contamination on the subject land.

#### **PART P - CPTED PRINCIPLES**

The proposal does not include any built form. A CPTED Assessment is not considered necessary.

#### S4.15(1)(a)(iiia) Any Planning Agreement

There is no planning agreement that has been entered into under Section 7.4 of the Environmental Planning and Assessment Act 1979 by the applicant in relation to the development proposal. Similarly, the applicant has not volunteered to enter into a draft planning agreement for the development proposal.

#### S4.15(1)(a)(iv) The EP & A Regulations

Section 4.15(1)(a)(iv) requires Council to also consider Clauses 92, 93, 94 and 94A of the Environmental Planning and Assessment Regulation. The following provides an assessment of the relevant clauses of the Regulation:

- Clause 92 The Government Coastal Policy does not apply to Cowra Shire and therefore Clause 92(1)(a) and (b) are not applicable to this development proposal. The proposal does not involve demolition of a building and therefore the requirements of AS 2601 do not need to be considered in accordance with Clause 92(2).
- Clause 93 The proposal does not involve the change of a building use for an existing building, or the use of an existing building as a place of public entertainment and therefore

the requirement to consider fire safety and structural adequacy of buildings in accordance with Clause 93 is unnecessary.

- Clause 94 The proposal does not involve the rebuilding, alteration, enlargement or extension of an existing building or place of public entertainment and therefore the requirement to consider the upgrading of buildings into total or partial conformity with the Building Code of Australia.
- Clause 94A The proposal does not involve the erection of a temporary structure and therefore the requirements to consider fire safety and structural adequacy is unnecessary.

# S4.15(1)(b) the likely impact on the natural and built environment(s) and the likely social and/or economic impact on the locality

Section 4.15(1)(b) requires the Council to consider the likely impacts of the development, including environmental impacts on both the natural and built environments as well as the social and economic impacts in the locality. The following provides an assessment of the likely impacts of the development:

#### **Context and Setting**

The subject land adjoins rural residential land uses to the west, south and east and agricultural land uses to the north. The proposed subdivision is consistent with the existing subdivision layout and the character of development between Killara Road and River Park Road. It is assessed that the proposed development is appropriate within its local context and setting.

#### Access and Transport

Access to the proposed rural residential allotments is to be gained via a new road to be constructed off Cowra Road. Each new lot has sufficient road frontage to provide for a suitable access crossing that complies with Council policy as conditioned.

The applicant estimates that a future dwelling on each lot will generate approximately 8 traffic movements per day per lot. Cowra Road is constructed to a suitable standard to accommodate these vehicular movements which are unlikely to impact unsatisfactorily on adjoining land uses.

# Public Domain

The proposed subdivision development does not involve any works that will negatively impact the public domain.

## **Utilities & Services**

Telecommunications and electricity are available for connection and appropriate conditions of consent are included in the recommendation.

#### **Heritage**

There are no items listed in schedule 5 of the LEP as present on the land. An AHIMS search did not reveal any recorded items of Aboriginal Heritage Significance on the land. Advice attached to the recommended conditions specifies the appropriate actions to be undertaken including the cessation of work in the event that an Aboriginal object is uncovered.

#### Soils

The proposed subdivision is unlikely to impact negatively on soils. A recommended condition of consent requires compliance with the erosion and sedimentation controls contained in Part B - Land management of Cowra Council Development Control Plan 2021.

#### Flora and Fauna

The site is essentially clear of native vegetation. No significant impact on threatened species or critical habitat is anticipated.

#### **Energy**

A BASIX certificate is not required.

#### Noise and Vibration

No impacts identified.

#### Natural Hazards

The subject site is not identified as bushfire prone and an inspection did not reveal any evidence of landslip. A small section of the northeast corner of the residual lot is identified as being subject to flooding in a 1% AEP event as previously addressed in this report. This area is not subject to any change of land use. The proposed new lots which will be subject to future residential use are not located on land identified as flood prone.

#### Potential Contamination

See comments under SEPP (Resilience and Hazards) 2021.

#### Safety, Security & Crime Prevention

No specific safety or security measures are proposed to be implemented as part of the proposed development.

#### Social & Economic Impacts In The Locality

The proposed development will provide an additional supply of large lot residential allotments in the locality resulting in the potential for positive social and economic impacts.

#### **Cumulative Impacts**

The proposed subdivision is consistent with existing development in the zone in the locality and it incorporates the necessary infrastructure to support future development on the land. The subdivision design is unlikely to result in any negative cumulative impacts.

# S4.15(1)(c) The Suitability of the Site for the Development

The subject land is located adjoining other rural residential uses in the zone as well as agricultural uses in an adjoining zone. The land has adequate area to allow for the creation of allotments in accordance with the minimum lot size. The land is able to be appropriately accessed and serviced and has an appropriate gradient to allow for future construction of dwellings and ancillary buildings. The flooding/stormwater constraints have been adequately addressed and there is sufficient area for suitable building envelopes above the flood planning

level on the constrained lots. The site is assessed to be appropriately positioned with adequate area for the proposed subdivision.

# S4.15(1)(d) Any Submissions Received

#### Public Consultation

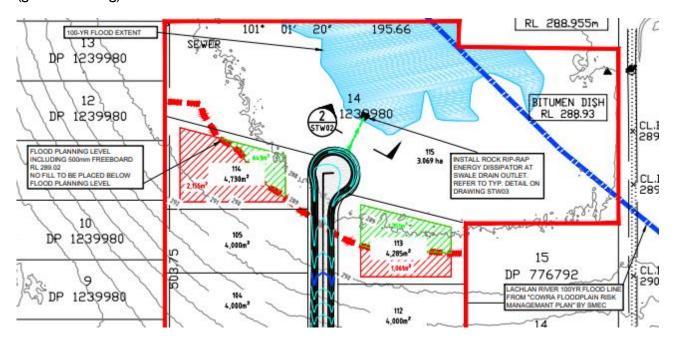
The subject Development Application was notified to adjoining owners in writing from 3 August 2023 to 17 August 2023, in accordance with Cowra Community Participation Plan 2020. Four submissions were received in relation to the proposed development and are included in Attachment '5'. The objections/concerns expressed in the submissions are summarised below, followed by assessment comments.

# Objection/Concern:

• Lots 113, 114 and 105 were not included on previous draft plans of the subdivision. These added lots are within the 100 year flood zone.

#### Assessment comments:

Lots 113, 114 and 105 are not within the mapped or surveyed 100 year flood extent which are shown on the map below by the blue line and the blue shaded area respectively. After 500mm freeboard is added to the 100 year flood extent it is determined that the flood planning level (FPL) is RL 289.02 AHD. This level is represented by the red line on the map which passes through Lots 113 and 114. There is sufficient area within the building envelopes on each lot to locate a dwelling, either slab on ground above the FPL (red hatching) or with a suspended floor below the FPL (green hatching):



Minimum floor levels apply to each lot that may be subject to a flooding hazard. These will be included as Restrictions on Title in accordance with the recommended conditions. Accordingly, the proposed subdivision complies with Council policy requirements regarding the flood hazard.

#### Objection/Concern:

• The proposed subdivision will exacerbate stormwater flows and ponding on the lots at the northern end of the subdivision and adjoining lots on River Park Road. The existing poorly designed dish drain on the western side of River Park Road adds to the problem.

#### Assessment comments:

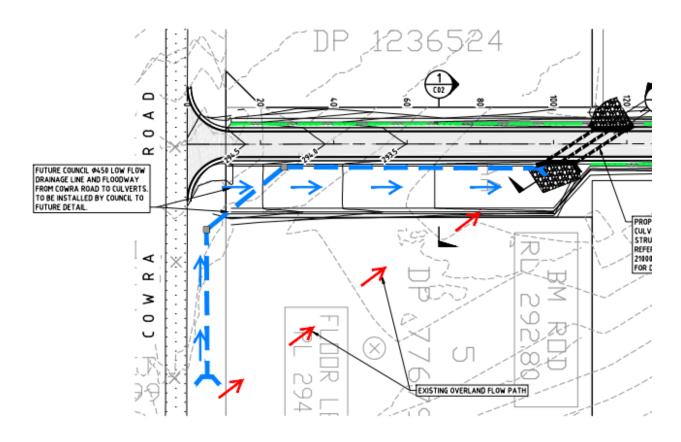
Stormwater management measures will include a combination of road dish drains, swale drains and absorption areas. Council's Infrastructure & Operations Department advise that the concept plans are adequate but further stormwater management measures are required and will be included in a detailed stormwater management plan to be submitted prior to the issue of a Subdivision Works Certificate as per the recommended condition. These measures will include works aimed at facilitating the drainage of overland flows to the residual lot 115 as well as on-site absorption measures. Infrastructure & Operations also advise that works will be carried out to the dish drain on the western side of River Park Road to improve its function.

#### Objection/Concern:

 There is no kerb and guttering on the new road and we already have a watercourse through our property (Lot 5 DP 776792). More bitumen would add more water flow. The height of the road may be higher than our land which could cause water to back up. More culverts are also needed on Cowra Road.

#### Assessment comments:

Council's Infrastructure & Operations Department advise that a dish drain is appropriate given the attributes of the site and there will be new drainage works carried out including more culverts on Cowra Road and along the new road adjacent to the submission-makers property as indicated on the plan extract below. These works will assist to alleviate the existing watercourse that runs through Lot 5. The majority of the road surface will be below the ground level of Lot 5 and will not contribute to any runoff onto Lot 5.



# Public Authority Consultation:

There are no public authority consultation requirements with this development application.

# \$4.15(1)(e) The Public Interest

#### **Community Interest**

The proposed development has been considered in terms of the context and setting of the locality in previous sections to this report and has been notified to adjoining land owners. The proposed development will positively contribute to the development within the locality and will not impose any identified adverse economic or social impacts on the local community.

#### **S7.11** Contribution towards provision or improvement of amenities or services

The following Section 7.11 (formerly Section 94) development contributions are payable in accordance with Council's s94 Contributions Plan 2016:

Contribution Type <sup>3</sup>	Rate <sup>1</sup>	Rate Amount	No. of Lots <sup>2</sup>	Total Contribution	Rate remains current until
Open Space Recreational Sporting Facilities	Lot	\$814.36	14	\$11,401.04	30 June 2024
Civic & Community Facilities	Lot	\$1,316.06	14	\$18,424,84	30 June 2024
Transport Infrastructure	Lot	\$0.00	14	\$0.00	30 June 2024

Plan Administr	Management ation	Lot	\$152.87	14	\$2,140.18	30 June 2024
Total Contribution Payable			\$31,966.06	30 June 2024		
Per Lot Contribution Payable			\$2,283,29	30 June 2024		

#### Notes

Section 4.4.1 of Cowra Council s94 Contributions Plan 2016 requires the payment of contributions prior to the issue of the Subdivision Certificate. However, the applicant has requested to defer the payment of contributions until such time as the lots are sold. The applicant requests this for the following reasons:

We request a variation to defer payments of s.711 development contributions until lots are sold, as outlined in Section 4.4.2 of the Cowra Council s94 Contribution Plan. The reasons for this request are:

- Deferring contributions ensures timely development while guaranteeing payment after each lot is sold.
- The upfront payment of all contributions may hinder the subdivision's progress, and
- A bank guarantee will be provided, as successfully done in 2016.

#### Assessment comment:

Section 4.4.2 of the Plan allows for consideration of deferral requests subject to the following requirements:

- A request for deferral or periodic payment must be made in writing to Council, stating the proposed length of deferral, and may only be accepted where:
- There are valid reasons for the deferral or periodic payment;
- The deferral will not prejudice the efficiency and operation or cash flows of the Plan;
- The granting of the request for deferred payment will not jeopardise the timely provision of works or land identified within the Plan;
- A suitable bank guarantee (or equivalent security) can be, and is, provided in the event that the request is accepted by Council;
- The applicant intends to make a contribution by way of a planning agreement, works-in-kind or land dedication in lieu of a cash contribution and Council and the applicant have a legally binding agreement for the provision of the works or land dedication, and
- The periodic or deferred contributions are paid, including interest, at no cost to Council.

The proposed deferral is assessed as acceptable in consideration of the above. A recommended condition of consent is included that requires a caveat to be registered on title requiring the

Per Lot

 $<sup>^{\</sup>rm 2}$  No. of additional lots created. The original lot is discounted from the calculations.

<sup>&</sup>lt;sup>3</sup>Council's Section 94 Contributions Plan 2016 may be viewed during office hours at Council's Customer Service Centre, 116 Kendal Street Cowra, or on Council's website www.cowracouncil.com.au

payment of contributions at the time of sale of the lots. An additional recommended condition requires the provision of a bank guarantee prior to the issue of a Subdivision Certificate.

# Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000 – Water and Sewer Headworks Contributions.

In accordance with Council's Development Servicing Plan for water and sewer the following contributions are payable:

Water = 16.8 ET = \$68,812.80 (\$4,915.20 per lot).

Sewer = 14 ET = \$85,638.00 (\$6,117.00 per lot).

Section 2.3 of the Plan requires payment of the headworks contributions prior to the issue of a Subdivision Certificate. However, the applicant has requested to defer the payment of contributions until such time as the lots are sold. The applicant requests this for the following reasons:

We seek a variation to Section 2.3 of the Developer Servicing Plan (DSP) to defer payment of Water and Sewer headworks charges until the sale of each lot, as opposed to prior to the issue of Subdivision Certification. Our reasons are:

- Deferring contributions ensures timely development while guaranteeing payment after each lot is sold.
- This variation was granted in 2016 subdivision approval, and
- The applicant does not request a waiver of fees but rather a deferral to facilitate the subdivision's advancement.

We believe these variations are reasonable and aligned with previous approvals granted by the Council. To provide further assurance, we are committed to adhering to the specified conditions, including the provision of bank guarantees.

The proposed deferral is assessed as acceptable in consideration of the above. A recommended condition of consent is included that requires a caveat to be registered on title requiring the payment of contributions at the time of sale of the lots. An additional recommended condition requires the provision of a bank guarantee prior to the issue of a Subdivision Certificate.

#### Conclusion

Development Application No. 39/2023 proposes a 16 lot subdivision on Lot 14 DP 1239980, Killara Road Cowra. The application was lodged by W M Murphy on 27 July 2023.

The application was supported by a Statement of Environmental Effects and development plans prepared by the applicant, which provide sufficient information to allow assessment of the proposal.

The proposed development has been assessed to be consistent with the requirements of Cowra Local Environmental Plan 2012, relating to development in the R5 Large Lot Residential zone and is consistent with existing land-use activities of the locality. The variations to Section D.4.11.a of Part D of Council's Development Control Plan 2021, Section 2.3 of Cowra Council's Development Servicing Plan for Water and Sewer 2008 and Section 4.4.2 of Cowra Council Section 94 Contributions Plan 2016 are sufficiently justified.

The development application was notified in accordance with Cowra Community Participation Plan 2020. Four submissions were received following the consultation process and the concerns expressed are addressed in this report.

Having considered the documentation supplied by the applicant, the findings of site inspection(s) and the comments made from consultation, it is assessed that the impacts of the proposal and the likely environmental interactions between the proposed development and the environment are such that Council should not refuse the development application. Accordingly, a recommendation of conditional approval is listed in the recommendation.

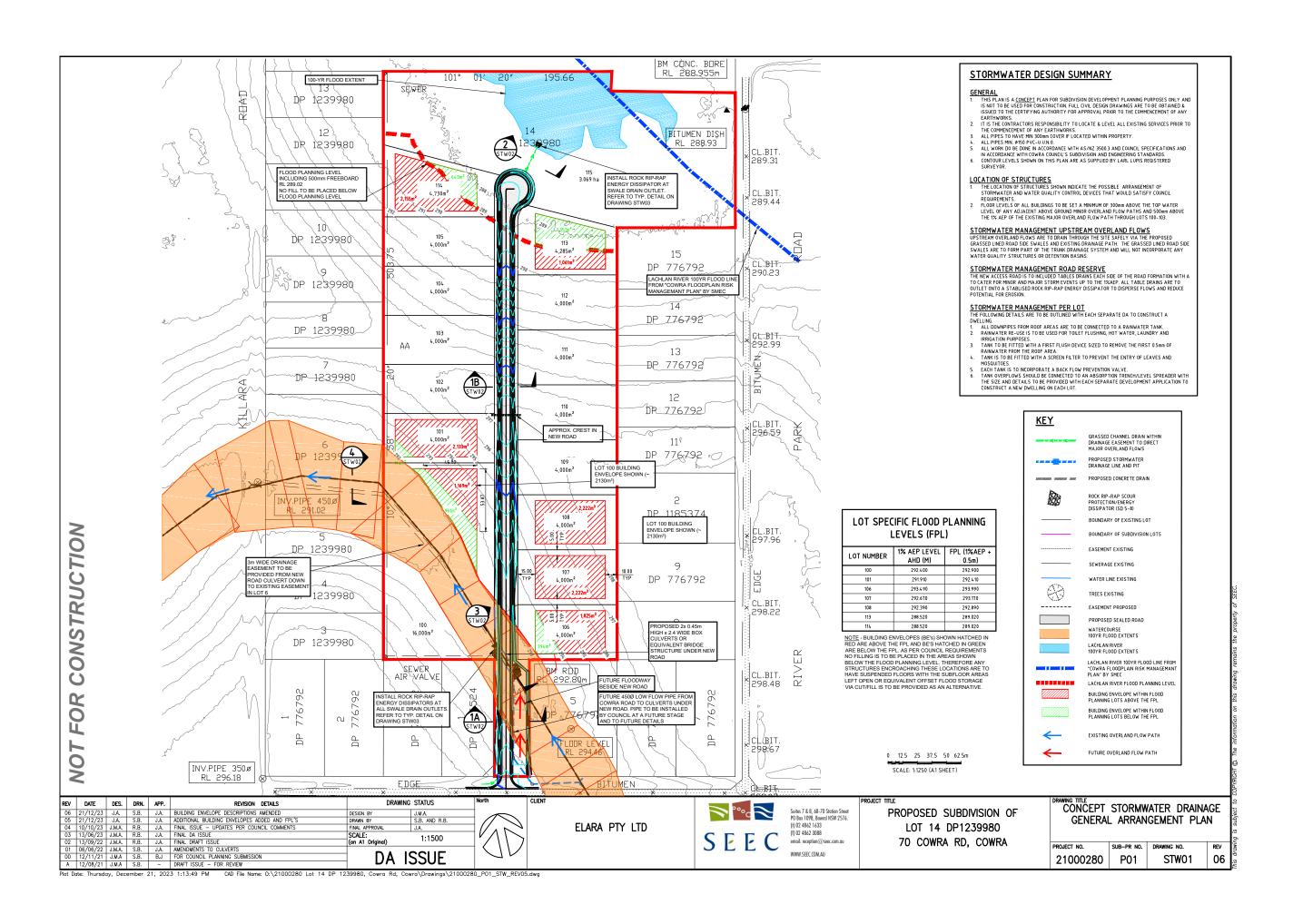
#### **ATTACHMENTS**

- I. DA 39/2023 Development Plans 😃
- 2. DA 39/2023 Statement of Environmental Effects ↓
- 3. DA 39/2023 Location map <u>↓</u>
- 4. DA 39/2023 Aerial view ↓
- 5. DA 39/2023 copies of submissions <a>J</a>



Item 6.1 - Attachment I

ORDINARY COUNCIL MEETING AGENDA 22 JANUARY 2024



Item 6.1 - Attachment I

RECEIVED Cowra Shire Council 27/7/2023 Plan No: DA 10.2023.39.1

# Statement of Environmental Effects

LARGE LOT RESIDENTIAL SUBDIVISION LOT 14 DP1239980, 70 COWRA ROAD

Kate Alberry
ELARA PTY LTD

Item 6.1 - Attachment 2 Page 93

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SEE Subdivision Elara Pty Ltd

#### **Executive summary**

This Statement of Environmental Effects (SEE) has been prepared for Elara Pty Ltd for a proposed R5 Large Lot residential subdivision of land at Lot 14 DP1239920, 70 Cowra Road, Cowra. The site is currently vacant and generally cleared and is surrounded by developed large lot residential land.

The land is undulating and sloping towards the overland flow path and to the rear of the land where it is subject to flooding, which is lot 15 a residual lot and not for development. A flood study has been prepared and has been included with this SEE. There is no knowledge of any land use that may cause any potential land contamination on the land subject to this development application.

The Cowra Local Environmental Plan 2012 (CLEP) is the environmental planning instrument that applies to the proposed development. This SEE has been prepared and assessed against the applicable provisions of the CLEP and it is fully compliant with all the requirements with no required variations. The Cowra Development Control Plan 2021 applies to the Cowra area. This proposed subdivision is consistent with all the required DCP provisions. The subdivision will be connected to reticulated water and sewerage system. The sewerage system was implemented in the previous subdivision on Killara Road to be sufficient to cater for this subdivision as well. This is a low-pressure sewer design prepared by DKP Hardiment Pty Ltd. See attached drawing by Aquatec DWG d17001.11.02.

- Residential subdivision
- Statement of Environmental Effects
- Lot 14 DP1239980, 70 Cowra Road, Cowra
- Subdivision of the land into 15 residential lots
- Lots 100 -114 4000m2
- 1 residual parcel Lot 115 3.069ha to remain vacant.
- Lot 14 DP1239980 is approximately 11.5 ha and is currently zoned R5 Large Lot Residential under the Cowra Local Environmental Plan 2014.
- The property is owned by Elara Pty Ltd

#### Project

This SEE has been prepared for Elara Pty Ltd, Mr Bill Murphy for the proposed subdivision of Lot 14 DP1239980 into 15 lots, 14 lots for residential development and 1 residual lot.

SEE Subdivision Elara Pty Ltd

#### Overview

The development is a proposed subdivision of the subject land into 15 residential lots.

- Lots 100 -114 4000m2 and
- Lot 15 3.069ha (to remain vacant which is flood-prone).

Lot 14 DP1239980 is approximately 11.5 ha and is currently zoned R5 Large Lot Residential under the Cowra Local Environmental Plan 2012.

The land is within zone R5 Large Lot Residential and is surrounded on 2 sides by Large Lot Residential development to the east and west. To the north is flood-prone agricultural land and to the south is Cowra Road and further Large Lot Residential land opposite. The proposed road access will be from Cowra Road via a new road construction. This proposal is the second stage of the R5 Large Lot Residential subdivision undertaken by Mr. Bill Murphy. The first stage was approved by Council in October 2016 via Development Application No: 68/2016 for a 12-lot subdivision.

#### Schedule of plans and drawings

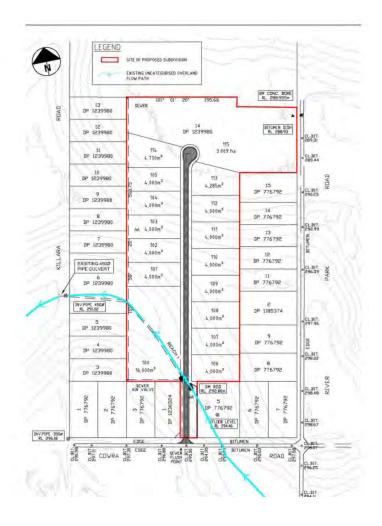
Author	Date	Subject	Plan /Dwg number
SECC	13 September 2022	Flood Assessment and Concept Stormwater Management Plan	21000280-FS-01 Rev C
SECC	23/12/22	Proposed Subdivision  – Civil Design of Proposed Road	21000280/P02/C00 Rev B
SECC	13/09/22	Proposed Subdivision  – Concept Stormwater Drainage	21000280/P01/STW01 Rev 02
Aquatec	16/06/17	Sewer design	DWG – d17001.11.02 Rev A
DKP Hardiment Pty Ltd		Data Sheet	Ref – dkph17001.11
Karl Lupis	7/02/2023	Plan of Proposed Subdivision of Lot 14 DP 1239980 Cowra Road, Cowra	21-073

#### Site

The site is located at 70 Cowra Road, West Cowra. The total site area is 11.5 ha and is currently zoned R5 Large Lot Residential. The site is bounded by Large Lot Residential properties and is approximately 3km from the CBD of Cowra. The site is sloping towards to north towards the Lachlan River and

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towards the overland flow path across Lot 100. The uncategorised overland flow path flowing through the southern boundary from Cowra Road and is identified as Reach 1 in the attached Strategic Environmental and Engineering Consulting (SEEC) report on flooding and stormwater for the proposed subdivision. The subdivision will be connected to a reticulated sewerage system. This system was implemented in the previous subdivision on Killara Road to be sufficient to cater to this subdivision as well. This is a low-pressure sewer design prepared by DKP Hardiment Pty Ltd. See attached drawing by Aquatec DWG d17001.11.02. The site is generally cleared of native vegetation, there is however there are several native and non-native mature trees used as shade for cattle in proposed Lot 15. There are no plans to clear or remove these trees.



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# Site photos



Figure 1 - looking north at the proposed entry from Cowra Road



Figure 2 - looking north proposed entry from Cowra Road

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Figure 3-looking to the west to large lot residential land under development across proposed Lot 15



Figure 4 - looking south west from proposed Lot 15  $\,$ 

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Figure 5 - Looking generally south from proposed Lot 15 towards existing large lot residential land

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#### Land Zoning

This land is zoned R5 Large Lot Residential under the Cowra LEP 2012. Figure 1 shows the zoning framework for the land and surrounding properties.



Figure 6 - CLEP - Land Zoning Map - Sheet LZN\_002C

#### Land Zoning Map - Sheet LZN\_002C Zones B1 Neighbourhood Centre Local Centre Business Development **Business Park** National Parks and Nature Reserves **Environmental Conservation** E3 Environmental Ma IN1 General Industrial **Environmental Management** IN2 Light Industrial R1 General Residential Low Density Residential Large Lot Residential Public Recreation RE2 Private Recreation Primary Production Forestry RU4 Primary Production Small Lots Village Infrastructure Tourist Recreational Waterways

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# Planning and Legislative Requirements Commonwealth legislation

#### Environment Protection and Biodiversity Conservation Act 1999

Under the Environment Protection and Biodiversity Act 1999 (EPBC Act) Part 3, assessment of proposed development is required for environmental approvals if the development has the potential to significantly impact of Matters of National Environmental Significance or the environment of Commonwealth land as identified in the EPBC Act. There are several matters of national environmental significance that are identified:

- World Heritage properties
- National Heritage
- Wetlands of international significance
- Listed threatened species and communities.
- Listed migratory species
- Protection of the environment from nuclear actions
- Commonwealth Marine Environments
- Great Barrier Reef Marine Park
- Protection of water resources from coal seam gas development and large coal mining development

From an assessment of the proposal against the above requirements of the EPBC Act, there is unlikely to be an impact on any of the matters of national environmental significance as the land contains none of the identified land above or any impact on Commonwealth land, and as such this proposal does not require referral under the EPBC Act.

## **NSW** Legislation

#### Biodiversity Conservation Act 2016

The Biodiversity Conservation Act 2016 (BC Act) is relied upon to protect flora and fauna in NSW.

Clause 7.2 of the BC Act identifies the circumstance where a development proposal may 'likely to significantly affect threatened species':

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- (a) it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3. or
- (b) the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or
- (c) it is carried out in a declared area of outstanding biodiversity value.
- (2) To avoid doubt, subsection (1)(b) does not apply to development that is an activity subject to environmental impact assessment under Part 5 of the Environmental Planning and Assessment Act

This land is generally cleared and is highly disturbed and it is unlikely that the proposal to subdivide this land will affect a threatened species. There are a number of mature trees on the boundary of proposed lot 15, there are no plans to remove these trees. No further assessment is required.

#### Environmental Planning and Assessment Act 1979

The EP&A Act forms the legal framework for development, assessment and approvals for land in NSW. The objects of the EP&A Act are:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
- (c) to promote the orderly and economic use and development of land,
- (d) to promote the delivery and maintenance of affordable housing,
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),
- (g) to promote good design and amenity of the built environment,
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants.
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,
- $\textit{(j)} \ \ \textit{to provide increased opportunity for community participation in environmental planning and assessment}.$

#### Heritage Act 1977

This site is not listed on any heritage register and there are no heritage sites in the vicinity of the property, therefore referral to and approval for Heritage NSW is not required.

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#### Protection of the Environment Operations Act 1997

This proposal will not be required to gain an Environmental Protection Licence for the proposal.

#### Local Government Act 1993

Section 68 of the Local Government Act 1993 (LG Act) specifies what development requires the approval of the Council.

A person may carry out an activity specified in the LG Act with the prior approval of the Council:

- Structures or palaces of public entertainment
- Water supply, sewerage, and stormwater drainage work
- Management of waste
- Community land
- Public roads
- Other activities

This proposal will require approval for road construction and water and sewerage connections under the LG Act.

#### National Parks and Wildlife Act 1974

The NPW Act provides protection for flora and fauna in NSW, legal protection, and the management of Aboriginal sites in NSW. This land is identified as 'disturbed land' under section 58(4) of the National Parks and Wildlife Act Regulations 2019 as it has been the subject of human activity, 'that has changed the land's surface resulting in changes that remain clear and observable'. For example, the subject land has been cleared and has been grazed by cattle and the larger lot has been the subject of a subdivision approved in 2016.

Additionally, an AHIMS search has been conducted and there are no registered AHIMS items within 100m of the site therefore no external approvals are necessary.

#### Roads Act 1993

As part of the proposal, new road construction and new road access is proposed onto Cowra Road and approval will be required from Cowra Council prior to commencing works.

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#### Contaminated Land Management Act 1997

This land has been predominantly used for grazing and there is no known historic use of this site that may have caused contamination; therefore, no further assessment is required.

#### Rural Fires Act 1997

This land is not mapped as bushfire-prone land and therefore does not require further assessment. However, the land is clear and surrounded by existing residential land which is predominantly cleared, it is unlikely that this land would be under threat from a bushfire. However, as the land is cleared and there are no significant strands of vegetation that would prove a threat to the future residential population in the future.

#### Water Management Act 2000

The objects of the Water Management Act 2000 (WM Act) provide for the sustainable and integrated management of water sources of the State for the benefit of both present and future generations and apply to the principles of ecologically sustainable development to protect water sources and ecosystems. This land is identified as groundwater vulnerable in the Cowra LEP however there will be no impact on the groundwater and the development is above the 1% APE flood level. No approvals are required for this development.



Figure 7 - site location

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# State Environmental Planning Policies (SEPP)

# Below is a summary of the applicable SEPP's

SEPP	Applicable	Assessment
SEPP (Biodiversity and	No	No
Conservation) 2021		
SEPP (Building Sustainability	No	No
Index: Basic) 2004		
SEPP (Exempt and Complying	No	No
Development Codes) 2008		
SEPP (Housing) 2021	No	No
SEPP(Industry and	No	No
Employment) 2021		
SEPP 65 Design Quality of	No	No
Residential Apartment		
Development		
SEPP (Planning Systems) 2021	No	No
SEPP (Precincts – Regional)		
2021	No	No
SEPP (Primary Production)		
2021	No	No
SEPP (Resilience and Hazards)		The potential for
2021	Applicable	contamination must be considered however the land is generally cleared and vacant and has been used for grazing over many years. There is no other historic land use that would have caused any contamination and this land is considered suitable for the proposed use. See below for further assessment.
SEPP (Resources and Energy)		Turcher assessment.
2021	No	No
SEPP (Transport and Infrastructure) 2021	Applicable	The proposed subdivision will require connection to the electricity network and therefore may be required to be referred to the electricity supply authority.  The proposed development requires the construction of infrastructure including road, telecommunications, and

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stormwater, which all require consent.

SEPP - Resilience and Hazard 2021 - Assessment

This site is the remnant portion of agricultural land that is currently used for grazing of cattle. This land has been used for grazing and to the owner's knowledge it this land has never been used for anything else in the past.

Clause 4.6(1) of the SEPP requires that a consent authority must not consent to the carrying out of any development on land unless:

- a. it has considered whether the land is contaminated, and
- b. if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- c. if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

Clause 4.6(2) of the SEPP requires that Council, before determining an application for consent to carry out development that would involve a change of use on any land in Clause 4.6(4), must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

Clause 4.6(4) requires a preliminary investigation to be carried out if the land concerned is:

- within an investigation area,
- land on which development for a purpose referred to in Table 1 Managing Land
   Contamination Planning Guidelines is being or is known to have been carried out.

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to in Table 1 to the contaminated land planning guidelines has been carried out, and on
which it would have been lawful to carry out such development during any period in
respect of which there is no knowledge.

In relation to the land which is the subject of this subdivision DA the following has been established relating to the issue of any potential contamination:

- The land has not been declared to be significantly contaminated under the Contaminated Land Management Act 1997.
- The land has not been regulated by the EPA in relation to contamination.
- The land has not been used for any land use identified in Table 1.
- Historically, from photographs and discussing with the current owner, this land was never developed, has remained vacant and used for the grazing of cattle.
- No uses can be identified on this land that would have created any contamination.
- A visual inspection did not indicate any remnant-built infrastructure or footing or any other use that may cause or have caused any contamination of this land.
- This proposal is to use the land for residential purposes is therefore suitable.

The Document by Envirowest Consulting dated 19 August 2016 Preliminary Contamination Report Lot 3 DP1216584 has been submitted to Council. This document was submitted during the processing of the previous subdivision of the parent parcel which also covers the land which is the subject to this application. The conclusion of this contamination investigation was that Environwest did not detect elevated levels of analysed metals or OCP and in found that this land is suitable for residential development. It is therefore from the assessment and historical knowledge that there is very little potential contamination of this site and that there is nothing to indicate that there is any threat to human health or the environment. There is no reason that planning assessment cannot progress in a reasonable way.

# Cowra Local Environmental Plan 2012 (CLEP)

Below is an assessment of the relevant clauses in the CLEP:

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Land use Table - Zone R5 - Large Lot Residential

#### 1 Objectives of zone

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

#### 2 Permitted without consent

Environmental protection works; Home occupations

#### 3 Permitted with consent

Bed and breakfast accommodation; Building identification signs; Business identification signs; Dwelling houses; Home industries; Kiosks; Neighbourhood shops; Oyster aquaculture; Pond-based aquaculture; Roads; Roadside stalls; Tank-based aquaculture; Any other development not specified in item 2 or 4

#### 4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Attached dwellings; Biosolids treatment facilities; Boarding houses; Boat building and repair facilities; Boat launching ramps; Boat sheds; Car parks; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Dual occupancies; Eco-tourist facilities; Entertainment facilities; Extractive industries; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Hostels; Industrial retail outlets; Industrial training facilities; Industries; Jetties; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Multi dwelling housing; Open cut mining; Public administration buildings; Recreation facilities (indoor); Recreation facilities (major); Registered clubs; Research stations; Residential flat buildings; Restricted premises; Rural industries; Rural workers' dwellings; Semi-detached dwellings; Seniors housing; Service stations; Sewage treatment plants; Sex services premises; Shop top housing; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Water treatment facilities; Wharf or boating facilities; Wholesale supplies

The proposed subdivision complies with the objectives of the zone. This subdivision is the second stage of a subdivision that was approved in 2016. The previous subdivision has been completed and houses are currently under construction. This will be the completion of the development of this block. This proposal will not unreasonably increase the demand for public services or public facilities in Cowra. There are many adequate parks and green areas in West Cowra capable of facilitating this growth. The land is adjacent to areas of R5 Large Lot Residential developed land, and it is unlikely that there will be any additional land use conflict.

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#### Part 4 - Principal development standards

The minimum lot size in the R5 zone in this area is identified as 'Area B' on the CLEP lot size maps and is required to provide lots of at least 4,000m2. This proposed subdivision of the land is to create the parcel of land into 15 residential lots. Proposed Lots 100 -114 are 4000m2 and Lot 115 is the residual parcel which is 3.069ha. Lot 115 is to remain vacant.

Complies

# Clause 5.21 - Flood planning

- (1) The objectives of this clause are as follows—
- (a) to minimise the flood risk to life and property associated with the use of land,
- (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,
- (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,
- (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.

This SEE is supported by a comprehensive Flood Assessment and Concept Stormwater Management Plan by SEEC consultants. Briefly, the northern portion (proposed lot 115) is affected by flood waters from the Lachlan River in a 1% AEP flood event. This proposed lot will remain vacant and is not proposed to be built on. Therefore, all development will be outside the Flood Planning Area.

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Figure 8 - CLEP flood planning map FLD- 002C

Proposed Lot 100 will is subject to an uncategorised overland flow path this lot is 16,000m2 to enable a building envelope to be established to ensure that any building will be outside this overland flow path. For a full explanation of both flooding and stormwater please see the SEEC report.

# Clause 7.1 – Earthworks

A cut and fill and sediment erosion plan/ construction management plan is required to be provided for the issue of a Subdivision Works Certificate to detail all subdivision works and all engineering designs. Engineering plans have been provided with the development application to enable approval.

# Clause 7.6 – Groundwater vulnerability

This land is identified as groundwater vulnerable and as such Council is required to consider the following -

- (a) the likelihood of groundwater contamination from the development (including from any onsite storage or disposal of solid or liquid waste and chemicals),
- (b) any adverse impacts the development may have on groundwater dependent ecosystems,

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- (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.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—
- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

This proposed development does not contain any groundwater extraction for potable water supply or stock water supply, there is no on-site storage or disposal of waste or chemicals, there are no adverse impacts on groundwater-dependant ecosystems, no wetlands or water bodies (other than the Lachlan River which is 780m from the northern boundary). Proposed Lot 15 contains a water trough currently connected to town water.

This subdivision has considered all the requirements for flood planning and as a result Lot 115 has been left as a residual parcel of land and the overland flow remains unimpeded. It is anticipated that there will be no negative impact on the groundwater system by this development.

#### Clause 7.8 – Essential services

A development consent must not be granted unless the Council is satisfied that services that are essential for development are available, or arrangements have been made to make them available:

- (a) the supply of water,
- (b) the supply of electricity,
- (c) the disposal and management of sewage,
- (d) stormwater drainage or on-site conservation,
- (e) suitable vehicular access.

All of the above connections to water, sewer, and electricity can be achieved for the subdivision and are subject to approvals from Council and Essential Energy. Stormwater plans have been provided in

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the SEEC report and engineering road plans have been included in the SEEC report. Consent can be granted subject to all necessary conditions of consent.

# Cowra Shire Development Control Plan 2021 (CDCP)

#### Part B – Erosion and Sedimentation

The objectives for soil erosion and sedimentation control are:

- a. To address State Legislation requirements described under the Protection of the Environment Operations Act 1997.
- b. To ensure that the quality of runoff discharged from development does not impact one environment and receiving waters in terms of sedimentation, water pollution, and other impacts.
- c. Maximise the amount of vegetation retained on development sites and ensure its protection during construction and operation of the development.
- d. Ensure that erosion and sediment controls are considered during the construction phase of developments through the preparation of an Erosion and Sediment Control Plan.

The construction of this project will require sediment erosion control during construction as such a Sediment Erosion Control Plan is required prior to the issue of a subdivision works certificate which incorporates the following:

- a. Locality details;
- b. North point (magnetic and true) and scale;
- c. Property boundaries and adjoining roads;
- d. Existing land contours;
- e. Location of vegetation to be removed / retained.
- f. Existing watercourses and drains
- g. Proposed building/structures and disturbed areas;
- h. Proposed vehicular access;
- i. Extent of earthworks and limits of cut and fill;
- j. Location of proposed stockpiles;
- k. Location of temporary and permanent site drainage, erosion and sediment control measures.
- I. Location of temporary and permanent re-vegetation areas;

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m. An explanation of any changes to the erosion prevention and sediment controls as the works proceed; and

n. Supplementary notes covering inspection and maintenance requirements.

#### Part C – Biodiversity Management

This application for a subdivision on cleared land does not trigger entry into the Biodiversity Offset Scheme (BOS) according to the Biodiversity Conservation Act 2016.

This development does not require any clearing of native vegetation. There are a number of mature trees are on the boundary of Lot 15 however these are not proposed to be removed as part of this development.

A Test of Significance is not necessary for this proposal as there is no clearing of native vegetation. This development is unlikely to negatively affect any threatened species or ecological communities.

# Part D – Subdivision Development

This subdivision development is a Torrens Title subdivision of land in Cowra. The proposal will attract contributions under 7.11 of the Environmental Planning and Assessment Act 1979 (EPA Act) for the monetary contributions for amenities and Services. It is requested that this requirement for the payment of monetary contributions be subject to a restriction on the title to be paid at the time of the sale of the land for both 7.11 section of the EPA Act and section 64 of the Local Government Act 1993 for contributions for water and sewer.

This proposal is a greenfield subdivision of 15 lots, 14 residential and 1 residual. This is within zone R5 Large lot residential, therefore Part D2 does not apply.

# Part D.4 – Large Lot Residential Subdivision

# D.4.2. Objectives

- a. To facilitate greater diversity in housing choice.
- b. To provide for a range of different housing opportunities that meet community and economic needs, while ensuring that environmental and social values are safeguarded.
- c. To ensure rural lifestyle lots are located in appropriately zoned areas where infrastructure and service provision can be maximised.
- d. To ensure all available essential services are provided to new subdivision allotments.
- e. To minimise disturbance to the natural environment and to minimise damage from natural hazards.

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f. To protect and conserve land which has been identified as being environmentally sensitive.

This proposal is for a large lot subdivision that is fully compliant with all the requirements.

Subdivision of the land into 15 residential lots

- Lot 14 DP1239980 is approximately 11.5 ha and is currently zoned R5 Large Lot Residential under the Cowra Local Environmental Plan 2014
- Lots 101 -114 4000m, Lot 100 16,000m2, and 1 residual parcel Lot 115 3.069ha to remain

#### D.4.4 Lot layout and dimension

- This subdivision is in West Cowra and has access to reticulated water and sewer.
- The lots are the required 4000m2 and as such have sufficient area and shape to enable the siting
  of a dwelling and outbuildings.
- This subdivision has an existing overland flow path referred to as Reach 1, which crosses Lot 100, and as such Lot 100 is 16,000m2 which will enable a building envelope of 2130m2 to cater for the future dwelling and outbuildings. Lot 115 has been left vacant to cater to the potential impact of the overland flood path and inundation.

#### D.4.5 Street design

The road network extends from Cowra Road to a cul-de-sac at Lot 114 and Lot 115. The road design incorporates a 7m bitumen seal with a 20m road reserve which complies with the requirements of the DCP.

# D.4.6 Access

All driveway access points to each lot will comply with the DCP.

# D.4.7 Water supply

Reticulated water connection will be supplied to each new lot and section 64 contributions will be payable. It is requested that all contributions be paid at the time of the sale of the lot via a restriction on the title.

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#### **D.4.8 Effluent management**

The subdivision will be connected to the existing reticulated sewerage system. This system was implemented in the previous subdivision on Killara Road and was designed to be sufficient to cater for this subdivision as well. This is a low-pressure sewer design prepared by DKP Hardiment Pty Ltd. See attached drawing by Aquatec DWG d17001.11.02.

#### **D.4.9 Utilities**

This subdivision will be connected to services and utilities in accordance with Council Engineering Standards or relevant servicing authorities.

#### D.4.10 Naming of new roads

The naming new roads need to comply with the NSW Geographical Names Board (GNB) policy on the naming, renaming and reserving of names for roads in NSW 2013. Road naming is legislated under the Roads Act 1993.

#### The principles:

- Road names shall be written in standard Australian English or a recognised format of an Australian Aboriginal language local to the area of the road.
- Road names should be easy to pronounce, spell and write, and preferably not exceed three words
   (including the road type) or 25 characters. An exception to this is in the use of Aboriginal names
   when it is accepted that a traditional name may at first appear to be complex but will, over time,
   become more familiar and accepted by the community.
- Diacritical marks (symbols such as ', , or ') are not used in Australian English names, and shall be
  omitted from names drawn from languages that use such marks.
- The following types of punctuation as used in Australian English shall not be included as part of a road name: period (.), comma (,), colon(:), semi-colon(;), quotation marks(""), exclamation mark(!), question mark(?), ellipsis(...), hyphen(-), dash (/) and parenthesis (()). For surnames or other names that include a hyphen, the hyphen shall be omitted when used for a road name.
- An apostrophe mark shall not be included in road names written with a final 's', and the possessive
  's shall not be included. e.g. St Georges Terrace not St George's Terrace. Apostrophes forming part
  of an eponymous name shall be included (e.g. O'Connor Road).
- A road name shall not include a preposition (e.g. Avenue of the Allies).

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- Road names shall not include the definite article (the) as the sole name element of a road name
  (e.g. The Esplanade is not acceptable). 1.8. A road name shall not be abbreviated or contain an
  abbreviation, initial or acronym (e.g. Mount, not Mt) except that St shall be used for Saint
- For the purposes of consistency, names starting with Mc or Mac shall not have a space included between the Mc or Mac and the rest of the name.
- A road name shall not include Arabic numerals (e.g. 3 or 4th) or Roman numerals (e.g. IV or X).
   Where numbers are included in a road name they shall be written in full (e.g. Fifth Avenue, Ten Mile Road).
- A road name shall have the same spelling as any name from which it is derived.
- A road name shall not include initials (e.g. J Jones Road is not acceptable).

The applicant is required to suggest a road name for the new road proposed which complies with the principles above.

The suggestion is as follows:

#### Michaels Lea

Michael - the name of the owner's son
Lea – the Cambridge Dictionary meaning:

'a tract of open ground, especially grassland; meadow'

This name complies with the requirements of the above document.

#### D.4.11 Fencing

It is requested that the requirement for lot internal boundary fencing be included as a restriction on the title to be constructed prior to the issue of an occupation certificate for the future dwellings.

Fencing on the boundary

- Height of 1.27 metres
- Steel posts at a maximum of five metre intervals, and either:

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 One barbed wire and 75cm high ring lock or hinge joint attached with three plain wires (top, middle and bottom);

or

- o 90cm high ring lock or hinge joint with three plain wires (top, middle and bottom);
- Strainer posts at the end of the lines and change of direction points.

# Other relevant consideration

#### Safety, security and crime prevention

Crime Prevention Through Environmental Design (CPTED) is a crime prevention strategy that focuses on the planning, design, and structure of cities and neighbourhoods. CTED principles are designed by NSW Planning, the NSW Police along with the Australian Building Codes Board to reduce the opportunity for crime.

**CPTED Environmental and Social Conditions:** 

- Maximise risk to offenders (increasing the likelihood of detection, challenge and apprehension);
- Maximise the effort required to commit crime (increasing the time, energy and resources required to commit crime);
- Minimise the actual and perceived benefits of crime (removing, minimising or concealing crime attractors and rewards); and
- Minimise excuse-making opportunities (removing conditions that encourage/facilitate rationalisation of inappropriate behaviour).

CPTED Key Strategies – re-enforcement, surveillance, access control and space/activity management. This proposed subdivision will not result in unacceptable outcomes with CPTED Key strategies.

#### **Cumulative Impacts**

Cumulative impacts are an inevitable result of the combined effect of human action and natural variations over time and can be both positive and negative. These impacts are better managed at a strategic level but can be assessed and managed at a development level. Strategically the land on which this subdivision is planned has been strategically zoned as R5 Large Lot Residential in the CLEP therefore this proposal has been strategically planned. At the development level, the applicant is

SEE Subdivision Elara Pty Ltd

seeking consent to undertake the subdivision in accordance with all the legislatively required parameters. The subdivision is fully compliant with all the requirements therefore the proposal will not generate unacceptable environmental or social impacts. This development makes a positive contribution socially to the Cowra environment by providing land for housing.

# Suitability of the site for the development

This SEE demonstrates that the site is suitable for the subdivision proposed.

#### Public interest

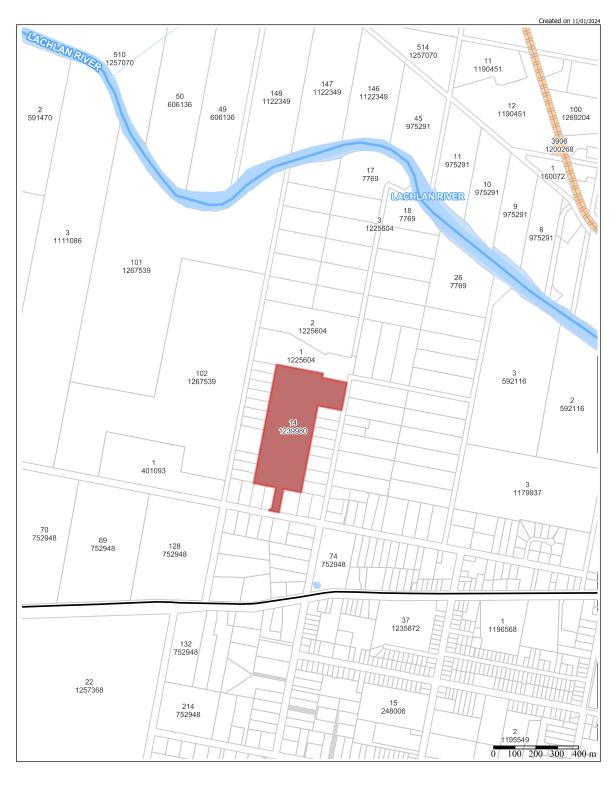
Public interest is considered low as this land is zoned R5 Residential and is fully compliant with all State and Local Government planning legislation and requirements. This proposal will require consultation in accordance with the Cowra community Participation Plan. Any valid concerns can be addressed.

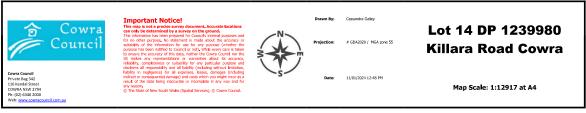
#### Conclusion

This SEE has been prepared for Elara Pty Ltd to support the application for a 15 lot subdivision on R5 Large Lot Residential land. This subdivision is the final stage of the subdivision on this land which is supported by relevant planning reports and engineering drawings. The proposal is fully compliant with all relevant requirements and legislative requirements and can achieve connection to all utilities and services. The owner requests that the contributions payable and the requirement for internal boundary fencing be deferred to the sale of the land via a restriction on the title.

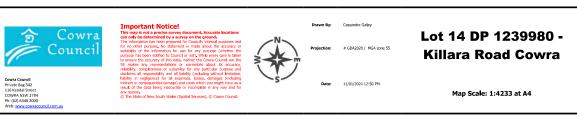
Sufficient information has now been submitted with the DA to Council to allow to determine this application with support.

SEE Subdivision Elara Pty Ltd









From: Mark Stirling Cowra Council

Subject: Objections to Development Proposal - DA 39/2023 Date: Thursday, 17 August 2023 7:25:25 AM

CAUTION: This email originated from outside of the Cowra Shire Council Domain. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Mark Stirling

The General Manager Cowra Council Private Bag 342 Cowra NSW 2794

Council@cowra.nsw.gov.au

Dear Sir,

I am not objecting to the actual development of a subdivision in the area specified in the proposal, but about specific issues involved with the the scope of the subdivision as specified in the DA - 39/2023.

As background, an initial draft plan being worked on by surveyors over 2 years ago, did not include Lots 113 or 114, nor part of Lot 105, due I expect to known existing water issues in that area.

My objections all relate to water, specifically runoff from rain and storm events, which have already created issues in the area, especially for exisiting Lot 15.

All such events already create runoff which passes through Lots 12 to Lot 15, accumulates along the way, to eventually pool in existing Lot 15, and in the area of the proposed Lots 113, 114, and possibly part of Lot 105.

The runoff water from existing Lots 102 to Lots 114, also adds to the overall water volume and area covered by the pooling.

This accumulation of water, is further added to from the existing undeveloped grazing area covered by the proposed Lots 109 to 113(eastern side) plus Lots 102 to 114(western side).

Additionally, a significant proportion off runoff rain and storm water, which passes along the road itself and also in a poorly designed scoop drain on the western side of River Park Road, starting from Lot 8, also ends up adding to the pooling water body.

In summary, the overall area covered by exisiting Lot 15, and proposed Lots 113,114 and possibly Lot 105 to a much lesser extent, will continue to be affected by water pooling events.

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The details for dealing with rain and storm water, as specified in the Flood Assessment and Concept Storm Management Plan, do not in anyway address the overall fact that the water is still moving across the existing Lots and sections of the proposed subdivision in N and NE directions, and must end up in exactly the same areas that I have listed above.

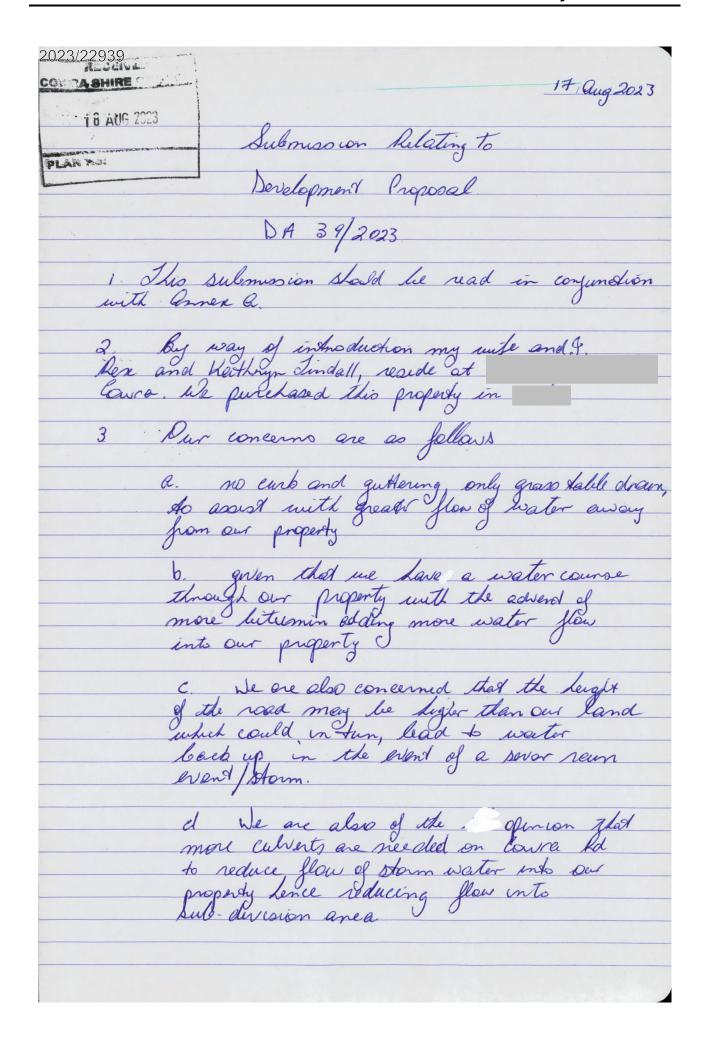
As the proposed Lots 113 and 114 are wholly within the Lachlan River Flood Planning Level, only adds support to my objection concerning water movement and resulting pooling.

The statement in the Flood Assessment and Concept Storm Management Plan, that Council has to ensure that any building approval for Lots 113 and 114, has a floor level above the FPL, must act as a "red flag" for Council when considering granting approval for DA - 39/2023.

As stated earlier, I am not objecting to Council approving the development of an appropriate subdivision in the overall area covered in DA - 39/2023, but due to known issues relating to water movements in the area, coupled with Lots 113 and 114 being wholly within the Lachlan River Flood Planning Level, firmly believe that Lots 113 and 114 should not be included in any such approval.

Yours sincerely, Mark Stirling

The submitted Sent from my iPad

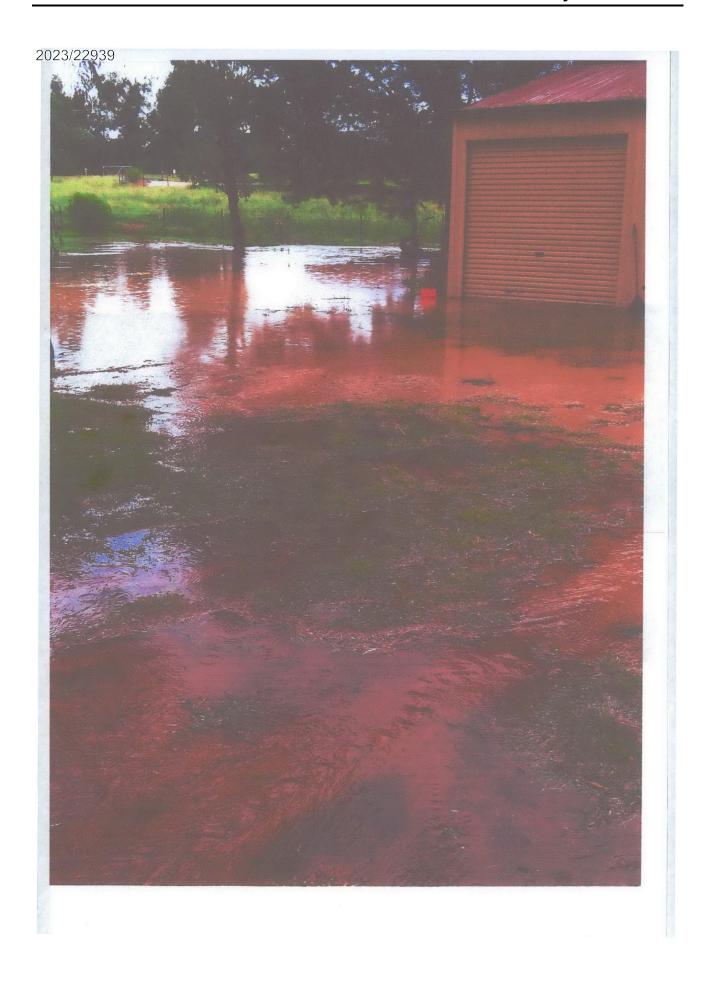


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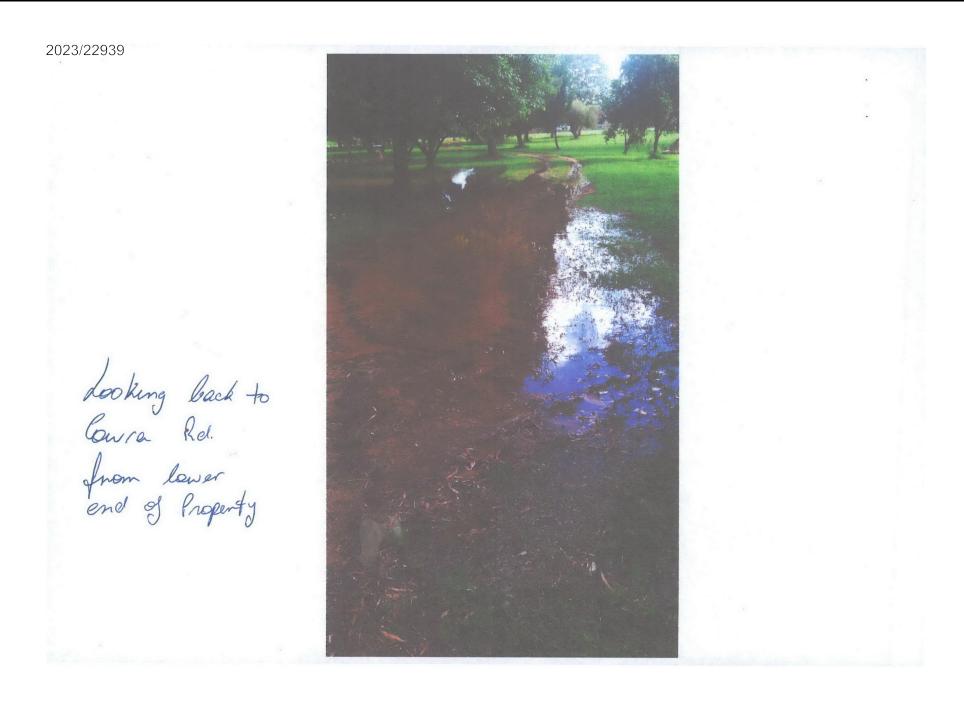
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Item 6.1 - Attachment 5

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2023/22939

# Flood Assessment & Concept Stormwater Management Plan LEGEND 13 DP 1239980 12 DP 1239980 11 DP 1239980 10 DP 1239980 15 DP 776792 9 DP 1239980 14 DP 776792 8 DP 1239980 13 DP 776792 DP 1239980 DP 776792 EXISTING 3.0m WIDE DRAINAGE EASEMENT 11 DP 776792 LOCATION OF EXISTING UNCATEGORISED OVERLAND FLOW PATH 2 DP 1185374 5 DP 1239980 4 DP 1239980 3 DP 1239980 1236524 d. COWRA RDAD 55

Figure 1 - Location of Proposed Subdivision (Image Source Six Maps)

SEEC SEEC

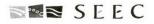
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2023/22939

# Flood Assessment & Concept Stormwater Management Plan 18 " 1 BITUME RL 2 LEGEND DP 1238980 100 SITE OF PROPOSED SUBDIVISION CH 10.000 FLOOD MODEL CROSS-SECTIONS CENTERLINE USED FOR HEC-RAS MODEL EXISTING CONTOURS DP 77679 5 YEAR ARI (20% AEP) POST DEVELOPMENT FLOOD EXTENTS DP 77675 DP 1239980 AA 13 DP 77679 DP 1239980 12 DP 77679 DP 77679 5 DP 11853 5 ក្ខេ 123 ភ្លេង0 DP 7767 EXISTING 450Ø PIPE CULVERT 8 DP 77679 DP 1239980 PROPOSED 2 x 0.45m HIGH 2.4m WIDE BOX CULVERTS UNDER NEW ROAD 776792 DP P EDGE EDGE LES SEVER FUTURE 450Ø LOW FLOW PIPE FROM COWRA ROAD TO CULVERTS UNDER NEW ROAD. PIPE TO BE INSTALLED BY COUNCIL AT A FUTURE STAGE AND TO FUTURE DETAILS

Figure 6 - Pre & Post Development 20% AEP Flood Extents

PRE & POST DEVELOPMENT 20% AEP FLOOD EXTENTS



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Karl & Kylie Lanham				
nsw , 2794				
Email;				
The General Manager				
G				
Cowra Council				
Private bag 342				
Cowra nsw , 2794				

Council@cowra.nsw.gov.au

Dear Sir

I am writing this letter in response to DA proposed development – DA 39/2023. I wish to raise several concerns regarding this proposal, mainly in regards to storm water run off.

Over half the lots proposed will have their storm water and run off water end up at proposed LOTS 113 and 114 and 105. This area is already suffering from existing storm water issues and creates a pooling effect even now without the addition of any more new homes , which will significantly add to this water pooling problem.

What measures are getting put in place to address this issue and avoid adding to this problem.

Also lots 113 and 114 and 105 were not on the original plans and these added lots are within the 100 year flood zone and is evidence over the last 2 flood events in Cowra those lot would be flooding , my impression was the government was stopping all new devolopments in flood zones due to the risks and insurance issues.

This must surely raise a red flag in regards to the issues going forward if this proposed development goes ahead with out several changes imposed.

Yours sincerely

Karl & Kylie Lanham

Luke and Amy O'Reilly

Cowra NSW 2794

The General Manager Cowra Council Private Bag 342 Cowra NSW 2794 council@cowra.nsw.gov.au

Dear Sir,

I am not objecting to the development of the subdivision listed as DA - 39/2023 in its entirety. I am objecting to the issues that will arise due to the subdivision.

Not long after we purchased Lot 15 DP 776792 (2-3 years ago) an initial draft plan of a subdivision was circulated to us. On this draft there was 3 less blocks. Lot 105, 113 and 115 were not on this draft. I believe this would have been due to the '100 year flood Zone'. Which we investigated thoroughly before purchasing our block. We found that we were unable to build on the North Western corner of out block due to this flood zone.

My objection to the subdivision DA - 39/2023 is specifically to the flow of water from this development. The runoff from rain and storm events have already caused significant issues. The attached videos and photos clearly demonstrate the level of my concern. With further development of Lots 102 - 114 this will exponentially increase the flow of water towards my block Lot 15 and the even lower blocks, proposed Lots 113 and 114.

The amount of water that runs from the South West of my block is joined by the water running down River Park Road. Which washed the raised culvert driveway into our property away until almost undrivable. This was replaced at a 50% cost to us due to an incorrect installation of the driveway prior to our purchase. This has seen Lot 115 (3.069ha) underwater several times in the last 3 years. This water has caused significant damage to the side of River Park Road which has been patched up several times by Council.

The details specified in the Flood Assessment and Concept Storm Management Plan do not in away address the fact that water from this proposed development along with the existing lots will continue to flow toward my Lot 15 and the proposed Lots 113 and 114. The proposed Lots 113 and 114 are almost if not entirely within the Lachlan River Flood Planning Level. The statement in the Flood Assessment and Concept Storm Management Plan, that the Council has to ensure that any building approval for Lots 113 and 114, must be above the Lachlan River Flood Planning Level. Is surely proof that Council must consider before granting any approval for DA – 39/2023.

Obviously, I have quite valid concerns with the proposed subdivision. I look forward to your response to how these issues will be addressed in regards to the Flood Assessment and Concept Storm Management Plan and with the existing flow of Rain and Storm water in and around the proposed subdivision.

Yours sincerely, Luke O'Reilly



6.2 Section 355 Committee minutes - Draft Access Committee

meetings held 23 October 2023 and 11 December 2023

File Number: D24/48

Author: Larissa Hackett, Director Environmental Services

# **RECOMMENDATION**

- 1. That Council note the draft minutes of the Access Committee meeting held on 23 October 2023.
- 2. That Council note the draft minutes of the Access Committee meeting held on 11 December 2023.
- 3. That Council accept Councillor Nikki Kiss as Chair and Mr Danny Jacket as Deputy Chair of the Cowra Access Committee.

# INTRODUCTION

The Minutes and recommendations of Cowra Shire Council's Section 355 Committee – Access Committee are presented for noting and consideration.

An AGM was held prior to the 11 December meeting where Nikki Kiss was unanimously declared Chair and Danny Jackett was unanimously declared Deputy Chair.

# **BACKGROUND**

Attached for the information of Councillors are the Minutes from the meetings held on Monday 23 October 2023 and Monday 11 December 2023.

# **BUDGETARY IMPLICATIONS**

N/A

# **ATTACHMENTS**

- 1. Draft Access Committee meeting minutes 23 October 2023 J
- 2. Draft Access Committee meeting minutes 11 December 2023 J.

Report 6.2 Page 138

**MONDAY 23 OCTOBER 2023** 

PRESENT: Cr Nikki Kiss, Danny Jackett, Julie Stephenson, Michael Aston-Brien, Paul McCaffrey, Katy

Oliver

OFFICERS PRESENT: Cass Gailey, Larissa Hackett,

APOLOGIES: Jayne Hook, Emma Roberts, Narelle Russell, Ian Thomas, Rod Stammers

ABSENT: Nikki Kurtz, Tamsin Triance,

GUEST: Tyler (Support/Carer), Robyn, Mayor Ruth Fagan

The meeting commenced at 10.10am

# I. CONFIRMATION OF MINUTES:

RESOLVED That the Minutes of the previous meeting held on 28 August 2023 be accepted.

Moved: D Jackett Second: P McCaffrey

CARRIED.

# 2. **BUSINESS ARISING FROM THE MINUTES:**

# 2.1 Neighbourhood Centre Parking

- Bollards have been installed.
- Issue raised regarding a signage post that is regularly backed into and would like I&O to consider it being moved.

# Actions:

- I. Rod investigate relocating sign.
- 2. Publicity to be arranged to educate community about bollards.

# 2.2 <u>Disability Inclusion Action Plan</u>

- There have been major changes to the Disability Act and all DIAPs are required to be rewritten.
- Currently with a consultant
- Survey to be distributed when available

# Actions:

Page 1 of 5

**MONDAY 23 OCTOBER 2023** 

3. Larissa Hackett to finalise survey and distribute to all parties.

# 2.3 Access Incentive Fund

- Updated policy adopted at September Council meeting with the Councillors recommending and approving major changes.
  - o Increase funding amount to \$10,000
  - Remove the need for match funding

#### Actions:

1. Cass distribute copy of adopted policy to committee.

#### 2.4 PAMP (PACP)

- The review of the PACP is ongoing

#### Actions:

I. Ian to advise when the PACP is on Public Exhibition.

#### 2.5 <u>Visit NSW accessibility options</u>

- The committee would like to assist the VIC in providing information on their website in regards to access in Cowra Shire.
- Members of the committee are always observing what is available in the community and noted that currently not all facilities in Cowra are fully accessible for everyone, this includes: playgrounds, businesses, footpaths, recreational/sporting activities.
- The committee would like a dedicated Accessible page that includes all facilities, locations, accommodation, premises, etc that are accessible and what type of accessibility they provide.
- Nikki distributed a 'Sample checklist for Accessibility' for the committee to do their own investigations as to what type of accessibility Cowra provides in each of its public locations.

#### Actions:

- 1. Cass to put together a spreadsheet as per Nikki's checklist recommendations and distribute to the committee.
- 2. Each committee member to do a survey, when possible, on each or some of the sites and provide feedback to Cass.

Page 2 of 5

**MONDAY 23 OCTOBER 2023** 

#### 2.6 Inclusive Playground

- To be included in DIAP
- Recommend Council considers adding an Inclusive Playground to the Operational Plan for next year

#### 2.7 Footpath Issues

- Rod following up on footpath issues previously raised
- Weeroona currently an island as the only way to access the footpaths are via driveways, there are no accessible ramps.

# 2.8 Adaptive Mountain Bike Track

- Recommend that an adaptive track is considered as part of the new MTB track that has been mentioned in the Sport & Rec Plan?

# 2.9 River Park Toilets

- Has been included in the updated Building/Playground Asset Plan
- Include works required in DIAP.
- Cowra Shire does not have an Adult Change Facility. An email has been received from the Visitor Information Centre advising that customers have been enquiring. A response email was provided thanking the Visitor Information Centre for their information, and that it will be discussed further by the Access Committee.
- New facilities going in at Olympic Park, are these adult change facilities? to be confirmed.
- Is it possible to open up access to one of the Accessible facilities at the Aquatic Centre via the Double doors using an MLAK key and blocking off access to the rest of the aquatic centre? This would enable Cowra to provide a public adult change facility without having to build a whole new structure.

# Actions:

I. I&O investigate if it is possible to access the Aquatic Centre accessible showers (as per above suggestion) and provide feedback to the committee.

#### 2.10 Coles carpark footpath access ramp

- Design has been completed and works being scheduled.
- Busby place is planned to be resealed before Xmas including line marking. New disabled car parking spaces will be line-marked at that time 2 spaces separated by a shared zone

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(with bollard) to the right hand side of the exit opposite the Optimal Chemist Carpark. The existing spaces will be removed.

#### Actions:

1. Rod to confirm if the new works will include the footpath access upgrade.

# 2.11 Riverpark/Pool Disabled Parking

 Disabled parking at River Park is now compliant and has been repainted with a bollard installed

#### 2.12 Neighbourhood Centre Disabled Toilets

- Committee advised that funding is currently being sought to amend the disabled toilets to enable wheelchair access.

# 3. **GENERAL BUSINESS:**

#### 3.1 Committee members

- It was noted that there are a few members (Nikki Kurtz and Tamsin Triance) that have not attended a meeting or contacted anyone to provide apologies. These members are in contravention of the S355 committee policy whereby they have not attended 3 consecutive meetings without leave.
- Nikki Kurtz provided a resignation notice to the committee.

# Actions:

I. A letter of thanks to be provided to Nikki and Tamsin.

# 3.2 <u>AGM</u>

 The AGM will be either conducted at the next meeting in December or the first meeting in 2024.

#### 3.3 <u>Japanese Gardens parking</u>

- The current Disabled parking space is on a hill, is it possible for this space to be moved.

# Actions:

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2. Rod to investigate if there is an alternative place for the disabled parking space at Japanese Gardens.

# 4. **NEXT MEETING:**

The next Access Committee meeting will be held Monday 11 December 2023.

# 5. MEETING CLOSE:

The meeting closed at 11:35am

Nikki Kiss Chair

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MONDAY II DECEMBER 2023

PRESENT: Cr Nikki Kiss, Danny Jackett, Emma Roberts, Julie Stephenson, Michael Aston-Brien, Paul

McCaffrey, Katy Oliver, Narelle Russell, Jayne Hook

OFFICERS PRESENT: Cass Gailey, Larissa Hackett,

**APOLOGIES**: lan Thomas, Rod Stammers,

**ABSENT**: Tamsin Triance,

GUEST: Judith (Support/Carer), Robyn Ambascheer

The meeting commenced at 10.10am

# I. CONFIRMATION OF MINUTES:

The Minutes of the previous meeting held on 23 October 2023 required changes and the amended minutes will be presented at the next meeting for acceptance.

#### 2. <u>AGM:</u>

All positions were declared vacant.

RESOLVED That Cr Nikki Kiss be appointed Chair of the Access Committee.

Moved: N Russell Second: E Roberts

CARRIED.

RESOLVED That Danny Jackett be appointed Deputy Chair of the Access Committee.

Moved: E Roberts Second: N Russell

CARRIED.

#### 3. **BUSINESS ARISING FROM THE MINUTES:**

# 3.1 Neighbourhood Centre Parking

- I&O currently investigating moving the signage post.

# Actions:

1. Rod provide an update at next meeting.

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# 3.2 <u>Disability Inclusion Action Plan</u>

- Currently with a consultant

# 3.3 Access Incentive Fund

- Updated policy to be distributed to the committee.
- Advertising of fund to be arranged

#### 3.4 PAMP (PACP)

- Committee advised that the review of the PACP has been assigned to a consultant to complete

# 3.5 <u>Visit NSW accessibility options</u>

- The committee recommends that a form is developed that community members can complete advising of accessible facilities
- The committee would like to open discussion with the VIC to offer assistance with updating their website

# 3.6 <u>Inclusive Playground</u>

- Recommend add to Operational Plan and DIAP

# 3.7 Footpath Issues

Rod to provide update at next meeting

# 3.8 Adaptive Mountain Bike Track

 Ask DIO whether consideration can be made to ensure that any potential MTB Track is adaptive/inclusive. A MTB Track is currently listed for investigation in the Sport & Recreation Plan 2021.

# 3.9 River Park Toilets

- Update to be provided at next meeting.

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**MONDAY II DECEMBER 2023** 

#### 3.10 Coles carpark footpath access ramp

- Possibly waiting on contractors - update to be provided at next meeting

# 3.11 Neighbourhood Centre Disabled Toilets

- Update to be provided at next meeting.

#### 3.12 Committee members

- Letters still to be sent to resigned members and non-attendees

#### Actions:

I. Send Robyn a nomination form.

#### 3.13 Japanese Gardens - Disabled car parking

 Committee advised that plans had be drawn up previously - Rod to provide update at next meeting

#### 4. **GENERAL BUSINESS:**

# 4.1 Kendal Street Access crossing

There is no safe accessible access across Kendal Street between Macquarie and Lachlan Streets. Pedestrians that require the use of laybacks and mid-crossing rests have to go down to the lights at Lachlan Street or back up to the pedestrian crossing near the Macquarie Street intersection.

#### Actions:

I. I&O investigate and consider if anything can be done to provide an accessible crossing/access around the Lachlan Hotel area if possible.

#### 4.2 Vaux Lane

- Danny advised that Vaux Lane is potentially dangerous at school pickup/dropoff as there are a lot of vehicles manoeuvring in this area and it is difficult to see kids on the footpath crossing the lane.

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#### Actions:

 Can I&O investigate this area and consider installing signage or road markings making motorists aware of kids about.

# 4.3 <u>Vaux Street Footpath</u>

- It was noted that the footpath on the south side of Vaux Street between Vaux Lane and Macquarie Street is in disrepair with lots of trip hazards and it is difficult for wheel chairs and less ambulant people to safely and easily use this section.

#### Actions:

1. I&O to investigate and advise if any repairs/improvements can be made.

# 4.4 Footpath Laybacks

- The laybacks outside Cowra Public School on Brisbane Street and outside the Neighbourhood Centre are difficult to access as the laybacks are located directly behind the parked vehicles.

#### Actions:

1. I&O to investigate and advise if the laybacks can be widened and/or moved.

# 4. **NEXT MEETING:**

The next Access Committee meeting will be held Monday 26 February 2024.

# 5. MEETING CLOSE:

The meeting closed at 10:43am

Nikki Kiss Chair

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# 7 LATE REPORTS

# 8 CONFIDENTIAL MATTERS

# **RECOMMENDATION**

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:

# 9 CONFIDENTIAL DIRECTOR-CORPORATE SERVICES

# 9.1 Request for Water Account Adjustment - Assessment Number 45481

This matter is considered to be confidential under Section 10A(2)(b) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with discussion in relation to the personal hardship of a resident or ratepayer.

# 9.2 Request for Water Account Adjustment - Assessment Number 70620

This matter is considered to be confidential under Section 10A(2)(b) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with discussion in relation to the personal hardship of a resident or ratepayer.

# 10 CONFIDENTIAL DIRECTOR-INFRASTRUCTURE & OPERATIONS

# 10.1 Request for Tender 16/2023 - Purchase of 14 Tonne Roller - Plant 125

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