



AGENDA

Ordinary Council Meeting

Date: Monday, 26 February 2024

Time: 5 pm

**Location: Cowra Council Chambers
116 Kendal Street, Cowra**

**Paul Devery
General Manager**

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I INTRODUCTION

I.1 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.

I.3 Apologies and Applications for Leave of Absence by Councillors

List of apologies for the meeting.

I.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?

I.5 Presentations

I.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 22 January 2024



MINUTES

**Ordinary Council Meeting
Monday, 22 January 2024**

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**MINUTES OF COWRA COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COWRA COUNCIL CHAMBERS, 116 KENDAL STREET, COWRA
ON MONDAY, 22 JANUARY 2024 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), Mrs Larissa Hackett (Director-Environmental Services), Mr Dirk Wymer (Director-Infrastructure & Operations)

I INTRODUCTION

1.1 Recording & publishing

The Mayor advised that the meeting was being recorded.

1.2 Acknowledgement of Country

The Mayor delivered the Acknowledgment of Country.

1.3 Apologies and Applications for Leave of Absence by Councillors

RESOLUTION 1/24

Moved: Cr Bill West

Seconded: Cr Nikki Kiss OAM

That apology from Cr Erin Watt be received and accepted.

CARRIED

1.4 Disclosures of Interest

Cr Cheryl Downing declared a non-pecuniary interest in relation to item 6.1 Development Application No. 39/2023, Lot 14 DP 1239980, Killara Road Cowra, 16 Lot Subdivision, lodged by W M Murphy due to previous employment with the applicant.

Cr Nikki Kiss OAM declared a non-pecuniary interest in relation to item 5.3 Section 355 Committee Draft Minutes - Cowra Youth Council due to her son being a member of the Youth Council.

Cr Bill West declared a non-pecuniary interest in relation to item 6.1 Development Application No. 39/2023, Lot 14 DP 1239980, Killara Road Cowra, 16 Lot Subdivision, lodged by W M Murphy due to commercial interests with the developer company.

Cr Ruth Fagan declared a pecuniary interest in relation to item 6.1 Development Application No. 39/2023, Lot 14 DP 1239980, Killara Road Cowra, 16 Lot Subdivision, lodged by W M Murphy due to her husband's involvement in the development.

1.5 Presentations

Nil

1.6 Public Forum

Nil

2 CONFIRMATION OF MINUTES**RESOLUTION 2/24**

Moved: Cr Judi Smith

Seconded: Cr Paul Smith

That the minutes of Ordinary Council Meeting held on 18 December 2023 be confirmed.

CARRIED

3 MAYORAL MINUTES**3.1 Mayoral Minute - Central NSW Joint Organisation Board Meeting Report November 2023****RESOLUTION 3/24**

Moved: Cr Ruth Fagan

Seconded: Cr Bill West

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

CARRIED

4 GENERAL MANAGER**4.1 Section 355 Committee Minutes - CBD Committee****RESOLUTION 4/24**

Moved: Cr Sharon D'Elboux

Seconded: Cr Cheryl Downing

That:

- 1. 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.**

CARRIED

5 DIRECTOR-CORPORATE SERVICES**5.1 Investments****RESOLUTION 5/24**

Moved: Cr Bill West

Seconded: Cr Sharon D'Elboux

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

CARRIED

5.2 Release of Closed Decisions**RESOLUTION 6/24**

Moved: Cr Cheryl Downing

Seconded: Cr Nikki Kiss OAM

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**

- 1. 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.

Request for Tender 13/2023 - Delivery of Stormwater Drainage Projects**RESOLUTION 283/23**

That Council:

- 1. Accept the offer from Consenth 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.**

CARRIED

5.3 Section 355 Committee Draft Minutes - Cowra Youth Council**RESOLUTION 7/24**

Moved: Cr Judi Smith

Seconded: Cr Sharon D'Elboux

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

CARRIED

At 5:20 pm, Cr Ruth Fagan left the meeting and Cr Paul Smith assumed the position of Chair

At 5:20 pm, Cr Cheryl Downing left the meeting.

6 DIRECTOR-ENVIRONMENTAL SERVICES6.1 Development Application No. 39/2023, Lot 14 DP 1239980, Killara Road Cowra, 16 Lot Subdivision, lodged by W M Murphy**RESOLUTION 8/24**

Moved: Cr Peter Wright

Seconded: Cr Nikki Kiss OAM

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**I. 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 Pressure Sewer System Design Summary Report Revision 1	Aquatec 17 March 2023	Received 27 July 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	SEEC 21/12/2023	Received 21 December 2023 Stamped No. DA 10.2023.39.1(A)

Dwg No. STW01		
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 Investigation Ref: 7370c	Envirowest Consulting Pty Ltd 19/08/2016	Received 27 July 2023 Stamped 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 ³	Rate ¹	Rate Amount	No. of Lots ²	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 ¹ Per Lot ² No. of additional lots created. The original lot is discounted from the calculations. ³ 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

- 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.

- 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.
- 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.
11. 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 1 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																
Building Restrictions	<p>No filling is to be placed below the flood planning level on each of the following lots, being:</p> <table border="1" data-bbox="762 707 1426 1099"> <thead> <tr> <th>Proposed Lot</th><th>RL</th></tr> </thead> <tbody> <tr> <td>100</td><td>292.900 AHD</td></tr> <tr> <td>101</td><td>292.410 AHD</td></tr> <tr> <td>106</td><td>293.990 AHD</td></tr> <tr> <td>107</td><td>293.170 AHD</td></tr> <tr> <td>108</td><td>292.890 AHD</td></tr> <tr> <td>113</td><td>289.020 AHD</td></tr> <tr> <td>114</td><td>289.020 AHD</td></tr> </tbody> </table>	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
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114	289.020 AHD																
Building Restrictions	<p>The floor level of any dwelling or other habitable structure installed or constructed on the following lots is to be at or above the flood planning level, being:</p> <table border="1" data-bbox="762 1346 1426 1733"> <thead> <tr> <th>Proposed Lot</th><th>RL</th></tr> </thead> <tbody> <tr> <td>100</td><td>292.900 AHD</td></tr> <tr> <td>101</td><td>292.410 AHD</td></tr> <tr> <td>106</td><td>293.990 AHD</td></tr> <tr> <td>107</td><td>293.170 AHD</td></tr> <tr> <td>108</td><td>292.890 AHD</td></tr> <tr> <td>113</td><td>289.020 AHD</td></tr> <tr> <td>114</td><td>289.020 AHD</td></tr> </tbody> </table>	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
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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 114	Reticulated Water 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 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	At the time of sale of the lots,

	Contributions	arrangements must be made for the payment of the Section 7.11 Contributions as detailed in condition 4.
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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 fibre-ready 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

1. 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.

CARRIED

In Favour: Crs Paul Smith, Sharon D'Elboux, Nikki Kiss OAM, Judi Smith, Bill West and Peter Wright

Against: Nil

CARRIED 6/0

At 5:30 pm, Cr Ruth Fagan returned to the meeting assumed the position of Chair and Cr Cheryl Downing returned to the Chambers.

6.2 Section 355 Committee minutes - Draft Access Committee meetings held 23 October 2023 and 11 December 2023

RESOLUTION 9/24

Moved: Cr Peter Wright

Seconded: Cr Judi Smith

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.

CARRIED

7 LATE REPORTS

Nil

8 CONFIDENTIAL MATTERS

RESOLUTION 10/24

Moved: Cr Nikki Kiss OAM

Seconded: Cr Judi Smith

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.

CARRIED

3 GENERAL COMMITTEE RECOMMENDATIONS - MONDAY, 12 FEBRUARY 2024

File Number: D24/214

Author: Michael Jones, Director - Corporate Services

The Committee refers the following recommendations to Council:

GENERAL MANAGERS REPORT

3.1 Section 355 Committee Draft Minutes - CBD Committee

RECOMMENDATION

That the draft minutes of the CBD Committee meeting held on 16 January 2024 be noted.

DIRECTOR-CORPORATE SERVICES REPORT

3.2 Sculpture Park Master Plan

RECOMMENDATION

1. That Council adopt the Draft Sculpture Park Masterplan.
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.

3.3 Investments

RECOMMENDATION

That Council note the Investments and Financial Report for January 2024.

DIRECTOR-INFRASTRUCTURE & OPERATIONS REPORT

3.4 Cowra Waste and Resource Recovery Strategy 2023-2032

RECOMMENDATION

1. That Council endorses the draft Cowra Waste and Resource Recovery Strategy 2023-2032 for the purpose of public exhibition for a minimum of twenty eight (28) days 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 Cowra Waste and Resource Recovery Strategy 2023-2032 considering any submissions made.

3.5 Cowra Material Recycling Facility - Proposal to Extend Sorting Lines Storage Area

RECOMMENDATION

That Council approves the construction of an extension to the CDS storage area at the Cowra Material Recycling Facility with funding to be transferred from the 'Waste - General' reserve at the third quarter review.

DIRECTOR-ENVIRONMENTAL SERVICES REPORT

3.6 Development Application No. 118/2023, Lot 2 DP 1166678, 506 Binni Creek Road Cowra, two general industrial sheds, lodged by M J Croker

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 1.1.8 of Part 1 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 Section 1.1.8 of Part 1 of Council's Development Control Plan 2021 for this development to allow industrial development without reticulated water and sewer connections; and
3. That Development Application No. 118/2023, for the construction of two general industrial sheds on Lot 2 DP 1166678, 506 Binni Creek 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
Existing Site Plan Drawing 1	Vision Property Development Hub 31/8/2023	Received 14 November 2023 Stamped No. 10.2023.118.1
Proposed Site Plan Drawing 2B	Vision Property Development Hub 31/8/2023	Received 14 November 2023 Stamped No. 10.2023.118.1
Shed Layout Drawing 3B	Vision Property Development Hub 31/8/2023	Received 14 November 2023 Stamped No. 10.2023.118.1
Shed Layout & Truck Turnpath Drawing 4A	Vision Property Development Hub 31/8/2023	Received 14 November 2023 Stamped No. 10.2023.118.1
Proposed Floor Plan (Shed 1) Drawing 5	Vision Property Development Hub 31/8/2023	Received 14 November 2023 Stamped No. 10.2023.118.1
Elevations (Shed 1) Drawing 6	Vision Property Development Hub 31/8/2023	Received 14 November 2023 Stamped No. 10.2023.118.1
Proposed Floor Plan (Shed 2) Drawing 7	Vision Property Development Hub 31/8/2023	Received 14 November 2023 Stamped No. 10.2023.118.1
Elevations (Shed 2) Drawing 8	Vision Property Development Hub 31/8/2023	Received 14 November 2023 Stamped No. 10.2023.118.1
Cut and Fill Plan Drawing 11	Vision Property Development Hub 1/12/2023	Received 14 December 2023 Stamped No. 10.2023.118.1
Cross Section Cut Plan Drawing 12	Vision Property Development Hub 1/12/2023	Received 8 December 2023 Stamped No. 10.2023.118.1 (A)
Landscape Plan	Vision Property	Received

Drawing 13	Development Hub 1/12/2023	14 December 2023 Stamped No. 10.2023.118.1 (B)
Erosion and Sediment Control Plan Drawing 14	Vision Property Development Hub 7/12/2023	Received 8 December 2023 Stamped No. 10.2023.118.1
Part Erosion and Sediment Control Plan Drawing 15	Vision Property Development Hub 7/12/2023	Received 8 December 2023 Stamped No. 10.2023.118.1
Statement of Environmental Effects Version 3	Vision Property Development Hub 8/1/2023	Received 11 January 2024 Stamped No. 10.2023.118.1 (B)
Response Letter	Vision Property Development Hub 8/12/2023	Received 8 December 2023 Stamped No. 10.2023.118.1

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. Any cutting and filling on the site shall be either battered at a maximum slope of one vertical to two horizontal (1V:2H) and revegetated or suitably retained by a retaining structure, designed and constructed to appropriate engineering standards. A retaining wall that does not comply with State Environmental Planning Policy (Exempt & Complying Development Codes) 2008 will require the prior consent of Council. The erection of retaining walls may require the approval and certification of a suitably qualified structural engineer. All works are to be carried out within the boundaries of the property and without affecting the structural integrity of boundary fencing or neighbouring structures.
4. Provide on-site parking for a minimum of 10 car parking spaces in accordance with the submitted plans. Car parking and trafficable areas shall be designed and maintained in accordance with Cowra Council Development Control Plan 2021.
5. Car parking facilities, including all internal parking and manoeuvring areas are to be constructed and sealed in accordance with Australian Standard 2890.1 Off-Street Car Parking and Australian Standard 2890.2 Commercial Vehicle Facilities and are to include all necessary line marking, directional arrows and signage to delineate parking spaces,

traffic flow and traffic priority. All costs associated with the construction of the parking area shall be borne by the Applicant.

6. Parking for disabled persons is to be provided and signposted in accordance with the approved plans and the requirements of Australian Standard 2890.1. The access linking such parking areas to their associated developments shall generally not have gradients steeper than 1:14.
7. Any excess clean fill (inert clean waste) removed from the site is to be taken to either:
 - (a) a public waste disposal facility; or
 - (b) a site authorised for the fill under a State Environmental Planning Policy or by separate development consent by Council.
8. Business operations, including the use of noise generating equipment within the factory/warehouse buildings, loading/unloading operations and truck deliveries shall be restricted to day time hours only, being from 7.00am to 6.00pm, unless it can be proven by actual noise testing and further noise assessment reporting that such operations do not cause excessive noise impacts on nearby residences in accordance with the noise goals set out in the NSW EPA's Noise Policy for Industry (2017).

The noise assessment report would need to be prepared by a suitably qualified acoustic engineer and submitted to Cowra Council for verification of compliance with the Noise Policy for Industry (2017) before any loading/unloading activities could be carried out between 7.00pm and 6.00am.
9. The land-use of the development is to comply with the definition of general industry under the Cowra Local Environmental Plan 2012. A separate DA to be lodged for the future use of the buildings should a different land use be proposed.
10. The primary entrances and pathways to the building are to comply with the requirements of the Disability (Access to Premises – Buildings) Standards 2010 and Australian Standard 1428.1-2009 Design for Access and mobility.

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

11. Pursuant to Section 7.12 (formerly Section 94A) of the Environmental Planning & Assessment Act 1979, the monetary contribution set out in the following table is to be paid to Council prior to the issue of a Construction Certificate. The contribution is current as at the date of this consent and is levied in accordance with the Cowra Section 94A Contributions Plan 2016 adopted on 26 April 2016. The contribution 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	Proposed Cost of Development ¹	Levy Percentage	Total Contribution	Contribution Rate Remains Current Until
Section 94A Contribution ²	\$324,190.00	1%	\$3,241.90	30 June 2024
Notes ¹ As shown on the Development Application/Construction Certificate Application/Complying Development Certificate Application ² Council's Section 94A 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				

12. Prior to the issue of a Construction Certificate, the Applicant must submit to Cowra Shire Council an application to Install and Operate an On-Site Sewage Management System under Section 68 of the *Local Government Act 1993*. The application must be accompanied by a report prepared by a suitably qualified professional including a geotechnical report to confirm that an On-Site Sewage Management System can operate in the proposed area.
13. 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.
14. Prior to the issue of a Construction Certificate, a Soil and Water Management Plan shall be submitted to the Principal Certifier for approval. The plan is to be prepared in accordance with Part B.1.6. of the DCP and demonstrate that adequate provision will be made for the estimated potential stormwater runoff from the development to the satisfaction of the Principal Certifier.

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE COMMENCEMENT OF WORKS

15. 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.
16. 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.

17. 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'.
18. 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.
19. The Applicant is to obtain all relevant approvals to Install and Operate an On-Site Sewage Management System from Cowra Shire Council prior to commencing works to install the system and comply with any conditions of that approval. The works must be inspected by Council at the times specified below:
 - a) Tank Installation: When the tank is installed and prior to backfilling.
 - b) Absorption Trench: When void arching and stone void fill is in place prior to covering.

All work must be carried out by a licensed plumber or drainer and to the requirements of NSW Environment and Health Protection Guidelines, Plumbing Code of Australia and Australian Standard/ New Zealand Standard 1547:2000 On-Site Domestic Wastewater Management. The licensed plumber or drainer must notify Cowra Council at least 48 hours before each required inspection needs to be carried out.

CONDITIONS TO BE COMPLIED WITH DURING CONSTRUCTION

20. 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.
21. 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.
22. 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*.
23. 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.

24. 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.
25. All roofed and paved areas are to be properly drained in accordance with the Plumbing Code of Australia and discharged three metres clear of any building/structure in a manner that does not cause soil erosion or nuisance to adjoining properties.
26. All plumbing work shall be carried out by a licensed plumber and drainer and to the requirements of the Plumbing Code of Australia. The licensed plumber or drainer must submit a Notice of Works form to Council prior to the commencement of any plumbing and drainage works and a Certificate of Compliance at the completion of the works. The plumbing and drainage works must be inspected by Council at the time specified below:
 - (a) Internal Drainage: When all internal drainage work is installed and prior to concealment. Pipes should be under water test.
 - (b) External Drainage: When all external drainage work is installed and prior to concealment. Pipes should be under water test.
 - (c) Water Supply: Hot and cold water supply pipework, when the pipework is installed and prior to concealment. Pipes should be under pressure test.
 - (d) Stormwater: When the stormwater and roof water drainage system has been completed.

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

27. Provide a minimum of 100,000 litres of tanked water supply per the approved plans. 10,000 litres of water supply shall be reserved for firefighting purposes in accordance with the NSW Rural Fire Service requirements. Where the total volume is provided in a single tank, the draw off point for the domestic supply is to be located at or above the 10,000 litre level. The tank shall be fitted with a 65mm Storz fitting and ball or gate valve. Water tanks shall be generally located in close proximity to the development and allow access for fire fighting vehicles.

Water tanks are not to be constructed of plastic if they are to be exposed

to medium to high level bushfire risk. Further information relating to the location and design of water tanks and emergency firefighting requirements for water tanks and connections can be downloaded from the NSW Rural Fire Service website, www.rfs.nsw.gov.au.

28. The Applicant must not commence occupation or use of the sheds until a Whole or Partial Occupation Certificate has been issued from the Principal Certifier appointed for the subject development.
29. Prior to the issue of a Whole Occupation Certificate, the Applicant shall construct/upgrade the access crossing to the development site from Binni Creek Road 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.

- 3.7 Development Application No. 57/2020, Lot 2 DP 557714, Lot 1 DP 1201417, Lot 10 DP 1107219 & Lot 3905 DP 1200283, 2-4 Kite Street Cowra, continued use of, and proposed upgrades to landscaping material supplies, lodged by Buzzree Pty Ltd

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 application was publicly notified and no submissions were received; and
2. That Development Application No. 57/2020, for the continued use of, and proposed upgrades to landscaping material supplies on Lot 2 DP 557714, Lot 1 DP 1201417, Lot 10 DP 1107219 & Lot 3905 DP 1200283, 2-4 Kite Street Cowra be approved subject to the following conditions:

GENERAL TERMS OF APPROVAL – NSW DEPARTMENT OF PLANNING AND ENVIRONMENT – WATER

3. Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Department of Planning and Environment-Water, and obtained, for a controlled activity approval

under the Water Management Act 2000.

4. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule I, relating to Development Application DA 57/2020 provided by Council to Department of Planning and Environment-Water.
5. A. The application for a controlled activity approval must include the following plan(s):
 - a) Site plans
 - b) Soil and water management plan
 - c) Erosion and sediment control plans
 - d) Construction stormwater drainage outlet plan
 - e) Vegetation management plan
 - f) Construction detailed basin design plans
- B. The plan(s) must be prepared in accordance with Department of Planning and Environment-Water's guidelines located on the website <https://www.dpie.nsw.gov.au/water/licensing-and-trade/approvals/controlled-activity-approvals/what/guidelines>

CONDITIONS OF CONSENT – TRANSPORT FOR NSW

6. The applicant must comply with the requirements of T HR CI 12090 ST Airspace and External Developments (Link: <https://www.transport.nsw.gov.au/industry/asset-standards-authority/finda-standard/airspace-and-external-developments-1>) and Development Near Rail Corridors and Busy Roads- Interim Guidelines (Link [development-near-rail-corridors-and-busy-roads-interim-guidelines-2008.ashx](https://www.transport.nsw.gov.au/industry/asset-standards-authority/finda-standard/development-near-rail-corridors-and-busy-roads-interim-guidelines-2008) (nsw.gov.au)). Please note that State Environmental Planning Policy (Infrastructure) 2007 referred in the above documents has been superseded by State Environmental Planning Policy (Transport and Infrastructure) 2021.
7. The applicant must ensure its employees and all other persons do not enter any parts of the rail land other than the licenced premises unless otherwise permitted in writing in advance.
8. Prior to the commencement of works, if required the applicant shall provide certification/document from a qualified Geotechnical and Structural Engineers stating that the proposed works are to have no negative impact on the rail corridor and associated rail infrastructure. The applicant must consult and obtain written approval from UGLRL and TfNSW regarding any works involving penetration of ground if the excavation depth is greater than 2m depth with 25m of the rail corridor.
9. Prior to the commencement of works, the applicant shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of UGLRL on behalf of TfNSW.
10. Prior to the commencement of works, the applicant must acquire written

approval from UGLRL and TfNSW to its stormwater management plan to confirm post-development flows should be equal or less than that of pre-development flows (or post-development flows should not exceed pre-development flows) and to ensure that the development is not directed to railway land and had no adverse impact on the rail corridor.

11. Prior to the commencement of works, appropriate fencing must be placed between the proposed development site, and the remainder of the rail corridor to prevent unauthorised access. Before installing any fencing work, the applicant must obtain approval from TfNSW. The applicant is advised to contact UGLRL's third party works via thirdpartyworks@uglregionallinx.com.au for more information.
12. Prior to the commencement of any work – cranes and equipment:
 1. If required, the applicant must submit an application to UGLRL for approval of TAHE prior to any use of cranes and equipment (Equipment) in the air space over the rail corridor.
 2. If required, the applicant is required to provide a safety assessment of the works necessary for the development assessing any potential impact or intrusion on the Danger Zone (as defined in the UGLRL Network Rules and Procedures and that any works are undertaken by a qualified Protection Officer.
 3. The use of Equipment must be in accordance with the AS 2550 series of Australian Standards, Cranes, Hoist and Winches, including AS2550 15-1994 Cranes – Safe Use - Concrete Placing Equipment.

GENERAL CONDITIONS

13. 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
Existing Project Site Layout Figure A	RW Corkery & Co December 2023	Received 21 December 2023 Stamped No. 57/2020(A)
Proposed Project Site Layout Figure 2.1	RW Corkery & Co December 2023	Received 21 December 2023 Stamped No. 57/2020(A)
Statement of Environmental Effects Ref 983/06	RW Corkery & Co December 2023	Received 21 December 2023 Stamped No. 57/2020(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.

14. The applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Environmental Planning and Assessment Regulation 2021 (see attached Advisory Note).
15. The applicant shall obtain the written agreement (and any associated permits, leases or purchases required) from Cowra Council for the use of road reserves within the existing project site and two Council owned lots within the site, being Lot 1 DP 1201417 and Lot 10 DP 1107219.
16. Approved hours of operation are as follows:

Landscaping Materials Delivery and Supply	Monday to Friday	7:00am to 5:00pm
	Saturday	7:00am to 12:00pm
	Sunday & Public Holidays	No Operations
Emergency Maintenance	All Days	24 hours

17. No advertising sign and/or structure other than that which is permitted under this development approval or permissible without consent (exempt development) is to be erected as part of the approved development until a formal application has been submitted to Council and a development consent has been issued.
18. All traffic movements in and out of the development are to be in a forward direction.
19. The emission of noise from the premises must be in accordance with the recommendations of the Noise and Vibration Impact Assessment prepared by Spectrum Acoustics Pty Ltd and the Noise Policy for Industry published by the NSW Environment Protection Authority (2017).

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE COMMENCEMENT OF WORKS

20. 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'.
21. Prior to the commencement of works, the applicant shall provide to the Principal Certifier evidence of the agreement reached with Cowra Council referenced in condition 13.
22. Prior to the commencement of works, a car parking plan is to be provided for the approval of the Principal Certifier that includes the provision of one disabled parking space at the office to be constructed and/or line-marked in accordance with AS2890.6 – Off-street parking for people with disabilities.
23. 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 Soil and Water Management Plan prepared by Strategic Environmental and Engineering

Consulting Pty Ltd and Part B of Cowra Shire Council Development Control Plan 2021 at all times.

24. 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 entirely within the boundaries of the property.

CONDITIONS TO BE COMPLIED WITH DURING CONSTRUCTION

25. 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.
26. 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.
27. 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.
28. 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.
29. The applicant must obtain any approvals required under Section 68 of the Local Government Act 1993 for water supply work, sewerage and stormwater drainage work or the disposal of liquid waste into Council's sewer.

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

30. The Applicant must not continue the occupation or use of the landscaping materials supplies until a Whole or Partial Occupation Certificate has been issued from the Principal Certifier appointed for the subject development. An Occupation Certificate Application must be submitted to the Principal Certifier accompanied by the relevant fee prior to arranging an inspection. If Cowra Council is the Principal Certifier appointed for the subject development an inspection for the Occupation Certificate can be arranged by contacting Environmental Services on (02)

6340 2040.

31. Prior to the issue of any Occupation Certificate, evidence is to be provided to the Principal Certifier that the disturbed areas encroaching on land controlled by Transport for NSW (on Lot 3905 DP 1200283) not covered by the licence agreement has been remediated to the satisfaction of TfNSW.
32. Prior to the issue of any Occupation Certificate, the 10m wide Vegetated Riparian Zone is to be established along the southern boundary of the site in accordance with the species mix and methodology outlined in the Statement of Environmental Effects. Ringlock wire fencing is to be erected to delineate the revegetated area and to prevent accidental access to the revegetated area by site personnel and customers. Regular watering is to be undertaken for a minimum of 2 months following establishment.
33. Prior to the issue of any Occupation Certificate, stormwater infrastructure is to be completed in accordance with the Soil and Water Management Plan prepared by Strategic Environmental and Engineering Consulting Pty Ltd.
34. Prior to the issue of any Occupation Certificate, carparking is to be constructed and/or line-marked in accordance with the approved plan.

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.

- 3.8 Development Application No. 70/2023, Lot 74 DP 752948, 77-81 Grenfell Road Cowra, 9 Lot Community Title subdivision, lodged by P Hurrell

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 application was publicly notified and 3 submissions were received which are addressed in this report; and
2. That Development Application No. 70/2023, for the development of a 9 lot community title subdivision on Lot 74 DP 752948, 77-81 Grenfell Road Cowra be approved subject to the following conditions:

GENERAL CONDITIONS

1. Pursuant to Section 4.16 (3) of the Environmental Planning and Assessment Act 1979 this is a "deferred commencement" consent and as

such this consent is not to be enacted until such time as Condition 2 is satisfactorily complied with.

2. Provide written evidence to Council that the owners of Lot 11 DP 1072191 agree to the installation of sewer infrastructure and the creation of an associated easement for the purpose of connecting the proposed subdivision to Council's reticulated sewer main on Lot 11 DP 1072191.
3. 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
General Arrangement Plan Dwg. No. C01 Issue E	Calare Civil Consulting Engineers 24/11/23	Received 30 November 2023 Stamped No. DA 10.2023.70.1(A)
Site Diagram Dwg. No. SD001 D	Vision Town Planning Consultants 22/11/23	Received 30 November 2023 Stamped No. DA 10.2023.70.1(A)
Sewer Diagram Dwg. No. SD002 A	Vision Town Planning Consultants 22/11/23	Received 30 November 2023 Stamped No. DA 10.2023.70.1(A)
Utilities Diagram Dwg. No. UD001 C	Vision Town Planning Consultants 22/11/23	Received 30 November 2023 Stamped No. DA 10.2023.70.1(A)
Statement of Environmental Effects Version 2	Vision Town Planning Consultants 23/11/23	Received 30 November 2023 Stamped No. DA 10.2023.70.1(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.

4. 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).
5. Any landscaping, signage and fencing is not to impede sight lines of traffic and/or pedestrians within the development or when entering and leaving the development. Safe intersection sight distances are to be maintained

for the development.

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

6. 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 access 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.

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 the provisions of the Cowra Shire Council Development Control Plan 2021 at all times.
8. 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

9. 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 are to be identified on engineering drawings. The maximum gradient of the associated access driveways across a property line or building alignment shall be 1 in 20 (5%) in accordance with AS/NZS 2890.1:2004- 2.6 Design of domestic driveways.
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. Any costs associated with the augmentation of water reticulation relating to the development shall be borne by the Applicant and at no cost to Council.
11. 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. Plans should also detail measures for erosion and sedimentation control.

12. Prior to the issue of a Subdivision Works Certificate, a fencing plan shall be submitted and approved by Council's Director – Environmental Services with details of a proposed Colorbond fence on the boundary with Lot 11 DP 1072191. The plan is to be signed by the owners of Lot 11.
13. 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 works, sewerage works and stormwater drainage works and to connect to the existing water supply and sewerage system network must be obtained.

CONDITIONS TO BE COMPLIED WITH DURING CONSTRUCTION WORKS

14. 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.
15. 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.
16. 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.
17. The Applicant shall connect all new lots in the subdivision to a new Low-Pressure Sewerage System connected to Council's Gravity Sewer Reticulation system in Lot 11 DP 1072191. 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

18. 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 prior to the issue of a Subdivision Certificate. 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 ³	Rate ¹	Rate Amount	No. of Lots ²	Total Contribution	Rate remains current until
Open Space Recreational Sporting Facilities	Lot	\$814.36	7	\$5,700.52	30 June 2024
Civic & Community Facilities	Lot	\$1,316.06	7	\$9,212.42	30 June 2024
Transport Infrastructure	Lot	\$0.00	7	\$0.00	30 June 2024
Plan Management Administration	Lot	\$152.87	7	\$1,070.09	30 June 2024
Total Contribution Payable				\$15,983.03	30 June 2024
Per Lot Contribution Payable				\$2,283.29	30 June 2024
Notes ¹ Per Lot ² No. of additional lots created. The original lot is discounted from the calculations. ³ 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					

19. Prior to the issue of the Subdivision Certificate, the Colorbond fence approved in accordance with Condition 12 is to be constructed and all other lot boundaries are to be fenced in accordance with Section D.4.11 of Part D of Cowra Council Development Control Plan 2021.
20. Prior to the issue of the Subdivision Certificate, the existing dam is to be filled and compacted in accordance with AS3798-2007 Guidelines on earthworks for commercial and residential developments. A geotechnical report is to be submitted to Council confirming that the works comply with the above guidelines. Testing for the report is to be conducted in accordance with AS1289-2021 Methods of testing soils for engineering purposes.
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 fibre-ready 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. Prior to issue of the Subdivision Certificate, a copy of the Management Statement for the Community Scheme is to be submitted for the approval of Council.
29. 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. Three metre wide easements are required to be centrally located over all sewerage mains for purposes of providing access to the mains system and for maintenance purposes. This includes an easement

over the proposed sewer on Lot 11 DP 1072191.

30. The Applicant is required to obtain a Certificate of Compliance pursuant to Section 64 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. Separate water and sewer reticulation mains and metered services must be physically provided to the development in accordance with Cowra Council Development Control Plan 2021 and 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. All monetary contributions in relation to the augmentation of reticulated water and sewerage must be paid in full to Cowra Shire Council before the Subdivision Certificate will be issued. Necessary inspections must be arranged at least 48 hours in advance. Contact Cowra Infrastructure and Operations on (02) 6340 2070.

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.

4 GENERAL MANAGER

4.1 2024 Meeting Dates

File Number: D24/30

Author: Paul Devery, General Manager

RECOMMENDATION

1. That Council rescind Resolution 232/23 from November 2023:

That Council adopt the following Council meeting dates for 2024:

<i>Month</i>	<i>Day</i>	<i>Date</i>	<i>Meetings</i>	<i>Time</i>
JANUARY	<i>Monday</i>	22	<i>Ordinary Council</i>	5pm
FEBRUARY	<i>Monday</i>	12	<i>General Committee</i>	5pm
	<i>Monday</i>	26	<i>Ordinary Council</i>	5pm
MARCH	<i>Monday</i>	11	<i>General Committee</i>	5pm
	<i>Monday</i>	25	<i>Ordinary Council</i>	5pm
APRIL	<i>Monday</i>	8	<i>General Committee</i>	5pm
	<i>Monday</i>	22	<i>Ordinary Council</i>	5pm
MAY	<i>Monday</i>	13	<i>General Committee</i>	5pm
	<i>Monday</i>	27	<i>Ordinary Council</i>	5pm
JUNE	<i>Tuesday</i>	11	<i>General Committee</i>	5pm
	<i>Monday</i>	24	<i>Ordinary Council</i>	5pm
JULY	<i>Monday</i>	8	<i>General Committee</i>	5pm
	<i>Monday</i>	22	<i>Ordinary Council</i>	5pm
AUGUST	<i>Monday</i>	12	<i>General Committee</i>	5pm
	<i>Monday</i>	26	<i>Ordinary Council</i>	5pm
SEPTEMBER	<i>Monday</i>	30	<i>Ordinary Council</i>	5pm
OCTOBER	<i>Monday</i>	14	<i>General Committee</i>	5pm
	<i>Monday</i>	28	<i>Ordinary Council</i>	5pm
NOVEMBER	<i>Monday</i>	11	<i>General Committee</i>	5pm
	<i>Monday</i>	25	<i>Ordinary Council</i>	5pm
DECEMBER	<i>Monday</i>	9	<i>General Committee</i>	5pm
	<i>Monday</i>	16	<i>Ordinary Council</i>	5pm

2. That Council adopt the following Council meeting dates for 2024:

Month	Day	Date	Meetings	Time
JANUARY	Monday	22	Ordinary Council	5pm
FEBRUARY	Monday	12	General Committee	5pm
	Monday	26	Ordinary Council	5pm
MARCH	Monday	11	General Committee	5pm
	Monday	25	Ordinary Council	5pm
APRIL	Monday	8	General Committee	5pm
	Monday	22	Ordinary Council	5pm

MAY	Monday	13	General Committee	5pm
	Monday	27	Ordinary Council	5pm
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	Monday	24	Ordinary Council	5pm
JULY	Monday	8	General Committee	5pm
	Monday	22	Ordinary Council	5pm
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	Monday	26	Ordinary Council	5pm
OCTOBER	Monday	14	Ordinary Council	5pm
	Monday	28	Ordinary Council	5pm
NOVEMBER	Monday	11	General Committee	5pm
	Monday	25	Ordinary Council	5pm
DECEMBER	Monday	9	General Committee	5pm
	Monday	16	Ordinary Council	5pm

INTRODUCTION

In November 2022 Council adopted a meeting schedule for 2024, a copy of the resolution is included at Attachment 1.

BACKGROUND

On 19 December 2023 the NSW Electoral Commission issued Election Update No.3 that addressed the first meeting of new councils following the 14 September 2024 election. The excerpt from the update is reproduced below:

The proposed timetable for counting and results is relevant for councils planning their meetings for 2024, particularly the first meeting of the new council following election day. As in 2021, the close of receipt of completed postal votes is 13 days after election day.

That means postal votes can be received by the NSW Electoral Commission up to 6pm on Friday, 27 September 2024. Final counts and distributions of preferences will commence on Monday, 30 September, with the election results in each area progressively announced from Monday, 30 September to Wednesday, 2 October 2024.

Candidates have 24 hours after results are announced to lodge a request for a recount, should they wish to do so. Unless a recount request is under consideration or a recount is to be conducted, results will be declared by the returning officers as soon as practical after the recount deadlines pass, from Tuesday, 1 October to Thursday, 3 October 2024.

An election for a mayor or for councillors is only complete once results have been officially declared. Official results will be published on the Electoral Commission's website immediately following each declaration and a copy will be provided to each council's general manager.

Given the results will not be declared until sometime between 1 October 2024 and 3 October 2024 it will not be possible to have a council meeting on 30 September 2024.

It is recommended the meeting schedule for 2024 be amended to remove any council meeting in September and have two council meetings in October, the first on 14 October 2024, primarily to elect the Mayor and Deputy Mayor, and a second on 28 October 2024. I would note that adopting the schedule does not prevent the calling of an extraordinary meeting if one is required during this time.

BUDGETARY IMPLICATIONS

Nil

ATTACHMENTS

- I. Extract - Council Minutes November 2023 [↓](#)

EXTRACT ORDINARY COUNCIL MEETING MINUTES 27 NOVEMBER 2023

I GENERAL MANAGER**4.1 Council Meeting Dates for 2024****RESOLUTION I/23**

Moved: Cr Judi Smith

Seconded: Cr Nikki Kiss

That Council adopt the following Council meeting dates for 2024:

Month	Day	Date	Meetings	Time
JANUARY	Monday	22	Ordinary Council	5pm
FEBRUARY	Monday	12	General Committee	5pm
	Monday	26	Ordinary Council	5pm
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	Monday	28	Ordinary Council	5pm
NOVEMBER	Monday	11	General Committee	5pm
	Monday	25	Ordinary Council	5pm
DECEMBER	Monday	9	General Committee	5pm
	Monday	16	Ordinary Council	5pm

CARRIED

4.2 Delivery Program 2022-2023 to 2025-2026 Operational Plan 2023-2024 Six-Month Review to 31 December 2023

File Number: D24/178

Author: Paul Devery, General Manager

RECOMMENDATION

That the Delivery Program 2022-2023 to 2025-2026 and Operational Plan 2023-2024 - Six Month Review to 31 December 2023 be noted.

INTRODUCTION

The integrated Delivery Program 2022-2023 to 2025-2026 and Operational Plan 2023-2024 is based on the Community Strategic Plan and outlines how Cowra Council will undertake to work towards meeting the goals of the community over the four-year term of elected members and on an annual basis.

BACKGROUND

The Delivery Program objectives have been set at the beginning of this Council term and will remain substantially unchanged over the four-year period. The Operational Plan actions show how from year to year Council will work towards the Delivery Program objective. The Operational Plan also includes Council's detailed annual budget and revenue policy including fees and charges.

The integrated planning and reporting provisions of the Local Government Act require a progress report on the Delivery Program be provided to the community each six months with a comprehensive final report to be published at the conclusion of each four-year term of office.

I have detailed below some of the highlights from the period.

Health and Well-being

- Council continued liaising with Health Infrastructure and the successful construction company, Richard Crookes Construction, in preparation for the new hospital development
- Council staff participated in health checks with Capital Health Care, skin checks, audiometric testing and other well-being activities including expansion of the onsite counselling service.
- Continued animal re-homing program and commenced improvements to pound facility
- Council contributed resources to the International Day of People with a Disability, co-ordinated by CINC
- Cowra Community Grants Scheme provided funding to 19 worthwhile community projects totalling approximately \$25,566.
- Council carried out foodshop inspections in accordance with regulatory requirements

Innovation and Education

- Council endorsed an official representative to the Country Universities Centre – Cowra board
- Council participated in Cowra High Try A Trade Day, hosted weeds education event and information stands at Cowra Show.
- Council hosted numerous local work experience students across a range of Council functions

Liveability

- Launched 2024 Festival of International Understanding with representatives from the Italian Embassy
- Hosted World Peace Day events in September
- Council participated in the commemoration of the Cowra POW Breakout.
- Seven high-quality exhibitions held at the Cowra Regional Art Gallery
- Continued to maintain parks, gardens and reserves to high standard
- Facilitated screenings of Matilda's World Cup performances at Sid Kallas Oval
- Additional shared paths being constructed in Peace Precinct with grant funding
- New plantings and irrigation installed at Bellevue Hill lookout
- Re-opened renovated cabins at Caravan Park
- Continued to deliver a range of diverse events at the Cowra Civic Centre.
- Engaged Moya Rasi to complete detailed design for renewal of the Cowra Aquatic Centre.
- Commenced construction of new netball courts and facilities at Col Stinson Park
- Greeted 9,000 visitors to the Cowra Library and supported events at the library
- Conducted 227 events at the Cowra Civic Centre attended by over 5,173 people
- Regular Youth Council meetings held with participation in numerous community events including NAIDOC Week, International Day of Peace and Mental Health month.
- Council approved a range of donations to community groups to support their activities during the review period

Community Leadership and Engagement

- Active participation by councillors and staff in a range of events, policy making forums and professional development opportunities offered by the Joint Organisation, LGNSW, ALGA, Country Mayors and other bodies and forums.
- Finalised review of section 355 committees
- 2022/2023 Annual Financial statements showed Council to be in a stable financial position
- Completed biennial Community Satisfaction Survey
- Council met with representatives from village communities
- Trialled customer service hubs at Gooloogong and Woodstock
- Council adopted 2023/24 – 2042/43 Strategic Asset Management Plan
- Regular communications issued over a range of platforms advising of Council projects, events and policy decisions.

Business and Industry

- CBD Committee formed and operating. Council appointed a consultant to work with the committee and the wider community to develop a CBD Activation Strategy
- Continued to maintain and operate the Cowra saleyards and actively promote its use by local growers
- Council provided significant support to Cowra Tourism in the delivery of the 2023 Cowra Christmas Festival with a focus on encouraging the community to shop locally
- Ongoing funding provided to Cowra Tourism

Transport and Infrastructure

- Council continues to advocate for the medium-long term construction of a second bridge crossing of the Lachlan River. A resolution was passed and letters written to the relevant Minister and MPs
- Council staff continue to work on the rehabilitation of the road work following the 2022 floods

- Continued delivery of funded Roads to Recovery projects
- Staff actively working with Water NSW and contractors for the anticipated handover of the Wyangala water treatment plant in the February/March 2024
- Continued planning for West Cowra sewer project
- Completed the rural pipeline component of the Billimari bore-field connection.
- Completed works associated with the replacement of George Campbell bridge
- Continued development of Integrated Water Cycle Management plan to guide strategic planning for the water supply network.
- Completed upgrades to visitor information centre and Cowra library.

Environmental Sustainability and Stewardship

- Council continues to be a regional delivery point for material collected under the NSW Container Deposit Scheme
- Continued development of Waste Strategy with expectation a strategy will be adopted in the first half of 2024
- Participated in National Recycling Week
- Participated in the Garage Sale Trail
- Conducted successful annual Recycled Art for Cowra Awards (RAFCA) event
- Council is participating in a Joint Organisation co-ordinated development of a fleet transition plan
- Continued planning for West Cowra stormwater works

Reconciliation and Inclusion

- Supported and promoted NAIDOC Week activities
- Continued review of Disability inclusion Action Plan
- Councillors and senior staff participated in cultural awareness training
- Council adopted an updated Access Incentive Scheme with increased funding available

BUDGETARY IMPLICATIONS

Nil

ATTACHMENTS

- I. Delivery Program 2022-2023 to 2025-2026 and Operational Plan 2023-2024 - Six Month Review to 31 December 2023 [↓](#)



DELIVERY PROGRAM 2022-2023 to 2025-2026
OPERATIONAL PLAN 2023-2024
Six Month Review to 31 December 2023

Executive Summary

The integrated Delivery Program 2022-2023 to 2025-2026 and Operational Plan 2023-2024 is based on the Community Strategic Plan and outlines how Cowra Council will undertake to work towards meeting the goals of the community over the four-year term of elected members and on an annual basis.

The Delivery Program objectives have been set at the beginning of this Council term and will remain substantially unchanged over the four-year period. The Operational Plan actions show how from year to year Council will work towards the Delivery Program objective. The Operational Plan also includes Council's detailed annual budget and revenue policy including fees and charges.

The integrated planning and reporting provisions of the Local Government Act require a progress report on the Delivery Program be provided to the community each six months with a comprehensive final report to be published at the conclusion of each four-year term of office.

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**Paul Devery
February 2024**

Health & Well-Being (Strategic Theme 1)						
COMMUNITY STRATEGIC PLAN 2022-2036	4 YEARS DELIVERY PROGRAM 2022-2023 to 2025-2026	1 YEAR OPERATIONAL PLAN 2023-2024				
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H1. Construct a new hospital facility in Cowra	H1.1 Ensure the new Cowra hospital meets the needs of the community now and into the future	H1.1.a	Liaise with Health Infrastructure as the Cowra Hospital redevelopment is undertaken.	Ensure council is regularly advised of progress with the project.	General Manager	The head contractor was appointed in October and council staff have been liaising with Richard Crookes Constructions in the preparation for the build. In November Council moved a motion to write to the NSW Health Minister expressing great concern at the announcement not to include Tresillian residential beds as part of the hospital development.
		H1.1.b	Mayor represents Council on the Cowra Health Council.	Mayor attends meetings and provides reporting back to Council as required.	General Manager	Following the change of Mayor in September Cr West has been re-appointed as council's delegate given the current development at the hospital and to provide continuity at this time.
H2. Provide facilities, infrastructure and	H2.1 Support Cowra Information and	H2.1.a	Provide rental subsidy to CINC.	Subsidy paid.	Director – Corporate Services	Subsidy paid.

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programs for health and well-being needs, including disability, mental health and family support services	Neighbourhood Centre (CINC), Headspace and other providers in the Cowra Shire community	H2.1.b	Attend interagency meetings and provide support within available resources.	Meetings attended and assistance provided where requested and able to be resourced.	Director – Corporate Services	Participated in Interagency email network. Contributed to International Day of People with a Disability event coordinated by CINC.
	H2.2 Support and contribute to partnerships in community health and well-being initiatives.	H2.2.a	Support community-based initiatives for well-being programs and events including Families Week, International Women's Day, Men's Health Week, Carers Week and Mental Health Month.	Support provided within available resources and relevant to Council's role	Director – Corporate Services	Cowra Youth Council hosted 'Embrace Kids' screening to promote body positivity as a Mental Health Month event with support from headspace, Lifeline and relevant allied health professionals. Consistent promotion and advertising of special days including Carers Week.
	H2.3 Develop and maintain facilities to provide health and well-being benefits in Cowra Shire.	H2.3.a	Promote the benefits of walking communities and cycling to residents and visitors and seek funding for projects identified in the Pedestrian and Cycling Plan.	Promotion undertaken, Funding applications submitted.	Director – Infrastructure & Operations	Pedestrian and cycleway projects underway or completed: <ul style="list-style-type: none"> Valley View shared pathway Evans Street shared pathway

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						Application for shared pathways in Woodstock and Wyangala submitted under the NSW <i>Get Active</i> program.
	H2.4 Provide companion animal services across the shire.	H2.4.a	Consider a subsidised companion animal incentive scheme for de-sexing, microchipping, registration and vaccination.	Investigation undertaken and report to be provided to Council for consideration.	Director – Environmental Services	Discounted desexing and vaccination vouchers are available to concession and pension card holders from the RSPCA and local veterinary practices. Council is on the Animal Welfare League's waiting list to attend Cowra with their vaccination and micro-chipping services to any residents who own companion animals in Cowra.
		H2.4.b	Maintain, develop and promote leash-free areas.	Maintenance and promotion undertaken. Erect appropriate directional signage.	Director – Environmental Services	Directional signage was placed on hold due to outbreaks of Parvovirus. As the peak for this has ended, signage will be put in place. Regular promotion of impounded pets, services,

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						announcements and news on social media, web and media.
		H2.4.c	Provide a companion animal rehoming program.	Program continues. Council utilises services of several rehoming agencies across the state.	Director – Environmental Services	Program has continued, utilising rehoming organisations across the country. Rehoming totals July-December 2023 are: Dogs: 17 Released back to owners; 13 rehomed/sold from pound; 14 released to rehoming organisations. Cats: 2 released back to owners; 6 rehomed/sold from pound; 14 released to rehoming organisations.
		H2.4.d	Undertake improvements to the Cowra pound facility.	Improvements completed within time and on budget,	Director – Environmental Services	Improvements to Council's impounding facility have commenced including the provision of air conditioning to cat enclosure and upgrading of power supply

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						systems. Additionally, supplementary protective equipment and measures have been installed at the pound.
	H2.5 Provide opportunities for Council staff to participate in a range of health and well-being programs.	H2.5.a	Administer health programs for employees and adequately resource appropriate health and well-being initiatives.	Maintain Employee Assistance Program. Deliver annual skin clinics and annual flu vaccinations. Deliver other identified programs within available resources.	General Manager	Continued the Onsite Counselling for staff which is utilised by staff once a month with consistent take-up. Skin checks were carried out for staff in September. Capital Health Care carried out General Health Checks for staff in July. Continued Audio Testing for identified staff in December. Engaged Lifeline Central West as our new Employee Assistance Provider commencing in July.
	H2.6 Ensure work, health and safety of both Council staff and others in the workplace.	H2.6.a	Review and monitor work, health and safety issues in the workplace on an ongoing basis.	Maintain an effective relationship with StateCover Mutual Workers Compensation insurers to ensure all cases are managed effectively thus minimising Council's liability.	Director – Corporate Services	HR continued to work closely with Statecover in managing all Worker's Compensation Claims, particularly return to work coordination. All

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				<p>Comply with all relevant legislation and subsidiary codes to provide a safe working environment and protection of the public and within reasonable budget limits provide resources necessary to meet requirements.</p> <p>Ensure WHS provisions are considered for the purchase of goods and services for Council operations.</p> <p>Support Council's Work Health & Safety Committee.</p>		<p>injuries and incidents are recorded and investigated appropriately.</p> <p>The 2022/2023 Statecover report received during the review period provided very pleasing results for council.</p> <p>Council bettered the region, the Office of Local Government category and the entire Statecover group average in the following benchmarks:</p> <ul style="list-style-type: none"> • Claim frequency using employee numbers • Claim frequency using council wages • Return to Work performance • Percentage of claims reported within 48 hours.

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						Council's WHS Committee is taking a greater role in the Statecover Self-Audit and ensuing Action Plan.
	H2.7 Inspect and enforce health standards through a regular food shop inspection program.	H2.7.a	Maintain a food shop inspection program that is proactive and educational and also responds appropriately to breaches of health standards.	All high-risk food premises in the shire inspected in accordance with regulatory requirements and necessary compliance action taken.	Director – Environmental Services	Ad hoc inspections undertaken as required. Annual inspection program scheduled for May 2024.
H3. Collaborate with education and health providers to attract and retain health professionals in the Shire.	H3.1 Support initiatives to attract and retain health professionals.	H3.1.a	Provide support to the Cowra Medical Centre Associates ANU program and other providers as requested.	Mayor and councillors attend meetings as requested.	General Manager	Council hosted a Mayoral Reception for ANU Medical Students.
		H3.1.b	Liaise with Central NSW Joint Organisation and participate in regional initiatives to attract health professionals to the region.	Active participation in any initiatives undertaken.	General Manager	Cr West and Cowra Business Officer remain active members of the Cowra Health Council and attend regular meetings that facilitate/advocate for better health outcomes for the Cowra Community. Following attendance by councillors at a Regional Forum in Forbes in October, the GM & business officer met with

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						the Rural Doctors Network to discuss and map potential support/advocacy council could engage with to improve the "State of Play".
		H3.1.c	Liaise with local medical professionals to provide support for attraction of workforce.	Meet with local medical representatives and provide support as agreed.	General Manager	The Mayor and GM have met separately with local practitioners who are concerned at the future of GPs within the Cowra area. Council's primary role is as an advocate and practitioners have been requested to provide specific policy areas for council to undertake advocate.
	H4.1 Increase awareness of volunteering activity, needs and opportunities in the community.	H4.1.a	Publicise links to State government volunteering websites.	Publicity undertaken.	General Manager	Promoted National Volunteering Week as well as other volunteer focused events.
	H4.2 Continue to support the community through provision of Community Strategic Plan funding	H4.2.a	Provide funding for projects that meet Community Strategic Plan objectives through the Community Grants Scheme.	Funding delivered and projects implemented.	General Manager	Cowra Community Grants Round 1 2023/2024 successfully completed. 22 applications received. 19

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						applications funded totalling \$25,566.
H5. Partner with and seek advice from the local Indigenous community and Indigenous health -care services to improve health outcomes.	H5.1 Liaise with local health and Indigenous groups to increase awareness of health challenges.	H5.1.a	Meet with Cowra Local Aboriginal Land Council, Weigelli, Western NSW Health and local schools.	Meetings held and desired actions supported within resources.	General Manager	No further action on this objective during the period.
H6. Provide for future aged care needs and support services. Promote an active retirement.	H6.1 Coordinate and support programs for seniors.	H6.1.a	Organise events for Seniors Week.	Events conducted with good participation.	Director – Corporate Services	Initiated planning and preparations for 2024 Seniors Week including facilitating two meetings of the Organising Committee. Draft program prepared. Work continues in preparation for events to be held from 11-24 March 2024.
	H.6.2 Advocate for aged care needs.	H.6.2.a	Liaise with aged care providers, other relevant providers and advocate for their needs and services.	Meetings held and advocacy undertaken if required.	General Manager	The Mayor and GM met with Aged Care representative during November 2023.

Innovation and Education (Strategic Theme 2)						
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I1. Make Cowra Shire a learning community	I1.1 Support establishment of Country Universities Centre	I1.1.a	Provide support within resources to facilitate establishment of a Cowra-based Country Universities Centre (CUC).	Council to assist the CUC where possible with knowledge and expertise to support the ongoing operations of the Centre within budgets.	Director – Corporate Services	Council endorsed an official Council representative on the CUC Cowra Region Board (Cr Judi Smith) Council support for the CUC acknowledged in the CUC's 2023 Annual Report. First year operations for the Centre exceeded targets for student registrations.
	I1.2 Support initiatives that seek to educate the community.,	I1.2.a	Encourage and support expos eg Cowra Show exhibit, weeds expo, careers days	Support provided within available resources.	General Manager	Council information stands delivered at the Cowra Spring Show. Successful participation across Council functions in Cowra High School's Try A Trade Day in August 2023. Promoted via Council's social media pages. Council's Biosecurity Officers have hosted multiple public information days for weed identification and eradication.

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						Council hosted National Tree Day in July 2023, including participation with local schools.
	11.3 Support the local school education sector	11.3.a	Meet with local school reps and advocate for needs as appropriate.	Meetings held and advocacy undertaken.	General Manager	No meetings during the period. Local students carried out work placement during the period at the Depot Workshop and Parks & Gardens.
	11.4 Advocate for increased activity at Cowra TAFE and from other service providers.	11.4.a	Advocate for an appropriate range of courses at Cowra TAFE and from other service providers to meet community demands.	Liaise with local businesses, schools and TAFE to determine needs and lobby TAFE and relevant MPs to seek delivery of those courses through Cowra TAFE or other service providers.	General Manager	Council continues to utilise TAFE courses for the professional development of staff and meeting requirements for compliance training. Council continues to advocate for the delivery of "skills in need" training to be done at Cowra TAFE, focusing on the development of opportunities for school leavers within the Cowra catchment.

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						The Country Universities Centre (CUC) in Cowra creates a dedicated learning and study space/hub for our region. It continues to provide students with free access to high-speed Internet, modern technology, and general in loco learning support.
I2. Support initiatives to increase education and training outcomes for local Indigenous people.	I2.1 Investigate opportunities for Council to support Indigenous education and skills training.	I2.1.a	Ensure consideration in development of Reconciliation Action Plan.	Demonstrated consideration of this objective and identified strategies adopted.	General Manager	Will be considered during ongoing development of RAP. Discussions have been held at a staff level to look at opportunities throughout 2024.
I3. Support innovation and research.	I3.1 Support the Cowra Agricultural Research Station.	I3.1.a	Liaise with the Research Station and support efforts to increase activity at the station.	Meet with research station representatives and provide support as required.	General Manager	Council continues its support and advocacy for the use & expansion of the facility at every opportunity.

Liveability (Strategic Theme 3)						
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L1. Build understanding and communication of Cowra Shire's rich history, vibrant future and leadership in international understanding and cultural diversity.	L1.1 Conduct annual Festival of International Understanding	L1.1.a	Plan and deliver 2024 Festival of International Understanding.	Festival conducted with good community support and involvement.	General Manager	Representatives from the Italian Embassy visited Cowra for an official launch. Planning has been ongoing with the Italian Embassy.
	L1.2 Conduct annual Australia Day celebrations.	L1.2.a	Work with Australia Day committee to deliver Australia Day activities.	Events conducted with good community support and involvement.	Director – Corporate Services	Planning well underway for January 2024 event.
	L1.3 Support the Cowra Historical Society and Cowra Family History Group.	L1.3.a	Liaise with groups and provide support within available resources.	Liaison undertaken and support provided as required.	Director – Corporate Services	Support provided upon request. No activity in last 6-months.
	L1.4 Support annual commemoration of POW Breakout.	L1.4.a	Support POW Breakout Association in staging of annual commemorations.	Support provided within resources and feedback from event participants is positive.	General Manager	Recorded, promoted and assisted in the 79 th POW anniversary in Aug 2023. Met with committee to discuss planning for the 80 th Anniversary.
	L1.5 Continue to foster and develop the Cowra/Japan relationship.	L1.5.a	Council delegation travel to Japan to further Cowra-Japan relationship.	Delegation visit conducted, meeting with relevant Japanese people and groups. Visit undertaken within allocated budget.	General Manager	Council resolved to send a small delegation in April 2024 and planning is well underway for that visit

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		L.1.5.b	Support the Japanese Garden & Cultural Centre within available resources.	Support provided within available resources.	General Manager	Support provided when requested.
		L.1.5.c	Mayor represents the Council on the Japanese Garden & Cultural Centre Board and reports to Council as required.	Meetings attended and reports provided as appropriate.	General Manager	Following the change of Mayor in September Cr West has been re-appointed as council's delegate to provide continuity at this time.
L2. Continue to develop our leisure and cultural facilities and infrastructure and protect and enhance our natural environment.	L2.1 Undertake asset renewal of Cowra Aquatic Centre.	L2.1.a	Work with consultants to finalise design and construction specification.	Tender for hydraulic, mechanical and structural design of all planned work packages. Designs completed.	Director – Infrastructure & Operations	Engaged Mova Rasi to complete detailed design. In progress with intention to complete by end May 2024.
	L2.2 Deliver projects identified in adopted Sport and Recreation Plan.	L2.2.a	Undertake the redevelopment of Col Stinson Park netball facility.	Construction of new amenities completed.	Director – Infrastructure & Operations	Construction underway.
	L2.3 Work with the Sport and Recreation Committee to support and promote sporting and recreation groups across the Shire.	L2.3.a	Committee meets regularly and provides recommendations to Council as required.	Meetings held and regular reports provided to Council.	Director – Corporate Services	Matilda's World Cup outdoor community screenings (3) held in July in partnership with Cowra Junior Soccer Club. Cowra Sports Network evening held in August with 5 guest speakers from State and local organisations. Event was

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						well received by community sports representatives (25) in attendance. Committee AGM and General Meeting held in September.
	L2.4 Develop the Peace Precinct in accordance with the adopted masterplan.	L2.4.a	Seek funding and implement identified projects within the masterplan.	Grant applications submitted where appropriate.	General Manager	Grant funding is being used to provide additional walking paths and parking area.
		L2.4.b	Maintain and grow the existing features of the Peace Precinct including: <ul style="list-style-type: none"> Sculpture Park Nature-Based Adventure Playground POW campsite. 	Maintenance undertaken to maintain current high standard of presentation.	Director – Infrastructure & Operations	Maintenance ongoing. New plantings and irrigation installed at Bellevue Hill lookout.
	L2.5 Develop the Lachlan River Precinct as a major focal point for passive recreation.	L2.5.a	Pursue funding and implement when adequate resources are available the following initiatives from the Lachlan River Precinct Masterplan: <ul style="list-style-type: none"> Investigations into providing better pedestrian access across the Lachlan River 	Works completed as funds become available	Director – Infrastructure & Operations	Shared pathway, picnic facilities and carparking being constructed with NSW Government funding.

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	L2.6 Provide recreation opportunities through the provision of attractive parks and gardens.	L2.6.a	Maintain parks and gardens to a high standard for all recreation users.	Parks maintained to current high standard.	Director – Infrastructure & Operations	Ongoing.
		L2.6.b	Prepare a plan to review levels of service, renew and upgrade of Brougham Park.	Review undertaken and renewal plan adopted.	Director – Infrastructure & Operations	No action during the period.
	L2.7 Support and provide good quality facilities to meet the needs of sporting and recreational clubs and users.	L2.7.a	Maintain Council sporting fields for all sporting associations in Cowra.	Sportsfields maintained to current high standard.	Director – Infrastructure & Operations	Ongoing. Edgell Park drainage works and top-dressing complete Jan 24
		L2.7.b	Support Cowra Showground Trust in their efforts to maintain and improve the facility.	Provide annual contribution to Showground Trust. Lobby relevant Members of Parliament for funding to maintain and improve facility.	General Manager	Funding provided in accordance with budget allocation.
	L2.8 Maintain and operate the Cowra Caravan Park to its current high standard.	L2.8.a	Complete design review of proposed Stage 2 upgrade works.	Design works and scope of project finalised, including final cost estimate.	Director – Infrastructure & Operations	Amended Caravan park Masterplan adopted October 2023.
		L2.8.b	Maintain and operate the Cowra Caravan Park to its current high standard.	Park maintained and positive feedback received.	Director – Infrastructure & Operations	Cabins reopened December 2023. Tender closes end Jan 2024 for the three additional cabins.
	L2.9 Investigate options for the remodeling of the public amenities at Olympic Park.	L2.9.a	Liaise with relevant groups and businesses to develop scope for asset renewal.	Liaison undertaken and project scope for project adopted.	Director – Infrastructure & Operations	Options report provided to Council November 2023.

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	L2.10 Continue to maintain and develop the Cowra Regional Art Gallery	L2.10. a	Develop, present and promote a diverse program of high-quality exhibitions, public events and workshop activities at the Cowra Regional Art Gallery. Implement a Gallery Foundation/Arts Trust to support the ongoing development of the Art Gallery and Collection (including the Sculpture Park).	Two-year forward exhibition program developed and implemented. Use established Council publications and media to promote.	Director – Corporate Services	The Gallery presented seven exhibitions during the period While the World Waits; Little Nothings; Nationalism in the Wake of COVID; Robyn Stacey: as still as life; The Calleen Art Award 2023; upstART 2023 The National Photographic Portrait. Exhibition events included Art After Dark- craft makers film festival; five public openings with guest speakers; and four floor talk events.
		L2.10.b	Prepare plans for the redevelopment of the Cowra Regional Gallery.	Plans finalised and adopted by Council.	Director – Corporate Services	Council presented with draft redevelopment plans in November. Further analysis required including estimates of ongoing costs.
	L2.11 Develop the Civic Square Cultural Precinct	L2.11.a	Seek funding to continue to progress Civic Square masterplan design.	Funding applications lodged where applicable.	Director – Environmental Services	No funding opportunities have been available.

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	L2.12 Maintain and improve the Cowra Civic Centre.	L.2.12.a	Develop, present and promote a diverse program of high-quality events, workshops, activities and entertainment at the Cowra Civic Centre.	Performance measured by growth in utilisation and attendance. Operations are within budget.	Director – Corporate Services	In the last 6 months the Civic Centre had 5,173 people attend 227 events. This equated to a 74% utilisation rate over the period. Awarded contract for major renovations project.
	L2.13 Maintain and improve facilities at the Cowra Library.	L.2.13.a	Continue liaison with Central West Libraries (CWL) to maintain and operate the facility.	Funding pursued for identified improvements. Attend and participate in CWL meetings.	Director – Corporate Services	9,002 visitations made to the library over the 6 months. This included a 1-month closure in Oct/Nov for renovations – flooring and new movable shelving.
	L2.14 Develop the Cowra Sculpture Park as a major attraction within Cowra.	L.2.14.a	Subject to funding, undertake works and develop the collection of sculptures in accordance with the masterplan.	Ongoing promotion of the sculpture park and the development of a program to increase the collection.	Director – Corporate Services	Bespoke display signage for all sculptures in the Sculpture Park completed.
	L2.15 Lobby the NSW Government to develop and invest in the Wyangala State Recreation Park.	L.2.15.a	In conjunction with Cowra Tourism, lobby the relevant Ministers and local members to fund improvements for the Park.	Advocacy undertaken.	General Manager	This matter has been listed to be raised with the local member and to write to the Minister for Crown Lands.
	L2.16 Update and adopt a new Cultural Plan.	L.2.16.a	Consult with relevant groups and community to review and update the Cowra Council Cultural Plan.	Plan reviewed, updated and adopted by Council.	Director – Corporate Services	Draft revised Cultural Plan prepared in consultation with Councillors, Civic Centre and Gallery staff. A draft is expected to be

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						presented to Council in early 2024.
L.3. Recognise and grow the talent in our community.	L3.1 Continue to support the Cowra Youth Council.	L3.1.a	<p>Coordinate Youth Week activities.</p> <p>Undertake leadership development activities.</p>	<p>Youth Week events delivered.</p> <p>Leadership activities undertaken</p>	Director – Corporate Services	<p>Youth Week scheduled for April 2024. Preliminary discussions on ideas for activities. Youth Week grant application submitted.</p> <p>Youth Council leadership development ongoing through mentoring and support in planning and delivering events.</p> <p>Cowra Youth Council hosted the Cowra Youth Peace Forum for the Int Day of Peace in partnership with the World Peace Bell Assoc (Sept).</p> <p>In response to their concerns about the impact of body image on children and young people, the CYC hosted the 'Embrace Kids' Body Positivity Day (Oct). The event was attended by close to 400 students from years 5-9 and supported by headspace, Lifeline and Eating Disorder</p>

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L4. Develop and provide programs to meet the needs of Cowra Shire's young people.						Coordinators from the Local Area Health Service. The annual CYC Mayoral Reception was held in December 2023 with members receiving certificates acknowledging their achievements.
	L3.2 Maintain donations policy to support community development.	L3.2.a	Respond to requests for donations in accordance with the Policy. Promote the Policy with relevant community organisations.	Requests are processed in accordance with Policy and submitted to Council as received.	Director – Corporate Services	Ongoing. Numerous donations for social and sporting events in 2023 inc. Cowra Golf Open. Donations regularly put to Council for determination.
	L4.1 Build capacity of Cowra's young people to participate in community life.	L4.1.a	Host annual Youth Leadership Training Workshop	Training workshop conducted.	Director – Corporate Services	Cowra Youth Council members participated in community events for NAIDOC Week (July), International Day of Peace commemorations (Sept), Mental Health Month (Oct), the International Day of People with a Disability (Dec), and the Christmas Street Festival (Dec). Their involvement strengthened their community networks and raised their profile within the community, whilst

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						making a meaningful contribution to community life. Cowra Youth Peace Awards conducted in conjunction with the International Day of Peace (Sep) to recognise and encourage young people's contribution to community.
	L.4.2 Support the principles of Justice Reinvestment.	L.4.2.b	Advocate for a trial of a Justice Reinvestment program in Cowra Shire.	Advocacy undertaken.	General Manager	No further action on this objective during this period.
L5. Maintain a planning framework that responds to community needs.	L5.1 Regularly review planning controls.	L5.1.a	Monitor changes in planning legislation and provide appropriate advice to Council.	Reports provided to Council as required.	Director – Environmental Services	Policies are continuing to be reviewed and modified where legislative changes require. Lodged funding submission to undertake strategic planning for housing constraint and opportunities within Cowra.
L6. Develop a community where people are welcomed from all walks of life and feel safe and secure.	L6.1 Support activities of local Police and relevant community organisations to improve community safety.	L6.1.a	Advocate for a 24-hour police station in Cowra.	Write to relevant members of parliament., Conduct regular meetings with Chifley Local Area Command (LAC), local community organisations and other relevant groups.	General Manager	This matter continues to be raised with the local member. Canobolas LAC briefing scheduled for December 2023 to be re-scheduled for early 2024.

Liveability (Strategic Theme 3)						
COMMUNITY STRATEGIC PLAN 2022-2036	4 YEAR DELIVERY PROGRAM 2022-2023 to 2025-2026	1 YEAR OPERATIONAL PLAN 2023-2024				
Strategic Direction	Program	Link	Action	Performance Measure	Responsibility	Six Month Review to 31 December 2023
	L6.2 Improve how we welcome new residents to our community.	L.6.2.a	Conduct welcome events for new residents.	Conduct a minimum of two events	General Manager	No event held due to lack of resources. It is planned to hold an event in the first half of 2024.

Community Leadership and Engagement (Strategic Theme 4)						
COMMUNITY STRATEGIC PLAN 2022-2036	4 YEAR DELIVERY PROGRAM 2022-2023 to 2025-2026	1 YEAR OPERATIONAL PLAN 2023-2024				
Strategic Direction	Program	Link	Action	Performance Measure	Responsibility	Six Month Review to 31 December 2023
C1 Develop and model leadership skills across the community.	C1.1 Continue to develop Council's relationship with other government bodies.	C1.1.a	Maintain relationship with key local government bodies such as Central NSW Joint Organisation (CNSWJO), Local Government NSW (LGNSW) and Australian Local Government Association (ALGA).	Attend and participate in relevant meetings, seminars and conferences.	General Manager	Councillors and staff have been actively attending and participating in a range of professional development, policy making and networking events conducted by CNSWJO, LGNSW, ALGA, Country Mayors and other industry bodies.
	C1.2 Ensure Council's Section 355 Committees (s355), focus groups and advisory bodies are relevant and provide appropriate community involvement.	C1.2.a	Ensure committees meet regularly and provide minutes and recommendations to Council.	Meetings held and regular reports/recommendations provided to Council.	General Manager	Committees meet regularly and minutes are reported to council.
		C1.2.b	Finalise review of Section 355 Committees	Review completed and any recommended changes to structure or delegations implemented.	General Manager	Review completed. Council decided not to make any changes to number and composition of committees.
	C1.3 Work with Council s355 committees.	C1.3.a	Provide administrative support and respond to recommendations in a timely manner.	Administrative support provided within available resources. Minutes provided to Council for consideration.	General Manager	Support provided within available resources. Minutes of meetings reported to council.

Community Leadership and Engagement (Strategic Theme 4)						
COMMUNITY STRATEGIC PLAN 2022-2036	4 YEAR DELIVERY PROGRAM 2022-2023 to 2025-2026	1 YEAR OPERATIONAL PLAN 2023-2024				
Strategic Direction	Program	Link	Action	Performance Measure	Responsibility	Six Month Review to 31 December 2023
		C1.3.b	Provide Councillor Delegates to council Sections 355 committees.	Regular attendance by Councillor representatives.	General Manager	Committee delegates re-allocated in November following September Mayoral election.
	C1.4 Provide support for the continued professional development of councillors.	C1.4.a	Provide details of training/skill/professional development opportunities to Councillors.	Performance development plans completed in line with regulatory requirements. Council takes adequate measures to ensure objectives identified here are met.	General Manager	Council achieves this objective primarily by providing regular workshops and information sessions to councillors on matters relevant to their role in the Cowra Council context. In addition, councillors are regularly advised of and encouraged to attend a wide range of industry seminars and conferences both online and in-person. Investigations underway to formalise professional development plans for councillors.
	C1.5 Build capacity in the local volunteer sector.	C.1.5.a	Undertake workshops on grant writing and meeting procedure and provide information on available grant opportunities.	Workshops conducted.	General Manager	Grant writing workshops presented by council's Grants and Executive Projects Officer bi-annually. Next training sessions due in second half of 2024. Grant training provided in

Community Leadership and Engagement (Strategic Theme 4)						
COMMUNITY STRATEGIC PLAN 2022-2036	4 YEAR DELIVERY PROGRAM 2022-2023 to 2025-2026	1 YEAR OPERATIONAL PLAN 2023-2024				
Strategic Direction	Program	Link	Action	Performance Measure	Responsibility	Six Month Review to 31 December 2023
						conjunction with Sport and Recreation Committee Information and Networking Night – 27 July 2023.
	C1.6 Support and contribute to the development of Village organisations.	C.1.6.a	Meet at least annually with representatives of villages to discuss issues of importance to each community.	Joint meeting of village representatives and councillors held at least once per year.	General Manager	New format of joint meeting with village representatives held in November 2023.
C2. Engage with our community, in a variety of ways, to increase awareness of key issues and ensure better project and service delivery outcomes.	C2.1 Maintain and improve appropriate mechanisms to consult with the community and other stakeholders and provide information on Council decisions, services and initiatives.	C2.1.a	Issue regular communication informing the community of Council decisions, activities and programs in line with the adopted Community Engagement Strategy.	Community survey indicates improved satisfaction with Council's information dissemination. Website and social media analytics. Increase email subscribers.	General Manager	Media releases issued covering key outcomes of Council meetings. A summary of decisions from each Council meeting is distributed via social media and website, and sent to Central West media contacts. Council Noticeboard published each week in both the Cowra Guardian and the Cowra Phoenix. Also published to Council's website and social media pages, sent to Central West media, as well as being sent to all council staff.

Community Leadership and Engagement (Strategic Theme 4)						
COMMUNITY STRATEGIC PLAN 2022-2036	4 YEAR DELIVERY PROGRAM 2022-2023 to 2025-2026	1 YEAR OPERATIONAL PLAN 2023-2024				
Strategic Direction	Program	Link	Action	Performance Measure	Responsibility	Six Month Review to 31 December 2023
						<p>Regular updates and posts made to Council's Facebook.</p> <p>Cross-promotion across the Cowra Aquatic Centre, Cowra Civic Centre, Cowra Art Gallery, Cowra Saleyards and Central West Libraries Facebook pages.</p> <p>Council's meetings continue to be recorded and uploaded to website. Approximately 28,000 sessions were recorded on Council's website</p> <p>Facebook followers grew by 10% during the period.</p> <p>In line with the recent Community Satisfaction Survey indicating the most preferred methods of receiving information from council are pamphlet/letterbox drop and email, resources will be dedicated to pursuing those avenues during 2024.</p>

Community Leadership and Engagement (Strategic Theme 4)						
COMMUNITY STRATEGIC PLAN 2022-2036	4 YEAR DELIVERY PROGRAM 2022-2023 to 2025-2026	1 YEAR OPERATIONAL PLAN 2023-2024				
Strategic Direction	Program	Link	Action	Performance Measure	Responsibility	Six Month Review to 31 December 2023
	C2.2 Improve customer service experience and processes.	C2.2.a	Inform community of methods to lodge customer requests and monitor service levels.	Promotion of customer request options and CRM system reporting on performance against service level guarantee.	Director – Corporate Services	CRM data presented to Council on a quarterly basis as part of the Corp-Services report.
	C2.3 Develop and monitor relevant Integrated Planning and Reporting (IP&R) strategies.	C2.3.a	Report to Council in accordance with statutory requirements.	Reports provided to Council.	General Manager	Reports provided as required.
C3. Strengthen partnerships with government and other agencies.	C3.1 Work closely with relevant agencies charged with planning for the Cowra Shire community.	C3.1.a	At least annual meetings with Council and key figures from NSW Government departments and other relevant agencies.	Meetings held and Cowra's concerns and priorities conveyed.	General Manager	Meetings held with key personnel within NSW Government including Regional Planning Director, staff from office of Regional NSW, Federal Resilience officers, Office of Local Government advocating council's position, providing feedback and building relationships.
	C3.2 Work closely with local members and other members of parliament to advance the objectives of Council.	C3.2.a	Meet regularly with local members and other members of parliament to advocate for the needs of the Cowra Shire community.	Meetings held and advocacy undertaken.	General Manager	Formal and informal meetings have been held with various State reps in Cowra and attending forums such as Country Mayors, Joint Organisation meetings in

Community Leadership and Engagement (Strategic Theme 4)						
COMMUNITY STRATEGIC PLAN 2022-2036	4 YEAR DELIVERY PROGRAM 2022-2023 to 2025-2026	1 YEAR OPERATIONAL PLAN 2023-2024				
Strategic Direction	Program	Link	Action	Performance Measure	Responsibility	Six Month Review to 31 December 2023
						NSW Parliament. Minimal contact with Federal representatives.
	C3.3 Collaborate with other Councils to form strategic alliances on areas of common interest.	C3.3.a	Meetings with other Councils to discuss matters of common interest and report proposals to Council for consideration.	Meetings held and proposals reported to Council.	General Manager.	Informal discussion and meetings held at LGNSW Annual Conference, Country Mayors, Joint Organisation and other elected representative forums.
C4. Ensure Council remains financially sustainable and maximises external funding opportunities.	C4.1 Seek funding for projects and infrastructure included in Council's strategic plans.	C4.1.a	Seek funding to progress projects including in adopted strategic plans including: <ul style="list-style-type: none"> • Village Improvement Plan • Energy Efficient and Renewable Energy Plan • Sport and Recreation Plan • Peace Precinct Masterplan • Pedestrian and Cycling Plan • Caravan Park Improvement Plan • Lachlan River Precinct Masterplan 	Applications submitted for all relevant programs.	General Manager	Six grant applications submitted totalling \$1,128,457. Two successful \$7,000. Four pending. One EOI submitted for Growing Regions Fund Aquatic Centre Upgrade - \$4,890,218. EOI successful. Full application to be submitted in January 2024.
	C4.2 Undertake asset management planning to ensure that Council's infrastructure is maintained and reviewed to meet	C4.2.a	Update Asset Management Plans for all asset classes annually and review Strategic Asset Management Plan.	Updated Strategic Asset Management Plan adopted.	Director – Infrastructure and Operations	2023/24-2042/43 Strategic Asset Management Plan adopted by Council in August 2023.

Community Leadership and Engagement (Strategic Theme 4)						
COMMUNITY STRATEGIC PLAN 2022-2036	4 YEAR DELIVERY PROGRAM 2022-2023 to 2025-2026	1 YEAR OPERATIONAL PLAN 2023-2024				
Strategic Direction	Program	Link	Action	Performance Measure	Responsibility	Six Month Review to 31 December 2023
	Council's adopted levels of service.	C4.2.b	Implement improvement plans for all asset classes, transport, water and wastewater, buildings etc	Improvement plans delivered within available resources.	Director – Infrastructure & Operations	Capital works program for all asset classes in progress.
	C4.3 Investigate opportunities for increased income streams.	C4.3.a	Investigate opportunities that arise and submit reports to Council as required.	Opportunities investigated and reports presented.	Director – Corporate Services	Ongoing. Over the past 6 months no reports have been tabled to Council.
	C4.4 Ensure ongoing integration of risk management principles into Council operations.	C4.4.a	Develop a Council-wide Enterprise Risk Management Plan and develop and implement supporting processes.	Planning undertaken and appropriate plans and supporting processes adopted.	Director – Corporate Services	Ongoing – it is expected that this review will take place in the last quarter. A Business Continuity Plan review is booked in for Mar/Apr with Council's insurers.

Business & Industry (Strategic Theme 5)						
COMMUNITY STRATEGIC PLAN 2022-2036	4 YEAR DELIVERY PROGRAM 2022-2023 to 2025-2026	1 YEAR OPERATIONAL PLAN 2023-2024				
Strategic Direction	Program	Link	Action	Performance Measure	Responsibility	Six Month Review to 31 December 2023
B1. Plan for and support business and industry growth, research and innovation.	B1.1 Ensure strategic planning for business and industry growth is current.	B1.1.a	Pursue objectives detailed in Cowra Regional Economic Development Strategy (REDS).	Demonstrated action to achieve objectives eg lobbying, grant submissions.	General Manager	<p>Working with NSW officials on Regional Housing Strategy.</p> <p>Council's s355 committee held initial meeting. Council engaged Village Well to work with the committee and the wider community to develop a CBD Activation Strategy.</p> <p>Council has signed up to acquire SpendMapp data from Geographia to help inform the CBS strategy.</p> <p>SpendMapp data can also be used to work with business and the community to build economic resilience, target investments, evaluate events, and implement planning initiatives.</p>

Business & Industry (Strategic Theme 5)						
COMMUNITY STRATEGIC PLAN 2022-2036	4 YEAR DELIVERY PROGRAM 2022-2023 to 2025-2026	1 YEAR OPERATIONAL PLAN 2023-2024				
Strategic Direction	Program	Link	Action	Performance Measure	Responsibility	Six Month Review to 31 December 2023
B2. Tell the world about the opportunities and benefits of living, working and playing in Cowra Shire.	B2.1 Support Cowra Tourism marketing initiatives.	B2.1.a	Support initiatives within available resources.	Support provided.	General Manager	Council remains supportive of tourism initiatives in collaboration with the community and State & Federal Government funding initiatives. Council's role is to enhance & amplify tourism initiatives and provides the majority of funding to the Cowra Tourism Corporation. Council also provides SpendMapp data to Tourism to support their funding applications/initiatives.
	B2.2 Support Business Cowra marketing initiatives.	B2.2.a	Support initiatives within available resources.	Support provided.	General Manager	Cowra Business Chamber is currently inactive. Should a new executive be elected, Council will continue to support the collective and its initiatives where possible.
	B2.3 Support village organisations in their efforts to	B2.3.a	Support initiatives within available resources.	Support provided.	General Manager	Council considers requests and provides

Business & Industry (Strategic Theme 5)						
COMMUNITY STRATEGIC PLAN 2022-2036	4 YEAR DELIVERY PROGRAM 2022-2023 to 2025-2026	1 YEAR OPERATIONAL PLAN 2023-2024				
Strategic Direction	Program	Link	Action	Performance Measure	Responsibility	Six Month Review to 31 December 2023
	raise the profile of their community.					support where appropriate.
B3. Add value and support to our existing businesses and industries.	B3.1 Support Business Cowra	B3.1.a	Ensure Council and Business Cowra meet obligations of the MOU between the parties.	Obligations met.	General Manager	There is currently no MOU in place with the business chamber as the chamber remains inactive. A new MOU may be drafted should the Business Chamber re-establish.
B4. Support the development of an energetic CBD.	B4.1 Upgrade Macquarie Street.	B4.1.a	Review plans for Macquarie Street precinct redevelopment.	Source grant funds for landscape architect design of precinct.	Director – Infrastructure & Operations	No action during the period.
	B4.2 Review Squire Park café and amenities.	B4.2.a	Investigate options for the redevelopment and possible expansion of the Squire Park café/amenities.	Options investigated and if required project scoped. Design and cost estimates adopted for future delivery.	Director – Infrastructure & Operations	Landscaping work planned for additional outdoor seating.
	B4.3 Undertake planning for the future of the Cowra CBD.	B4.3.a	Committee meets regularly and demonstrates achievements of objectives.	Regular updates provided by Committee to Council.	General Manager	The committee held its first meeting in September. In December Council appointed a consultant to work with the committee in facilitating the development of a CBD Activation Strategy.
B5. Advocate for improved digital	B5.1 Facilitate the provision of information to the community	B5.1.a	In conjunction with Business Cowra convene relevant forums	Forums conducted with good participation.	General Manager	The Business Chamber remained inactive during

Business & Industry (Strategic Theme 5)						
COMMUNITY STRATEGIC PLAN 2022-2036	4 YEAR DELIVERY PROGRAM 2022-2023 to 2025-2026	1 YEAR OPERATIONAL PLAN 2023-2024				
Strategic Direction	Program	Link	Action	Performance Measure	Responsibility	Six Month Review to 31 December 2023
connectivity for Cowra Shire to the rest of the world.	on the range of technologies available.		to present current technology options to the business community.			this period. Council facilitated and hosted a NSW Small Biz Month workshop on Business Resilience in October.
	B5.2 Advocate for and support initiatives to improve digital connectivity.	B5.2.a	Lobby and pursue funding for improved NBN access for business.	Funding submissions lodged, advocacy undertaken.	General Manager	A councillor briefing from the Regional NBN representative is scheduled for the first quarter of 2024.
		B5.2.b	Work with village communities and advocate for improved connectivity, with particular emphasis on Gooloogong.	Liaison and advocacy undertaken.	General Manager	Villages continue to enjoy fixed wireless internet connectivity as a standard with advocacy from council for improved speeds and a broader footprint being undertaken.
		B5.2.c	Lobby mobile phone providers to extend coverage in the Shire.	Advocacy undertaken.	General Manager	Council continues to lobby Federal Government for infrastructure funding in identified low & no reception areas. Council also advocates with mobile service providers directly to monitor and

Business & Industry (Strategic Theme 5)						
COMMUNITY STRATEGIC PLAN 2022-2036	4 YEAR DELIVERY PROGRAM 2022-2023 to 2025-2026	1 YEAR OPERATIONAL PLAN 2023-2024				
Strategic Direction	Program	Link	Action	Performance Measure	Responsibility	Six Month Review to 31 December 2023
						improve their service delivery at shire villages.
B6 Identify and develop profitable and sustainable tourism opportunities for Cowra.	B6.1 Review and monitor the Memorandum of Understanding (MOU) between Council and the Cowra Tourism Corporation (CTC).	B6.1.a	Ensure Council and Cowra Tourism Corporation meet obligations of the MOU between the parties.	Obligations met.	General Manager	Council maintains a close relationship with Cowra Tourism and MOU obligations are being met.
	B6.2 Support Cowra Tourism in identifying new events and supporting existing events.	B6.2.a	Provide funding to Cowra Tourism for Events Officer.	Funding provided and a satisfactory number of events conducted.	General Manager	Funding provided.
	B6.3 Provide resources and financial assistance to Cowra Tourism Corporation to effectively support and grow the Shire's tourism sector.	B6.3.a	Provide two representatives on Cowra Tourism Board. Provide annual contribution to Cowra Tourism.	Council representatives attend board meetings and report back to Council.	General Manager	Representatives provided. Funding provided in accordance with budget allocation.

Transport & Infrastructure (Strategic Theme 6)						
COMMUNITY STRATEGIC PLAN 2023-2036	4 YEAR DELIVERY PROGRAM 2022-2023 to 2025-2026	1 YEAR OPERATIONAL PLAN 2023-2024				
Strategic Direction	Program	Link	Action	Performance Measure	Responsibility	Six Month Review to 31 December 2023
T1. Develop a Heavy Vehicle Bypass for Cowra's CBD.	T1.1 Project is adopted by Transport for NSW as a medium-term priority.	T1.1.a	Lobby Transport for NSW, local members and NSW Government to include the project in Transport for NSW planning documents.	Project endorsed for inclusion in Transport for NSW planning for the region.	General Manager	No specific action for this period.
T2. Construct a new mid-level bridge over the Lachlan River within the Cowra township.	T2.1 Project is adopted by Transport for NSW as a medium-term priority.	T2.1.a	Lobby Transport for NSW, local members and NSW Government to include the project in Transport for NSW planning documents.	Project endorsed for inclusion in Transport for NSW planning for the region.	General Manager	A Mayoral Minute adopted at November 2023 council meeting and letters written to relevant MPs. Followed up with Minister at CNSWJO forum at NSW Parliament.
T3. Construct a swift and safe link connecting Central NSW to Metropolitan Sydney via the Blue Mountains.	T3.1 Project is adopted by Transport for NSW as a medium-term priority.	T3.1.a	Lobby Transport for NSW, local members and NSW Government to include the project in Transport for NSW planning documents.	Project endorsed for inclusion in Transport for NSW planning for the region.	General Manager	No specific action during the review period.
T4. Re-open the Blayney to Demondrille trail line to facilitate freight movement within and beyond the region.	T4.1 Project is adopted by Transport for NSW as a medium-term priority.	T4.1.a	Lobby Transport for NSW, local members and NSW Government to include the project in Transport for NSW planning documents.	Project endorsed for inclusion in Transport for NSW planning for the region.	General Manager	No specific action during the review period.
T5. Develop an integrated transport system that addresses	T5.1 Maintain, improve and develop footpaths and walkways to ensure the safe and efficient movement of	T5.1.a	Review and update the Pedestrian and Cycling plan.	Plan reviewed, updated and adopted.	Director – Infrastructure & Operations	Draft plan expected to be to be submitted to Council in first quarter 2024.

Transport & Infrastructure (Strategic Theme 6)						
COMMUNITY STRATEGIC PLAN 2023-2036	4 YEAR DELIVERY PROGRAM 2022-2023 to 2025-2026	1 YEAR OPERATIONAL PLAN 2023-2024				
Strategic Direction	Program	Link	Action	Performance Measure	Responsibility	Six Month Review to 31 December 2023
local and regional needs in relation to cycleways and footpaths, road and rail.	users, including persons living with disabilities, and develop pedestrian and cycling linkages in the shire.	T5.1.b	Seek funding for projects identified in the Pedestrian and Cycling plan.	Funding applications submitted for appropriate programs.	General Manager	Funding applications submitted for works within Cowra, Woodstock and Wyangala.
	T5.2 Maintain local and regional road networks to enable the safe and efficient movement of traffic at the lowest life-cycle cost.	T5.2.a	Complete the Roads to Recovery projects scheduled for 2023/2024.	Projects completed on time and on budget.	Director – Infrastructure & Operations	Projects progressing well. Due to weather-related postponements, sealing works are now rescheduled for completion in Q3.
	T5.3 Work with Transport for NSW to enable the safe and efficient movement of traffic on the state-owned road network within Cowra Shire.	T5.3.a	Work with Transport for NSW to agree on improvements required to State-owned road network.	Projects agreed to and delivered.	Director – Infrastructure & Operations	TfNSW projects underway.
	T5.4 Improve awareness of and range of local and regional transport options.	T5.4.a	Liaise with Transport for NSW and local operator to improve the "Hail and Ride" service within Cowra.	Liaison undertaken, service improvement agreed to and implemented.	Director – Infrastructure & Operations	Council advocacy with TfNSW remains ongoing.
		T5.4.b	Liaise with Transport for NSW to improve public transport connectivity within and beyond the region.	Service gaps identified and advocacy undertaken.	General Manager	No specific action during the review period.
	T5.5 Improve local traffic conditions within the Cowra CBD.	T5.5.a	Monitor local traffic conditions and refer proposed changes to the Traffic Committee for consideration.	Regular reports provided to Traffic Committee and decisions implemented.	Director – Infrastructure & Operations	Meetings completed regularly.

Transport & Infrastructure (Strategic Theme 6)						
COMMUNITY STRATEGIC PLAN 2023-2036	4 YEAR DELIVERY PROGRAM 2022-2023 to 2025-2026	1 YEAR OPERATIONAL PLAN 2023-2024				
Strategic Direction	Program	Link	Action	Performance Measure	Responsibility	Six Month Review to 31 December 2023
T6. Develop the Cowra Airport as a regional aviation precinct.	T6.1 Continue to develop the Cowra Airport.	T6.1.a	Finalise plans for the next stage of development.	Project scope, costing and funding finalised for delivery.	General Manager	No action during this period.
		T6.1.b	Continue to maintain Cowra Airport as a certified aerodrome.	Certification maintained.	Director – Infrastructure & Operations	Ongoing – recent Manual Validation successfully completed December 2023.
T7. Provide water, Sewerage and stormwater infrastructure and services to meet community needs.	T7.1 Maintain and improve the Shire's water supply network to meet consumer demand and meet health requirements.	T7.1.a	Accept handover of completed Wyangala water treatment plant.	Plant handed over from NSW Government and operating satisfactorily.	Director Infrastructure & Operations	Commissioning of Plant currently in progress. Council team is involved as part of the new plant training process.
		T7.1.b	Undertake Integrated Water Cycle Management (IWCN) strategy including review of Water and Sewer Strategic Business Plans.	IWCN finalised and adopted. Strategic Business Plans finalised and adopted.	Director Infrastructure & Operations	The preparation of the IWCN is underway.
		T7.1.c	Drinking Water Management System (DWMS) implemented in accordance with Australian Drinking Water Guidelines (ADWG).	DWMS Annual Report provided to Council.	Director Infrastructure & Operations	In progress.
	T7.2 Continue planning for the completion of the West Cowra Sewer project.	T7.2.a	Finalise design, consultation and tender specifications.	Consultation completed. Project scope and costing adopted ready for delivery.	Director Infrastructure & Operations	A sewage scheme option study has been completed and is under review.

Transport & Infrastructure (Strategic Theme 6)						
COMMUNITY STRATEGIC PLAN 2023-2036	4 YEAR DELIVERY PROGRAM 2022-2023 to 2025-2026	1 YEAR OPERATIONAL PLAN 2023-2024				
Strategic Direction	Program	Link	Action	Performance Measure	Responsibility	Six Month Review to 31 December 2023
	T7.3 Discharge from wastewater treatment plants to meet Environmental Protection Agency (EPA) licence conditions.	T7.3.a	Plant is operated to comply with EPA requirements at all times.	Nil compliance breaches.	Director Infrastructure & Operations	EPA compliance is tracking well. No breaches to date.
	T7.4 Undertake improvement works to West Cowra Drainage.	T7.4.a	Complete engineering plans of proposed stormwater drainage downstream of Lyall Street and commence stage one works.	Study completed and work commenced subject to available funding.	Director Infrastructure & Operations	In progress. Modelling for different scenarios is underway.
T8. Ensure long-term security of Cowra's water supply.	T8.1 Undertake projects that strengthen Cowra's water security.	T8.1.a	Finalise the Billimari Bore project.	Work completed within budget and operating as required.	Director Infrastructure & Operations	Rural portion works complete, urban works have started. Consultation works with Rail manager in progress, seeking approval to cross rail corridor.
	T8.2 Advocate for water security measures including the raising of Wyangala wall.	T8.2.a	Advocate for water security measures including the raising of Wyangala wall subject to all appropriate assessments being undertaken.	Advocacy undertaken.	General Manager	In September 2023 the NSW Government abandoned plans for the raising of Wyangala Dam wall Council continues to advocate via the CNSWJO for water security measures to be included in NSW Government planning.
	T9.1 Maintain local, regional and state roads and bridges.	T9.1.a	Bridge maintenance scheduled and completed as required.	Work completed within budget.	Director Infrastructure & Operations	Progressing well, works to be completed in Q4.

Transport & Infrastructure (Strategic Theme 6)						
COMMUNITY STRATEGIC PLAN 2023-2036	4 YEAR DELIVERY PROGRAM 2022-2023 to 2025-2026	1 YEAR OPERATIONAL PLAN 2023-2024				
Strategic Direction	Program	Link	Action	Performance Measure	Responsibility	Six Month Review to 31 December 2023
T9. Ensure that community assets and public infrastructure including roads, bridges and public buildings are well-maintained.	T9.2 Efficiently manage and maintain Council's buildings and special purpose facilities.	T9.2.a	Required building maintenance scheduled and completed.	Works completed within budget.	Director Infrastructure & Operations	Works ongoing.
	T9.3 Maintain and manage Cowra Cemetery.	T9.3.a	Cemetery maintained to current high standard.	Maintenance undertaken.	Director Infrastructure & Operations	Ongoing.
	T9.4 Ensure public places are clean and well-maintained.	T9.4.a	Maintain a regular cleaning schedule for public places.	Schedule implemented.	Director Infrastructure & Operations	Ongoing.
T10. Improve the transport corridor connecting the Hume, Mid-Western, Newell, Olympic and Mitchell Highways.	T10.1 Advocate for improvements to the corridor.	T10.1.a	Liaise with local members of parliament, Transport for NSW and other stakeholders to seek recognition of and improvements to the corridor.	Advocacy and liaison undertaken.	General Manager	No specific action during the review period.

Environmental Sustainability & Stewardship (Strategic Theme 7)						
COMMUNITY STRATEGIC PLAN 2022-2036	4 YEAR DELIVERY PROGRAM 2022-2023 to 2025-2026	1 YEAR OPERATIONAL PLAN 2023-2024				
Strategic Direction	Program	Link	Action	Performance Measure	Responsibility	Six Month Review to 31 December 2023
E1. Aim to position Cowra Shire as a centre of environmental excellence.	E1.1 Maximise opportunities for the Cowra Material Recycling facility to participate in the circular economy.	E1.1.a	Continue partnership with Cleanaway as a regional processing facility for the Container Deposit Scheme.	CDS tonnages maintained or increasing.	Director – Infrastructure & Operations	Tonnages increased over Q2 causing backlog of material. Additional casual staff being recruited to ensure continued processing.
	E1.2 Build an environmentally active community to promote Cowra as a centre of environmental excellence.	E1.2.a	Investigate forming an environmental sustainability Section 355 committee.	Investigation undertaken and reported to Council.	Director Infrastructure & Operations	No action during the review period.
E2. Reduce the emissions of Council operations in line with NSW Government targets for the local government sector.	E2.1 Implement Energy Efficiency projects included in the adopted Energy Efficiency and Renewable Energy Plan.	N2.1.a	Install solar panels at Water Treatment Plant and Wastewater Treatment Plant.	Panels installed and operating.	Director Infrastructure & Operations	Procurement documents for the solar jobs are currently being drafted, planning to go out to the market in Q3, targeting to complete works in Q4.
	E2.2 Investigate opportunities for the use of renewable/alternative energy sources for Council infrastructure.	E2.2.a	Seek funding to implement strategies from the adopted Energy Efficiency and Renewable Energy Plan.	Funding submissions lodged.	General Manager	No appropriate programs available. It is expected an application will be made in the first half of 2024 under the Community Energy Upgrades Fund.
	E2.3 Investigate opportunities to participate in the rollout of electric vehicles.	E2.3.a	Advocate for improvements to the grid in support of the uptake of EVs.	Advocacy undertaken and where required funding submissions lodged.	General Manager	Two replacement Tesla chargers installed in the carpark opposite the Visitors Centre. Council liaised with NRMA to repair the fast charger

Environmental Sustainability & Stewardship (Strategic Theme 7)						
COMMUNITY STRATEGIC PLAN 2022-2036	4 YEAR DELIVERY PROGRAM 2022-2023 to 2025-2026	1 YEAR OPERATIONAL PLAN 2023-2024				
Strategic Direction	Program	Link	Action	Performance Measure	Responsibility	Six Month Review to 31 December 2023
						located in the Gallery carpark Council is participating in a NSWJO Fleet Transition program. The biggest impediment to installing additional EV chargers on public land and in the potential fleet transition remains the exorbitant cost to upgrade the grid to service the chargers.
E3. Take advantage of and support opportunities to grow new sustainable industries.	E3.1 Position Cowra Shire as a location for circular economy industries.	E3.1.a	Advocate for and support industries participating in the circular economy.	Investigate opportunities and advocate for Cowra Shire as a desirable location for such industries.	General Manager	No specific action during the review period.
E4. Show leadership by taking action and promoting practices to encourage Cowra Shire to be an environmentally responsible community.	E4.1 Develop a Waste Management Strategy to meet the objectives of the "NSW EPA Waste and Sustainable Materials Strategy 2041".	E4.1.a	Undertake consultation and investigation to develop a Waste Management Strategy.	Strategy adopted by Council.	Director Infrastructure & Operations	Final Draft to be completed February 2024.
	E4.2 Implement Food Organic and Garden Organics (FOGO) in line with State government strategies.	E4.2.a	Investigate requirements to implement FOGO system.	Investigations undertaken and reported to Council.	Director Infrastructure & Operations	No progress until Waste Strategy is adopted.
	E4.3 Work with the community to maximise recycling.	E4.3.a	Promote recycling education program.	Promotion and education initiatives undertaken.	Director Infrastructure & Operations	Ongoing. Community engagement events include Community Markets, Cowra

Environmental Sustainability & Stewardship (Strategic Theme 7)						
COMMUNITY STRATEGIC PLAN 2022-2036	4 YEAR DELIVERY PROGRAM 2022-2023 to 2025-2026	1 YEAR OPERATIONAL PLAN 2023-2024				
Strategic Direction	Program	Link	Action	Performance Measure	Responsibility	Six Month Review to 31 December 2023
						Mens Probis, Mulyan kindergarten. Cowra to host NetWaste meeting in February 2024. Promotion and education on MRF, Foam muncher, National Recycling Week and sharpies bins.
		E4.3.b	Conduct annual Recycled Art for Cowra Awards	Event conducted with good community participation.	Director Infrastructure & Operations	Support provided. RAFCA held in Sept with record participation and strong promotion locally.
		E4.3.c	Support initiatives of the Tidy Towns committee within available resources.	Support provided where required, subject to available resources.	Director Infrastructure & Operations	Support provided – consistent promotion of Tidy Towns and RAFCA from June-September.
		E4.3.d	Participate in Garage Sale Trail.	Event conducted with good participation from the community.	Director Infrastructure & Operations	Participation and promotion of Garage Sale trail Sept-November 2023.
		E4.3.e	Consider options for and feasibility of bulk rubbish collection.	Investigations undertaken and report provided to Council.	Director Infrastructure & Operations	No progress until Waste Strategy is adopted.

Environmental Sustainability & Stewardship (Strategic Theme 7)						
COMMUNITY STRATEGIC PLAN 2022-2036	4 YEAR DELIVERY PROGRAM 2022-2023 to 2025-2026	1 YEAR OPERATIONAL PLAN 2023-2024				
Strategic Direction	Program	Link	Action	Performance Measure	Responsibility	Six Month Review to 31 December 2023
	E4.4 Source road making materials in an environmentally responsible manner.	E4.4.a	Operate Council quarries in accordance with all regulatory and legislative requirements.	Quarries operated with nil compliance breaches.	Director Infrastructure & Operations	Tracking well. No breaches to date.
E5. Build partnerships with people who work and care for the land to secure a healthier environment.	E5.1 Consider and where appropriate support proposals to establish wetlands in the Shire.	E5.1.a	Investigate option for establishing a wetland as part of the West Cowra stormwater works.	Investigation undertaken and report provided to Council for consideration.	Director Infrastructure & Operations	In progress.
E6. Build and promote Council's and the community's preparedness for, adaptability to and resilience to climate change and natural disaster impacts.	E6.1 Adopt and/or review plans to improve Council and community preparedness and response to climate change and natural disaster impacts.	E6.1.a	Local Emergency Management Committee continues to monitor and as required review plans for disaster preparedness and response.	LEMC meets regularly and plans are reviewed as required.	General Manager	Meetings held regularly.

Reconciliation and Inclusion (Strategic Theme 8)						
COMMUNITY STRATEGIC PLAN 2022-2036	4 YEAR DELIVERY PROGRAM 2022-2023 to 2025-2026	1 YEAR OPERATIONAL PLAN 2023-2024				
Strategic Direction	Program	Link	Action	Performance Measure	Responsibility	Six Month Review to 31 December 2023
R1. Foster recognition and connection with the local Indigenous population. Respect, promote and protect Wiradjuri culture.	R1.1 Develop a Reconciliation Action Plan (RAP).	R1.1.a	Liaise with reconciliation Australia, local Indigenous community and wider community to progress development of Reconciliation Action Plan.	Demonstrated progress and meeting of milestones set by Reconciliation Australia.	General Manager	Matter is ongoing Councillors and senior staff participated in cultural awareness training during November.
	R1.2 Respect and Protect local culture.	R1.2.a	Consult with the local Indigenous community on all Council works and projects that have the potential to impact on Wiradjuri cultural heritage.	Undertake consultation in accordance with adopted Aboriginal Consultation Policy.	Director – Infrastructure & Operations	Consultation is carried out in accordance with adopted policy requirements.
		R1.2.b	Consult with local Indigenous community on all development applications that have the potential to impact on Wiradjuri cultural heritage.	Undertake consultation in accordance with adopted Aboriginal Consultation Policy and Community Participation Plan.	Director – Environmental Services	Council continues to undertake consultation on development applications in accordance with the requirements of the Aboriginal Consultation Policy.
		R1.2.c	Liaise with the local Indigenous community and Cowra Local Aboriginal Land Council to discuss inclusion of Wiradjuri language in the singing of the National Anthem at Council events.	Liaison undertaken and if approved changes implemented.	General Manager	To be included in development of RAP.
		R1.2.d	Liaise with local Indigenous community and Cowra Local Aboriginal Land Council to	Liaison undertaken and if approved changes implemented.	General Manager	To be included in development of RAP.

Reconciliation and Inclusion (Strategic Theme 8)						
COMMUNITY STRATEGIC PLAN 2022-2036	4 YEAR DELIVERY PROGRAM 2022-2023 to 2025-2026	1 YEAR OPERATIONAL PLAN 2023-2024				
Strategic Direction	Program	Link	Action	Performance Measure	Responsibility	Six Month Review to 31 December 2023
			discuss inclusion of Wiradjuri language in the Acknowledgement of Country at Council events.			
	R1.3 Celebrate local culture.	R1.3.a	Support and participate in NAIDOC Week and other days of significance to the local Indigenous community.	Support provided.	Director – Corporate Services	Event and promotion of NAIDOC week in July 2023. Cowra Youth Council contributed to community NAIDOC celebrations including the march and Family Fun Day.
		R1.3.b	Work with the local Indigenous community and the Cowra Local Aboriginal Land Council on the Interpretation Centre in line with the Peace Precinct Masterplan.	Liaison undertaken and project progresses with approval from the local Land Council.	General Manager	No specific action during the review period.
R2. Show leadership and promote actions that ensure all members of the community have an equal opportunity to participate fully within the community.	R2.1 Be a responsible employer committed to the principles of equal employment opportunity.	R2.1.a	Continue to explore options to increase employment opportunities for those groups identified in the EEO Management Plan.	Employment of target groups increased.	General Manager	No specific action during period. The importance of pursuing this objective is a component of the Leadership program currently underway.
R3. Continue to deliver and ensure all high movement areas, public	R3.1 Review the Disability Inclusion Action Plan (DIAP).	R3.1.a	DIAP reviewed, adopted and commence implementation of recommendations.	Extensive consultation undertaken and updated plan adopted by Council.	Director – Environmental Services	The DIAP is currently being reviewed and will be

Reconciliation and Inclusion (Strategic Theme 8)						
COMMUNITY STRATEGIC PLAN 2022-2036	4 YEAR DELIVERY PROGRAM 2022-2023 to 2025-2026	1 YEAR OPERATIONAL PLAN 2023-2024				
Strategic Direction	Program	Link	Action	Performance Measure	Responsibility	Six Month Review to 31 December 2023
buildings and appropriate Council resources and services are accessible for all the community.						presented to Council in 2024.
		R3.1.b	Maintain the Access Incentive Fund.	Fund maintained and opportunities publicised to relevant stakeholders.	Director – Environmental Services	The policy has been reviewed and updated. The ability to apply for grant funding has been publicised to the community, together with an increase in the level of available funding. One application funded during the period.

5 DIRECTOR-CORPORATE SERVICES

5.1 Quarterly Budget Review Statement - December 2023

File Number: D24/89

Author: Michael Jones, Director - Corporate Services

RECOMMENDATION

That the Second Quarter Budget Review for 2023-24 showing a Surplus of \$13.6m be adopted.

INTRODUCTION

Presentation of the Second Quarter Review for the quarter ending 30 June 2024 showing a surplus is presented to Council for adoption.

BACKGROUND

The Second Quarter Budget Review for the year ending 30 June 2024 was considered at the information session held on Monday 19 February 2024. Council reviewed the budget and noted that overall the result was satisfactory and demonstrated sound budgetary management on a significant range of activities in the three-month period.

Fund	Original Estimate (\$000's)	1 st Quarter Variation (\$000's)	2 nd Quarter Variation (\$000's)	Revised Estimate for 30/06/2024 (\$000's)
General	\$ 7,397 Surplus	\$ 1,481 Improvement	\$ 2,651 Improvement	\$ 11,529 Surplus
Waste	\$ 42 Surplus	\$ 54 Improvement	\$ 351 Improvement	\$ 447 Surplus
Water	\$ 1 Surplus	\$ 3,370 Improvement	\$ 899 Deterioration	\$ 2,472 Surplus
Sewer	\$ 477 Deficit	\$ 58 Deterioration	\$ 312 Deterioration	\$ 847 Deficit
Total	\$ 6,964 Surplus	\$ 4,846 Improvement	\$ 1,791 Improvement	\$ 13,601 Surplus

ATTACHMENTS

1. Second Quarterly 2023-2024 Budget Review Statement – December [↓](#)

COWRA SHIRE COUNCIL

Quarterly Budget Review Statement
for the period 01/10/23 to 31/12/23

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COWRA SHIRE COUNCIL

Quarterly Budget Review Statement
for the period 01/10/23 to 31/12/23

Report by Responsible Accounting Officer

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005:

It is my opinion that the Quarterly Budget Review Statement for COWRA SHIRE COUNCIL for the quarter ended 31/12/23 indicates that Council's projected financial position at 30/6/24 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed: _____

Date:

Mr M Jones
Responsible Accounting Officer

COWRA SHIRE COUNCIL

Quarterly Budget Review Statement

for the period 01/10/23 to 31/12/23

Income & Expenses Budget Review Statement

Budget Review for the quarter ended 31 December 2023

Income & Expenses - Council Consolidated

(\$000's)	Original Budget 2023/24	Approved Changes		Revised Budget 2023/24	Actual YTD figures
		September QBRs	December QBRs		
Income					
Rates and Annual Charges	16,234	61	(226)	16,069	14,607
User Charges and Fees	15,087	(195)	4,934	19,827	5,676
Other Revenues	1,465	109	236	1,810	819
Grants & Contributions - Operating	11,778	(466)	3,202	14,513	4,187
Grants & Contributions - Capital	6,059	6,031	(232)	11,858	3,943
Interest and Investment Revenues	1,289	-	525	1,814	1,068
Other income	236	-	(9)	227	100
Net gain from disposal of assets	170	-	-	170	114
Total Income from Continuing Operations	52,318	5,540	8,430	66,289	30,514
Expenses					
Employee Costs	17,401	(160)	179	17,420	8,372
Materials & Contracts	16,842	778	6,078	23,697	12,313
Borrowing Costs	883	-	-	883	378
Depreciation	8,684	-	382	9,066	4,533
Other Expenses	1,544	76	0	1,621	332
Total Expenses from Continuing Operations	45,354	694	6,639	52,688	25,929
Net Operating Result from Continuing Operations	6,964	4,846	1,791	13,601	
Net Operating Result before Capital Items	904	(1,184)	2,023	1,743	

COWRA SHIRE COUNCIL

Quarterly Budget Review Statement

for the period 01/10/23 to 31/12/23

Income & Expenses Budget Review Statement

Budget Review for the quarter ended 31 December 2023

Income & Expenses - General Fund

(\$000's)	Original Budget 2023/24	Approved Changes		Revised Budget 2023/24	Actual YTD figures
		September QBRs	December QBRs		
Income					
Rates and Annual Charges	7,728	22	2	7,752	7,752
User Charges and Fees	7,590	(195)	5,372	12,767	2,684
Other Revenues	390	94	236	720	191
Grants & Contributions - Operating	11,761	(581)	3,202	14,382	4,181
Grants & Contributions - Capital	5,959	2,601	(232)	8,328	2,803
Interest and Investment Revenues	1,159	-	500	1,659	962
Other income	210	-	(9)	201	92
Net gain from disposal of assets	170	-	-	170	114
Total Income from Continuing Operations	34,965	1,942	9,071	45,978	18,781
Expenses					
Employee Costs	13,744	(163)	212	13,793	6,511
Materials & Contracts	7,058	548	6,040	13,646	7,425
Borrowing Costs	188	-	-	188	79
Depreciation	5,067	-	168	5,235	2,617
Other Expenses	1,512	76	0	1,588	314
Total Expenses from Continuing Operations	27,568	461	6,421	34,450	16,945
Net Operating Result from Continuing Operations	7,397	1,481	2,651	11,529	
Net Operating Result before Capital Items	1,438	(1,120)		3,201	

COWRA SHIRE COUNCIL

Quarterly Budget Review Statement

for the period 01/10/23 to 31/12/23

Income & Expenses Budget Review Statement

Budget Review for the quarter ended 31 December 2023

Income & Expenses - Waste Fund

(\$000's)	Original Budget 2023/24	Approved Changes		Revised Budget 2023/24	Actual YTD figures
		September QBRS	December QBRS		
Income					
Rates and Annual Charges	3,123	39	9	3,171	3,171
User Charges and Fees	719	-	383	1,102	800
Other Revenues	1,075	15	-	1,090	628
Grants & Contributions - Operating	0	-	-	-	-
Grants & Contributions - Capital	0	-	-	-	-
Interest and Investment Revenues	17	-	-	17	16
Other income	3	-	-	3	1
Net gain from disposal of assets	0	-	-	-	-
Total Income from Continuing Operations	4,937	54	392	5,384	4,616
Expenses					
Employee Costs	1,926	-	(16)	1,910	894
Materials & Contracts	2,634	1	33	2,668	1,388
Borrowing Costs	7	-	-	7	2
Depreciation	324	-	25	349	175
Other Expenses	2	-	-	2	-
Total Expenses from Continuing Operations	4,895	1	42	4,937	2,459
Net Operating Result from Continuing Operations	42	54	351	447	
Net Operating Result before Capital Items	42	54		447	

COWRA SHIRE COUNCIL

Quarterly Budget Review Statement

for the period 01/10/23 to 31/12/23

Income & Expenses Budget Review Statement

Budget Review for the quarter ended 31 December 2023

Income & Expenses - Water Fund

(\$000's)	Original Budget 2023/24	Approved Changes		Revised Budget 2023/24	Actual YTD figures
		September QBRS	December QBRS		
Income					
Rates and Annual Charges	2,057	-	-	2,057	730
User Charges and Fees	5,745	-	(770)	4,975	1,435
Other Revenues	0	-	-	-	-
Grants & Contributions - Operating	17	115	-	132	6
Grants & Contributions - Capital	34	3,430	-	3,463	1,140
Interest and Investment Revenues	37	-	-	37	27
Other income	0	-	-	-	-
Net gain from disposal of assets	0	-	-	-	-
Total Income from Continuing Operations	7,890	3,544	(770)	10,664	3,338
Expenses					
Employee Costs	1,225	3	(8)	1,219	706
Materials & Contracts	4,131	172	5	4,307	1,948
Borrowing Costs	208	-	-	208	89
Depreciation	2,297	-	132	2,428	1,214
Other Expenses	29	-	-	29	17
Total Expenses from Continuing Operations	7,889	174	129	8,192	3,973
Net Operating Result from Continuing Operations	1	3,370	(899)	2,472	
Net Operating Result before Capital Items	(33)	(60)		(991)	

COWRA SHIRE COUNCIL

Quarterly Budget Review Statement

for the period 01/10/23 to 31/12/23

Income & Expenses Budget Review Statement

Budget Review for the quarter ended 31 December 2023

Income & Expenses - Sewer Fund

(\$000's)	Original Budget 2023/24	Approved Changes		Revised Budget 2023/24	Actual YTD figures
		September QBRs	December QBRs		
Income					
Rates and Annual Charges	3,326	-	(237)	3,089	2,951
User Charges and Fees	1,033	-	(51)	982	757
Other Revenues	0	-	-	-	-
Grants & Contributions - Operating	0	-	-	-	-
Grants & Contributions - Capital	67	-	-	67	0
Interest and Investment Revenues	76	-	25	101	64
Other income	24	-	-	24	6
Net gain from disposal of assets	0	-	-	-	-
Total Income from Continuing Operations	4,526	-	(263)	4,263	3,779
Expenses					
Employee Costs	506	1	(9)	498	262
Materials & Contracts	3,019	57	-	3,076	1,553
Borrowing Costs	479	-	-	479	208
Depreciation	997	-	57	1,054	527
Other Expenses	2	-	-	2	1
Total Expenses from Continuing Operations	5,002	58	49	5,109	2,551
Net Operating Result from Continuing Operations	(477)	(58)	(312)	(847)	
Net Operating Result before Capital Items	(544)	(58)		(913)	

COWRA SHIRE COUNCIL

Income & Expenses Budget Review Statement
Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes Details

INCOME

USER CHARGES & FEES

- Increased due to:
- \$5,090,019 additional flood damage repairs on State Roads for Transport for NSW
 - \$380,816 additional weighbridge charges
- Decreased due to:
- \$770,000 total reduction in water consumption charges

GRANTS & CONTRIBUTIONS - OPERATING

- Increased due to:
- \$3,251,113 Regional Emergency Road Repair Fund (RERRF) grant received

INTEREST AND INVESTMENT REVENUE

- Increased due to:
- \$500,000 additional General Fund interest on investments due to high interest rates

EXPENSES

MATERIALS AND CONTRACTS

- Increased due to:
- \$5,090,019 additional flood damage repairs on State Roads
 - \$ 685,827 total for RERRF works to be completed in this year
 - \$230,657 flood damage repairs at the caravan park

COWRA SHIRE COUNCIL

Quarterly Budget Review Statement

for the period 01/10/23 to 31/12/23

Capital Budget Review Statement

Budget review for the quarter ended 31 December 2023

Capital Budget - Council Consolidated

(\$000's)	Original Budget 2023/24	Approved Changes		Revised Budget 2023/24	Actual YTD figures
		September QBRS	December QBRS		
Capital Expenditure					
New Assets					
- Plant & Equipment	1,547	1,028	-	2,575	1,095
- Land & Buildings	-	141	450	591	139
- Infrastructure	11,344	4,380	977	16,700	1,670
- Other Assets	100	624	(383)	341	243
Renewal Assets (Replacement)					
- Land & Buildings	3,345	464	1	3,810	636
- Infrastructure	7,257	3,629	(1,341)	9,544	2,571
- Other Assets	3,621	423	(2,995)	1,049	14
Loan Repayments (Principal)	1,385	-	-	1,385	681
Total Capital Expenditure	28,598	10,689	(3,291)	35,996	7,050
Capital Funding					
Rates & Other Untied Funding	3,306	837	(677)	3,465	1,038
Capital Grants & Contributions	6,059	6,031	(232)	11,858	3,943
Reserves:					
- External Restrictions/Reserves	3,508	2,361	(630)	5,239	742
- Internal Restrictions/Reserves	2,955	1,281	(1,244)	2,992	1,328
New Loans	12,770	179	(508)	12,441	-
Total Capital Funding	28,598	10,689	(3,291)	35,996	7,050
Net Capital Funding - Surplus/(Deficit)	-	-	-	-	-

COWRA SHIRE COUNCIL

Quarterly Budget Review Statement
for the period 01/10/23 to 31/12/23

Capital Budget Review Statement
Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes Details

CAPITAL EXPENDITURE

INFRASTRUCTURE - RENEWAL

Reduced due to:

- \$678,711 grading reduction as over \$900,000 of grading has been carried out under the RERRF rural roads repair program
- \$741,229 overall reduction of water mains replacement and renewal in this year
- \$592,935 of Local Government Recovery rural culverts projects now classified as new infrastructure

OTHER ASSETS - RENEWAL

Capital works of \$2,994,945 on the new swimming pool upgrade have been deferred to the 2025 financial year.

CAPITAL FUNDING

INTERNAL RESTRICTIONS/RESERVES

The budget for water mains replacement and renewal has been reduced by \$741,229 overall.

COWRA SHIRE COUNCIL

Quarterly Budget Review Statement

for the period 01/10/23 to 31/12/23

Cash & Investments Budget Review Statement

Budget review for the quarter ended 31 December 2023

Cash & Investments - Council Consolidated

(\$000's)	Original Budget 2023/24	Approved Changes		Revised Budget 2023/24	Actual YTD figures
		September QBRs	December QBRs		
Externally Restricted ⁽¹⁾					
Developer Contributions - General	139			139	139
Developer Contributions - Water	0			-	-
Developer Contributions - Sewer	0			-	-
Water Supplies	8,327	(2,185)	(56)	6,086	8,195
Sewerage Supplies	10,466	(1,000)	(254)	9,212	9,199
Domestic Waste Management	1,279			1,279	1,279
Deposits - Trust Fund	804	114		918	1,186
Contract Liability - General Fund	785			785	3,006
Total Externally Restricted	21,800	(3,071)	(310)	18,419	23,004
⁽¹⁾ Funds that must be spent for a specific purpose					
Internally Restricted ⁽²⁾					
Plant & Vehicle Replacement	2,445	(1,028)		1,417	1,417
Built Asset Replacement	2,322	(66)	(40)	2,216	2,216
Employees Leave Entitlement	961			961	961
Aquatic Centre Capital Renewal	0		1,245	1,245	1,245
Art Gallery	3			3	3
Bad Debts	82			82	82
Business Assistance	48			48	48
Caravan Parks	921		44	966	966
Civic Centre	27	(7)	(2)	18	18
Election	112			112	112
Quarry Rehabilitation	460	(1)		459	459
RMS Warranty	250			250	250
Saleyards	35			35	35
Statecover	148		(4)	144	144
Statewide	158	2		160	160
Waste	1,182	5	233	1,420	1,420
Depot Redevelopment	15			15	15
Pedestrian & Cycling Plan	50			50	50
Peace Precinct	8			8	8
Lachlan River Precinct	141			141	141
Unexpended Grants	2,819	(1,788)	2,564	3,595	3,595
Financial Assistance Grants in Advance	2,137			2,137	2,137
Total Internally Restricted	14,324	(2,883)	4,040	15,481	15,481
⁽²⁾ Funds that Council has earmarked for a specific purpose					
Unrestricted (i.e. available after the above Restrictions)	6,092			2,563	2,707
Total Cash & Investments	42,216			36,463	41,192

COWRA SHIRE COUNCIL

Quarterly Budget Review Statement
for the period 01/10/23 to 31/12/23

Cash & Investments Budget Review Statement

Comment on Cash & Investments Position

Investments

Investments have been invested in accordance with Council's Investment Policy.

Cash

The Cash at Bank figure included in the Cash & Investment Statement totals \$6,911,125

This Cash at Bank amount has been reconciled to Council's physical Bank Statements.

COWRA SHIRE COUNCIL

Key Performance Indicators Budget Review Statement - Council specific KPI's

Budget review for the quarter ended 31 December 2023

(\$000's)	Current Projection		Actuals	
	Amounts	Indicator	Prior Periods	
	23/24	23/24	22/23	21/22

The Council monitors the following Key Performance Indicators:

1. Operating Performance RatioTotal continuing operating revenue ⁽¹⁾

(excl. Capital Grants & Contributions) - Operating Expenses

	1743	3.20%	4.51%	6.50%
--	------	-------	-------	-------

	54,431			
--	--------	--	--	--

2.Rates & Annual Charges, Interest & Extra Charges Outstanding Percentage *

Rates & Extra Charges Outstanding

Rates & Extra Charges Collectible

	2000	12.45%	13.32%	14.68%
--	------	--------	--------	--------

	16,069			
--	--------	--	--	--

* Includes Water Accounts raised in June not collectable until July.

COWRA SHIRE COUNCIL

Quarterly Budget Review Statement
for the period 01/10/23 to 31/12/23

Contracts Budget Review Statement

Budget review for the quarter ended 31 December 2023
Part A - Contracts Listing - contracts entered into during the quarter

Contractor	Contract detail & purpose	Contract Value \$	Start Date	Budgeted (Y/N)	Notes
Consenth Solutions Pty Ltd	Remodelling of Civic Centre auditorium floor	394,087	30/10/23	Y	Council Resolution 224/23
Interflow Pty Ltd	Cowra sewer CCTV and relining	1,124,205	27/10/23	Y	Council Resolution 195/23

COWRA SHIRE COUNCIL

Quarterly Budget Review Statement
for the period 01/10/23 to 31/12/23

Consultancy & Legal Expenses Budget Review Statement

Consultancy & Legal Expenses Overview

Expense	YTD Expenditure (Actual Dollars)	Budgeted (Y/N)
Consultancies	97,460	Y
Legal Fees	53,739	Y

Definition of a consultant:

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

Carryover - 30th June, 2023					
WO	Description	Carryover Amount	Funding Source	Funding Amount	Unfunded Carryover
GENERAL FUND:					
General Manager's Department					
1026	Cowra Japanese Garden & Cultural Centre - Plant/Labour Contribution	20,934			20,934
2111	Cowra Voices Audio Archive Project	4,245	Unexpended Grants Reserve	4,245	-
2058	Events Coordination & Administration	12,307	W2028 - Grant - Reconnecting Regional NSW	12,307	-
2052	Chalk Up Festival	24,598	W2028 - Grant - Reconnecting Regional NSW	24,598	-
134	Training	59,652			59,652
Corporate Services					
2166	2023 Winter Holiday Break Program	7,000	Unexpended Grants Reserve	7,000	-
130	Major Software & Infrastructure Upgrades	70,052			70,052
955	Local Projects Grant Expenditure	44,526	Unexpended Grants Reserve	44,526	-
2170	Cowra Library Refurbishment	267,362	W2171 - Library Infrastructure Grant	267,362	-
957	Revitalising Regional Libraries	16,000	Unexpended Grants Reserve	16,000	-
2119	NATSIAA Conference & Exhibition Darwin	3,000	Unexpended Grants Reserve	3,000	-
855	Cowra Sculpture Park	41,027			41,027
2024	Accessibility Upgrade - Grant Funded	(8,674)	W2023 - Grant - Civic Centre Access Upgrade	(8,674)	-
Environmental Services					
881	Small Environmental Grants Program	17,032			17,032
2039	NSW Planning Portal - Setup	33,809	Unexpended Grants Reserve	33,809	-
880	Disabled Access Incentive Fund	37,841			37,841
883	Local Heritage Fund	7,310			7,310
884	Heritage Advisor	14,737			14,737
	Strong Start Cadetship Program	25,000	Unexpended Grants Reserve	25,000	-
Tech Services, Bushfire & Building Maintenance					
1914	Cowra Gasworks - Voluntary Management Plan	(1,642)			(1,642)
1123	RFS - Torrington - New Station	141,108	W1138 - RFS - Torrington - Reimbursement	141,108	-
1205	Building Asset Management Plan (AMP) Works	55,740	Built Asset Replacement Program Reserve	55,740	-
	Proposed Loan Funding - Roof Replacements	(179,238)	Built Asset Replacement Program Reserve	(179,238)	-
Cowra Works					
2064	RTR - Gowerhardy Stormwater Drainage - Stage 1	304,582	1231 - Roads to Recovery Grant (RTR)	304,582	-
2113	RTR - Pennsylvania Road Bridge - Major Repairs	37,028	1231 - Roads to Recovery Grant (RTR)	37,028	-
1645	RTR - Kangaroo Flat Rd - Rehab & Seal 8.9-12.2 (FLR2)	(51,513)	Unexpended Grants Reserve	(83,363)	-
1647	RTR - Kangaroo Flat Rd - Rehab & Seal 13.1-14.8 (FLR2)	(25,152)			
1648	RTR - Mt McDonald Rd - Rehab & Seal 4.4-5.3 (FLR2)	(86,234)	W1655 - Fixing Local Roads Grant - Round 2	(162,337)	
1649	RTR - Mt McDonald Rd - Rehab & Seal 6.7-7.7 (FLR2)	(82,801)			
			Unexpended Grants Reserve	(27,546)	-
1783	RTR & FLR3 - Camp Rd Seal 1.6-3.6km	(97,492)	W1879 - Fixing Local Roads Grant - Round 3	(69,946)	
1231	Increase Income - Roads to Recovery Grant (RTR) - 2020-2024	(573,843)	Unexpended Grants Reserve	(573,843)	
265	Cowra Street Reseals	55,454	W2127 - Grant - LRCI R3 - St Reseals	55,454	-
	Gravel Resheeting	403,101	W2129 - Grant - LRCI R3 - Resheeting	403,101	-
284	George Campbell Bridge Replacement	47,613	W282 - Federal Bridges Renewal Program	47,613	
2038	Chiverton Road - Repair Drainage Erosion	93,839			93,839
			Reduce W2139 - RLRRP Exp - Regional Rds	62,912	-
2150	Reduce Income - Grant - RLRRP - Regional Roads	109,578	Unexpended Grants Reserve	46,666	
2156	Reduce Income - Grant - RLRRP - Cowra Streets	205,664	Unexpended Grants Reserve	205,664	-
2152	Reduce Income - Grant - RLRRP - Rural Roads	2,003,986	Unexpended Grants Reserve	2,003,986	-
			Unexpended Grants Reserve	263,380	-
	FLR - Pothole Repair Expenditure - Rural Roads	15,622	W2078 - FLR - Pothole Repair Grant	(247,758)	
	Disaster Assistance Arrangement (AGRN1034) Expense	20,931	Unexpended Grants Reserve	20,931	-
Cowra Services					
1217	Plant Purchases	1,028,078	Plant Reserve	1,028,078	-
2164	EOI Development Contractor for Pool Grant	14,200			14,200
1680	Pool Concept Design & Specifications	16,000			16,000
2091	Weed Control - Bellevue Hill Reserve (2022-23 CRIF)	15,210	Unexpended Grants Reserve	15,210	-
1716	Playground Asset Renewal	10,083	Built Asset Replacement Program Reserve	10,083	-
1720	River Front Project Preliminaries (Public Spaces)	132,463	W1731 - Grant - Public Open Spaces	1,529,324	-
1721	River Front Footpaths (Public Spaces)	196,663			
1722	River Front Street Furniture (Public Spaces)	12,820			
1723	River Front Carparking Area (Public Spaces)	132,045			
1727	Public Art Murals (Public Spaces)	212,143			
1728	Village Signs (Public Spaces)	404,235			
2093	Additional Pathways at Peace Precinct (Public Spaces)	438,955			
1899	Col Stinson Park Amenities and Clubhouse	(1,946)	W1898 - SCC Round 4 - Col Stinson Park	(1,946)	-
2172	Col Stinson Park Courts & Seating	327,000	W2173 - Grant - LRCI R3 - Col Stinson Park	327,000	-
2122	eID Planning & Design	8,000	Unexpended Grants Reserve	8,000	-
Total General Fund		6,040,037		5,649,055	390,982
WATER FUND:					
			W1436 - Safe & Secure Grant - Cowra IWCM	114,558	-
1417	Cowra Integrated Water Cycle Management (IWCM)	229,119	Water Reserve	57,281	
			Sewer Reserve	57,281	
1384	Water - Replace Telemetry System	24,472	Water Reserve	24,472	-
1385	Water - Mains Replacement/Renewal	206,596	Water Reserve	206,596	-
1391	Water - High Level Lift Pump (River) Switch Board	692,109	Water Reserve	692,109	-
1393	WTP Office Extension	10,000	Water Reserve	10,000	-
1415	Water - Transfer Pump Refurbishment	150,000	Water Reserve	150,000	-
			Contract Liability	3,299,834	-
1421	Construct Emergency Drought Supply	3,429,728	WO 1433 - Safe & Secure - Drought	129,894	
1697	Water - Reservoir Chlorine Monitoring System	41,719	Water Reserve	41,719	-
1698	Water - Wyangala Village Mains Renewal	38,932	Water Reserve	38,932	-
1699	Water - Install Solar PV 26kW System - Cowra WTP	25,000	Water Reserve	25,000	-
1869	Water - Comerford St & Lachlan St Main Replacement	240,000	Water Reserve	240,000	-
2019	Water - Mains Replacement - Bernie Heilman St	181,703	Water Reserve	181,703	-
2020	Water - Mains Replacement - Brougham St	29,887	Water Reserve	29,887	-
2021	Water - Mains Replacement - Vaux Lane	452,077	Water Reserve	452,077	-
Total Water Fund		5,751,342		5,751,342	-
SEWER FUND:					
1485	Sewer - Mains Replacement	740,180	Sewer Reserve	740,180	-
1490	Sewer - West Cowra Sewer Reticulation	37,353	Sewer Reserve	37,353	-
1594	Sewer - Permanent Flow Gauging	50,140	Sewer Reserve	50,140	-
1692	Sewer - Install Solar PV 99kW System - Cowra STP	110,000	Sewer Reserve	110,000	-
Total Sewer Fund		937,673		937,673	-
WASTE FUND:					
1580	Staff Amenities Building & Admin Office Renovation	50,000	Waste Reserve	50,000	-
Total Waste Fund		50,000		50,000	-
GRAND TOTAL		12,779,052		12,388,070	390,982

6 DIRECTOR-INFRASTRUCTURE & OPERATIONS

6.1 Proposed Pipes Along and Across Roads - Water Drainage and Irrigation Policy

File Number: D24/156

Author: Dirk Wymer, Director-Infrastructure & Operations

RECOMMENDATION

That Council adopt the 'Pipes Along and Across Roads – Water Drainage and Irrigation' Policy.

INTRODUCTION

The purpose of this report is to recommend the adoption of the 'Pipes Along and Across Roads – Water Drainage and Irrigation' Policy following the conclusion of the twenty-eight (28) day public exhibition period.

BACKGROUND

Council, at its Ordinary meeting on 18 December 2023 Meeting, endorsed the Draft Pipes Along and Across Roads – Water Drainage and Irrigation Policy (the Draft Policy) subject to a twenty-eight (28) day public exhibition period in accordance with Council's Community Strategy (*Resolution: 270/23*).

Following the conclusion of the public exhibition period, a report was to be presented to Council which considered any submissions received prior to the formal adoption of the Policy.

The Draft Policy was placed on public exhibition from Monday 8 January 2024 to 5.00pm Monday 5 February 2024. During this period, no submissions were received for the Draft Policy.

It is now recommended that Council adopt the Pipes Along and Across Roads – Water Drainage and Irrigation Policy into strategic and operational control.

The fee for the application under the policy will be as per the adopted Fees and Charges: 'Section 138 Application fee (Traffic Control Plan supplied by applicant); currently \$183 per application.

As per the policy requirements the applicant is required to

- provide a bond of 5% of the total pipeline costs;
- complete the works to a satisfactory manner; or Council will retain the bond to recoup costs;
- be responsible for the full cost of relocation of the infrastructure if required in the future;
- indemnify Council against any claims arising from, or associated to, any harm, loss or damage resulting from the construction and/or maintenance of the privately-owned pipeline;
- meet all costs of surveying the private line and providing the survey records for Council.

The licence agreement referenced in Section 2.3 of the Policy is attached. It is not proposed to levy an annual licence fee.

An alternative is Council levies the adopted 'Section 138 Application - re-inspection fee' (currently \$80) on an annual basis to inspect pipeline condition.

BUDGETARY IMPLICATIONS

Nil

ATTACHMENTS

1. Draft Policy - Pipes Across and Along Roads - Water, Drainage and Irrigation [↓](#)
2. Draft Pipeline Licence Agreement [↓](#)

COUNCIL POLICY



Pipes Across and Along Roads –
Water, Drainage & Irrigation

Draft

Pipes Across and Along Roads – Water, Drainage & Irrigation

Commencement Date

Council Department Infrastructure & Operations

Contact Officer Director – Infrastructure & Operations

Revision Required Every 4 years

Policy Review

This policy shall be reviewed at four (4) yearly intervals at least, to ensure it meets all statutory requirements and the needs of council. It may also be reviewed at other times as determined by council.

Revision History

Version	Council Meeting Date	Resolution No.	Responsible Officer
I			Director-Infrastructure & Operations

Cowra Shire Council
Private Bag 342
Cowra NSW 2794

Phone: 02 6340 2000
Email: council@cowra.nsw.gov.au
Internet: www.cowracouncil.com.au

Pipes Across and Along Roads – Water, Drainage & Irrigation

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Pipes Across and Along Roads – Water, Drainage & Irrigation

1 Policy Objective

The purpose of this policy is to outline Cowra Shire Council's (Council's) requirements for the construction and/or maintenance of privately-owned pipelines and association infrastructure on and/or under public road reserves within the Cowra Local Government Area (LGA).

This Policy has been developed in accordance with the requirements of the *Local Government Act 1993 (NSW)* and the *Roads Act 1993 (NSW)*.

This Policy will be considered for all matters pertaining to privately-owned pipelines which were constructed, or applied for, prior to the adoption of this Policy. This may include establishment of Licence Agreements for previously constructed infrastructure with Owners.

Retrospective application of this Policy can be applied for in writing to Council's General Manager.

2 Policy Statement

- 2.1 Council, as the Roads Authority and/or acting on behalf of such, has a responsibility to ensure that all infrastructure constructed and maintained within the road reserves is done so in a manner which will not cause harm to the road and or adjoining areas.
- 2.2 In order to uphold this responsibility, this Policy has been established minimum requirements for Applicants and/or Owners in seeking approval, constructing and maintaining privately-owned pipelines and associated infrastructure.
- 2.3 Council will consider all applications for the construction of a privately-owned pipeline within a public road reserve subject to compliance with the following conditions:
 - Completion of an Application for Privately-Owned Pipeline within a Public Road Reserve which includes provision of:
 - Detailed Engineering Planning clearly demonstrating the proposed location and key details of the proposed pipeline and associated infrastructure;
 - Demonstrate compliance with Council's Engineering Standard;
 - An review of environmental effects (REF) completed in accordance with the *Environmental Planning & Assessment Act 1979 (NSW)*
 - A current Public Liability Certificate of Currency, to the value of \$20m (AUD), listing Cowra Shire Council as an interested party; and
 - All other information required by Council to assess the current and future effects of the proposed privately-owned pipeline as required.
 - Acknowledgment by the Applicant that it will construct the proposed pipeline to Council's requirements including:
 - That it will enter into a formal licence agreement with Council, setting out all terms and conditions of construction and future maintenance requirements. This licence agreement will also outline all costs, to be bore by the Applicant, for costs associated with assessing the construction standard of the pipeline such as survey and inspection costs in addition to an annual licence fee.
 - Provision of a bond of 5% of the total pipeline costs or an amount to be determined by Council in line with the Revenue Policy to be held by Council for a period of twelve (12) months following completion of the pipeline to a satisfactory manner. Satisfactory manner being to the requirements of the application and free from defects.

Pipes Across and Along Roads – Water, Drainage & Irrigation

- Failure to complete the works to a satisfactory manner will result in Council retaining the bond to recoup costs associating with remediating the area to a suitable standard in line with its requirements as the Roads Authority.
 - Council as part of future works, may require the relocation and or removal of privately-owned infrastructure. Should this occur the Applicant will be responsible for the full cost of relocation of such infrastructure.
 - That the Applicant indemnifies Council against any claims arising from, or associated to, any harm, loss or damage resulting from the construction and/or maintenance of the privately-owned pipeline.
 - Should any harm, loss or damage result from the construction and/or maintenance of the privately-owned pipeline, the Applicant will be responsible for all costs associated with such including make good of the area.
- 2.4 Council reserves the right to decline any application. Should the Applicant contest Council's assessment of an application, the Applicant may appeal in writing for further determination at an Ordinary Meeting of Council.
- 2.5 Upon full compliance with these conditions, approval under Section 138 of the Roads Act 1993 can be issued by Council.
- 2.6 Council must be provided a programme of works in addition to a commencement date fourteen (14) business days prior to commencement to enable Council to undertake landholder notification and schedule resources for works inspection and assessment.
- 2.7 Approval for commencement is limited to a period of one (1) year from time of issue. Approval automatically lapses following this period should works not commence.

3 Definitions

Term	Definition
Road Authority	Cowra Shire Council is the recognised Road Authority for all local and crown land roads within the Cowra Local Government Area (LGA).
Private Pipeline or Privately-Owned Pipeline	Transport for NSW (TFNSW) is the Road Authority for state roads within the Cowra Local Government Area (LGA). A private pipeline is any pipeline not owned or controlled by Cowra Shire Council.
Public Road Reserve	A public road reserve is the area including and adjoining all roadways, regardless of classification, within the Cowra LGA.
Associated Infrastructure	This means any related infrastructure or plant required for the construction and/or operation of the pipeline such as culverts, conduit and pumps, etc.

4 Exceptions

This Policy is not applicable to any works undertaken by or on behalf of Council.

Pipes Across and Along Roads – Water, Drainage & Irrigation

5 Legislation

- *Local Government Act 1993 (NSW)*
- *Roads Act 1993 (NSW)*
- *Environmental Planning & Assessment Act 1979 (NSW)*

6 Related Documents

- Application for Privately-Owned Pipeline within a Public Road Reserve
- Engineering Standards

NOT UPDATED

THIS AGREEMENT dated 2024
 PARTIES: COWRA SHIRE COUNCIL of 116 Kendal Street Cowra NSW 2794 (*Licensor*);
 AND: (Licensee)

Information Table

Parties

Name **Cowra Shire Council**
 Short form name **Licensor**
 Notice details 116 Kendal Street Cowra NSW 2794
 Private Bag 342 Cowra NSW 2794
 Telephone: 02 6340 2000
 Email: council@cowra.nsw.gov.au

Name
 Short form name **Licensee**
 Notice details

Items

Item	Clause	Detail
Item 1	Benefited Land (clause 1.1)	
Item 2	Licensed Area (clause 1.1)	The land identified as the Licensed Area shown on the Plan Attachment "A"
Item 2	Commencement Date (clause 1.1)	
Item 4	Expiry Date (clause 1.1)	
Item 5	Term (clause 1.1)	5 years
Item 6	Licence Fee (clause 1.1)	\$ Nil
Item 7	Permitted Use (clause 1.1)	The running of water in pipes through the Licensed Area to the Benefited Land. <input type="checkbox"/> The drainage of water in pipes through the Licensed Area from the Benefited Land. <input type="checkbox"/> Other:
Item 8	Administration Fee (clause 1.1)	\$ Nil
Item 9	Special Conditions	As per Council' adopted <i>Pipes Across and Along Roads – Water, Drainage and Irrigation</i>

NOT UPDATED

Agreed Terms

1. DEFINED TERMS AND INTERPRETATION

1.1 Defined Terms

In this Licence:

- (a) **Administration Fee** means the amount stated in Item 8;
- (b) **Benefited Land** means the land described in Item 1;
- (c) **Business Day** means any day in New South Wales which is not a Saturday, Sunday or Public Holiday;
- (d) **Commencement Date** means the date stated in Item 3;
- (e) **Expiry Date** means the date stated in Item 4;
- (f) **Financial Year** means the period beginning 1 July and ending the following 30 June;
- (g) **GST, taxable supply, consideration, tax invoice and GST amount** have the meanings given to those terms in *A New Tax System (Goods and Services Tax) Act 1999*;
- (h) **Information table** means the part of this document described as Information table;
- (i) **Item** means an item appearing in the Information table;
- (j) **Licence** means the licence that exists between the Licensor and the Licensee in relation to the Licensed Area of whatever nature and whether at law or in equity as evidenced in whole or in part by this document;
- (k) **Licence Fee** means the amount stated in Item 6 as varied under this Licence;
- (l) **Licensed Area** means the area described in Item 2;
- (m) **Licensee** means the licensee described on the first page of this Licence and its successors and permitted assigns or, if the Licensee is a natural person, its executors, administrators and assigns, and in either case its employees, agents and contractors;
- (n) **Licensor** means the licensor described on the first page of this Licence and its successors and permitted assigns or, if the Licensor is a natural person, its executors, administrators and assigns, and in either case its employees, agents and contractors;
- (o) **Maintain** includes to repair, alter and replace and **maintenance** has a similar meaning;
- (p) **Plan** means the plan annexed and marked 'A';
- (q) **Permitted Use** means the use set out in Item 7;
- (r) **Special Conditions** means the conditions set out in Item 9;
- (s) **Statute** means any statute, regulation, proclamation, ordinance, by-law, code or determination of the Commonwealth of Australia or the State of New South Wales and includes all statute, regulations, proclamations, ordinances, by-laws, codes or determination varying, consolidation or replacing them and all regulations, proclamations, ordinances, by-laws codes and determination issued under that statute;
- (t) **Term** means the term of the Licence set out in item 5
- (u) **Works** means the pipes and equipment installed in and on the Licensed Area (whether before or after the date of this Licence) for the purposes of the Permitted Use other than pipes and equipment owned by the Licensor.

1.2 Interpretation

In this Licence, unless the context otherwise requires

- (a) headings and underlinings are for convenience only and do not affect the interpretation of Licence;
- (b) words importing the singular include the plural and vice versa;
- (c) words importing a gender include any gender;
- (d) an expression importing a natural person includes any company, partnership, joint venture, corporation or other body corporate and any government agency;
- (e) a reference to any thing includes a part of that thing;

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- (f) a reference to a part, clause, party, annexure, exhibit, information table or schedule is a reference to a part and clause of and a party, annexure, exhibit, information table and schedule to this Licence;
- (g) where the day on or by which any thing is to be done is not a Business Day, that thing must be done on or by the next succeeding day which is a Business Day;
- (h) no rule of construction applies to the disadvantage of a party because that party was responsible for the preparation of the Licence or any part of it;
- (i) a covenant or agreement on the part of two or more persons binds them jointly and severally; and
- (j) "includes" in any form is not a word of limitation; and
- (k) any parties, persons, facts, events or documents alternatively or collectively shall be construed as a reference to all of them and to each of them and any one or more of them.

1.3 Third Parties

Any covenant (whether express or implied) by a party to this Licence not to do or omit any act or thing shall be deemed to extend to an obligation not to permit any third party to do or to omit the same.

1.4 Severance

Any provision of the Licence which is void, voidable, unenforceable or invalid because of any Statute must in any such case and to such extent be severed from the Licence, and the Licence must be read as though such provision did not form part of the Licence at that time.

1.5 Special Conditions

The Special Conditions set out in Item 9 apply and form part of this Licence.

2. GRANT, TERM OF LICENCE AND HOLDING OVER**2.1 Grant of Licence**

The Licensor grants to the Licensee a non-exclusive licence to use the Licensed Area for the Permitted Use.

2.2 No exclusive possession

The Licensee acknowledges that this Licence does not confer exclusive possession of the Licensed Area upon the Licensee.

2.3 No Estate in Licensor's land

This Licence does not confer upon the Licensee any estate or interest in the land upon which the Licensed Area is situated and the legal possession and control of the such land will at all times remain vested in the Licensor.

2.4 Term of Licence

The Term commences on the Commencement Date and expires on the Expiry Date, subject to the provisions of this Licence.

2.5 Yearly Tenancy – Holding Over

If the Licensee continues to occupy the Licensed Area after the Expiry Date (other than pursuant to a grant of a further licence), the Licensee must do so on a year to year basis on the same terms as this Licence as far as they apply. The Licensee shall pay an annual licence fee equivalent the Licence Fee. Either party may terminate the year to year licence by giving not less than one (1) months' written notice to the other party expiring on any day.

2.6 No right to purchase or transfer of Licence rights

- (a) In respect of this Licence, and without limitation, the grant of this Licence does not confer upon the Licensee:
 - (i) a right to purchase or lease any part of the Licensed Area; or
 - (ii) any tenancy or other estate or interest in any part of the Licensed Area other than contractual rights as Licensee under this Licence.
- (b) Subject to any other provisions of this Licence the Licensee shall not during the Term of this Licence, sub-licence the Licensed Area, transfer or create any interest in the Licence or

NOT UPDATED

authorise or permit any person to occupy the Licensed Area without the prior written consent of the Licensor.

3. PAYMENT**3.1 Licensee to pay Licence Fee**

The Licensee covenants with the Licensor to pay the Licence Fee if and when demanded.

3.2 Variation of Licence Fee

- (a) The Licensor may:
 - (i) vary the Licence Fee; or
 - (ii) set a mechanism by which the Licence Fee is calculated (such as publication of a standard fee in a Revenue Policy adopted by the Licensor),by giving the Licensee six (6) months written notice. The variation of the Licence Fee, or the new mechanism by which the Licence Fee is calculated (as the case may be) takes effect from the expiry of such notice.
- (b) If the Licensor serves notice in accordance with subclause (a) ('Fee Variation Notice'), the Licensee may terminate this Licence by notice in writing to the Licensor at any time prior to the expiry of the Fee Variation Notice whereupon the provisions of clause 6 shall apply.

3.3 Goods and Services Tax

- (a) The Parties agree that all payments to be made and other consideration to be provided by the Licensee under the Licence are GST exclusive unless explicitly expressed otherwise. If any payment or consideration to be made or provided by the Licensee to the Licensor is for a taxable supply under the Licence on which the Licensor must pay GST and the Licensor gives the Licensee a tax invoice, the Licensee shall pay to the Licensor an amount equal to the GST payable ("the GST Amount") by the Licensor for that taxable supply upon receipt of that tax invoice.
- (b) The Parties agree that they are respectively liable to meet their own obligations under the GST Law. The GST Amount shall not include any amount incurred in respect of penalty or interest or any other amounts payable by the Licensor as a result of default by the Licensor in complying with the GST Law.

3.4 Licensee to Pay Administration Fee

The Licensee shall pay the Administration Fee to Licensor on or before the date of this Agreement.

3.5 Licensee to Pay Cost of Work

Whenever the Licensee is required under this Licence to do or effect any act, matter or thing then the doing of such act matter or thing shall unless this Licence otherwise provides be at the sole risk, cost and expense of the Licensee.

3.6 Costs Payable by Licensee to the Licensor

Except when law limits costs being recovered from a licensor by a licensee, the Licensee shall pay in full the Licensor's reasonable legal costs, the fees of all consultants and all duties fees, charges and expenses incurred reasonably, properly and in good faith by the Licensor in consequence of or in connection with or incidental to:

- (a) the preparation and completion of this Licence;
- (b) any variation of this Licence made otherwise than at the request of the Licensor;
- (c) any application for the consent of the Licensor under this Licence;
- (d) any and every failure to comply breach or default by the Licensee under this Licence;
- (e) the exercise or attempted exercise of any right power privilege authority or remedy of the Licensor under or by virtue of this Licence;
- (f) any entry, inspection, examination, consultation or the like which discloses a breach by the Licensee of any covenant of this Licence;
- (g) the Licensee requiring the Licensor to do any act, matter or thing under this Licence, unless otherwise provided for in this Licence.

NOT UPDATED

4. LICENSEE'S COVENANTS AND RIGHTS**4.1 Use**

The Licensee shall not use the Licensed Area, or allow them to be used (except pursuant to a Licence lawfully granted by the Licensor) for any purpose other than the Permitted Use.

4.2 No alteration without approval

The Licensee may not make any material alteration to the Licensed Area and/or the Works without the prior written approval of the Licensor being obtained.

4.3 Maintain

The Licensee must, at its own expense and to the reasonable satisfaction of the Licensor:

- (a) maintain the Works in good repair and free from defects;
- (b) repair damage to the Licensed Area caused or contributed to by the act, omission, negligence or default of the Licensee or the Licensee's employees, agents, contractors, invitees and sub-licensees.

4.4 Access

- (a) Subject subclause (b), the Licensee and its employees, contractors or agents may have access to the Licensed Area to maintain the Works with the prior consent of the Licensor.
- (b) In exercising this right of access, the Licensee shall:
 - (i) comply with all conditions imposed by the Licensor in giving its consent to access the Licensed Area;
 - (ii) cause as little inconvenience as is practicable to the Licensor and any other user or neighbour of the Licensed Area;
 - (iii) cause as little damage as is practicable to the Licensed Area and any improvement on it;
 - (iv) restore the Licensed Area as nearly as is practicable to its former condition; and
 - (v) make good any collateral damage.

4.5 Standard of Works

The Licensee shall ensure that the Works are constructed:

- (a) in a proper and workmanlike manner;
- (b) in accordance with:
 - (i) the conditions imposed by the Licensor when giving approval and the Licensor's requirements and directions;
 - (ii) any plans, drawings and specifications approved by the Licensor; and
 - (iii) all laws and requirements of authorities;
- (c) without disturbing others.

4.6 Licensee to Comply with all Commonwealth and NSW State Laws

The Licensee shall comply with the requirements of all Statutes and requirements of all relevant public and local authorities in so far as they apply in relation to the use and occupation of the Licensed Area to the extent to which the Licensee is bound at law to comply with the same and nothing in this Licence affects this obligation.

4.7 Licensor may remedy Licensee's default

- (a) If the Licensee fails to perform any of its obligations under this licence, the Licensor may (as the agent of the Licensee) do all such things and incur such expenses as are necessary to perform these obligations. Those expenses constitute a liquidated debt due and owing by the Licensee to the Licensor and payable on the demand of the Licensor.
- (b) Without limiting the generality of paragraph (a), expenses incurred by the Licensor (and which are recoverable from the Licensee) include:
 - (i) the reasonable wages for employees engaged in effecting, supervising and administering the performance of those obligations; and
 - (ii) the reasonable costs of the use of the Licensor's materials, machinery, tools and equipment in the performance of those obligations.

NOT UPDATED

5. Indemnity

The Licensee indemnifies the Licensor against:

- (a) all actions, suits, demands, claims, costs and expenses for which the Licensor is liable in relation to any death, personal injury or property damage caused or contributed to by any act or failure to act or neglect of the Licensee or its servants or agents or because of the Licensee's or its servants or agents use or misuse of the Licensed Area; and
- (b) all loss or damage caused or contributed to by the Licensee or its servants or agents to the Licensed Area.

6. TERMINATION

Upon termination of this Licence, the Licensee will promptly remove the Works from the Licensed Area and make good any damage caused by such removal. In default the Licensor will be entitled to remove them and recover the cost of removal from the Licensee. Whatever the Licensor or any person authorised by it will do under this clause will be deemed to be done with the full authority of and as agent for and at the risk in all respects of the Licensee.

7. DEFAULT

If:

- (a) the Licence Fee or any part is in arrears for 14 days after the date on which the Licensor gives the Licensee written notice of the Licensee's default in making payment on the due date; or
- (b) the Licensee fails to perform any other of the Licensee's obligations under this Licence for 14 days after the Licensor gives the Licensee written notice of the Licensee's default; or
- (c) the Licensee parts with possession of the Licensed Area for any reason; or
- (d) the Licensee ceases to be the registered proprietor or lessee of the Benefited Land,

then and in any of such event the Licensor will be entitled by written notice to the Licensee to immediately determine this Licence.

8. TRANSFER OF LAND BENEFITED

- (a) The Licensee must not sell, transfer, subdivide or otherwise deal with its interest in the Land Benefited unless it first procures that the transferee or other relevant person provides a deed poll in favour of the Licensor, in a form reasonably required by the Licensor under which that person agrees to comply with all of the Licensee's obligations as if that person were the Licensee originally named in this Licence.
- (b) The Licensee consents to the Licensor lodging a caveat to protect its rights under this Licence. If requested by the Licensor the Licensee must sign the caveat or other relevant form to indicate its consent. The Licensee shall pay the Licensor's costs of preparation and registration of any such caveat upon demand.
- (c) The Licensor must consent, as caveator, to the registration of any transfer or dealing contemplated by subclause (a) if the Licensee has provided the Licensor with the duly executed deed poll required by that subclause.

9. NOTICES

9.1 Method of Service

Any notice to be given under this Licence by one of the parties to the other must be in writing and is given for all purposes by delivery in person, by pre-paid post or by facsimile addressed to the receiving party at the address specified in the notice details in the Information Table.

9.2 Time of Service

Any notice given in accordance with this Licence will be deemed to have been duly served in the case of posting at the expiration of two Business days after the date of posting and in the case of facsimile, on the first Business Day after the date of transmission (providing the sending party received a facsimile machine verification report indicating that the notice has been transmitted).

9.3 Change of Address

A party may at any time change its address, postal address, or facsimile number by giving notice to the other party.

10. MISCELLANEOUS

NOT UPDATED

10.1 No Moratorium

Any present or future legislation which operates to vary obligations between the Licensee and the Licensor, except to the extent that such legislation is expressly accepted to apply to this Licence or that its exclusion is prohibited, is excluded from this Licence.

10.2 No Waiver

No waiver by a Party of any breach of any covenant obligation or provision in this Licence either express or implied shall operate as a waiver of another breach of the same or of any other covenant obligation or provision in this Licence contained or implied. None of the provisions of this Licence shall be taken either at law or in equity to have been varied waived discharged or released by a Party unless by express consent in writing.

10.3 No Merger

Nothing in this Licence merges, postpones, extinguishes lessens or otherwise prejudicially affects the rights and remedies of the Parties under this Licence or under any other agreement.

10.4 Counterparts

- (a) A Party may execute this Licence by signing any counterpart.
- (b) All counterparts constitute one document when taken together.

10.5 Applicable Law

This Licence shall be construed and interpreted in accordance with the law of New South Wales.

10.6 No Holding Out

The Licensee shall not in connection with the Licensed Area or otherwise directly or indirectly hold out or not permit to be held out to any member of the public any statement, act, deed, matter or thing indicating that the Licensed Area or the business conducted or operated thereon or any parts or parts thereof are or is being carried on or managed or supervised by the Licensor nor shall the Licensee act as or represent itself to be the servant or agent of the Licensor.

10.7 Whole Agreement

- (a) The provisions contained in this Licence expressly or by statutory implication cover and comprise the whole of the agreement between the Parties.
- (b) No further or other provisions whether in respect of the Licensed Area or otherwise shall be deemed to be implied in this Licence or to arise between the Parties hereto by way of collateral or other agreement by reason or any promise representation warranty or undertaking given or made by any Party hereto to another on or prior to the execution of this Licence.
- (c) The existence of any such implication or collateral or other agreement is hereby negated.

10.8 No Reliance on Warranties and Representations

- (a) In entering into this Agreement, each party:
 - (i) has not relied on any warranty or representation (whether oral or written) in relation to the subject matter of this Agreement made by any person; and
 - (ii) has relied entirely on its own enquiries in relation to the subject matter of this Agreement.
- (b) This clause does not apply to warranties and representations that this Agreement expressly sets out.

10.9 Consents and Approvals

Where this Agreement gives any party a right or power to consent or approve in relation to a matter under this Agreement, that party may withhold any consent or approval or give consent or approval conditionally or unconditionally. The party seeking consent or approval must comply with any conditions the other party imposes on its consent or approval.

NOT UPDATED

EXECUTED AS AN AGREEMENT

EXECUTED for and on behalf of **COWRA
SHIRE COUNCIL** by its General Manger
in the presence of:

.....
Signature of Witness

.....
General Manager

.....
Name of Witness

SIGNED SEALED AND DELIVERED by
the said
in the presence of:

.....
Signature of Witness

.....
Name of Witness

SIGNED SEALED AND DELIVERED by
the said
in the presence of:

.....
Signature of Witness

.....
Name of Witness

.....

6.2 West Cowra Channel Update Report

File Number: D24/229

Author: Dirk Wymer, Director-Infrastructure & Operations

RECOMMENDATION

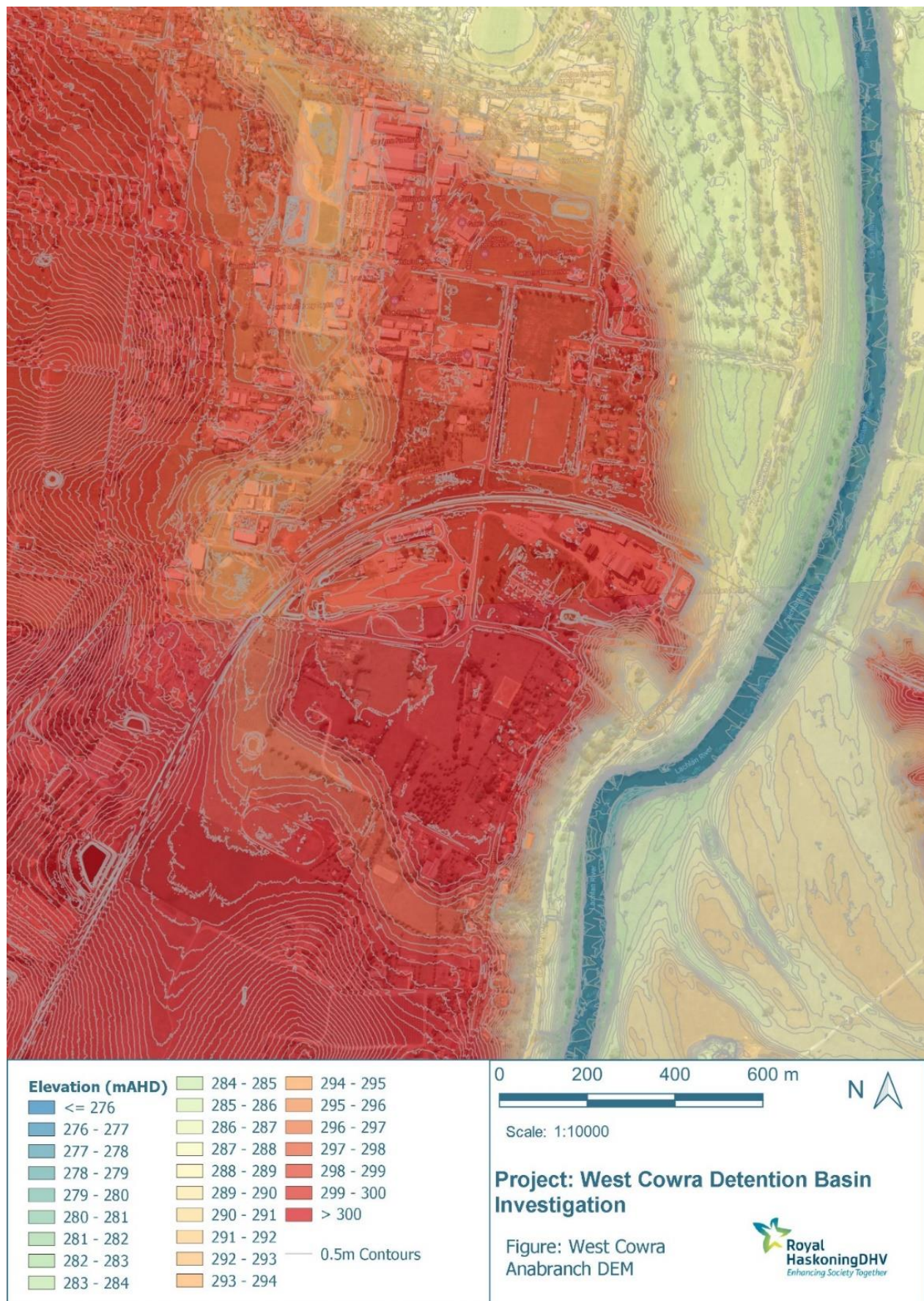
- I. That the following options be modelled to ensure there are no adverse downstream impacts:**
- a) The ultimate detention basin constructed as per the 2019 study; with a 900mm low flow pipeline and overland swale through 72-78 Grenfell Road; for both the existing level of development in the catchment, and for the developed catchment.**
 - b) A sensitivity analysis be completed to ensure the low flow pipeline diameter is optimised.**
 - c) To reflect the proposed staged delivery model, the optimised diameter low flow pipeline as per (a) and (b) is modelled without the detention basin; but stage 1 of the pipeline commences at a surface inlet pit downstream of Walker Street at the boundary of 72-78 Grenfell Road; for both the existing level of development in the catchment, and for the developed catchment.**
-

INTRODUCTION

The West Cowra area is the 'left bank' of the Lachlan River and has the following geographical features:

- A ridge alongside the river running from south of Bulkhead Road to north of the Showground; this contains Lachlan River flooding to the east of the ridge.
- A paleological river channel 'anabranch' to the west of the ridgeline that provides the low point and drainage channel for a catchment extending from south of Bulkhead Road to Grenfell Road.
- The anabranch becomes very shallow in the vicinity of Walker Street and the discharge point over the ridge line to the Lachlan River is naturally ill-defined.
- Over many years the discharge point has been defined through historical road and drainage development as through the Olive Grove site (Lot 1 DP: 1196568; 72-78 Grenfell Road).

The 'anabranch' is titled the 'West Cowra Channel'.



Digital Elevation Model Of West Cowra Highlighting Anabranch Alignment (Lachlan River and Anabranch Flow South to North)

BACKGROUND

Council has been undertaking flood modelling, investigations and design of options in the West Cowra Channel since prior to 2001 with two objectives:

1. Minimise the damages caused by flooding on flood effected properties in the West Cowra Channel.
2. Manage the West Cowra Channel through 72-78 Grenfell Road and subsequently downstream to the Lachlan River.

The following summary is provided of the various technical reports undertaken since 2003.

- 1. Minimise the damages caused by flooding on flood effected properties in the West Cowra Channel.**

1.1 The 'Base Case Flood Study': West Cowra Flood Study and Drainage Strategy; J. Wyndham Prince (2001)

The 2001 Study modelled and established the 'baseline' stormwater flooding extents in the West Cowra Channel. Key findings included:

- the West Cowra Channel contained four separate basins formed by the natural topography and the constructed road levels.
- any stormwater drainage 'improvement' option; or proposed flood mitigation options; that reduced the storage or ponded stormwater in these 4 basins would result 'in a peak 1 in 100 year Average Recurrence Interval (ARI) flow rate of around 64m³/s at Grenfell Road. This quantity of water would be extremely difficult and expensive to manage safely.'
- The West Cowra Channel flood extents and depths were the result of the hydrological and hydraulic modelling and are shown in the plan following.

The flood extents and depths for the West Cowra Channel were adopted by Council in the Cowra and Gooloogong Floodplain Risk Management Study and Plan.

Council's adopted Local Environmental Plan and Development Control Plan include development planning controls to ensure the risk of flooding in the West Cowra Channel is managed appropriately.

This is therefore the 'Base Case' flood model; if Council does no further works in the West Cowra Channel the flood risk is appropriately managed through the adopted planning controls.

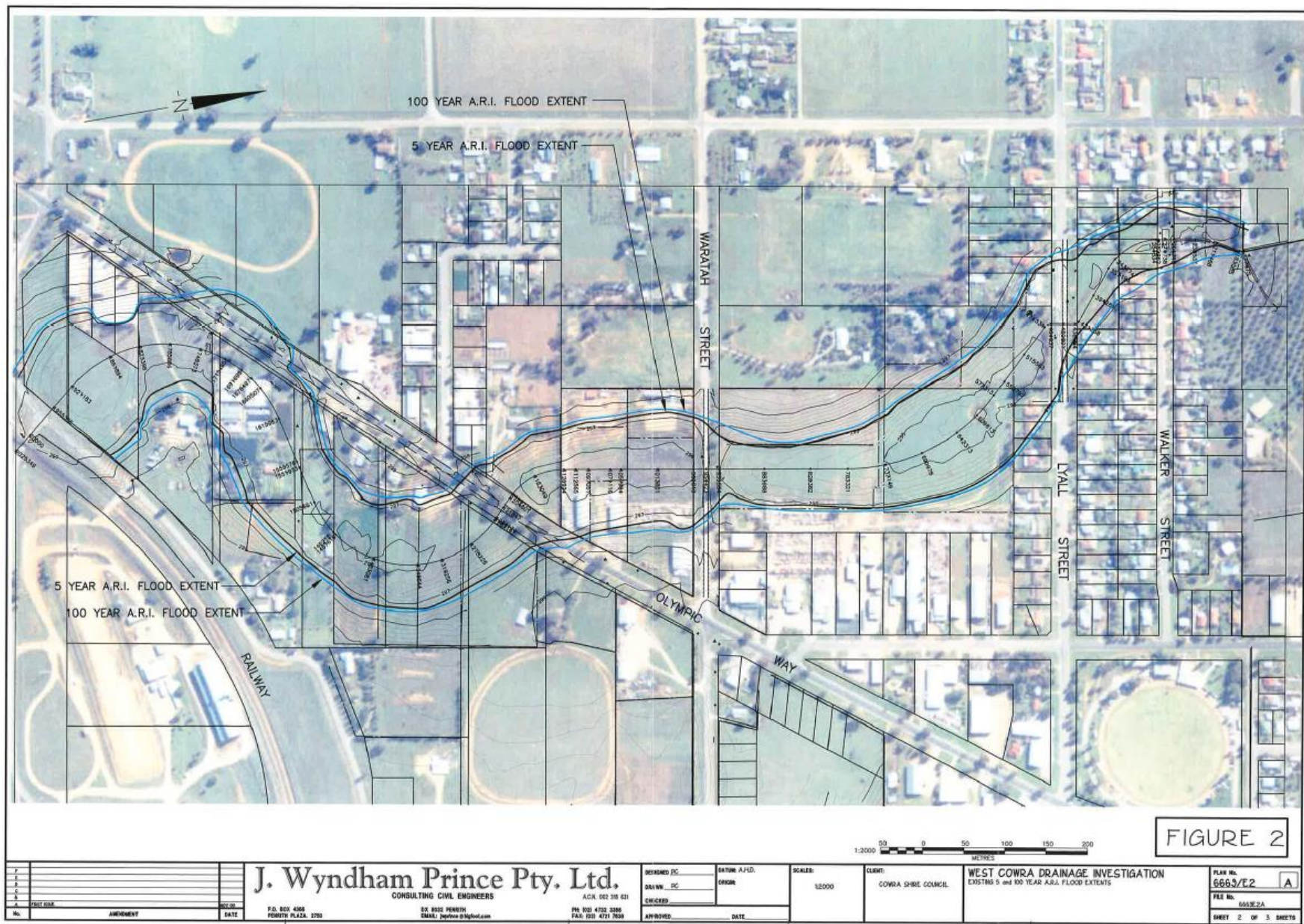
Properties identified as affected by flooding due to the West Cowra Channel in the Cowra and Gooloogong Floodplain Risk Management Study and Plan:

Table E.1: Dwellings affected by 1%AEP Flood

House No	Street	Estimated Height of Flood above Floor Level 1%
West Cowra Drain		
54	Lyll Street	0.53
52	Lyll Street	0.43
53	Walker Street	0.06
57	Walker Street	0.05
42	Walker Street	0.14
20	Waratah Street	0.26

* T1 and T2 properties are located opposite 111 and 101 Taragala St respectively
Note: All levels are approximate only. Ground survey should be carried out before implementation of options.

The Waratah Street address above appears incorrect. The other properties adjoin the flood extent areas:



- The J. Wyndham Prince study modelled the West Cowra Channel catchment as four separate basins formed by the natural topography and the constructed road levels:

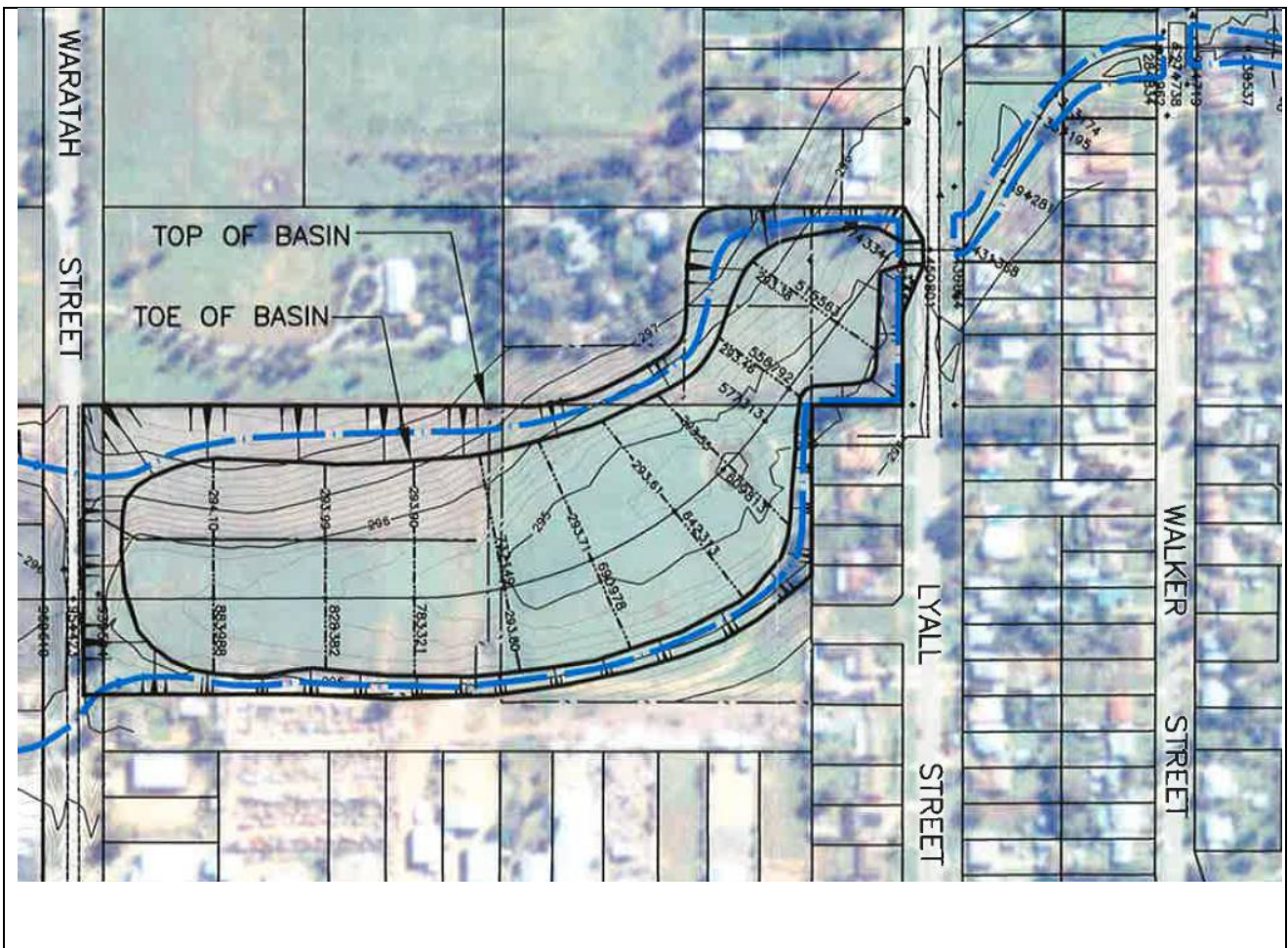
The construction of elevated roadway embankments and the provision of relatively small culvert structures on the watercourse has effectively created four stormwater detention systems within the catchment. These are described as:

- Basin A** This basin is located between the Blayney-Demondrille Railway in the south to Olympic Way in the north. This basin is generally a natural sump with Olympic Way acting as a high level weir. A culvert system, consisting of 2 cell 450mm diam. pipes and a 2 cell 1500x375mm box culvert, crosses Olympic Way. This provides a storage volume of at least 33 580cu.m covering an area of 67 553 m².
- Basin B** This basin is located between Olympic Way in the south to Waratah St in the north. This basin is generally a natural sump with Waratah St acting as a high level weir. A culvert system, consisting of 3 cell 375mm diam. pipes, crossing Waratah St. This provides a storage volume of at least 51 200cu.m covering an area of 39 620 m².
- Basin C** This basin is located between Waratah St in the south to Lyall St in the north. This basin is generally a natural sump with Lyall St acting as a high level weir. A culvert system, consisting of 3 cell 375mm diam. pipes, crossing Lyall St. This provides a storage volume of at least 53 729cu.m covering an area of 56 275 m².
- Basin D** This basin is located between Lyall St in the south to Walker St in the north. This basin is generally a natural sump with Walker St acting as a high level weir. A culvert system, consisting of 2 cell 375mm diam. pipes, crossing Walker St. This provides a storage volume of at least 5 556cu.m covering an area of 7 832 m².

1.1 (a) Initial modelling of potential improvement options: West Cowra Flood Study and Drainage Strategy; J. Wyndham Prince (2001)

The 2001 study also commenced modelling of potential flood mitigation options,

- The study modelled additional detention storage in an enlarged / constructed detention basin between Waratah Street and Lyall Street (Basin C)
- An additional 25,000m³ constructed storage was added to the 40,000m³ natural storage; by dropping the natural basin floor; lowered to 293.3m
- Upgrades to culverts under Lyall Street to twin 2.1m x 1.2m and Walker Street to twin 1.5m x 0.9m



It was established that the provision of an additional 25,000 cubic metres of detention storage between Waratah St and Lyall Street and the adjustment of the downstream drainage system (Option 2) could result in a significant reduction in the number of residential properties that are currently flood affected between Lyall St and Grenfell Road. It is recommended that this option be further evaluated and costed to determine its viability.

1.2 Cowra Overland Flood Study and Plan; Sinclair Knight Merz 2013

Excerpts from the 2013 study follow.

The flooding assessment in West Cowra was based on hydrologic and hydraulic modelling previously undertaken by JWP (2001). Updates to the XP-RAFTS hydrologic model included:

- Reducing the catchment imperviousness in the model to levels which reflect the existing, partially developed catchment. The previous modelling had assumed a fully developed catchment; and
- Increasing the initial rainfall losses from 5mm, which were considered to be overly conservative, to 10mm.

Updates to the HEC-RAS hydraulic model included:

- Update of the modelled culverts at Lyall Street from 2 x 2.1m x 1.2m box culverts to 2 x 1.1m x 0.9m to match the corresponding set of culverts in the XP-RAFTS model, for consistency.
- The model was also updated to reflect the existing channel geometry based on the cross section profiles in the JWP (2001) report.
- Input peak flows were also updated to account for the full range of storm events between 30 minutes and 9 hours duration.

The greatest reductions in flood levels due to formalised detention occur for the 5 year ARI event (up to 2m), followed by the 100 year ARI event (up to 1.4m) and finally the PMF event (up to 0.16m). This is due to the culvert upgrade at Lyall Street and Walker Street, and the channel regrading downstream of Lyall Street.

Flood damages for the West Cowra Drain were estimated based on the Office of Environment and Heritage Guidelines (2007). The model identified that there was above floor flooding for one property (42 Walker Street) in the 100 year ARI event for both existing and ultimate catchment conditions. Average Annual Damages (AAD) were estimated for residential properties at about \$46,500 and \$49,650 (2013 dollars) for existing and ultimate catchment conditions (no detention), respectively. The AAD is equal to the total cost of damage caused by floods over a long period of time, divided by the number of years in that period.

An economic assessment was undertaken for the Option 2 basin. Based on a construction cost of \$1.5 million, a benefit-cost ratio of 0.36 was estimated for the existing catchment conditions, which is considered unfeasible and, without likely significant improvements in flood risk to people and property, is considered a low-priority option for implementation.

1.3 West Cowra Drainage Study; Haskoning Australia Pty Ltd (2017)

The 2017 study amended the detention basin model:

- Removed the area of land not owned by Council
- Increased the basin volume, additional 0.5m deep with floor level at 292.8m AHD
- A 525mm diameter low flow pipe was selected as the preferred size for Option 1a. The alignment of the low flow pipe continued from the basin down to the existing stormwater pipe downstream of the Olive Grove.



The 2017 study amended the detention basin model:

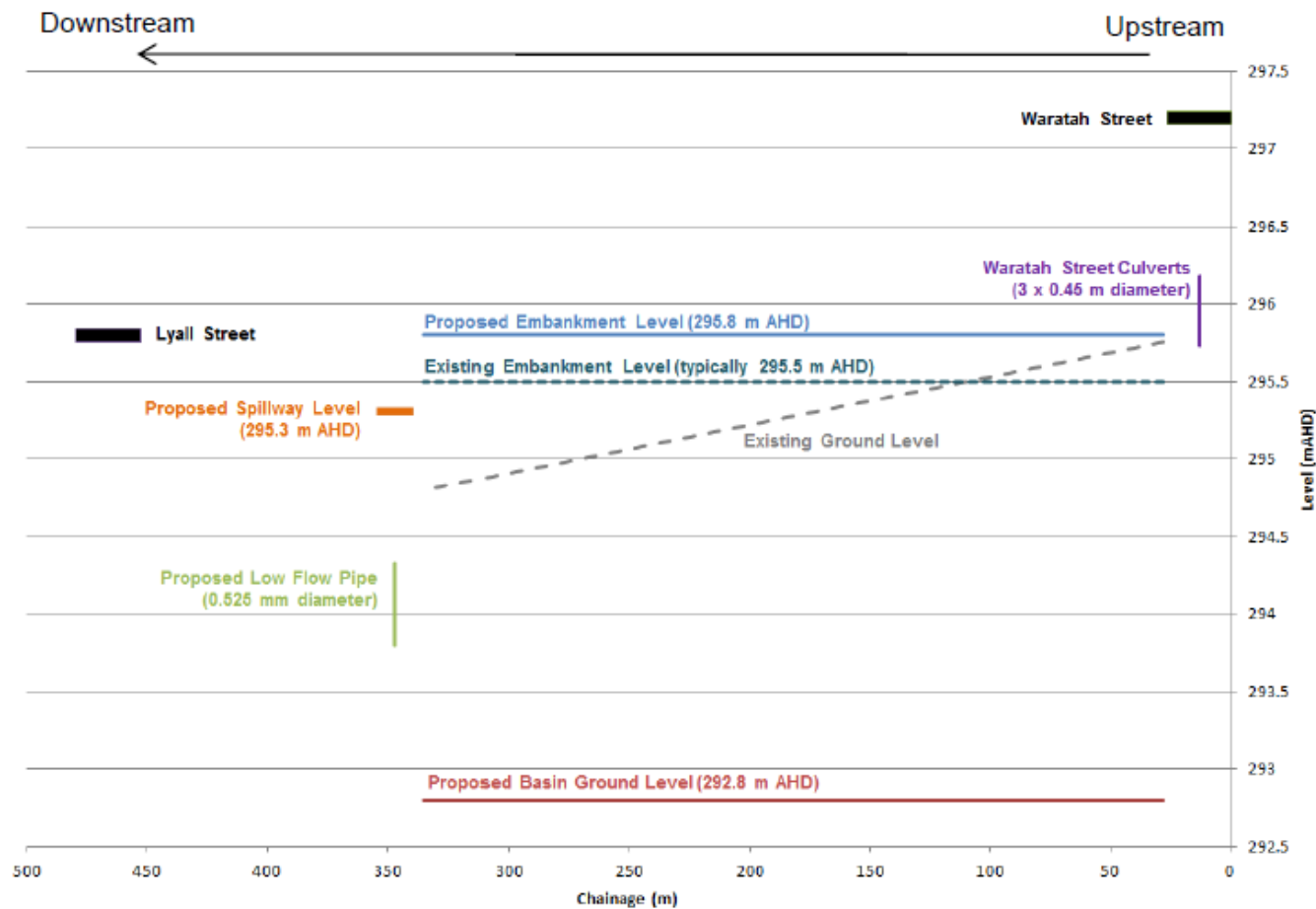


Figure 5: Long Section showing key features of Existing and Proposed Basin Configuration

Excerpts from the study:

Option 3 assessed the basin in conjunction with mitigation measures at the Olive Grove lot along Grenfell Road. As a potential sub-division site, Option 3 investigated the potential of blocking the existing watercourse on the lot (which currently runs in a southwest-northeast direction) and redirecting the local flows into a swale around the outer perimeter of the property, forming a stormwater easement.

A rectangular swale was modelled with a width of 4 m and a depth of 0.5 m (an equivalent trapezoidal shaped swale will suffice). The swale alignment runs along the western boundary of the property and along Grenfell Road where it meets the existing local stormwater network. This option was expected to mitigate existing shallow overland flows that currently occur across the Olive Grove.

To effectively block the natural watercourse through the Olive Grove lot, an embankment is also proposed as part of Option 3 with a length of approximately 7.0 m and at a crest elevation of 295.75 m AHD (not including an allowance for freeboard).

Study recommendations:

- *Option 1a – Detention Basin*
 - o *Considering the beneficial flood impacts of Option 1, it is recommended that this option is considered further. Initially, it is recommended that the option be further developed to a concept design and costed and then quantitatively compared to the benefits.*
- *Option 3 – Olive Grove Swale*
 - o *It is recommended that this option be considered further as part of the sub-division.*

1.4 West Cowra Detention Basin Investigation; Haskoning Australia Pty Ltd 2019

The 2019 study:

- Updated the hydrological model with rainfall-on-grid hydrology to ensure that all catchment areas and response times were suitably modelled.
- Amended the basin model
 - o a ø900mm diameter low flow pipe from Lyall Street through the Olive Grove to Grenfell Road (approximately 745 m in length)
 - o raised the spillway level to 295.75

The beneficial flood damages assessment of this option was estimated based on the Office of Environment and Heritage Guidelines (2007).

Table 5: Properties Affected

Scenario	No. of Properties Affected*						
	100%AEP	20%AEP	10%AEP	5%AEP	2%AEP	1%AEP	PMF
Baseline	0	7	7	7	10	13	30
Option 1	0	6	6	6	6	7	30
Option 2	0	6	6	6	6	7	30
Option 3	0	6	6	6	6	7	30
Option 4	0	6	7	7	7	7	30
Option 5	0	6	6	6	6	10	30

*Properties that experience inundation; either under-floor or above-floor.

Table 6: Flood Damages Assessment

Scenario	Design Life	AAD	NPV of Damage	Cost of Option	Option Benefit Relative to Case 1	Benefit/Cost Relative to Case 1
Baseline	50	\$64,551	\$955,401	N/A	N/A	N/A
Option 1	50	\$53,319	\$863,165	\$ 1,500,000	\$92,236	0.06
Option 2	50	\$58,256	\$863,233	\$ 1,100,000 (+ \$ 750,000)	\$93,167	0.05
Option 3	50	\$58,234	\$861,904	\$ 250,000	\$93,497	0.07
Option 4	50	\$62,099	\$919,112	\$ 40,000	\$36,289	0.03
Option 5	50	\$59,355	\$878,504	\$ 900,000	\$76,897	0.09

In summary; the detention basin model has been developed since 2003 as follows:

- 2003 model:
 - o basin volume 63,000m³
 - o low flow discharge twin 2.1m x 1.2m culverts under Lyall Street
- 2013 model
 - o same basin volume
 - o low flow discharge twin 1.1m x 0.9m culverts under Lyall Street
- 2017 model
 - o basin volume 84,000m³
 - o low flow discharge 525mm diameter pipeline extending from Lyall Street through the Olive Grove site to Grenfell Road
- 2019 model
 - o basin volume 84,000m³
 - o low flow discharge 900mm diameter pipeline extending from Lyall Street through the Olive Grove site to Grenfell Road

The benefit cost ratio of the proposed detention basin based on flood damages assessment methodology is low. Given the detention basin is a high capital cost with low flood damages benefit it was considered as a longer-term potential project with the short-term objective being to manage nuisance stormwater in the Lyall Street, Walker Street and Hassan Street areas.

A staged delivery of the stormwater system improvements was proposed with the low flow stormwater pipeline; with a diameter to match the proposed future detention basin design; being a priority.

Accordingly, in April 2022 Council resolved:

1. *That Council adopt the following West Cowra stormwater strategy:*
 - a. *Short term works to reduce the time; and level; of inundation in the Lyall Street to Grenfell Road area: the low flow stormwater pipeline*
 - b. *Short or medium term works to improve stormwater quality discharging from the West Cowra urban catchment: the constructed wetland between Waratah Street and Lyall Street*
 - c. *Longer term works to allow Council to manage the stormwater from the fully developed West Cowra catchment: construct the detention basin between Waratah Street and Lyall Street integrated with the constructed wetland*
2. *That Council receive and note the progress report on the integrated design of the strategy.*

In accordance with the adopted strategy the focus of the stormwater modelling is now on Objective 2:

2. Manage the West Cowra Channel through 72-78 Grenfell Road and subsequently downstream to the Lachlan River.

2.1 West Cowra Olive Grove Investigation; Haskoning Australia Pty Ltd (2020)

Based on the results of TUFLOW modelling the recommended major and minor stormwater drainage works within and adjacent to the Olive Grove site are as follows:

Major system (up to 1% AEP capacity) – including:

- Open channel with a nominal cross-sectional area of 1.92 m² (assuming a concrete lined channel, larger if a different material type is adopted) and a top width of up to 6 metres.

Minor system (up to 20% AEP capacity) – including:

- Construction of a pit and pipe drainage line (minimum Ø525mm, up to Ø750mm diameter), including inlet structure at the south-western corner of the Olive Grove site, junction pit at the north-western corner of the site, and connection to the existing stormwater network north-east of the site.
- Local regrading at the south-western corner of the Olive Grove site to maximise inflow into the pit and pipe network and divert overland flow along the open channel adjacent to the western boundary.
- Potential need for a bund or levee (up to 1 metre high) within Lot 2 DPI 196568 to divert overland flow towards the Olive Grove site and minimise risk of overland flow towards Hassan Street and properties to the north of Hassan Street.

In order to reduce the extent and risk of flooding through the Olive Grove site under the existing site conditions, it is recommended that these works be carried forward as the basis of design for further development (concept and detail design).

2.2 West Cowra - Olive Grove Flood Assessment Haskoning (2021)

In addition to the above, Council requested a flood drainage assessment similar to RHDHV (2020), however with an additional low-flow pipe system between the Olive Grove and Lyall Street (refer Figure 1-1).



Figure 1-1 Olive Grove locality plan including approximate location of proposed pipe / channel alignment and extension to Lyall St.

A 750mm pipe between Lyall Street and the Olive grove was modelled at close to minimum depth of cover, with a 0.5% longitudinal gradient. There is opportunity through design development to refine this and consider the benefits of steepening up the pipe by placing it deeper at the downstream end (near the Olive Grove), however it is appreciated that the pipe is ideally kept as shallow as possible to minimise trench excavation (and therefore costs).

2.3 West Cowra Additional Flood Modelling – Option 2a with Pumps (2023)

In the present study, Council had undertaken an assessment of the option from the RHDHV (2020) study, albeit with an additional pipe upgrade included between the Williams Street and Lyall Street, requesting updates to flood depth figures, which was provided to Council in an email on the 31st August 2023.

Council has continued to assess this proposed drainage option now in conjunction with the operation of pumps along Grenfell Road during two design rainfall events and is reported upon within this memo (1st November 2023).

The Proposed Upgrade Conditions modelled scenario included the proposed Olive Grove 'Option 2a' (low-flow pipe + open channel) drainage upgrade, and is made up of the following (see Figure 1):

- An open channel along the Olive Grove site boundary;
- A low flow pipe from Lyall Street to existing Olive Grove drainage pipes (900 mm dia.) and;
- An increase to existing pipe sizing to 900 mm dia. piping along the southern side of Grenfell Road to Williams Street

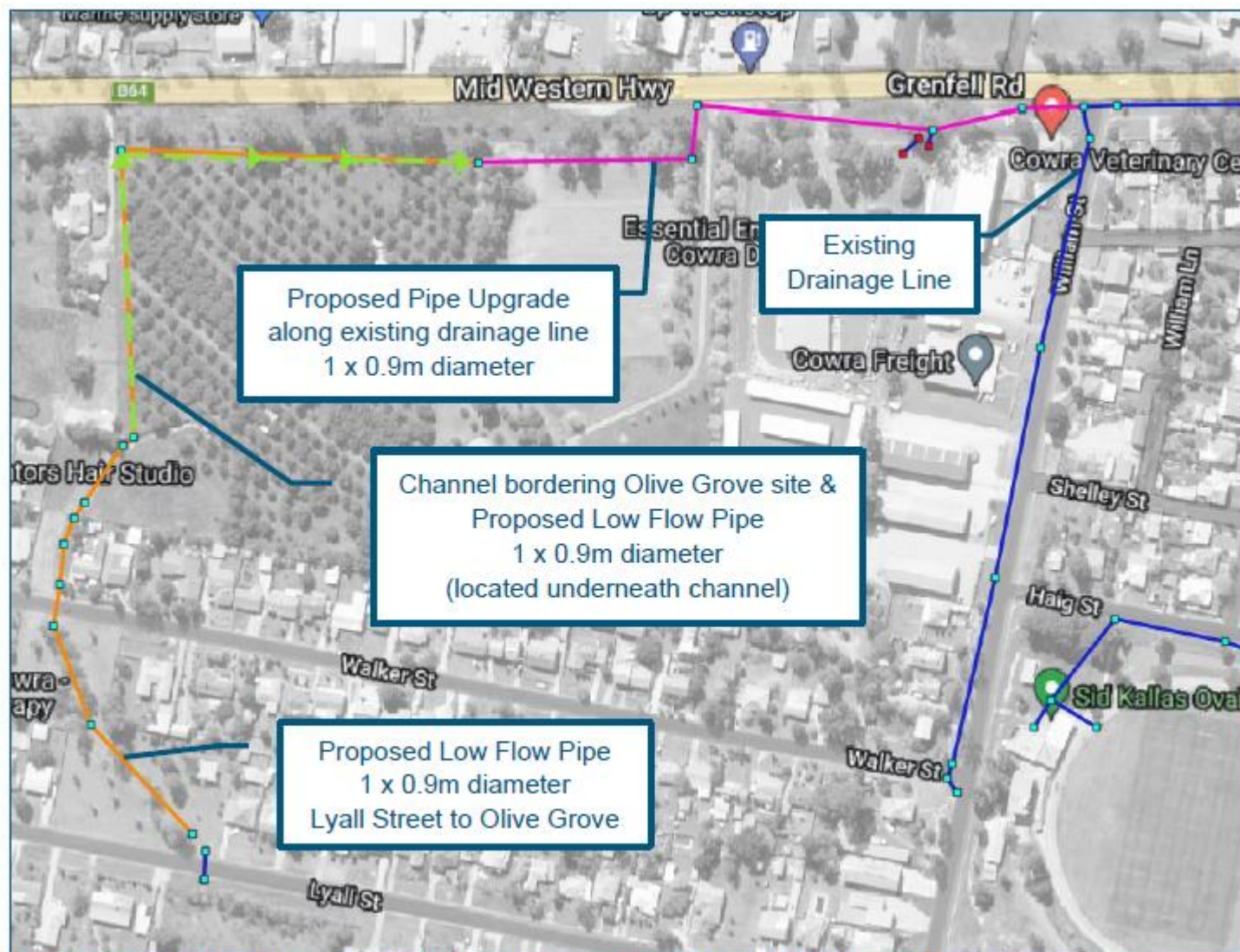


Figure 1: Proposed Drainage Upgrade - Low Flow Pipe (0.9m diameter) from Lyall Street to Olive Grove & New Channel

Key Findings include:

- Under Baseline Conditions, the activation of flood pumps has minor to no benefit in reducing the duration of inundation within Olive Grove for the 20% and 1% AEP design storms.
- During the 20% AEP design storm, the Proposed Upgrade Conditions with no pumps implemented results in the following impacts to peak depths of inundation:
 - There is a removal of an overland flow path through Olive Grove, the overland flow is now captured by the proposed channel and 0.9 m diameter drainage pipe bordering the Olive Grove site.
 - There is an increase of 0.017 m in peak depth of inundation upstream of Grenfell Road in Olive Grove, as a result of increased conveyance from the West Cowra Channel to Olive Grove due to the new proposed drainage line, resulting in surcharging of drainage pits within Olive Grove as the pipe is at capacity.
- Increases in ponding water level upstream of Grenfell Road resulted in increased flow overtopping Grenfell Road. The increased flow over the road resulted in increases in the extent of overland flow and depth of inundation downstream of Grenfell Road – up to 0.06 m within the industrial allotments downstream.
- Within the Showgrounds and downstream of Ribands Way, there are increases in ponding depths, up to 0.047 m, due to the increased flow overtopping Grenfell Road.
- Upstream of Young Road there was a minor increase in depths of inundation, up to 0.009 m. The minor impact was a result of the increased time that the Young Road drainage line was at full capacity since the main trunk line was also experiencing an increase in time at full capacity and therefore able to receive less flow from tributary drainage lines such as the one located along Young Road.
- Under Proposed Upgrade Conditions with no Pumps, the duration of inundation for depths above 0.15 m within Olive Grove is reduced by 13.8hrs and 10.8hrs for the 5% and 1% AEP design storms, respectively.
- Under Proposed Upgrade Conditions, the activation of pumps at Pits I and i have minor to no benefit in reducing the duration of inundation for depths above 0.15 m within Olive Grove for the 20% and 1% AEP design storms.
- Under Proposed Upgrade Conditions, activation of Pump Type - Sykes CP220mm at Pit “F” has a minor benefit in reducing the duration of inundation by within Olive Grove by 0.8hrs and 0.7hrs, during the 20%and 1% AEP design storms, respectively.

These results are presented in the following figure:

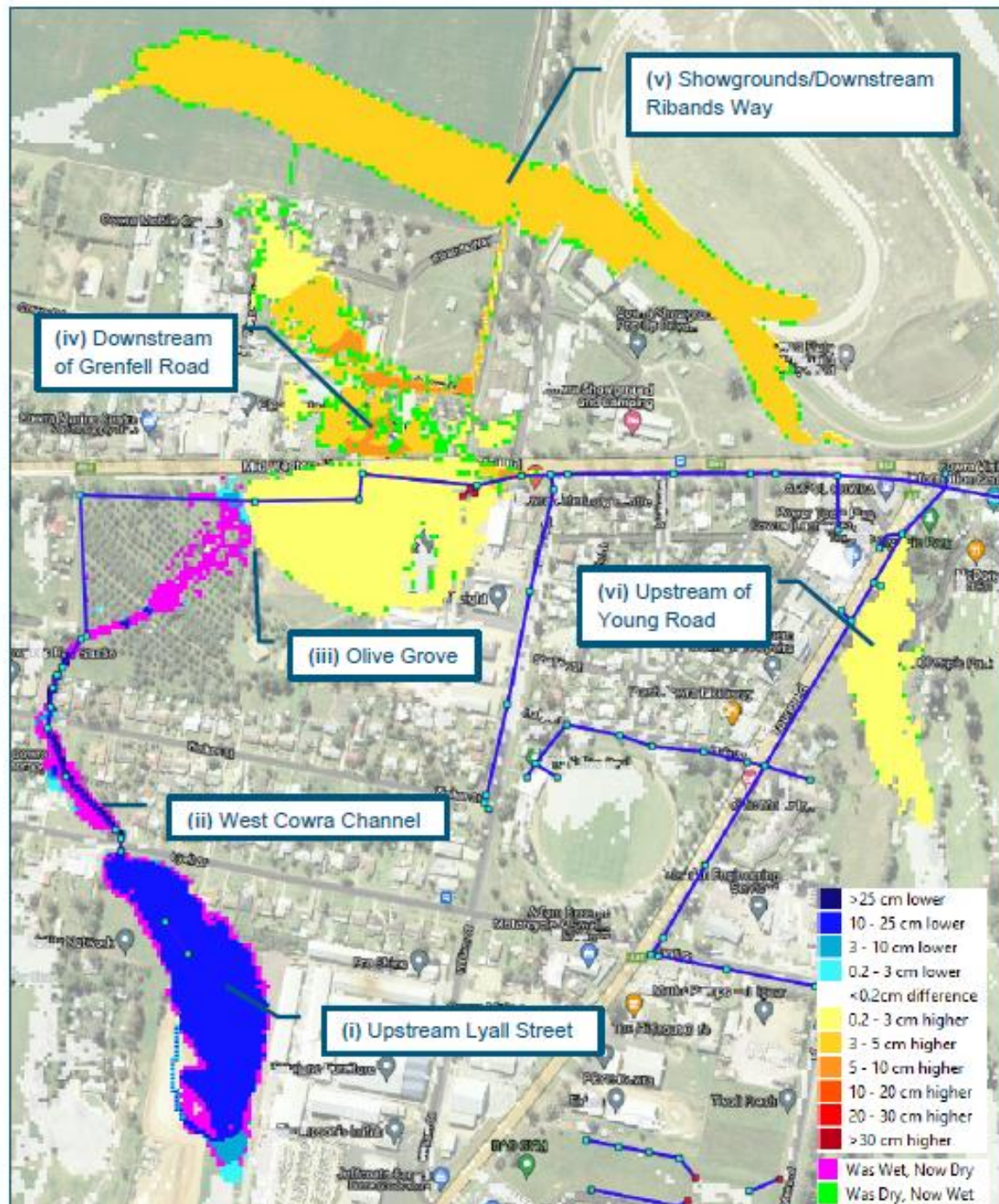


Figure 9: Change In Peak Inundation Depths – Proposed Upgrade Conditions (No Pumps) vs Baseline Conditions (No Pumps) - 20% AEP Design Storm - West Cowra

The modelling carried out since 2020 is based on a staged implementation strategy:

- Stage 1 the detention basin low flow pipe;
- Later stages: the detention basin is constructed.

The 2023 modelling indicated the strategy above will have an adverse impact downstream as the detention basin low flow pipe is effectively conveying the upstream stormwater flows to the downstream system which does not have the capacity for the additional flows.

The base of the proposed future detention basin is designed at 1m below the entry to the 900mm low flow pipe; therefore when the basin is constructed there is considerable storage volume available before the pipe will commence to flow. The low flow pipe without the basin reduces the available storage in Basins C and D.

To minimise the impact downstream the proposed low flow pipeline will need to be dis-connected from the upstream catchment; such that in the short term:

- basins A, B, C and D in the West Cowra Channel as identified in the J Wyndham Price Study (2001) will continue to operate in the same manner as modelled in 2001;
- nuisance stormwater flooding will continue to occur in the Lyall Street, Walker Street and Hassan Street areas;
- the low flow pipeline can be constructed from Grenfell Road through the Olive Grove site terminating prior to Walker Street.

This option will meet the objective of '*managing the West Cowra Channel through 72-78 Grenfell Road and subsequently downstream to the Lachlan River*' without causing adverse downstream impacts.

It is recommended the following options be modelled to ensure there are no adverse downstream impacts:

1. The ultimate detention basin constructed as per the 2019 study; with a 900mm low flow pipeline and overland swale through 72-78 Grenfell Road; for both the existing level of development in the catchment, and for the developed catchment.
2. A sensitivity analysis be completed to ensure the low flow pipeline diameter is optimised.
3. To reflect the proposed stage delivery model the optimised diameter low flow pipeline as per (1) and (2) above is modelled without the detention basin; but stage 1 of the pipeline commences at a surface inlet pit downstream of Walker Street at the boundary of 72-78 Grenfell Road; for both the existing level of development in the catchment, and for the developed catchment.

An additional strategy may need to be adopted to minimise the nuisance stormwater flooding that will continue to occur in the Lyall Street, Walker Street and Hassan Street areas. Council's design staff are currently investigating a range of suitable short-term pumping options.

These options do not reduce peak stormwater flood depths but are designed to minimise the time the areas remain flooded after the event. Basins C and D between Waratah Street and Walker Street; as described in the 2003 study; are very flat and stormwater ponding remains in the area for extended periods. Further reports will be provided on pumped options to reduce the time of ponding in these areas.

BUDGETARY IMPLICATIONS

The additional modelling is to be funded from the 'West Cowra Drainage Improvements – Walker Street to Grenfell Road' page 43 of the adopted Long-Term Financial Plan.

ATTACHMENTS

Nil

**6.3 Review of Cowra Development Control Plan Requirements
Glenlogan Industrial Release Area**

File Number: D24/232

Author: Dirk Wymer, Director-Infrastructure & Operations

RECOMMENDATION**1. That Council adopt the following ‘Street Design Controls’ for the Glenlogan Industrial Release area:**

- **Pridham Street be widened to a 7.0m carriageway, with no kerb & gutter, between Glenlogan Road and Nangar Street.**
- **Nangar Street be upgraded to a 10m road carriageway width, with kerb & gutter, between Pridham Street and Mulyan Street.**
- **The intersection of Glenlogan Road and Pridham Street be widened as required to allow A – Double heavy vehicles to turn without crossing into the line of oncoming traffic.**
- **The intersection of Pridham & Nangar Streets be widened as required to allow A – Double heavy vehicles to turn without crossing into the line of oncoming traffic.**
- **The intersection of Mulyan and Nangar Streets be widened as part of kerb and gutter works to ensure heavy vehicle turning paths remain fully on the sealed carriageway.**

2. That Council amend Development Control Plan ‘Section I.3 Glenlogan Industrial Release Area, Section I.3.3.2. Street Design’ as part of the current Development Control Plan review.

INTRODUCTION

The purpose of this report is to seek Council concurrence to recommended variations to the adopted Development Control Plan specified road width requirements for the Glenlogan Industrial precinct. This report defines the:

- proposed road hierarchy requirements,
- road width deficiencies and recommendations for improvement,
- road intersection deficiencies and recommendations for improvements.

This assessment is required to demonstrate Condition 15 of DA 157/2017 has been satisfied for the issue of the Subdivision Works Certificate.

DA 157/2017 (Mod 1) was issued for the subdivision of Lot 1 DP833955 into 13 Lots.

The Conditions of Consent included Condition 15 which is to be complied with prior to the issue of a Subdivision Works Construction Certificate.

15. Prior to the issue of a Construction Certificate a Traffic and Transport study is required to be submitted to the Director of Infrastructure and Operations for approval. This will determine the extent of road works, intersection upgrades and any ancillary vehicular infrastructure requirements generated by this development in accordance with Cowra Shire Council – Development Control Plan 2014 (and including the Draft Part R – R.2 Glen Logan Industrial Release Area, as approved by this consent) and Council's infrastructure and Operations Engineering Standards Manual.

BACKGROUND

Council's adopted Development Control Plan (DCP) includes 'Section I.3 Glenlogan Industrial Release Area'. This Part of the DCP provides the standards and controls for new industrial development in the Glenlogan Road industrial zoned area:

PART 1.3 | GLENLOGAN INDUSTRIAL RELEASE AREA

COWRA DCP 2021



Objectives identified in the DCP include:

n. To provide for the safe and efficient movement of traffic to and from new industrial allotments.

Diagram 6 of the DCP specifies a road hierarchy:

PART 1.3 | GLEN LOCAN INDUSTRIAL RELEASE AREA

COWRA DCP 2021

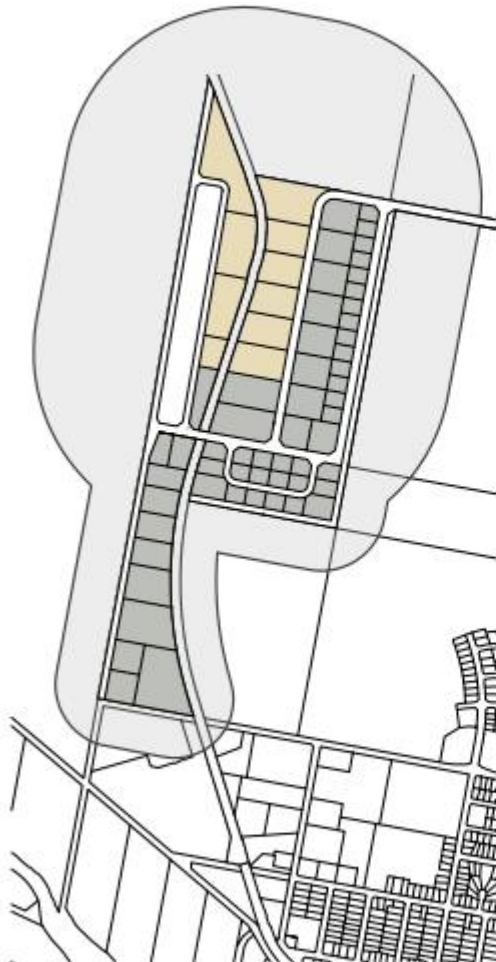


DIAGRAM NO. 5
LAND-USE STRATEGY

- Higher impact industrial land-use activities
- Lower impact industrial land-use activities
- Acoustic Buffer Footprint

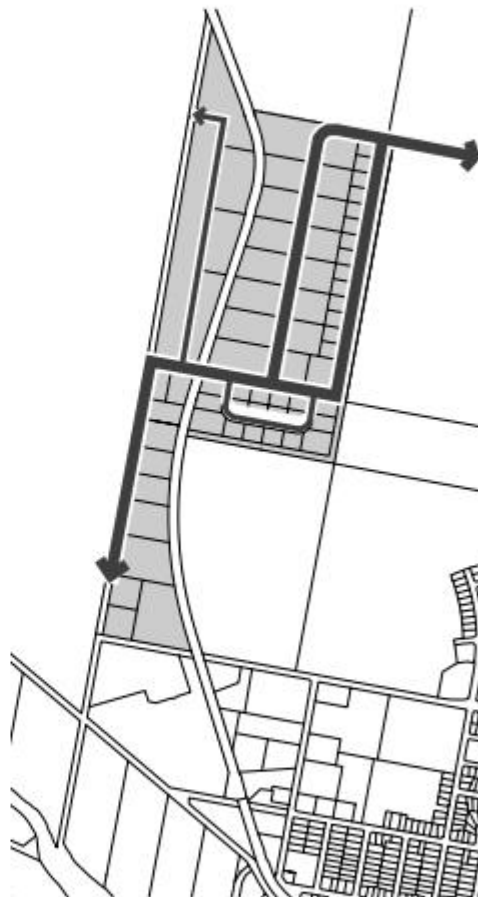


DIAGRAM NO. 6
ROAD HIERARCHY

- Major connection
- Minor / internal connection

and diagram 8 identifies the key intersections:



DIAGRAM NO. 8
KEY INTERSECTION - ROAD TRANSPORT
● Key intersection - existing road network

Section I.3.3.2. Street Design of the DCP states:

The controls for street design in respect of new subdivisions within the Glenlogan Industrial Release Area are the same controls that are contained within Section D.7.5 of this Development Control Plan. The following additional controls apply to the Glenlogan Industrial Release Area and prevail in the event of an inconsistency:

b. Independent traffic and transport studies are required with Development Applications for subdivisions to determine the extent of roads works, intersection upgrades, and ancillary vehicular and pedestrian infrastructure requirements generated by the development. Key intersections for investigation are identified in the Diagram No. 8

Proposed Road Hierarchy: access to the Glenlogan Industrial Area

Diagram 6 of the DCP provides the adopted road hierarchy; but stops short of defining the 'Major Connections' outside of the industrial area. However, there are intersection constraints that can be identified within Diagram 8 that will assist in identifying the 'Major Connections'

The intersection of North Logan Road and Glenlogan Road is not suitable for B-double access due to Swept Turn Analysis revealing unsafe crossing to wrong side of North Logan Road & poor sight distance to the north.



DIAGRAM NO. 8
KEY INTERSECTION - ROAD TRANSPORT
● Key intersection - existing road network

It is unlikely that TfNSW will support a new 4 - way intersection on Canonwindra Road in this location. However, the proposed connection is strategically required to provide an alternate northern access point to the area.

B-double access to Glenlogan via Pridham Street has been approved in the westerly travel direction. The easterly travel direction will not be approved due to sight distance constraints at the intersection with Redfern Street.

These constraints require Diagram 6 to be modified and extended as follows; with the proposed amended major connections in red:

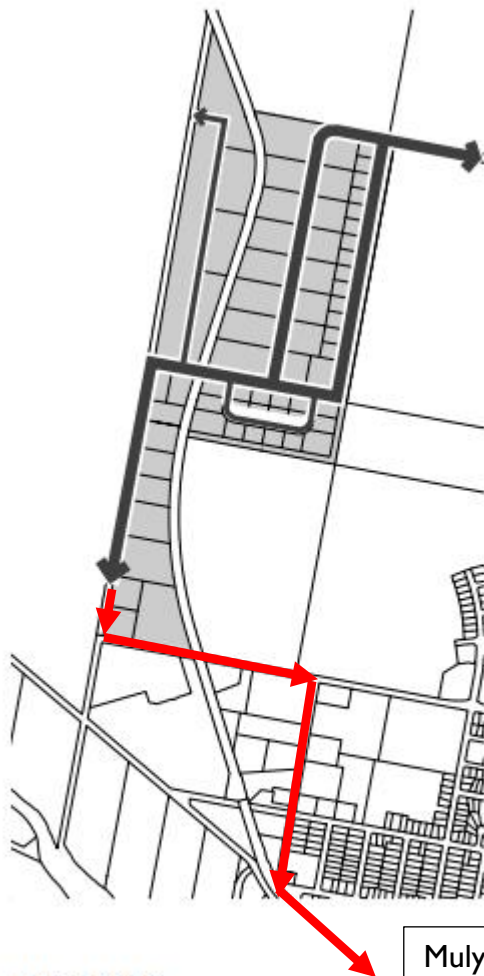


DIAGRAM NO.6
ROAD HIERARCHY
➡ Major connection
➡ Minor / internal connection

Mulyan Street is an approved urban B-double access route from Redfern Street to Glenlogan Road.

Proposed Road Widths and Kerb and Gutter Requirements

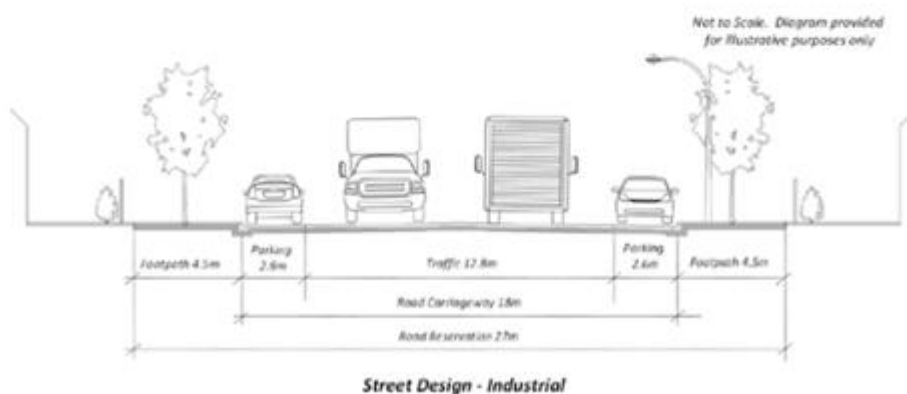
The Development Control Plan sets a very high design standard for new industrial subdivision roads:

D.7.5. Street Design

The following controls apply to industrial subdivision involving the opening of new public roads:

- a. The street network should be designed in accordance with table shown to the right and constructed in accordance with Cowra Shire Council Engineering Standards.
- b. The street design should facilitate the safe movement of road users.
- c. The street design should accommodate all necessary utility services and drainage systems.
- d. The horizontal and vertical alignments and cross fall of the street design should reflect the physical land characteristics and satisfy safety and speed criteria.
- e. The street design should incorporate traffic calming devices where necessary to achieve a satisfactory road and traffic environment.
- f. Industrial subdivisions should be designed with a simple layout that provides a clear hierarchy of roads. Roads which may attract unrelated fast moving traffic from nearby congested routes should be avoided.

Road type	Road reserve	Footpath	Traffic Lanes	Parking Lane	Median
All new industrial roads	27m	2 x 4.5m	2 x 6.4m	2 x 2.6m	N/A



The specified 18m road carriageway is a high standard for the existing road network and this standard is currently not met within Cowra. As demonstrated in the Kollas Drive industrial area 13.0m will be adequate (2 x 3.5m lanes, 2 x 3.0m parking lanes).

However, the section of Nangar Street north of Bourke Street has kerb and gutter at 10m road carriageway width and for consistency this width should be adopted for the remainder of Nangar Street.

The Conditions of Consent of DA157/2017 did not impose any requirement for road widening and kerb and gutter construction along the Pridham Street and Glenlogan Road frontages of Lot 1, DP 833955 (77 Pridham Street). Therefore, it is assumed that Pridham Street and Glenlogan Road are considered adequate to service the industrial zoned area without kerb & gutter and without a parking lane.

Based on the above; the road widths recommended for adoption are:

- Nangar Street: 10m road carriageway width, traffic lanes 2 x 3.5m wide, parking lane 1 x 3.0m wide
- Pridham Street and Glenlogan Road: 7m road carriageway width, traffic lanes 2 x 3.5m wide

The identified deficiencies form these standards are:

Road	Adopted Carriageway Width	Kerb and Gutter and parking Lanes Required?	Current Non-compliance / upgrade required
Nangar Street	10m	Yes; 1 x parking lane	<ul style="list-style-type: none"> No kerb and gutter between Mulyan Street and Bourke Street 6m seal width between Mulyan Street and Bourke Street
Pridham Street	7m	No k and g, no parking lane.	<ul style="list-style-type: none"> Existing 6.0 – 6.5m variable width seal. Upgrade to 7m seal from Glenlogan Road to Nangar Street.
Glenlogan Road	7m	No k and g, no parking lane.	<ul style="list-style-type: none"> 8m seal from North Logan Road to Pridham St. 7.2 – 8.0m seal from Pridham Street to Doncaster Ave. No upgrade to road width required.

• Intersection Assessment

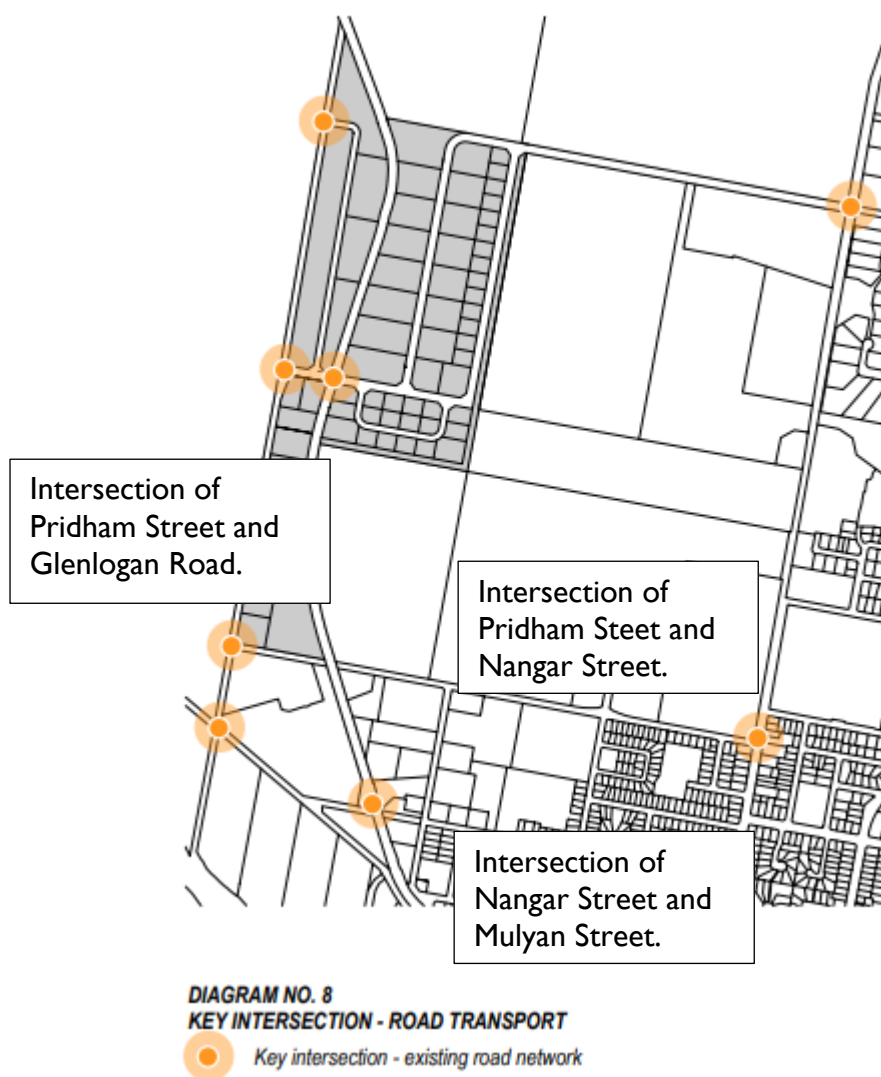
The intersection treatments would be determined by a traffic modelling software such as SIDRA and would require as inputs:

- traffic counts,
- turning movements,

both existing, and as generated by development.

The traffic generated by any individual subdivision development may not generate any intersection safety improvement works; but the traffic generated by the whole developed area may generate the need for turning lanes.

The intersection traffic planning would be best carried out by Council and; if required; contributions for improvement works levied. Given the major connection route identified above the key intersections are:



The geometric arrangement of the intersections has been assessed using the B-double low speed turning template shown in Attachment I; and the results are summarised:

Intersection	Recommended Upgrades
Mulyan Street and Nangar Street	Extending the kerb and gutter along Nangar Steet from Mulyan Street to Pridham Street at 10m carriage way width will provide for the required B-double turning movement at the intersection in both directions with trucks in both directions concurrently.
Nangar Street and Pridham Street	<ul style="list-style-type: none"> Proposed to remain as a T intersection; no room for truck size roundabout.
Pridham Street and Glenlogan Road	<ul style="list-style-type: none"> Proposed to remain as a T intersection; no room for truck size roundabout.

Summary

It is recommended that the following road widths and intersection works be adopted to demonstrate compliance with the Development Control Plan (DCP); Section I.3 Glenlogan Industrial Release Area', Section I.3.3.2. Street Design:

1. Pridham Street be widened to a 7.0m carriageway, with no kerb & gutter, between Glenlogan Road and Nangar Street.
2. Nangar Street be upgraded to a 10m road carriageway width, with kerb & gutter, between Pridham Street and Mulyan Street.
3. The the intersection of Glenlogan Road and Pridham Street be widened as required to allow A – Double heavy vehicles to turn without crossing into the line of oncoming traffic.
4. The intersection of Pridham & Nangar Streets be widened as required to allow A – Double heavy vehicles to turn without crossing into the line of oncoming traffic.
5. The intersection of Mulyan and Nangar Streets be widened as part of kerb and gutter works to ensure heavy vehicle turning paths remain fully on the sealed carriageway.

BUDGETARY IMPLICATIONS

The majority of the identified capital works will be carried out by Council; and will need to be funded through grant programs.

ATTACHMENTS

Nil

7 DIRECTOR-ENVIRONMENTAL SERVICES

7.1 Development Application No. 84/2023, Lot 311 DP 255021, 11 Rothbury Road Cowra, dwelling, lodged by Currajong Pty Ltd

File Number: D24/220

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 variation to Clause 4.2B(3)(a) of Cowra Local Environmental Plan 2012 is sufficiently justified and the concurrence of the NSW Department of Planning, Housing and Infrastructure has been received. The application was publicly notified and no submissions were received; and
2. That Development Application No. 84/2023, for the construction of a dwelling on Lot 311 DP 255021, 11 Rothbury 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
Site Plan Sheet 01 Issue A	Currajong 18/04/2023	Received 7 September 2023 Stamped No. DA 10.2023.84.1
Site Plan with Contours Sheet 02 Issue A	Currajong 18/04/2023	Received 7 September 2023 Stamped No. DA 10.2023.84.1
Basix Compliance Schedule Sheet D5-1 Version 1	Vision Town Planning Consultants 20/03/2023	Received 7 September 2023 Stamped No. DA 10.2023.84.1
Floor Plan Sheet D5-2 Version 1	Vision Town Planning Consultants 22/03/2023	Received 7 September 2023 Stamped No. DA 10.2023.84.1

East & South Elevations Sheet D5-3 Version I	Vision Town Planning Consultants 22/03/2023	Received 7 September 2023 Stamped No. DA 10.2023.84.1
West & North Elevations Sheet D5-4 Version I	Vision Town Planning Consultants 22/03/2023	Received 7 September 2023 Stamped No. DA 10.2023.84.1
Statement of Environmental Effects Revision A	Currajong 18/08/2023	Received 7 September 2023 Stamped No. DA 10.2023.84.1
BASIX Certificate No. I382I62S_02	Vision Town Planning Consultants Issued: 21 August 2023	Received 7 September 2023 Stamped No. DA 10.2023.84.1
Preliminary contamination investigation Report Number RI5816- 311c	Envirowest Consulting 09/08/2023	Received 7 September 2023 Stamped No. DA 10.2023.84.1

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.

- 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

- 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.
- Prior to the issue of a Construction Certificate, the applicant is to prepare an unidentified finds procedure for site development works due to the potential for asbestos containing pipe material under the surface. The procedure is to be submitted for the approval of the Principal Certifier.
- Prior to the issue of a Construction Certificate, the Applicant must submit to Cowra Shire Council an application to Install and Operate an On-Site Sewage Management System. The application must be accompanied by a report prepared by a suitably qualified professional including a geotechnical report to confirm that an On-Site Sewage Management System in compliance with ASI547:2012 can operate in the proposed area.

6. Pursuant to Section 7.12 (formerly Section 94A) of the Environmental Planning & Assessment Act 1979, the monetary contribution set out in the following table is to be paid to Council prior to the issue of a Construction Certificate. The contribution is current as at the date of this consent and is levied in accordance with the Cowra Section 94A Contributions Plan 2016 adopted on 26 April 2016. The contribution 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	Proposed Cost of Development ¹	Levy Percentage	Total Contribution	Contribution Rate Remains Current Until
Section 94A Contribution ²	\$910,859.00	1%	\$9,108.59	30 June 2024

Notes

¹ As shown on the Development Application/Construction Certificate Application/Complying Development Certificate Application

² Council's Section 94A 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 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. 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.
9. 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.
10. 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'.

11. 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.
12. The Applicant is to obtain all relevant approvals to Install and Operate an On-Site Sewage Management System from Cowra Shire Council prior to commencing works to install the system and comply with any conditions of that approval. The works must be inspected by Council at the times specified below:
 - a) Tank Installation: When the tank is installed and prior to backfilling.
 - b) Absorption Trench: When void arching and stone void fill is in place prior to covering.

All work must be carried out by a licensed plumber or drainer and to the requirements of NSW Environment and Health Protection Guidelines, Plumbing Code of Australia and Australian Standard/ New Zealand Standard 1547:2012 On-Site Domestic Wastewater Management. The licensed plumber or drainer must notify Cowra Council at least 48 hours before each required inspection needs to be carried out.

CONDITIONS TO BE COMPLIED WITH DURING CONSTRUCTION

13. 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.
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. 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.
16. 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.
17. 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.

- 18. All roofed and paved areas are to be properly drained in accordance with the Plumbing Code of Australia and discharged three metres clear of any building/structure in a manner that does not cause soil erosion or nuisance to adjoining properties.**
- 19. As soon as is practical, and within a maximum of 7 days following the placement of any roofing material, all guttering and downpipes must be installed and connected to Council's drainage system. If no Council drainage system is available, the guttering and downpipes must be discharged away from the building site onto a stable vegetated area in a manner that does not discharge concentrated storm water flow and cause nuisance or erosion to adjoining properties.**
- 20. The Applicant is to obtain all relevant approvals to carry out sewerage work, to carry out stormwater drainage work and to carry out water supply work from Cowra Shire Council prior to commencing works to and comply with any conditions of that permit. All plumbing work shall be carried out by a licensed plumber and drainer and to the requirements of the Plumbing Code of Australia. The licensed plumber or drainer must submit a Notice of Works form to Council prior to the commencement of any plumbing and drainage works and a Certificate of Compliance at the completion of the works. The plumbing and drainage works must be inspected by Council at the time specified below:**
 - (a) Internal Drainage: When all internal drainage work is installed and prior to concealment. Pipes should be under water test.**
 - (b) External Drainage: When all external drainage work is installed and prior to concealment. Pipes should be under water test.**
 - (c) Water Supply: Hot and cold water supply pipework, when the pipework is installed and prior to concealment. Pipes should be under pressure test.**
 - (d) Stormwater: When the stormwater and roof water drainage system has been completed.**

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

- 21. The Applicant must not commence occupation or use of the secondary dwelling until a Whole or Partial Occupation Certificate has been issued from the Principal Certifier appointed for the subject development.**
- 22. Prior to the issue of a Whole Occupation Certificate, the Applicant shall construct a sealed access crossing to the development site from Rothbury Road 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.

23. Prior to the issue of a Whole Occupation Certificate, the Applicant shall install the vegetation buffer in accordance with the approved plans and clauses b & c of Appendix A of Part F of Cowra Council Development Control Plan 2021.

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.

INTRODUCTION

Development Application No. 84/2023 proposes a dwelling on Lot 311 DP 255021, 11 Rothbury Road Cowra. The application was lodged with Council by Currajong Pty Ltd on 7 September 2023.

The application is being reported to Council because concurrence has been provided by NSW Department of Planning, Housing and Infrastructure (formerly the Department of Planning & Environment) and therefore conditions of consent are recommended in this report.

A copy of the site and elevation plans of the proposed dwelling 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 311 DP 255021, 11 Rothbury Road Cowra is a rectangular allotment of approximately 2.45 ha fronting Rothbury road which is a sealed local road. The lot is located in the RU4 Primary Production Small Lots zone under Cowra Local Environmental Plan (LEP) 2012. The site contains grapevines (viticulture). The site does not contain any buildings or native vegetation.

A location map is included in Attachment '3' and an aerial photograph is included in Attachment '4' to this report.

Description of Proposal

The development application consists of a variation to the minimum lot size standard contained in the Cowra Local Environmental Plan (LEP) 2012 and the application includes a request for an exception to the development standard under Clause 4.6 of Cowra LEP 2012. Under Clause 4.6, Council cannot grant consent for development that contravenes a development standard unless the concurrence of the Secretary (Department of Planning, Housing and Infrastructure) has been obtained.

A report was prepared by Council staff and submitted to the Council Meeting of Council held on 27 November 2023. The report included a recommendation which was supported by Council for the application to be approved subject to concurrence being received from the NSW Department of Planning and Environment. A copy of the assessment report is included in Attachment '5' to this report.

A letter has been received by Cowra Council from the NSW Department of Planning and Environment granting concurrence for the application to vary the minimum lot size. A copy of the letter dated 8 February 2024 is included in Attachment '6' to this report. Council is now in a position to approve the application.

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(1) 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 84/2023:

Assessment of the development application in accordance with Section 4.15(1) of the Environmental Planning and Assessment Act 1979 was previously undertaken. The assessment of the application was included in the report submitted to the Council meeting on 27 November 2023. The Council supported a recommendation of approval of the application subject to the Concurrence of the NSW Department of Planning and Environment.

Conclusion

Having received the concurrence of the NSW Department of Planning, Housing and Infrastructure (formerly Department of Planning and Environment) to vary the minimum lot size development standard and having considered the documentation supplied by the applicant and the findings of site inspection(s), 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

1. DA 84/2023 - Development Plans [↓](#)
2. DA 84/2023 - Statement of Environmental Effects [↓](#)
3. DA 84/2023 - Location map [↓](#)
4. DA 84/2023 - Aerial view [↓](#)
5. DA 84/2023 - Copy of Assessment report previously submitted to Council [↓](#)
6. DA 84/2023 - Letter from NSW Department of Planning, Housing & Infrastructure [↓](#)

RECEIVED
Cowra Shire Council
7 September 2023
Plan No: DA 10.2023.84.1



CURRAJONG
PLANNING, PROPERTY + PROJECT MANAGEMENT

250A Clarinda Street
PARKES NSW 2870

Project Contact
Dean Steward
0429 217 243

dsteward@currajong.com.au

- GENERAL NOTES:**
1. These drawings shall be read with the specification, other working drawings as may be issued during the course of construction and Engineering drawings, reports and/or computations. Any discrepancies are to be referred to the Architect prior to work commencing.
 2. All dimensions and levels shall be verified on site by the Contractor prior to commencing work.
 3. Do not scale from drawings. Work to figured dimensions only. Site dimensions are subject to final survey and should not be relied upon for accuracy

A	FIRST ISSUE	DS	18/04/2023
REV	DESCRIPTION	BY	DATE

SHEET NO:
01 of 2

SHEET NAME:
Site Plan

DRAWING STATUS
For Council Approval

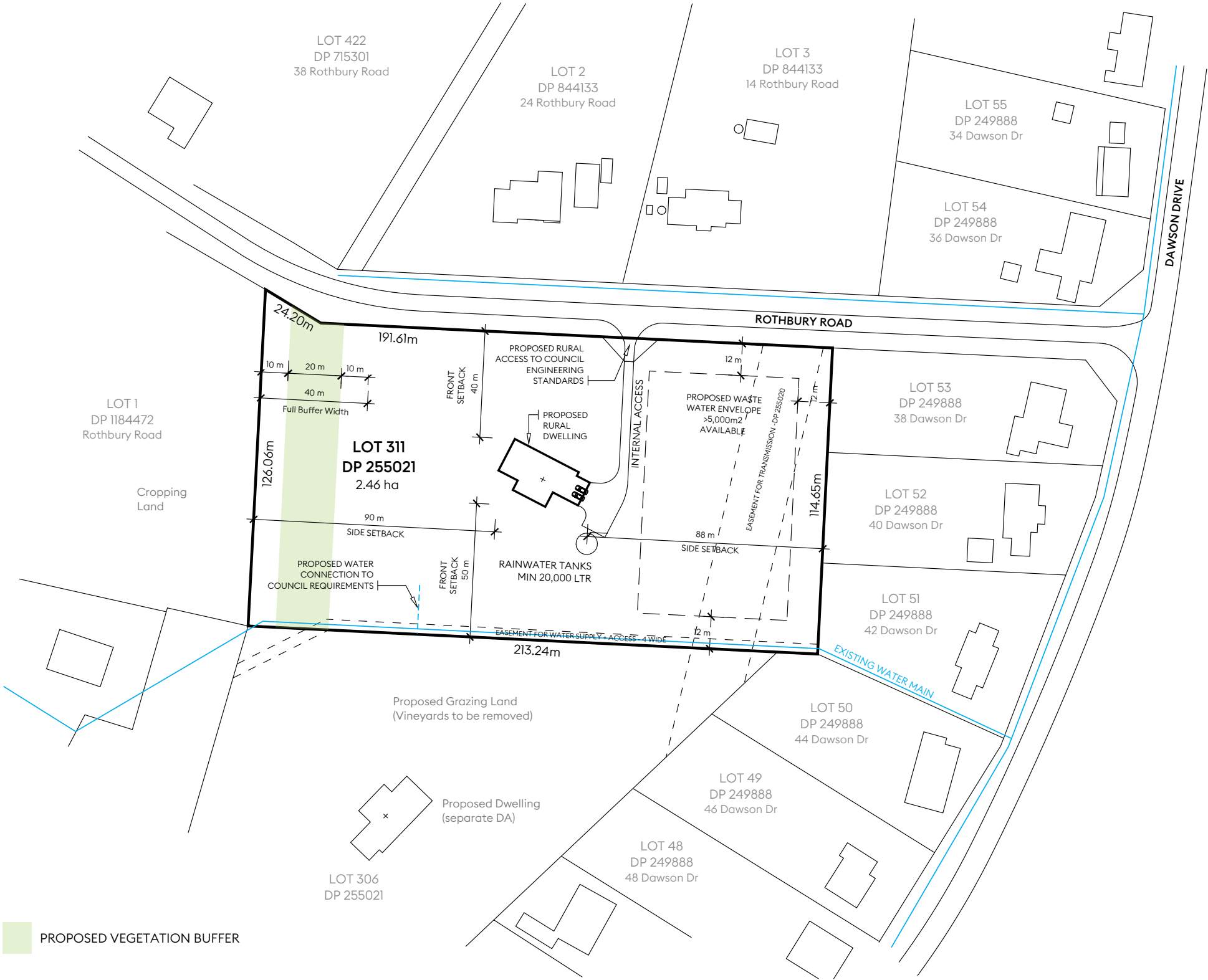
CLIENT NAME
H Hofmann

SITE DESCRIPTION
Lot 311 DP 255021
Rothbury Road
Cowra NSW 2794

PROJECT NAME
Proposed Rural Dwelling

DRAWN:
18/04/2023

SCALE
1:1500 @ A3



RECEIVED
Cowra Shire Council
7 September 2023
Plan No: DA 10.2023.84.1



CURRAJONG
PLANNING, PROPERTY + PROJECT MANAGEMENT

250A Clarinda Street
PARKES NSW 2870

Project Contact
Dean Steward
0429 217 243

dsteward@currajong.com.au

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A	FIRST ISSUE	DS	18/04/2023
REV	DESCRIPTION	BY	DATE

SHEET NO:

02 of 2

SHEET NAME:

Site Plan with Contours

DRAWING STATUS

For Council Approval

CLIENT NAME

H Hofmann

SITE DESCRIPTION

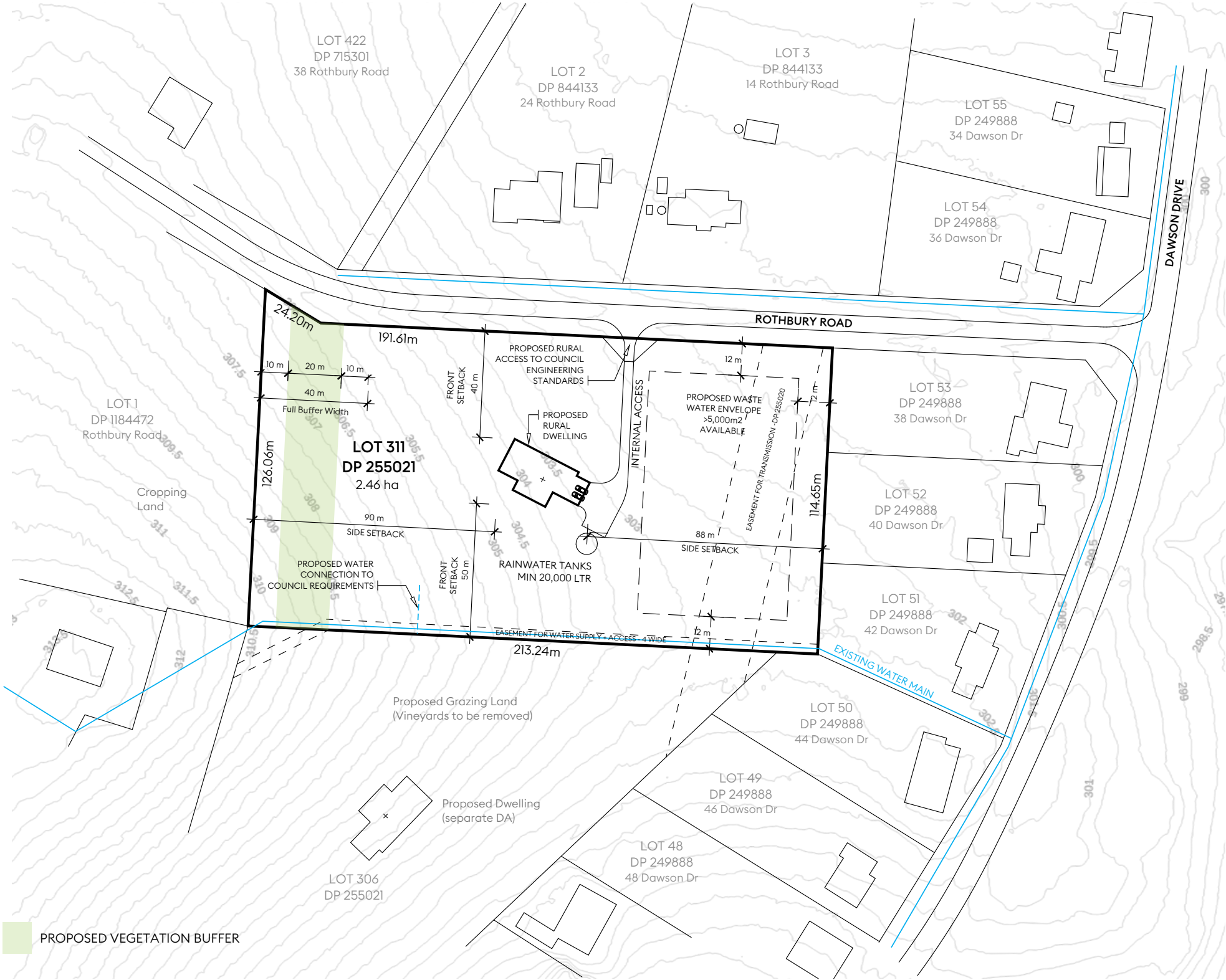
Lot 311 DP 255021
Rothbury Road
Cowra NSW 2794

PROJECT NAME

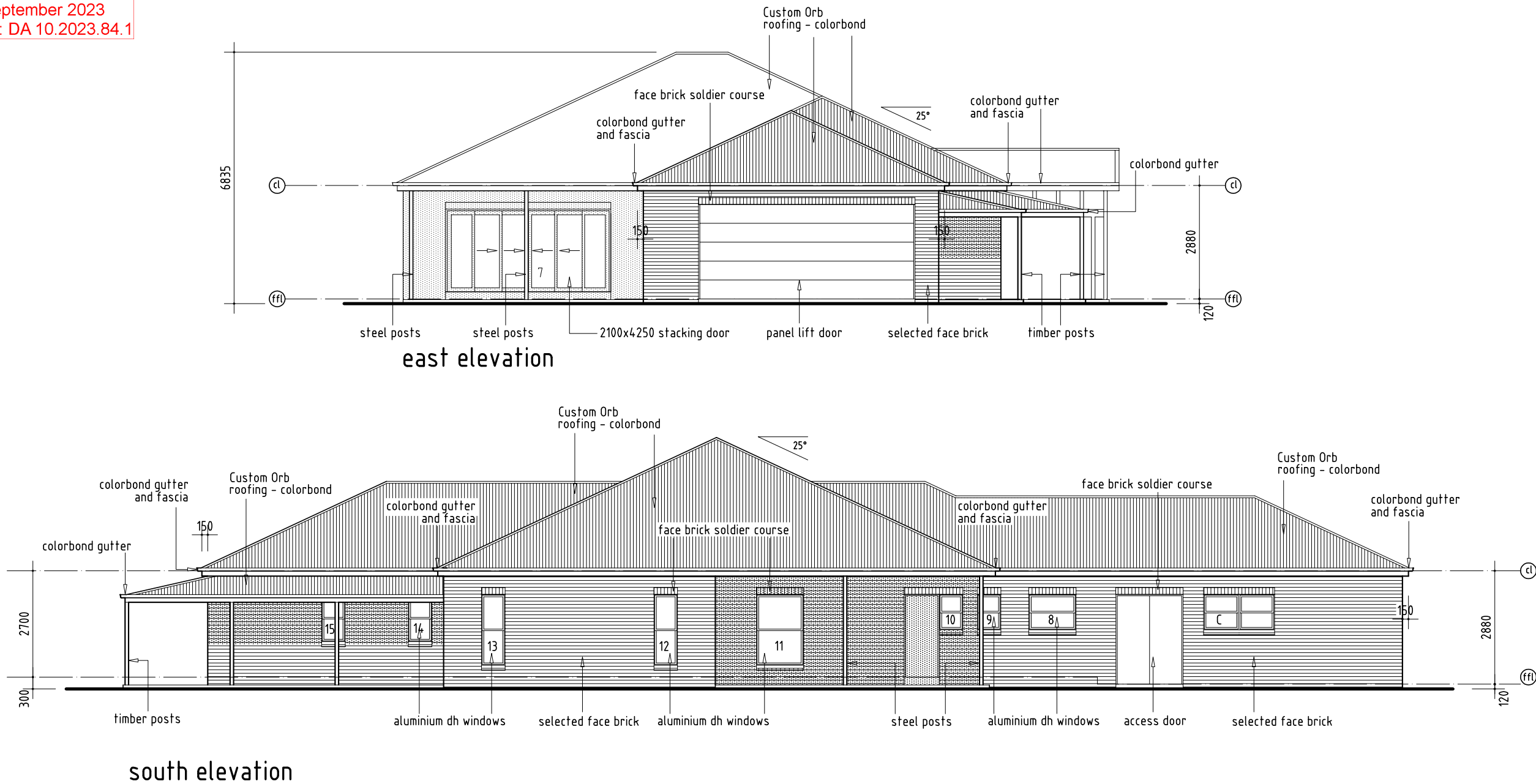
Proposed Rural Dwelling

DRAWN:
18/04/2023

SCALE
1:1500 @ A3




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7 September 2023
Plan No: DA 10.2023.84.1

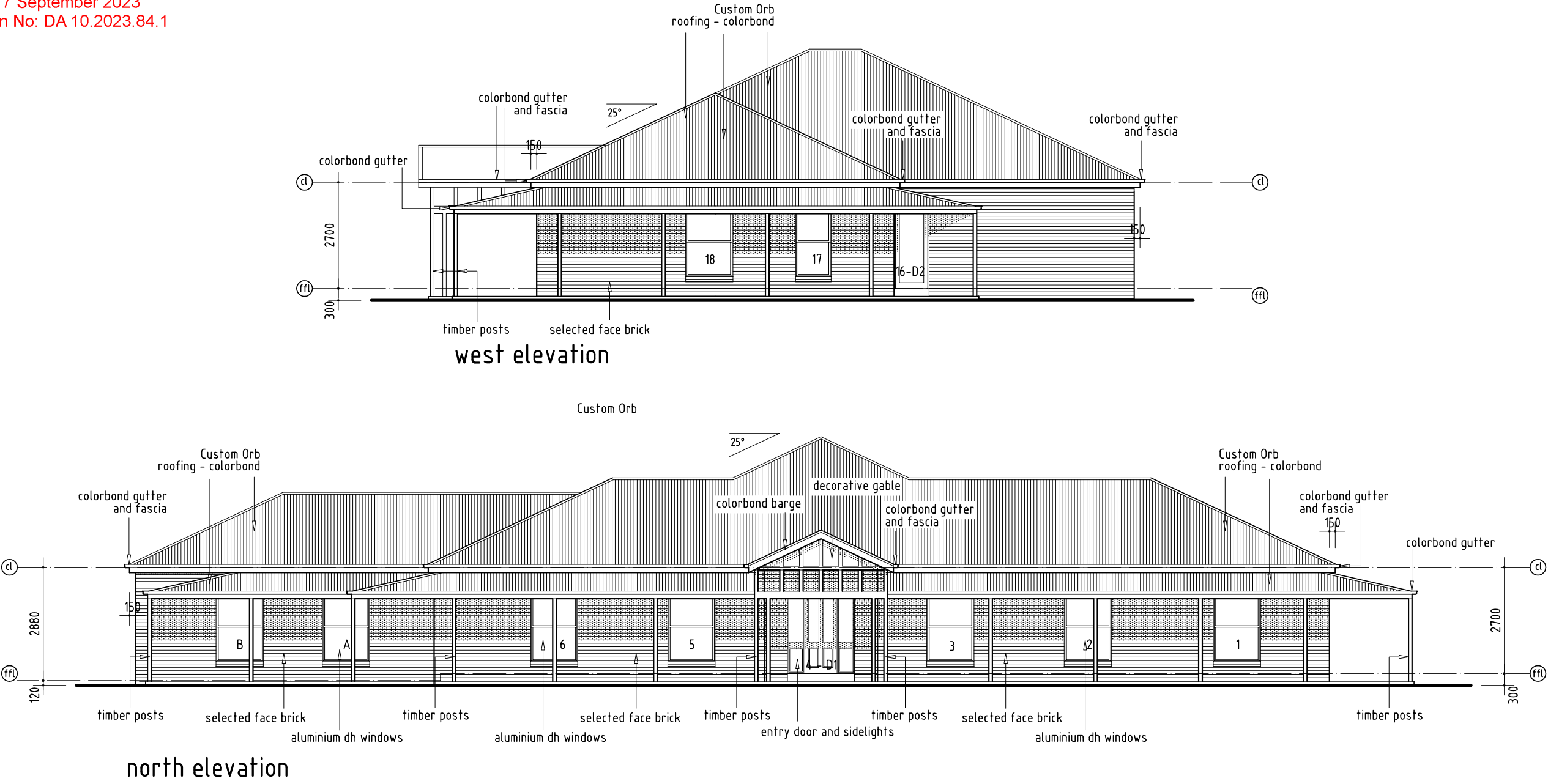


D5-3

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					CLIENT	Currajong Planning Consultants	DATE	22/3/23		
					LOCATION	Lot 311 DP255021	JOB NO	39/23		

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						LOCATION Lot 311 DP255021	JOB No 39/23	



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CLIENT

H & R Hofmann (Angleden Pty Ltd)

PROJECT

**Proposed Rural Dwelling
Lot 311 DP 255021, Rothbury Road, COWRA NSW 2794**

DOCUMENT TITLE

Statement of Environmental Effects

REVISION

A

DOCUMENT CONTROL

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PLANNING, PROPERTY + PROJECT MANAGEMENT

DISCLAIMER

This Statement of Environmental Effects has been prepared by Currajong Pty Ltd with all reasonable skill, care and diligence, and taking account of the timescale and resources allocated to it by agreement with the Client. Information reported herein is based on the information provided by the client and has been accepted in good faith as being accurate and valid. This report is for the exclusive use of the client named above. No warranties or guarantees are expressed or should be inferred by any third parties. This report may not be relied upon by other parties without written consent from Currajong Pty Ltd. Currajong Pty Ltd disclaims any responsibility to the Client and others in respect of any matters outside the agreed scope of the work.

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EXECUTIVE SUMMARY

This Statement of Environmental Effects (SEE) has been prepared by Currajong Pty Ltd (Currajong) on behalf of Angleden Pty Ltd for the proposed development of the land at Lot 311 DP 255021, being Rothbury Road Cowra.

The proposal is for the removal of existing vines and infrastructure associated with the existing viticultural operation on the land, and construction a single storey rural dwelling comprising 4 bedrooms, 2 living areas, attached double garage, outdoor entertaining space, and wrap around verandahs. The proposed dwelling has been designed purposefully to be sympathetic with the rural setting and context of the land.

The subject land is located within the RU4 Primary Production Small Lots zone which applies also to all existing adjoining properties to the south and west. The R5 Large Lot Residential zone adjoins the land to the east.

Cowra Local Environmental Plan 2012 (LEP) is the primary environmental planning instrument applying to the proposed development. The proposed development has been assessed against the relevant provisions of the LEP and is consistent with all requirements, except that the proposal is seeking a Clause 4.6 variation in relation to the 100ha minimum lot size requirement (under Clause 4.2B(3)(a) of the LEP) for the erection of a dwelling on land in the RU4 Primary Production zoned land.

The Cowra Comprehensive Development Control Plan 2021 (DCP) applies to all land in the Cowra LGA and contains standards and controls which must be assessed. The proposal is consistent with DCP without exception.

An environmental impact assessment has also been completed under Section 4.15 of the Environmental Planning and Assessment Act 1979. The proposed development is assessed to be of acceptable impact as evidenced in this Statement of Environmental Effects.

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01. PROJECT INTRODUCTION

01.1 Scope

This Statement of Environmental Effects (SEE) has been prepared by Currajong Pty Ltd (Currajong) on behalf of Angleden Pty Ltd for the proposed development of the land at Lot 311 DP 255021, being Rothbury Road Cowra for the purpose of a new rural dwelling. The document has been prepared to accompany a Development Application to Cowra Shire Council.

01.2 Overview

The land has an area of 2.46ha and is currently used for intensive plant agriculture (viticulture). There are no existing built structures on the land. The site does not contain any existing native vegetation.

The subject land is located within the RU4 Primary Production Small Lots zone. Figure 1 of this Statement of Environmental Effects shows the location of the site.

A high level overview of the proposed development is included as follows:

- + Proposed removal of all existing vines and infrastructure associated with the existing viticultural operation on the land, at least to the extent necessary to facilitate the construction of the proposed dwelling and ancillary site components.
- + Proposed Construction of a single storey rural dwelling comprising 4 bedrooms, 2 living areas, attached double garage, outdoor entertaining space, and wrap around verandahs.
- + Practical and legal access to be provided from Rothbury Road, which is an existing public road that is owned and maintained by Cowra Shire Council. Rothbury Road is an existing road constructed to a 4m wide rural road standard. The proposal will require a new access to be constructed in accordance with Council's engineering specifications.
- + Proposed construction of on-site rainwater collection tanks sized to BASIX requirements and including storage to meet Council DCP requirements.
- + Proposed installation of an on-site waste management system to be designed in accordance with engineers specifications.
- + Connection of the site to Council's reticulated water main, which is available from an existing location along the northern boundary.
- + The proposed development will be connected to all available services and utilities including reticulated water, electricity and satellite NBN telecommunications.
- + On-site stormwater disposal is proposed. All roof-water to be diverted away from proposed buildings and structures and neighbouring properties.

Further details relating to the proposed development have been included in the following sections of this Statement of Environmental Effects.

01.3 Project Background Information

The subject land is currently planted to vineyard. The land forms part of a larger viticultural operation that has existing in the general locality since 1977.

Angleden Pty Ltd is a part owner of the viticultural operation, and shares in the operating costs and profits with other landowners in the area.

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PROJECT
DESCRIPTION

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The long term viability of the viticultural operation is currently being reviewed having regard to a number of circumstances including external influences affecting the viticultural industry generally. As part of this review, the landowner is exploring alternate land-use options for the site that are within the parameters of the existing zoning framework applying to the land, and a best fit for the site having regard to the nature of surrounding land-use.

The lodgement of this Development Application with Cowra Shire Council is a legitimate exercise aimed to securing consent for a rural dwelling (as the highest and best use) that would support a continued small lot primary production use for the land.

01.4 Approvals required

The proposal requires development consent under Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and a Development Application is to be lodged with Cowra Shire Council via the NSW Planning Portal, along with a Statement of Environmental Effects (this report) and various plans in support of the proposal.

The proposal is local development, as it does not trigger any of the provisions listed below:

- + The proposal is not 'designated development' pursuant to Part 1 of Schedule 3 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation) and an Environmental Impact Statement is not required.
- + The proposal does not trigger 'regionally significant development' because it is not designated development and is general development less than \$30 million, pursuant to State Environmental Planning Policy (Planning Systems) 2021.
- + The proposal does not trigger 'integrated development' because it does not require any other approval listed under Section 4.46 of the EP&A Act.

The proposal does not trigger the Biodiversity Offsets Scheme (BOS) threshold, because it does not involve the removal of native vegetation within the meaning of the Biodiversity Conservation Act 2016.

01.5 Application Particulars

Table 1 includes the various details and particulars relating to the Development Application.

Table 1 Application Particulars

Detail	Description
Applicant	Currajong Pty Ltd
Landowner	
Site Description - Title	Lot 311 DP 255021
Site Description - Address	Rothbury Road, Cowra
Description of Proposal	Proposed Rural Dwelling
Zoning	RU4 Primary Production Small Lots
Consent Authority	Cowra Shire Council


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01.6 Format of this document

The information presented in this SEE covers all aspects of the proposal as specified under the EP&A Regulation. The SEE has been prepared as a single document of several sections as described in Table 2.

Table 2 Format of this document

Detail	Description
Section 1	Introduces the proposal and the main project drivers.
Section 2	Describes the main features of the site and surrounds.
Section 3	Provides a description of the proposal.
Section 4	Reviews the proposal against the relevant legislative requirements.
Section 5	Assesses the potential environmental impacts of the proposal and documents the proposed mitigation and management strategies proposed to minimise impacts.
Section 6	Provides the evaluation and justification of the proposed development against relevant environmental planning considerations.
Section 7	Provides the conclusion for the SEE.

01.7 Schedule of plans and drawings

The information presented in this SEE is supported by a number of additional plans and drawings which are described in Table 3.

Table 3 Format of this document

Ref	Prepared by	Description	Date
Sheet 01	Currajong	Site Plan	18/04/2023
Sheet 02	Currajong	Site Plan with Contours	18/04/2023
D5-1	Vision Property Development Hub	BASIX Compliance Schedule	22/03/2023
D5-2	Vision Property Development Hub	Floor Plan	22/03/2023
D5-3	Vision Property Development Hub	West and North Elevations	22/03/2023
D5-4	Vision Property Development Hub	East and South Elevations	22/03/2023
Rev A	Currajong	Statement of Environmental Effects (this report)	18/08/2023
I382161S	Vision Property Development Hub	BASIX Certificate	21/08/2023
R15816-311c	Envirowest Consulting	Preliminary Contamination Investigation	08/08/2023


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02. DESCRIPTION OF THE SITE

02.1 Site Description

The land has an area of 2.46ha, and is currently used for intensive plant agriculture (viticulture). There are no existing built structures on the land. The site does not contain any existing native vegetation.

The land is gently undulating with a slight fall from the south to north (towards Rothbury Road). The contour detail shown on the site plan shows that the land as a total fall of 9-10m over the length of the parcel.

The land is not currently connected to urban services and infrastructure, excepting that the existing vineyard is serviced by an underground irrigation system.

Figure 1 of this Statement of Environmental Effects shows the location of the site in relation to the immediate and wider locality.

Photographs 1-4 show typical aspects of the subject land.

02.2 Land Zoning

The site is zoned RU4 Primary Production Small Lots under the Cowra Local Environmental Plan 2012. Figure 2 includes a map that shows the zoning framework for the site and surrounding areas.

Development for the purposes of a dwelling is permissible in the RU4 Primary Production Small Lots zone with the consent of council. However, the erection of a dwelling is not permissible on the land under the existing provisions contained in Clause 4.2B of Cowra Local Environmental Plan 2012 because of the following reasons:

- + The land does not have an area that meets the 100ha minimum lot size in accordance with subclause (a)
- + The land is not known to have been created by a subdivision approved by Council for dwelling related purposes in accordance with subclause (b)
- + The land is not known to have been created by a subdivision approved by Council before Cowra LEP 2012 commenced but not registered before that commencement as per subclause (c)
- + The subject land forms part of a larger existing holding comprised of Lots 311 and 306 DP 2550251. Clause 4.2B(3)(d) would allow Council to consent to the erection on only one of these lots. A Development Application has been lodged with Council seeking consent for the erection of a dwelling on Lot 306, and in this regard a dwelling is not permissible on Lot 311 under this provision.
- + The land is not a dwelling opportunity lot in accordance with subclause (e).
- + None of the scenarios defined in subclause (f) appear to be relevant.

Having regard to the above, the proposal is seeking a Clause 4.6 variation in relation to the 100ha minimum lot size requirement (under Clause 4.2B(3)(a) of the LEP) for the erection of a dwelling on land in the RU4 Primary Production zoned land. The details of the Clause 4.6 variation are included in a further section of this SEE.



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02.3 Surrounding Land-use

The predominant land-use in the immediate vicinity of the subject land is for dwelling related purposes. Agricultural activities are carried out on some nearby property holdings, however the encroachment of residential activity is placing pressure on the sustainability of these operations.

A description of the existing land-use activities on adjoining lots is included as follows:

- + The land immediately to the east and south east is zoned and utilised for large lot residential purposes.
- + The land immediately to the west is used for agricultural grazing purposes.
- + The land to the south-west is used for the purposes of a motel.
- + The land immediately to the south is currently used for viticultural purposes. A Development Application has been lodged with Cowra Council for the construction of a dwelling on this land and removal of the viticultural activity. The future use of this land is expected to be for small lot primary production (grazing) and related dwelling purposes.

The typical details of the surrounding area, as described above, are shown in Photographs 5 to 6.

Subject to further assessment in this SEE, it is suggested that the site is suitable for the proposed development having regard to the use of land within the immediate and wider locality.

DESCRIPTION OF
THE SITE

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Figure 1 Site and surrounds plan



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DESCRIPTION OF
THE SITE

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Photograph 1 View south from Rothbury Road



Photograph 2 View W along Rothbury Road



Photograph 3 View E along Rothbury Road



Photograph 4 View W along Rothbury Road



Photograph 5 Rural residential land-use to the SE



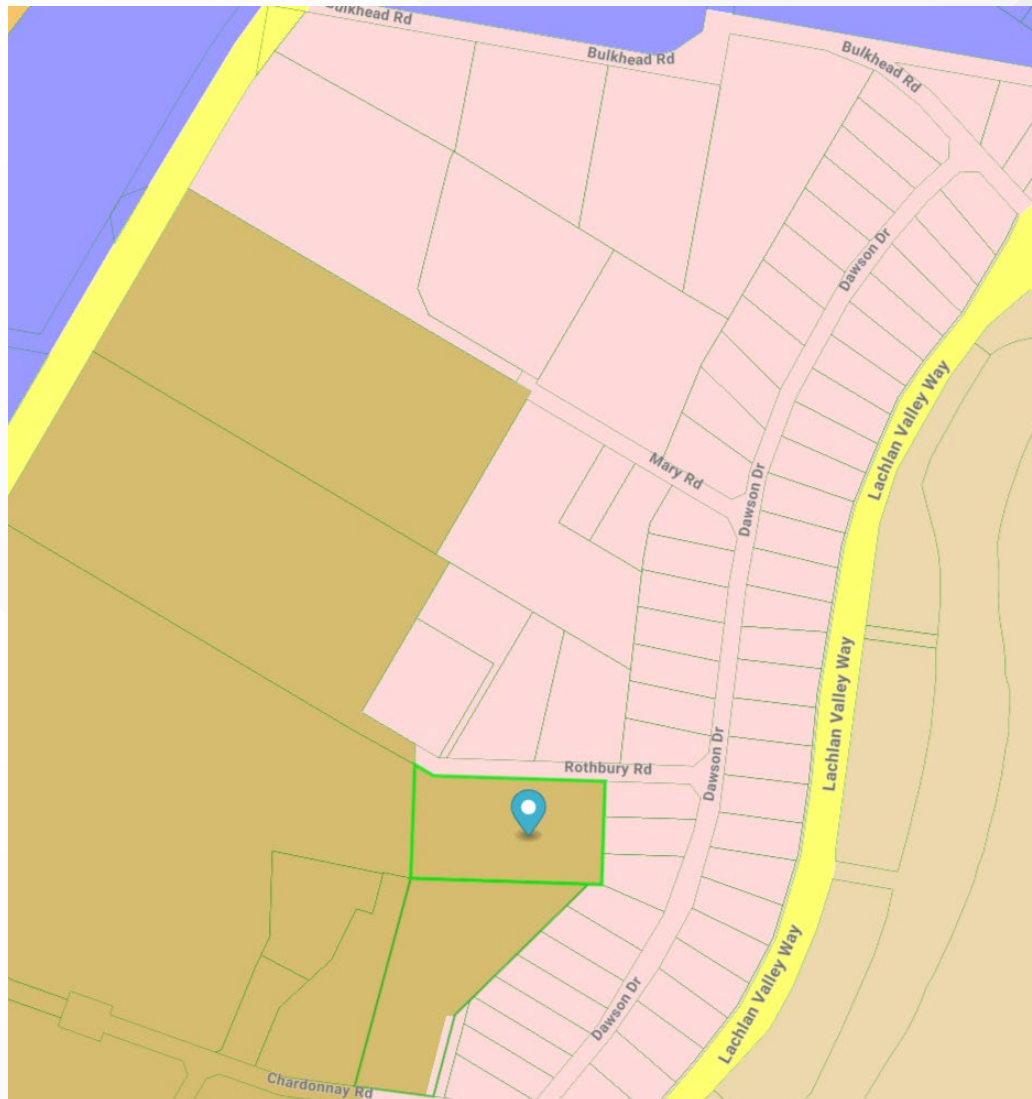
Photograph 6 Rural Residential land-use to the N

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DESCRIPTION OF
THE SITE

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Figure 2 Land zoning Map

**LEGEND - LAND USE ZONES**

E1	E1 Local Centre	RE1	Public Recreation
E3	E3 Productivity Support	RE2	Private Recreation
C1	C1 National Parks and Nature Reserves	RU1	Primary Production
C2	C2 Environmental Conservation	RU3	Forestry
C3	C3 Environmental Management	RU4	Primary Production Small Lots
E4	E4 General Industrial	RU5	Village
R1	R1 General Residential	SP2	Infrastructure
R2	R2 Low Density Residential	SP3	Tourist
R5	R5 Large Lot Residential	W2	Recreational Waterways

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03. DESCRIPTION OF THE PROPOSAL

03.1 Objectives of the Proposal

The objective of the proposal is to construct a new rural dwelling. This Statement of Environmental Effects seeks to demonstrate to Cowra Council that the land is suitable for the proposed use.

03.2 The Proposal

03.2.1 Building Works

A description of the proposed building works associated with the development is included as follows:

- + Proposed Construction of a single storey rural dwelling comprising 4 bedrooms, 2 living areas, attached double garage, outdoor entertaining space, and wrap around verandahs.
- + All building works are to comply with the Building Code of Australia and engineering specifications which are to be detailed with the application for Construction Certificate.
- + Proposed construction of on-site rainwater collection tanks sized to BASIX requirements and including reserve storage for fire fighting to meet Council DCP requirements.

03.2.2 Subdivision Works

The proposal does not include any subdivision works.

03.2.3 Practical and legal access

A description of the proposed access arrangements to the development is included as follows:

- + Practical and legal access to be provided from Rothbury Road, which is an existing public road that is owned and maintained by Cowra Shire Council. Rothbury Road is an existing sealed road constructed to a 6m wide rural road standard. The proposal will require a new access to be constructed in accordance with Council's engineering specifications.

03.2.4 Utilities and services

A description of the proposed servicing arrangements to the development is included as follows:

- + Proposed installation of an on-site waste management system to be designed in accordance with engineers specifications.
- + The proposal is to connect the new dwelling to Council's existing reticulated water supply system, which is available from an existing location along the southern boundary of the land.
- + The proposed development will be connected to all available services and utilities including reticulated water, electricity and satellite NBN telecommunications.
- + On-site stormwater disposal is proposed. All roof-water to be diverted away from proposed buildings and structures and neighbouring properties.

DESCRIPTION OF
THE PROPOSAL

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03.2.5 Other

The proposal also involves the removal of existing vines from the land as well as all other infrastructure associated with the existing viticultural activity (including irrigation and trellis) at least to the extent necessary to facilitate the construction of the proposed dwelling and ancillary site components.

03.2.6 Staging

The Development Application is not lodged with Cowra Shire Council as a staged development.

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04. PLANNING + LEGISLATIVE CONTEXT

04.1 Commonwealth legislation

Section 4.1 describes the applicable Federal legislation and guidelines followed by a statement outlining how the development will address and / or comply with the legislation or policy.

04.1.1 Environment Protection and Biodiversity Conservation Act 1999

Under the Federal Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), referral is required to the Australian Government for proposed actions that have the potential to significantly impact on Matters of National Environmental Significance (MNES) or the environment of Commonwealth land. The EPBC Act identifies the following as matters of national environmental significance for which Ministerial approval is required:

- + World heritage properties.
- + Wetlands of international significance.
- + Listed threatened species and communities.
- + Listed migratory species protected under international agreements.
- + National Heritage Places.
- + Protection of the environment from nuclear actions.
- + Commonwealth Marine environments.

Assessment of the proposal's impact on MNES confirms there is unlikely to be a significant impact on relevant MNES or on Commonwealth land. Accordingly, the proposal would not warrant referral under the EPBC Act.

04.2 New South Wales legislation

Section 4.2 describes the applicable state legislation and guidelines followed by a statement outlining how the development will address and / or comply with the legislation or policy.

04.2.1 Environmental Planning and Assessment Act 1979

The EP&A Act forms the legal and policy platform for development assessment and approvals process in NSW. The objects of the EP&A Act are:

- + 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,
- + To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
- + To promote the orderly and economic use and development of land,
- + To promote the delivery and maintenance of affordable housing,
- + To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,

- + To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),
- + To promote good design and amenity of the built environment,
- + To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,
- + To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,
- + To provide increased opportunity for community participation in environmental planning and assessment.

Under the EP&A Act, local councils prepare Local Environment Plan (LEPs) that specify planning controls for specific parcels of land. The EP&A Act also provides for State Environmental Planning Policies (SEPPs) and Regional Environmental Plans (REPs). Applicable environmental planning instruments are discussed in later parts of this SEE.

In general, development consent is required for the proposed development, pursuant to the Cowra Local Environmental Plan 2012. The proposal requires a Clause 4.6 variation in order to be consistent with the Cowra LEP 2012.

04.2.2 Local Government Act 1993

Section 68 of the Local Government Act 1993 (LG Act) specifies that approval is required for a number of activities carried out on operational land, including:

- + Structures or places of public entertainment.
- + Water supply, sewerage and stormwater drainage work.
- + Management of trade waste in the sewerage system.
- + Swing or hoist goods over a public road.

The proposed development will require approval under the Local Government Act 1993 for water connection and on-site waste disposal.

04.2.3 National Parks and Wildlife Act 1974

The National Parks and Wildlife Act 1974 (NPW Act) is administered by the Office of Environment and Heritage and provides the basis for the legal protection of flora and fauna in NSW.

Unless a licence is obtained under the NPW Act (or the Threatened Species Conservation Act 1995), it is an offence to harm any animal that is protected or is a threatened species, population or ecological community. It is also an offence to pick any plant that is protected or is a threatened species, population or ecological community. In addition, a person must not, by act or omission, damage any critical habitat.

The NPW Act also provides the basis for the legal protection and management of Aboriginal sites within NSW. Sections 86, 90 and 91 of the NPW Act provide statutory protection for any physical / material evidence of Aboriginal occupation of NSW and places of cultural significance to the Aboriginal community.

The site largely comprises 'disturbed land', as defined under The National Parks and Wildlife Regulation 2019 (NPW Regulation) and an Aboriginal due diligence assessment is not considered necessary. A search of the Aboriginal Heritage Information Management System (AHIMS) has been completed and there are no Aboriginal Sites or Places identified to be located within 200 metres of the subject land. No heritage issues / impacts have been identified and approvals under the Heritage Act 1977 or NPW Act is not required to be obtained for the proposed development.

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04.2.4 Biodiversity Conservation Act 2016

The Biodiversity Conservation Act 2016 (BC Act 2016) provides the framework for the management of flora and fauna on lands within NSW. Under this Act the principles of ecologically sustainable development are used to achieve the conservation and protection of biodiversity values. Clause 7.2 of the Biodiversity Conservation Act 2016 (BC Act) identifies the following circumstances where a development is likely to significantly affect threatened species:

- + It is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or
- + The development exceeds the biodiversity offsets scheme threshold if the biodiversity offset scheme applies to the impacts of the development on biodiversity values, or
- + It is carried out in a declared area of outstanding biodiversity value.

The site does not native vegetation that is proposed to be disturbed or removed. The potential for the proposed development to impact on matters that are of biodiversity significance is assessed to be nil.

04.2.5 Water Management Act 2000

The objectives of this Act are to provide for the sustainable and integrated management of the water sources of the NSW for the benefit of both present and future generations through orderly, efficient and equitable sharing of water resources. The Act deals with the management of overland flows (including floodwater, rainfall run-off and urban stormwater) that is flowing over or lying on the ground as a result of rain or rising to the surface from underground. Importantly, the Act does not control water collected from a roof.

No specific approvals are required under the WM Act. Riparian land and vulnerable groundwater issues are not identified as key issues for the nature and scale of the proposed development.

04.2.6 Heritage Act 1977

The Heritage Act 1977 provides for the conservation of environmental heritage defined as places, buildings, works, relics, moveable objects, and precincts, of State or local heritage significance which are at least 50 years old. The Act applies to non-Aboriginal relics only, as Aboriginal relics are protected under the National Parks and Wildlife Act 1974. The subject site is not listed on the State Heritage Register and an approval from Heritage NSW is not required under the Heritage Act 1977.

Heritage issues are assessed under Section 5 of this SEE. In general, no built heritage issues / impacts have been assessed to apply, and no separate approvals are required under the Heritage Act.

04.2.7 Protection of the Environment Operations Act 1997

The Protection of the Environment Operations Act 1997 (POEO Act) regulates air, noise, land and water pollution.

The proposal will not be required to operate under an Environment Protection Licence (EPL).

04.2.8 Roads Act 1993

Under Section 138 of the Roads Act 1993 a person must not erect a structure or carry out a work in, on or over a public road, or dig up or disturb the surface of a public road, otherwise than with the consent of the appropriate road authority.

Works will be required to construct a new access on Rothbury Road and therefore a permit under Section 138 of the Roads Act 1993 will be required from Cowra Shire Council prior to the commencement of any works.

04.2.9 Contaminated Land Management Act 1997

Cowra Shire Council is required to notify the EPA if contamination is discovered that presents a significant risk of harm. Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 1997 are available on the EPA website.

The land is currently vacant, but is currently used for viticultural purposes. An assessment is required to determine whether this use has resulted in the possible contamination of the land.

04.2.10 Rural Fires Act 1997

The Rural Fires Act (RF Act) 1997 requires approval of development on bushfire prone land as identified by a bushfire prone land map prepared under Section 146 of the EP&A Act.

According to the mapping prepared by the NSW Rural Fire Service, the subject land is not identified as being bushfire prone.

04.3 State Environmental Planning Policies (SEPP)**04.3.1 SEPP Overview**

A high level assessment of the applicability of each SEPP to the proposed development is included in Table 4, with further assessment work completed in Section 4.3.2 as necessary.

Table 4 Preliminary SEPP Assessment

Name of SEPP	Applicability	Further assessment warranted?
SEPP (Biodiversity and Conservation) 2021	Not applicable	No
SEPP (BASIX) 2004	Applicable	Yes. See Section 4.3.2
SEPP (Exempt and Complying Development Codes) 2008	Not applicable	No
SEPP (Housing) 2021	Not applicable	No
SEPP (Industry and Employment) 2021	Not applicable	No
SEPP 65 (Design Quality of Residential Apartment Development)	Not applicable	No
SEPP (Planning Systems) 2021	Not applicable	No
SEPP (Primary Production) 2021	Applicable	No.
SEPP (Precincts - Central River City) 2021	Not applicable	No
SEPP (Precincts - Eastern Harbour City) 2021	Not applicable	No
SEPP (Precincts - Western Parkland City) 2021	Not applicable	No
SEPP (Precincts - Regional) 2021	Not applicable	No
SEPP (Resilience and Hazards) 2021	Applicable	Yes. See Section 4.3.2
SEPP (Resources and Energy) 2021	Not applicable	No

Name of SEPP	Applicability	Further assessment warranted?
SEPP (Transport and Infrastructure) 2021	Potentially	Yes. See Section 4.3.2

04.3.2 SEPP Assessment

SEPP - Basix 2004

The proposed dwelling requires a BASIX certificate. A certificate has been submitted with the DA and demonstrates that all required targets can be satisfied.

SEPP - Resilience and Hazards 2021

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:

- + land within an investigation area,
- + land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been carried out
- + to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital - land - in relation to which there is no knowledge as to whether development for a purpose referred 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.

A Preliminary Contamination Investigation has been prepared for the land by Envirowest Consulting. The findings of the investigation are presented in Report R15816-311c dated 08 August 2023 and a copy of this report is submitted in support of this DA.

The report has considered the contamination potential of the land arising as a result of past and current agricultural activities carried out on the site and concludes that the site is suitable for residential use.

SEPP – Transport and Infrastructure 2021

There are provisions contained within this SEPP which are triggers for the referral of the Development Application to certain authorities prior to Cowra Council being able to grant consent. With particular regard to the nature of the development proposed by this DA, the potential triggers for referral are summarised as follows.

Development Likely to affect an electricity transmission or distribution network

Clause 2.48 of the Infrastructure SEPP requires Council to give written notice to the electricity supply authority (and consider any response received within 21 days) when a DA involves development that:

- + The penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,
- + Development carried out within or immediately adjacent to an easement for electricity purposes or substation, or within 5 metres of an exposed overhead electricity power line.
- + Development involving the installation of a swimming pool within 30m of a structure supporting an overhead transmission line, or within 5m of an overhead electricity power line.
- + Development involving or requiring the placement of power lines underground.

The site plan submitted with the Development Application has identified the locations of existing electricity transmission easements in the locality. The proposed dwelling is located outside of any easements and is not immediately adjacent. The proposed DA is unlikely to trigger referral to the electrical supply authority.

Development in or adjacent to road corridors and road reservations

Clause 2.122 of the Infrastructure SEPP requires Council to give written notice to Transport for NSW (and consider any response received within 21 days) when a DA involves traffic generating development of a kind specified in Column 1 of Schedule 3 of the SEPP.

The nature and scale of the proposed development does not trigger referral of the application.

04.4 Local Environmental Plans

04.4.1 Relevant Local Environmental Plan

Cowra Local Environmental Plan 2012 (LEP) applies to the land. The site of the proposed development is zoned RU4 Primary Production Small Lots

An assessment has been completed to determine the potential applicability of key clauses in the LEP to the proposed development. This work is presented in Table 5 as follows.

Where it is identified that a clause of Cowra Local Environmental Plan 2012 applies to the proposed development, this assessment work is presented in Section 4.4.2

Table 5 Preliminary LEP Assessment

Clause	Clause Name	Applicability
1.9A	Suspension of covenants, agreements & instruments	Not applicable to proposal
2.3	Zone objectives	Assessment Required. See Section 4.4.2
2.5	Additional permitted uses for particular land	Not applicable to proposal
2.6	Subdivision - consent requirements	Not applicable to proposal
2.7	Demolition requires development consent	Not applicable to proposal
2.8	Temporary use of land	Not applicable to proposal
	Land-use Table	Assessment Required. See Section 4.4.2
4.1-4.1C	Minimum Lot Size Standards	Assessment Required. See Section 4.4.2

Clause	Clause Name	Applicability
4.1D	Boundary changes between lots in certain rural, residential and enviro zones	Not applicable to proposal
4.2	Rural Subdivision	Not applicable to proposal
4.2A	Subdivision for the purposes of intensive livestock agriculture	Not applicable to proposal
4.2B	Erection of dwelling houses on land in certain rural zones	Assessment Required. See Section 4.4.2
4.2C	Erection of rural workers dwellings	Not applicable to proposal
4.6	Exceptions to development standards	Assessment Required. See Section 4.4.2
5.1	Relevant acquisition authority	Not applicable to proposal
5.2	Classification and reclassification of public land	Not applicable to proposal
5.3	Development near zone boundaries	Not applicable to proposal
5.4	Controls relating to miscellaneous uses	Not applicable to proposal
5.5	Controls relating to secondary dwellings on land in a rural zone	Not applicable to proposal
5.8	Conversion of fire alarms	Not applicable to proposal
5.10	Heritage Conservation	Not applicable to proposal
5.11	Bushfire Hazard Reduction	Not applicable to proposal
5.12	Infrastructure development and use of existing buildings of the Crown	Not applicable to proposal
5.13	Eco-tourist facilities	Not applicable to proposal
5.16	Subdivision of, or dwellings on, land in certain rural, residential and conservation zones	Assessment Required. See Section 4.4.2
5.18	Intensive livestock agriculture	Not applicable to proposal
5.19	Pond-based, tank based and oyster aquaculture	Not applicable to proposal
5.20	Standards that cannot be used to refuse consent - playing music	Not applicable to proposal
5.21	Flood planning	Not applicable to proposal
5.22	Special flood considerations	Not applicable to proposal
7.1	Earthworks	Assessment Required. See Section 4.4.2
7.3	Terrestrial Biodiversity	Not applicable to proposal
7.4	Riparian land and watercourses	Not applicable to proposal
7.5	Wetlands	Not applicable to proposal
7.6	Groundwater vulnerability	Assessment Required. See Section 4.4.2
7.7	Airspace operations	Not applicable to proposal
7.8	Essential Services	Assessment Required. See Section 4.4.2
7.9	Local of sex services premises	Not applicable to proposal
7.10	Industrial development on land in Zone RUI	Not applicable to proposal
7.11	Development on land in karst areas	Not applicable to proposal

04.4.2 Assessment of LEP provisions

Clause 2.3 - Zone Objectives

Clause 2.3 of Cowra Local Environmental Plan 2012 states that Cowra Shire Council must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The objectives of the RU4 Primary Production Zone are to:

- a. To enable sustainable primary industry and other compatible land uses.
- b. To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- c. To minimise conflict between land uses within this zone and land uses within adjoining zones.

The proposed development is not inconsistent with the objectives for the zone. The use of the land for a rural dwelling will not eliminate the suitability of the site for continued small lot primary production activity. The proposed development has been designed to minimise the likelihood of conflict occurring with agricultural uses on adjoining land through a combination of strategies including physical separation and vegetative buffers.

Land-use Table - RU4 Zone

The proposed development is for the purpose of a new rural dwelling. The development is permissible in the RU4 Primary Production Small Lots zone with the consent of Council.

Clause 4.2B - Erection of dwelling houses on land in certain rural zones

The objectives of the Clause are to:

- a. to minimise unplanned rural residential development,
- b. to enable the replacement of lawfully erected dwelling houses in certain rural zones.

Clause 4.2B(3) includes a number of different provisions which must be considered in order to determine whether the erection of a dwelling is permissible on land in the RU1, RU4, or E3 zones.

The erection of a dwelling is not permissible on the land under the existing provisions contained in Clause 4.2B of Cowra Local Environmental Plan 2012 because of the following reasons:

- + The land does not have an area that meets the 100ha minimum lot size in accordance with subclause (a)
- + The land is not known to have been created by a subdivision approved by Council for dwelling related purposes in accordance with subclause (b)
- + The land is not known to have been created by a subdivision approved by Council before Cowra LEP 2012 commenced but not registered before that commencement as per subclause (c)
- + The subject land forms part of a larger existing holding comprised of Lots 311 and 306 DP 2550251. Clause 4.2B(3)(d) would allow Council to consent to the erection on only one of these lots. A Development Application has been lodged with Council seeking consent for the erection of a dwelling on Lot 306, and in this regard a dwelling is not permissible on Lot 311 under this provision.
- + The land is not a dwelling opportunity lot in accordance with subclause (e).
- + None of the scenarios defined in subclause (f) appear to be relevant.



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Having regard to the above, the proposal is seeking a Clause 4.6 variation in relation to the 100ha minimum lot size requirement (under Clause 4.2B(3)(a) of the LEP) for the erection of a dwelling on land in the RU4 Primary Production zoned land. The details of the Clause 4.6 variation are included in a further section of this SEE.

Clause 4.2B(4) requires that Council must not grant consent to the erection of a dwelling unless:

- a. no dwelling house has been erected on the land, and
- b. if a development application has been made for development for the purpose of a dwelling house on the land—the application has been refused or it was withdrawn before it was determined, and
- c. if development consent has been granted in relation to such an application—the consent has been surrendered or it has lapsed.

The subject land is vacant. There are no existing DA's relating to the subject land for the purposes of a dwelling.

Clause 4.6

The objectives of Clause 4.6 are to:

- a. to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- b. to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Clause 4.6 provides the ability for Cowra Council to consider this Development Application, even though the proposal contravenes the minimum lot size standard of 100ha imposed by Clause 4.2B(3)(a) of the LEP.

Clause 4.6(3) requires that Council must not grant consent unless it has considered a written request from the applicant that seeks to justify the contravention of Clause 4.2B(3)(a) by demonstrating:

- a. that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- a. that there are sufficient environmental planning grounds to justify contravening the development standard.

A written statement made pursuant to the requirements of Clause 4.6(3) is included in Appendix A to this SEE.

Clause 5.16

The objective of Clause 5.16 is to minimise potential land-use conflict between existing and proposed development on land in the rural, residential or conservation zones concerned (particularly between residential land-uses and other rural land-uses).

Clause 5.16 requires Council to take into account the following matters in determining whether to grant development consent to the erection of a dwelling on the subject land:

- 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).

An assessment of relevant matters is included as follows:

- a. The site plan submitted with the development application shows the existing uses of land on adjoining lots and in the immediate vicinity of the development site. Intensive agricultural uses are present to the south, but these are proposed to be removed through the lodgement of a separate DA with Council and this land is held in the same ownership as the subject land. Residential uses dominate in the vicinity.
- b. The use of the land for rural dwelling and small lot primary production purposes is consistent with existing land-use in the vicinity. There are existing dwellings located on immediately adjoining and nearby properties zoned RU4 Primary production and R5 Large Lot Residential.
- c. The use of the land for dwelling related purposes will not be incompatible with the adjoining land-uses described above. Residential uses dominate in the vicinity. The continuation of intensive agricultural use on the subject land is constrained by encroaching residential land-uses.
- d. The placement of a dwelling on the land is not expected to place an unreasonable burden or impediment to the continued use of adjoining land for agricultural purposes, where this is being carried out. The proposal is demonstrably consistent with the Council's planning framework relating to the setbacks of rural dwellings to adjoining agricultural and non-agricultural uses.
- e. The proposal is demonstrably consistent with the Council's planning framework relating to the setbacks of rural dwellings to adjoining agricultural and non-agricultural uses.

Clause 7.1 - Earthworks

The objective of Clause 7.1 is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Before granting development consent for earthworks, the following issues must be considered:

- a. The likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
- b. The effect of the development on the likely future use or redevelopment of the land,
- c. The quality of the fill or the soil to be excavated, or both,
- d. The effect of the development on the existing and likely amenity of adjoining properties,
- e. The source of any fill material and the destination of any excavated material,
- f. The likelihood of disturbing relics,
- g. The proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
- h. Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The site plan submitted in support of the DA shows the typical landform in the vicinity of the proposed dwelling location through contour information at 0.5m intervals. Minimal changes to existing landform will be required in order to facilitate the construction. No significant impacts on environmental functions, stormwater drainage, neighbouring uses, cultural or heritage items or features of the surrounding land have been identified that can't be addressed through appropriate soil and erosion control techniques where required.

Clause 7.6- Groundwater Vulnerability

Clause 7.6 of Cowra Local Environmental Plan 2012 applies to land that has been identified as 'Groundwater Vulnerable' on the Groundwater Vulnerability Map.

The subject land has been mapped in Cowra Local Environmental Plan 2012 as containing vulnerable groundwater. The objectives of the Clause are:

- a. To maintain the hydrological functions of key groundwater systems.
- b. To protect vulnerable groundwater resources from depletion and contamination as a result of development.

Before determining a development on land to which the clause applies, Council 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.

Council must not grant consent to development unless:

- a. The development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
- a. If that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- a. If that impact cannot be minimised—the development will be managed to mitigate that impact.

The proposed development is unlikely to result in significant impacts on groundwater resources in the locality. Impacts are likely to be within acceptable limits given:

- + The dwelling will be connected to the reticulated water supply system and will not rely on groundwater resources for domestic consumption.
- + A large area of land has been identified on the site plan submitted with the Development Application to accommodate on-site waste disposal that is consistent with Council DCP requirements and relevant guidelines and Australian Standards.
- + The installation and operation of any on-site waste management system is subject to further geotechnical investigations and determination of a Section 68 application with Cowra Shire Council.

Clause 7.8 - Essential Services

Clause 7.8 of Cowra Local Environmental Plan 2012 requires that development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development or available or that adequate arrangements have been made to make them available when required:

- 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 vehicle access.

As vacant agricultural land there are no existing connections to urban services and infrastructure.

Water supply is readily available from Council's existing reticulated water supply system which is located along the southern boundary. The dwelling will also be connected to rainwater collection tanks with storage capacity to meet Council's minimum requirements, including reserve storage dedicated to fire fighting purposes.

Electricity supply infrastructure is available for connection. The provision of an electrical supply to the proposed development is subject to further application with the supply authority and completion of any necessary connection / upgrade works.

The subject land is not connected to reticulated sewer and this infrastructure is not available within the locality. On-site waste disposal is therefore required to service the new dwelling. An area of land dedicated to this purpose is shown on the site plan submitted with the Development Application. More than sufficient site area exists for on-site waste disposal, with 5000m² of area available outside of required separations to boundaries and built features of the site. Further analysis of the specific requirements for on-site waste disposal will be investigated as part of the Construction Certificate Application to Council.

On-site stormwater disposal is proposed. All roof-water to be diverted away from proposed buildings and structures and neighbouring properties.

Practical and legal access to be provided from Rothbury Road, which is an existing public road that is owned and maintained by Cowra Shire Council. Rothbury Road is an existing unsealed road constructed to a 6m wide rural road standard. The proposal will require a new access to be constructed in accordance with Council's engineering specifications. It is assessed that adequate arrangements have been made for the provision of access to the proposed development.

The proposed subdivision is capable of being connected to essential services in accordance with the requirements of Clause 7.8. Council is asked to grant consent subject to normal conditions relating to the servicing of the development to the requirements of the relevant service providers.

04.5 Development Control Plans

04.5.1 Relevant Development Control Plan

The Cowra Shire Development Control Plan 2021 (the DCP) applies to all land within the Cowra Local Environmental Plan Area.

The DCP is comprised of 16 separate Parts, with each part applying standards and controls depending on the type of development being proposed.

An assessment has been completed to determine the potential applicability of each Part of the DCP to the proposed development. This work is presented in Table 6 as follows.

Where it is identified that a clause of Cowra Local Environmental Plan 2012 applies to the proposed development, this assessment work is presented in Section 4.5.2

Table 6 Preliminary DCP Assessment

Part	Name	Statement of Applicability
A	Plan Introduction	Considered. Detailed assessment not necessary.
B	Land Management	Applicable. Assessment required.
C	Biodiversity Management	Applicable. Assessment required.
D	Subdivision Development	Not applicable to proposal
E	Urban and Village Development	Not applicable to proposal
F	Rural Development	Applicable. Assessment required.

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Part	Name	Statement of Applicability
G	Large Lot Development	Not applicable to proposal
H	Commercial Development	Not applicable to proposal
I	Industrial Development	Not applicable to proposal
J	Cowra Regional Airport	Not applicable to proposal
K	Land-use Buffers	Not applicable to proposal
L	Advertising and Signage	Not applicable to proposal
M	Parking, Access and Mobility	Not applicable to proposal
N	Landscaping	Not applicable to proposal
O	Environmental Hazard Management	Applicable. Assessment required.
P	CPTED principles	Not applicable to proposal

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04.5.2 Assessment of DCP Provisions

Table 7 includes an assessment of the proposed development against the relevant planning controls and standards in each of the relevant Parts of the DCP.

Table 7 DCP Assessment

Part	Control	Requirement (Summary)	Planning Assessment Comment	Statement of Consistency
B Land Management				
	B.1.4	Submission of an Erosion and Sediment Control Plan	Soil erosion and sediment control measures will be detailed on the final plans for construction of the proposed development and submitted with the application for Construction Certificate.	The proposal is capable of complying.
	B.1.7	Guiding principles for preparing an Erosion and Sediment Control Plan	As above.	
	B.1.8	Guidelines for erosion and sediment control techniques	As above.	
C Biodiversity Management				
	C.1.4	Provides guidance on relevant assessment pathways which determine the level of biodiversity assessment and information required to support a development application.	<p>The proposed development does not trigger entry into the Biodiversity Offset Scheme according the Biodiversity Conservation Act 2016. The following information is provided in support of this statement:</p> <ul style="list-style-type: none">+ The minimum lot size applying to the development site is 100ha, and the proposed development does not require the clearing of native vegetation that has an area exceeding the nominated threshold of 2ha.+ The proposed development does not involve the clearing of native vegetation (or other action prescribed by Clause 6.1 of the BC Regulation) on land identified on the Biodiversity Values Map.+ A Test of Significance is not deemed to be necessary for this proposal as there is to be no clearing of native vegetation. The development is unlikely to affect threatened species or ecological communities. <p>Assessment pathway No. 1 is considered to apply (assessment under Part 4 of the EP&A Act).</p>	The proposal complies.
F Rural Development				
		Objectives		



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Part	Control	Requirement (Summary)	Planning Assessment Comment	Statement of Consistency
	F1.2	This section prescribes the objectives for new rural dwellings	The proposed rural dwelling will be located on land that is currently and will continue to be used for small lot primary production. Appropriate strategies have been developed as part of the design and siting of the rural dwellings to minimise the potential for land-use conflict with surrounding land-use activities. The dwelling is designed purposefully to suit the rural context and setting of the land. There are no areas of environmental sensitivity identified at the dwelling location and there are no natural hazards requiring a special design response including bushfire or flooding. The proposed development achieves the objectives for new rural dwellings.	The proposal complies.
Siting Controls				
	F1.3	Rural dwellings should be sited so as to protect and promote opportunities for agricultural activities to be carried out on the land, and on adjoining land.	Despite the removal of the existing viticultural activity on the land, the dwelling will only occupy a small part of the property holding and opportunities will remain for the continuation of small lot primary production on the land.	The proposal complies.
		Rural dwellings should be sited in a manner that minimises land degradation, alteration of natural drainage patterns, pollution of groundwater, and the spread of noxious plants and animals.	Minimal changes to existing landform will be required. The dwelling is to be located in a suitable position on the land that is not constrained by natural drainage.	The proposal complies.
		Rural dwellings should be sited, where possible, away from visually prominent areas. Where this is not possible, the dwelling should be designed to blend into the rural landscape.	The land is not visually prominent when viewed from the surrounding landscape. Contour information submitted with the DA shows that the site does not contain elevated ridgelines.	The proposal complies.
		Rural dwellings should be sited so as to conserve or enhance any significant environmental features of the land, such as natural forms, remnant vegetation, wetlands, natural watercourses and drainage lines.	The site does not contain any environmental features which require a special design response.	The proposal complies.
		Rural dwellings must be sited a minimum distance of 40 metres from any creek, river, intermittent drainage line or any other water body, and or outside of areas that are prone to flooding.	The dwelling is not located within 40 metres of a creek, river or drainage line. The land is not flood prone.	The proposal complies.

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Part	Control	Requirement (Summary)	Planning Assessment Comment	Statement of Consistency
		Rural dwellings must be sited within a designated building envelope, where these are shown on the Deposited Plan (survey diagram) that relates to the Land Title.	A review of the title diagram confirms there is no building envelope on the land.	Not applicable to the proposal.
		The dwelling should be located outside of any areas that are prone to flooding from rivers, creeks, intermittent drainage lines and other water bodies.	The land is not prone to flooding from rivers, creeks, intermittent drainage lines or other water bodies.	The proposal complies.
Setback Controls				
F.1.4.a-c		This section of the DCP prescribes the recommended setbacks for new dwellings on rural land including specific distances to agricultural activities located on adjoining land.	<p>A review of the proposed development against the DCP requirements confirms that the following setback requirements would be applied:</p> <ul style="list-style-type: none"> + Northern Boundary - 20m as the land on the opposite side of Rothbury is not used for primary production purposes. + Eastern Boundary - 20m as the land on the opposite side of Rothbury is not used for primary production purposes. + Southern Boundary - 50m as the land as the viticultural use is proposed to be removed and the land returned to use for grazing purposes. + Western Boundary - 150m or 40m subject to implementation of appropriate vegetation buffer. The land adjoining to the south west is currently used for cropping purposes. <p>A vegetation buffer is proposed along the western boundary and as a result, the setback of 90m complies.</p> <p>A setback of 50m is proposed to the southern boundary, which is consistent with the intended use of this land for grazing purposes.</p> <p>A setback of 40m is proposed to the northern boundary, and a setback of 88m is proposed to the eastern boundary. These setbacks are consistent with the DCP requirements.</p> <p>Having regard to the above, the proposal is consistent with the requirements of Part F.1.4 of the DCP.</p>	The proposal complies.
F.1.4.2		This section of the DCP prescribes the recommended setbacks for replacements dwellings.	The proposed dwelling is not a replacement dwelling.	Not applicable to the proposed development.

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Part	Control	Requirement (Summary)	Planning Assessment Comment	Statement of Consistency
	F.I.4.3	This section of the DCP prescribes the recommended setbacks for dwellings on small lot subdivision blocks that are mapped in Appendix B.	The subject land is not mapped.	Not applicable to the proposed development.
	F.I.4.4	This section of the DCP prescribes the recommended setbacks for secondary dwellings.	The proposed dwelling is not a secondary dwelling.	Not applicable to the proposed development.
Building Appearance Controls				
	F.I.5.a	Building materials should be naturally textured and coloured and sympathetic to the natural environment.	Proposed building materials are noted on the plans submitted with the Development Application. The dwelling is designed purposefully to suit the rural context and setting of the land.	The proposal complies.
	F.I.5.b	Highly reflective materials should be avoided where possible, particularly in visually prominent locations	The proposed dwelling design does not include the use of highly reflective materials.	The proposal complies.
	F.I.5.c	The bulk and scale of buildings should not create adverse visual impacts when viewed from neighbouring properties or town or village entry points.	The proposed dwelling is a single storey brick veneer structure. Bulk and scale impacts are unlikely.	The proposal complies.
Access Controls				
	F.I.6.a-b	Access to new rural dwellings should be gained via the Council's public local road network and not directly onto a classified road or highway	The proposal dwelling gains access to the local road network.	The proposal complies.
	F.I.6.c	Where the proposed dwelling gains access to a Council public local road, the entrance to the lot is to be constructed or upgraded in accordance with Cowra Shire Council engineering standards.	A new entrance is required to be constructed to Rothbury Road. The location of the new entrance is indicated on the site plan submitted with the Development Application. The access will be constructed in accordance with the engineering specifications of Council for new rural entrances. The proposal complies.	The proposal complies.
	F.I.6.d	Where the proposed dwelling gains access to a classified road or a highway, the entrance to the lot is to be constructed, or upgraded, in accordance with the requirements of NSW Roads and Maritime Services.	No access is proposed to a classified road.	Not applicable to the proposed development.
	F.I.6.e	Newly constructed or upgraded entrances located off sealed road networks must also be sealed to the property gateway in accordance with Cowra Shire Council engineering standards	Rothbury Road is sealed along this section of the road. The new entrance will require sealing and appropriate conditions of consent are expected. The proposal is capable of complying.	The proposal complies.

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Part	Control	Requirement (Summary)	Planning Assessment Comment	Statement of Consistency
	F.I.6.f	New entrance locations must be sited in consultation with Council Shire Council.	The entrance location achieves adequate sight distance in both directions along Rothbury Road. The proposal complies.	
On-site Sewage Management Controls				
	F.I.7.a-b	This section of the DCP prescribes the requirements for new dwellings requiring on-site waste disposal.	<p>The subject land does not have access to Council's reticulated sewerage supply system. On-site waste disposal will be necessary. The site plan submitted with the Development Application shows an area dedicated to on-site waste disposal that is:</p> <ul style="list-style-type: none"> + Down gradient of the proposed dwelling site. + Consistent with the recommended buffer distances for all types of application systems. + Approximately 4,600m² in total area. <p>Clause F.I.7.b of the DCP states that Council may request a report prepared by a suitably qualified Geotechnical Engineer as part of the Development Application. In the circumstances, and having regard to the large area of land that is available for the purpose, it is not proposed (or considered necessary) to commission such a report until the application for Construction Certificate.</p>	The proposal complies.
Water Supply Controls				
	F.I.8.a-c	This section of the DCP prescribes the water supply requirements for rural dwellings, including minimum tank storage requirements for land that is connected to mains water supply and land that is not. Specifications are also provided for water storage dedicated to fire fighting purposes.	Council's existing water supply main is located along the southern boundary. Subject to Council requirements, it is proposed to connect the land to this main. A minimum of 10,000 Litre of on-site rainwater tank storage is intended to be provided in accordance with the minimum BASIX requirements and an additional 10,000 Litres is intended to be supplied and dedicated to fire fighting purposes. Appropriate details have been shown on the site plan submitted with the Development Application.	The proposal complies
O	Environmental Hazard Management			
	Part O applies to development on land that is impacted by flood, bushfire or contamination. The provisions of O.3 apply to the proposed development and have been assessed in this section of the Table.			

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Part	Control	Requirement (Summary)	Planning Assessment Comment	Statement of Consistency
	O.3	The information and provisions contained in Part O.3 are generally based on the Managing Contamination - Planning Guidelines. The DCP requires an assessment of contamination risk to be completed in accordance with the Guidelines and sets out the process that Council will take in dealing with Development Applications where a contamination risk is identified.	Section 4.3.2 of this Statement of Environmental Effects includes an appropriate evaluation of contamination risk associated with the proposed development. The evaluation confirms that the land is suitable for the proposed use.	The proposal complies.



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05. ENVIRONMENTAL ASSESSMENT

05.1 Introduction

The main environmental issues that have been raised and investigated as part of the design process for the proposed development have been documented in this section. Each issue is investigated by way of introducing the key issue(s), documenting existing conditions, assessing impacts and proposing management and mitigation measures.

05.2 Visual impacts and amenity

05.2.1 Assessment of existing condition

The subject land is currently utilised for the purposes of intensive plant agriculture (viticulture). There are no existing buildings or structures on the land.

05.2.2 Assessment of potential impact

An assessment of the potential impacts of the proposed development on visual amenity has been undertaken, including an assessment of the likely visual impacts of the development on private landowners in the vicinity of the development and key vantage points in the public domain.

The proposed rural dwelling is to be constructed as a single storey brick veneer structure, with metal roof, fascia and gutters. The dwelling has been purposefully designed to be match the rural context and setting of the land. The positioning of the building on the land is not likely to create any adverse impacts on the rural setting of the land, and is unlikely to create any privacy or amenity impacts for nearby land-uses.

05.2.3 Management and mitigation

No additional mitigation measures are proposed.

05.3 Building Code Compliance

05.3.1 Assessment of existing condition

As vacant land, there are no known building code compliance issues associated with existing site conditions.

05.3.2 Assessment of potential impact

The proposed site layout and building design complies with the relevant requirements of the Building Code of Australia.

05.3.3 Management and mitigation

Structural engineering certification will be required for elements of the proposed building design and this will be procured and submitted to Council as part of the application for a Construction Certificate.

05.4 Access and Traffic

05.4.1 Assessment of existing condition

The subject land has direct frontage to Rothbury Road which forms part of the local road network owned and maintained by Cowra Shire Council. At present the land is not provided with a formalised access to Rothbury Road. Traffic load associated with existing use is low and commensurate with farming activities in the general locality.

05.4.2 Assessment of potential impact

A description of the proposed access arrangements to the development is included as follows:

- + Primary vehicle access to the dwellings is intended to be gained directly from Rothbury Road via a new rural entrance to be constructed near the south eastern corner of the lot.
- + A new internal all weather access will be constructed to connect the dwelling with the entrance on Rothbury Road.

The proposed development will have the result of increasing the number of daily traffic numbers utilising Rothbury Road. Based on the 'Guide to Traffic Generating Developments' by NSW Roads, the expected number of daily vehicle trips for low density residential dwellings is estimated to be in the order 7.4 per dwelling.

Rothbury Road is currently constructed to a 6m wide rural road standard. The part of Rothbury Road that adjoins the subject land is sealed. The road environment is assessed to be in good condition and is suitable to accommodate the proposal without the need for further upgrades.

The entrance will be constructed to Council's engineering specifications for new rural entrances. Adequate sight distance can be achieved in both directions at the chosen access location - subject to confirmation by Council.

Traffic and transport impacts are assessed to be minimal, based on existing local road conditions and the limited additional traffic generation proposed. A traffic management plan is not required for the proposal.

On the basis of the above, it is assessed that adequate arrangements will be made to accommodate the access needs of the proposed development.

05.4.3 Management and mitigation

A new access will be required in order to comply with Council requirements. A Section 138 Permit will be obtained from Council prior to the commencement of any works within a road reserve.

No other specific transport or traffic mitigation measures have been identified as being necessary.

05.5 Site Design

05.5.1 Assessment of existing condition

The land is currently used for intensive plant agriculture (viticulture). The vineyard (including associated trellis and irrigation infrastructure) will need to be removed in order to facilitate the proposed development. There are no other identified constraints to development.

05.5.2 Assessment of potential impact

The location of the proposed dwelling will comply with the relevant setback requirements of the Building Code of Australia relating to a Class 1a structure.

The location of the proposed dwelling will comply in full with all requirements of the Cowra DCP 2021.

The site plan shows the location of an existing transmission line easement affecting the land. The proposed dwelling is to be located outside of the easement.

05.5.3 Management and mitigation

Vegetated buffers are proposed to be implemented as described above and as shown on the site plan submitted with the Development Application.

05.6 Soil and Water Quality

05.6.1 Assessment of existing condition

The subject land is mapped in Cowra Local Environmental Plan 2012 as being located in an area that contains vulnerable groundwater. There are no riparian lands, water courses or wetland environments impacting the site. The land is not mapped as being flood prone.

Soil erosion and related impacts are not however observed to be causing a problem at the site.

05.6.2 Assessment of potential impact

Significant alterations to existing landform are not required in order to facilitate the proposed site design. Contours shown on the site plan confirm that a suitable building pad can be achieved with minimal earthworks and with appropriate separation to existing property boundaries.

The proposed development is unlikely to result in significant impacts on groundwater resources in the locality. Impacts are likely to be within acceptable limits given:

- + The dwelling will be connected to mains water supply and will not rely on groundwater resources for domestic consumption.
- + A large area of land has been identified on the site plan submitted with the Development Application to accommodate on-site waste disposal that is consistent with Council DCP requirements and relevant guidelines and Australian Standards.
- + The installation and operation of any on-site waste management system is subject to further geotechnical investigations and determination of a Section 68 application with Cowra Shire Council.

05.6.3 Management and mitigation

The proposed management measures to reduce impacts on water resources are as follows:

- + Changes to existing landform to be kept to minimum levels. All reasonable and practical measures will be implemented to control / manage sedimentation and erosion during construction phases associated with the proposed development.
- + A geotechnical report will be prepared by a qualified soil scientist to investigate the requirements for on-site waste disposal and recommend the design requirements for a suitable system to operate wholly within the area designated for this purpose on the site plan submitted with the Development Application.
- + A Section 68 Application will be prepared and lodged with Cowra Shire Council for assessment and determination prior to the installation of any on-site waste management system.

05.7 Air Quality

05.7.1 Assessment of existing condition

As agricultural land, there are no air quality impacts created by existing site conditions. Odour and / or dust generation are generally not issues associated with the existing viticultural use of the land.

05.7.2 Assessment of potential impact

The proposed development is not expected to create any environmental impacts related to odour, dust or air quality in general.

05.7.3 Management and mitigation

No additional mitigation measures are proposed.

05.8 Noise and Vibration

05.8.1 Existing conditions assessment

As agricultural land, there are no significant noise or vibration impacts created by existing site conditions.

05.8.2 Assessment of potential impact

The proposed development is not expected to create any environmental impacts related to noise or vibration.

05.8.3 Management and mitigation

No additional mitigation measures are proposed.

05.9 Heritage

05.9.1 Assessment of existing condition

A search of the Aboriginal Heritage Information System (AHIMS) has been completed for the subject land. The search was completed to determine whether there are any items of cultural heritage significance either on the subject land or within 200m of the subject land. The search result found that:

- + There are 0 Aboriginal sites recorded in or near the subject land.
- + There are 0 Aboriginal places that have been declared in or near the above location.

The site largely comprises 'disturbed land', as defined under The National Parks and Wildlife Regulation 2019 (NPW Regulation).

The subject land is not listed as a heritage item under the Cowra Local Environmental Plan 2012 or State Heritage Register.

05.9.2 Assessment of potential impact

Based on the AHIMS search results, there is a low possibility that the proposed development will impact on a known item of Aboriginal cultural heritage significance. The proposal is considered a "low impact activity" and an Aboriginal Due Diligence is not considered necessary.

No impacts on European heritage are likely to occur.

05.9.3 Management and mitigation

No additional mitigation measures are proposed.

05.10 Hazards**05.10.1 Assessment of existing condition**

The subject land is not located within the Flood Planning Area.

According to the mapping prepared by the NSW Rural Fire Service, the subject land is not identified as being within a bushfire prone area.

The land is currently used for agricultural purposes which is identified in Table 1 of the Managing Land Contamination Planning Guidelines as a land-use activity that could create a contamination risk.

05.10.2 Assessment of potential impact

Section 4.3.2 of this Statement of Environmental Effects includes a detailed evaluation of the suitability of the subject land for a residential use (rural dwelling) having regard to the known current and historical use of the land for intensive plant agriculture (viticulture).

A Preliminary Contamination Investigation has been prepared for the land by Envirowest Consulting. The findings of the investigation are presented in Report R15816-311c dated 08 August 2023 and a copy of this report is submitted in support of this DA.

The report has considered the contamination potential of the land arising as a result of past and current agricultural activities carried out on the site and concludes that the site is suitable for residential use.

05.10.3 Management and mitigation

No additional mitigation measures are proposed, other than compliance with any of the recommendations contained within the Preliminary Contamination Investigation prepared by Envirowest Consulting.

05.11 Services and Utilities**05.11.1 Assessment of existing condition**

As agricultural land, there are no existing connections to urban services or infrastructure.

05.11.2 Assessment of Impacts

Water

The proposal is to connect the proposed dwelling to Council's reticulated water supply network. An application to Cowra Shire Council will be required for a single new connection and approval obtained prior to the commencement of any work.

Sewer

Connection to Council's reticulated sewer supply system is not available. On-site waste disposal is required. A large area of land has been identified on the site plan submitted with the Development Application to accommodate on-site waste disposal that is consistent with Council DCP requirements and relevant guidelines and Australian Standards. The installation and operation of any on-site waste management system is subject to further geotechnical investigations and determination of a Section 68 application with Cowra Shire Council.

NBN Telecommunications

NBN telecommunications are available to the land in the form of a satellite service.

Electricity

The proposal is to connect the proposed dwelling to grid electricity. Overhead infrastructure adjoins the eastern boundary of the subject land. Connection of the development to the electricity network is subject to the requirements of Essential Energy as the relevant service provider for the area. If any upgrades to existing infrastructure are required to facilitate the proposed development, such works will be carried out at full cost to the proponent.

Stormwater

Stormwater is proposed to be managed on-site.

05.11.3 Mitigation and Management

The following mitigation measures are proposed:

- + New connections to service and utilities to be completed in accordance with the requirements and specifications of the relevant service providers.
- + No physical works to commence without a Construction Certificate from Cowra Council and any other relevant permits / approvals and / or licenses from relevant servicing authorities.

05.12 Social and Economic Impacts

05.12.1 Assessment of existing condition

The site is located within a rural setting, however residential development has encroached to the point where dwellings are the predominant use in the vicinity of the subject land.

05.12.2 Assessment of potential impact

An assessment of potential impacts of the proposed development has been undertaken with regards to scoping methodology outlined in the Social Impact Assessment Guideline 2017 (SIA Guideline), published by the Department of Planning and Environment. Table 8 provides an assessment of the proposed development against the criteria in the SIA Guideline.

Considering the proposal in the context of surrounding land-use as well as the previously addressed issues related to water, soil and air quality, noise, traffic, heritage, hazards, servicing and utilities, the proposal would be unlikely to have an unacceptable impact on the environment within or surrounding the site. The social and economic impacts of the proposal are expected to be positive.

05.12.3 Management and mitigation

Management and mitigation measures for each of the elements comprising a potential social impact have been addressed in their relevant sections of the SEE.

Table 8 Social Impact Assessment

Matters	Key Links to Social Impacts	Risk of Impact without mitigation	Nature of impact	Assessment findings
Amenity				
Acoustic	Way of life;	Unlikely	Negative	The development is not a noise generating activity.
Visual	Surroundings	Likely	Negative	The site and building design is likely to have an acceptable impact in terms of visual amenity
Odour	Surroundings	Unlikely	Negative	The proposal will not produce odour.
Microclimate	Surroundings	N/A	Nil	The proposal will not significantly impact micro climate.
Access				
Access to property	Way of life;	N/A	Nil	The proposal will not impact on access to neighbouring properties.
Utilities and public transport	Access to infrastructure, services and facilities;	Unlikely	Negative	Connection to available urban service and utilities will be completed to requirements of relevant authorities.
Road and rail	Personal and property rights.	Unlikely	Negative	The proposed development is within the capacity of local road conditions.
Built Environmental				
Public domain	Community;	Unlikely	Nil.	The proposal will not impact the public domain as it will be located on private land.
Public infrastructure	Access to infrastructure, services and facilities;	Unlikely	Negative	Connection to available urban service and utilities will be completed to requirements of relevant authorities.
Other built assets	Surroundings; Personal and property rights	Unlikely	Nil.	The proposal will not preclude public access to built assets.
Heritage				
Natural	Way of life;	N/A	Nil	Natural heritage of the site is not compromised by the proposed development.
Cultural	Community;	Unlikely	Negative	The proposal will not impact on cultural values in the public domain.

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Matters	Key Links to Social Impacts	Risk of Impact without mitigation	Nature of impact	Assessment findings
Aboriginal culture	Culture;	Unlikely	Negative	The proposal has considered the likelihood that the land contains items of Aboriginal cultural significance.
Built	Surroundings.	Unlikely	Negative	There are no built heritage items registered on the site.
Community				
Health	Health and wellbeing;	Unlikely	Negative	The proposal does not create any health risks.
Safety	Surroundings	Unlikely	Negative	The proposal has been assessed as not increasing a known safety risk.
Services and facilities	Way of life, Access to infrastructure, services and facilities;	Unlikely	Nil	The proposal does not impact access to public services or facilities.
Cohesion, capital and resilience	Way of life; Community; Culture	Unlikely	Nil	The proposal does is unlikely to generate impacts.
Housing	Way of life, Personal and property rights.	Unlikely	Positive	The proposal creates a new housing opportunity.
Economic				
Natural resource area	Way of life;	Unlikely	Negative	The proposal will utilise available natural resources in a sustainable manner.
Livelihood	Surroundings;	N/A	Nil	The proposal is unlikely to generate impacts.
Opportunity cost	Personal and property rights	N/A	Nil	The proposal is unlikely to generate impacts.
Air				
Air emissions	Surroundings	Unlikely	Negative	The proposal is unlikely to generate impacts.
Biodiversity				
Native vegetation and fauna	Surroundings	Unlikely	Negative	Vegetation clearing is not proposed on site.
Land				
Structural stability, land capability, topography	Surroundings	Unlikely	Negative	The proposal will not result in significant disturbance to the receiving environment.
Water				
Quality, availability, hydrological flows	Surroundings	Unlikely	Negative	The proposal is unlikely to generate impacts.

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06. EVALUATION AND JUSTIFICATION FOR THE PROPOSAL

06.1 Objectives of the EP&A Act 1979

Development Consent is being sought under Section 4.16 of the EP&A Act and must therefore satisfy the objectives of the EP&A Act. The objectives of the Act are listed below:

- 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,
- j. to provide increased opportunity for community participation in environmental planning and assessment.

The proposal is considered to be consistent with the above objectives. An objective of the EP&A Act is for the encouragement of ecologically sustainable development (ESD), which is assessed in the next section.

06.2 Ecological Sustainable Development

ESD is a long-standing and internationally recognised concept. The concept has been affirmed by the 2002 World Summit for Sustainable Development and has been included in multiple pieces of Federal and State legislation. Australia's National Strategy for Ecologically Sustainable Development (1992) defines ecologically sustainable development as:

Development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends.

The proposal has endeavored to address long established ESD principles, as follows:

- + The precautionary principle - No serious environmental threats have been identified.
- + Inter-generational (social) equity - Social equity provides a notion of preservation of environmental aspects that cannot be replaced for the enjoyment of future generations. Generally, such aspects relate to biodiversity, cultural heritage, land-use and the transformation of the locality as a result of the development. The proposal has considered such aspects and the SEE assessment concludes that environmental impacts will be within acceptable limits.
- + Conservation of biological and ecological integrity - The proposal avoids impacts to flora and fauna.
- + Improved valuation, pricing and incentive mechanisms - Any waste generated from the proposal will be appropriately managed to minimise impacts on common public areas, the appropriate pricing mechanism are used to reflect the user pays approach to environmental management.

06.3 Other relevant considerations

06.3.1 Safety, security and crime prevention

An assessment of the proposal against the principles of CPTED (Crime Prevention Through Environmental Design) is not deemed to be necessary due to the nature and scale of the development and its location within a rural setting.

06.3.2 Cumulative Impacts

The potential environmental impacts of the proposal have been detailed in the relevant sections of the SEE. The proposal will not generate unacceptable environmental impacts. Overall, the proposal makes a neutral / positive contribution to the environment.

06.3.3 Suitability of the site for the development

The environmental assessment work completed and detailed in this SEE demonstrates that the subject land is suitable for the proposed development. Appendix A to this SEE includes more detailed information relating to the required Clause 4.6 variation including reasons why the land is capable of supporting a dwelling, despite the minimum lot size not meeting the requirements of Cowra LEP 2012.

06.3.4 Public interest

The proposed development generates a public interest consideration given the approval of the Development Application is dependent on Council agreeing to vary the minimum lot size imposed by Clause 4.2B(3)(a) of Cowra Local Environmental Plan 2012. Appendix A to this SEE includes more detailed information relating to the required Clause 4.6 variation including public interest considerations.

The proposal will require consultation in accordance with the Cowra Community Participation Plan. If specific concerns or issues are raised by relevant stakeholders, the proponent is prepared to work through the relevant detail with Council in order to achieve a quality development outcome for the land.



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Relevant State Government planning policies and guidelines have been identified and considered as part of the preparation of the project design and assessed in this report. Compliance can be achieved.

There land is affected by an easement for transmission line , and this has been identified and shown on the site plan submitted with the DA. The proposed dwelling is located outside of the easement location.

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07. CONCLUSION

This Statement of Environmental Effects (SEE) has been prepared by Currajong Pty Ltd (Currajong) on behalf of Angleden Pty Ltd for the proposed development of the land at Lot 311 DP 255021, being Rothbury Road Cowra.

The proposal is for the removal of existing vines and infrastructure associated with the existing viticultural operation on the land, and construction a single storey rural dwelling comprising 4 bedrooms, 2 living areas, attached double garage, outdoor entertaining space, and wrap around verandahs. The proposed dwelling has been designed purposefully to be sympathetic with the rural setting and context of the land.

The assessment of the proposed development has been documented in this Statement of Environmental Effects to visualise all aspects of the relevant matters for consideration under the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021.

Cowra Local Environmental Plan 2012 (LEP) is the primary environmental planning instrument applying to the proposed development. The proposed development has been assessed against the relevant provisions of the LEP and is consistent with all requirements, except that the proposal is seeking a Clause 4.6 variation in relation to the 100ha minimum lot size requirement (under Clause 4.2B(3)(a) of the LEP) for the erection of a dwelling on land in the RU4 Primary Production zoned land. Appendix A to this SEE includes more detailed information relating to the required Clause 4.6 variation including reasons why the land is capable of supporting a dwelling, despite the minimum lot size not meeting the requirements of Cowra LEP 2012.

The Cowra Comprehensive Development Control Plan 2021 (DCP) applies to all land in the Cowra LGA and contains standards and controls which must be assessed. The proposal is consistent with the DCP, without variation.

It is recommended that sufficient information has been submitted with the Development Application to allow the Cowra Shire Council to make an informed decision on the proposal. It is the findings of this Statement of Environmental Effects that the proposed development is capable of being supported by Council.

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APPENDIX A Clause 4.6 Variation - Written Request & Justifications



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Introduction

Lot 311 DP 255021 is currently zoned RU4 Primary Production Small Lots. Development for the purposes of a dwelling is permissible in the RU4 Primary Production Small Lots zone with the consent of council.

The erection of a dwelling on Lot 311 DP 255021 is subject to the special provisions contained in Clause 4.2B of Cowra Local Environmental Plan 2012. The erection of a dwelling is not permissible on the land under the existing provisions contained in Clause 4.2B of Cowra Local Environmental Plan 2012 because of the following reasons:

- + The land does not have an area that meets the 100ha minimum lot size in accordance with sub-clause (a)
- + The land is not known to have been created by a subdivision approved by Council for dwelling related purposes in accordance with sub-clause (b)
- + The land is not known to have been created by a subdivision approved by Council before Cowra LEP 2012 commenced but not registered before that commencement as per sub-clause (c)
- + The subject land forms part of a larger existing holding comprised of Lots 311 and 306 DP 2550251. Clause 4.2B(3)(d) would allow Council to consent to the erection on only one of these lots. A Development Application has been lodged with Council seeking consent for the erection of a dwelling on Lot 306, and in this regard a dwelling is not permissible on Lot 311 under this provision.
- + The land is not a dwelling opportunity lot in accordance with sub-clause (e).
- + None of the scenarios defined in sub-clause (f) appear to be relevant.

Having regard to the above, the proposal is seeking a Clause 4.6 variation in relation to the 100ha minimum lot size requirement (under Clause 4.2B(3)(a) of the LEP) for the erection of a dwelling on land in the RU4 Primary Production zoned land.

Clause 4.6 - Overview

The objectives of Clause 4.6 are to:

- a. to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- b. to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Clause 4.6 provides the ability for Cowra Council to consider this Development Application, even though the proposal contravenes the minimum lot size standard of 100ha imposed by Clause 4.2B(3)(a) of the LEP.

Clause 4.6(3) requires that Council must not grant consent unless it has considered a written request from the applicant that seeks to justify the contravention of Clause 4.2B(3)(a) by demonstrating:

- a. that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- a. that there are sufficient environmental planning grounds to justify contravening the development standard.

A written statement made pursuant to the requirements of Clause 4.6(3) is included as follows.


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Applicants Written Request

The applicant submits that in the case of this proposal, compliance with the requirements of Clause 4.2B(3)(a) of Cowra LEP 2012 is unreasonable or unnecessary for the following specific reasons:

- + Figure 1 of this Statement of Environmental Effects clearly shows the locations of existing and planned residential activity in the vicinity of the subject land. Despite the rural zoning of the subject land, the dominant land-use in this vicinity is now considered to be for dwelling related purposes. This encroachment of residential activity has been enabled over many years by the rezoning of land (to R5 Large Lot Residential) on adjoining properties, as well as small lot subdivision (for dwelling related purposes) on adjoining properties that remain in the rural zone. The long term viability of agricultural production on the land is currently being reviewed by the landowners having regard to a number of circumstances including this encroachment of residential activity. Having assessed the nature of surrounding land-use and considered the size of existing holdings in the vicinity with existing dwellings, it would appear unnecessary and unreasonable to uphold the 100ha minimum lot size for this proposal.
- + The minimum lot size of 100ha applies to land in the RU1 and RU4 zones within Cowra Shire LGA. The minimum lot size aims to protect agricultural land and ensure that dwelling development only occurs where it supports the productive capacity of agricultural land. In the case of the subject land, historic planning policies have already resulted in a situation where the agricultural resource base has been fragmented and impacted by the encroachment of non-agricultural land-use. Given the nature of surrounding land-use, there is an extremely low likelihood that the land will be consumed into adjoining farms for productive agricultural purposes, if dwelling permission cannot be achieved. As an isolated property holding, the lot contains insufficient area to be used for commercially viable primary production purposes. Having considered the nature of surrounding land-use, the highest and best use of the land is considered to be rural dwelling purposes, supported by small lot primary production within the capacity of the land.

The applicant submits that in the case of this proposal, there are sufficient environmental planning grounds to justify contravening the 100ha minimum lot size standard imposed by Clause 4.2B(3)(a) of Cowra LEP 2012:

- + The nature of the proposal means that it is of local significance only. The contravention of the development standard will not raise any matter of significance for state or regional planning.
- + An environmental impact assessment has been completed in accordance with the requirements of Clause 4.15 of the Environmental Planning and Assessment Act 1979, the concludes that the proposal is likely to be of acceptable environmental impact.
- + The location of the proposed dwelling is demonstrated to be consistent with the requirements of the Cowra DCP 2021 without variation.
- + The proposed variation will be in the public interest because it is consistent with the objectives of Clause 4.1 of Cowra LEP 2012. The table below lists each of the 4 objectives and includes an assessment of the proposal against each of those objectives.

Objective	Planning Response
(a) to ensure that new subdivisions reflect characteristic lot sizes and patterns in the surrounding locality,	Figure 1 of this SEE shows that the existing size and configuration of the land is not inconsistent with the lot sizes and patterns in the surrounding locality.

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Objective	Planning Response
(b) to ensure that lot sizes for dwelling houses are consistent with lot sizes on adjoining land,	Figure 1 of this SEE shows that the use of the subject land for dwelling related purposes would not be inconsistent with the size of property holdings in the immediate vicinity which are also used for dwelling purposes. At 2.46ha in land area, the subject land remain larger than the majority of adjoining holdings with an existing dwelling.
(c) to ensure that lot sizes have a practical and efficient layout to meet the intended use of the lot,	The site plan submitted with the DA shows that a proposed dwelling can be sited on the subject land to achieve a practical and efficient layout that meets the intended use of the land. The dwelling location meets Council DCP requirements and avoids known easement locations.
(d) to prevent the fragmentation of rural land.	The proposal would not result in a further fragmentation of the land. The property holding is already a fragmented parcel at 2.46ha. Retaining the land in the RU4 Primary Production zone provides increased protection against subdivision potential.

- + The proposed variation will be in the public interest because it is consistent with the objectives of Clause 4.2B of Cowra LEP 2012. The table below lists each of the 2 objectives and includes an assessment of the proposal against each of those objectives.

Objective	Planning Response
(a) to minimise unplanned rural residential development,	The proposal seeks consent for the construction of a single dwelling on the land. The use of the land for dwelling purposes would not be inconsistent with the use of adjoining and nearby properties, as shown in Figure 1 of this SEE. Adequate services are available to the land to enable the use of the land for dwelling purposes.
(b) to enable the replacement of lawfully erected dwelling houses in certain rural and conservation zones.	Not inconsistent. The proposal does not relate to the replacement of a lawfully erected dwelling.

- + The proposed variation will be in the public interest because it is consistent with the objectives for development in the RU4 Primary Production zone under Cowra LEP 2012. The table below lists each of the 3 objectives and includes an assessment of the proposal against each of those objectives.

Objective	Planning Response
To enable sustainable primary industry and other compatible land uses.	The construction of a dwelling on the land would increase the likelihood that small lot agriculture would continue to be carried out within the capacity of the land. The use of the land for dwelling related purposes is deemed to be compatible with the use of adjoining and nearby land.


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Objective	Planning Response
To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.	Not inconsistent. The subject land has been used for intensive plant agriculture for many years. The viability of the existing viticultural operation on the land is uncertain due to reasons that have been explored in this SEE. The construction of a dwelling on the land would increase the likelihood that small lot agriculture would continue to be carried out within the capacity of the land.
To minimise conflict between land uses within this zone and land uses within adjoining zones	The proposal seeks consent for the construction of a single dwelling on the land. The use of the land for dwelling purposes would not be inconsistent with the use of adjoining and nearby properties, as shown in Figure 1 of this SEE. Appropriate setbacks are achieved to property boundaries and the potential for land-use conflict is assessed to be low.

- + The landowner has considered the alternate possibility of applying to Cowra Shire Council to have the land rezoned from RUI Primary Production to R5 Large Lot Residential. A rezoning of the land would be of strategic merit given the immediate adjacency of existing R5 Large Lot Residential land, the nature of surrounding land-use, the serviceability of the land and conclusions of an environmental impact assessment that has been made by this SEE. Preliminary consultation with Cowra Council has confirmed that a Clause 4.6 variation request (instead of a rezoning application) was the preferred pathway to allow consideration of the subject land for dwelling related purposes. The chosen pathway is likely to result in a more efficient use of (Council's and the proponents) time and resources in order to determine whether the erection of a dwelling is a suitable use for the subject land. In addition, the Council is currently undertaking a review of Cowra LEP 2012 and there is no opportunity at present to request consideration of a rezoning as part of a wider review of LEP provisions in Cowra Shire.
- + The proposal does not compromise public benefit considerations. The size and location of the land creates a unique set of circumstances where a variation to the minimum lot size can be assessed to have site specific merit. The use of Clause 4.6 of Cowra LEP 2012 enables Cowra Shire Council to consider the suitability of the land for dwelling related purposes on the merits of the site and is considered to represent a more efficient use of Council's resources than the alternate option of pursuing a rezoning of the land.

Concurrence

The landowner acknowledges that the proposed variation to Clause 4.2B(3)(a) is outside of any assumed concurrence provisions. The concurrence of the Planning Secretary will be required.


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APPENDIX A Clause 4.6 Variation - Written Request & Justifications



Introduction

Lot 311 DP 255021 is currently zoned RU4 Primary Production Small Lots. Development for the purposes of a dwelling is permissible in the RU4 Primary Production Small Lots zone with the consent of council.

The erection of a dwelling on Lot 311 DP 255021 is subject to the special provisions contained in Clause 4.2B of Cowra Local Environmental Plan 2012. The erection of a dwelling is not permissible on the land under the existing provisions contained in Clause 4.2B of Cowra Local Environmental Plan 2012 because of the following reasons:

- + The land does not have an area that meets the 100ha minimum lot size in accordance with sub-clause (a)
- + The land is not known to have been created by a subdivision approved by Council for dwelling related purposes in accordance with sub-clause (b)
- + The land is not known to have been created by a subdivision approved by Council before Cowra LEP 2012 commenced but not registered before that commencement as per sub-clause (c)
- + The subject land forms part of a larger existing holding comprised of Lots 311 and 306 DP 2550251. Clause 4.2B(3)(d) would allow Council to consent to the erection on only one of these lots. A Development Application has been lodged with Council seeking consent for the erection of a dwelling on Lot 306, and in this regard a dwelling is not permissible on Lot 311 under this provision.
- + The land is not a dwelling opportunity lot in accordance with sub-clause (e).
- + None of the scenarios defined in sub-clause (f) appear to be relevant.

Having regard to the above, the proposal is seeking a Clause 4.6 variation in relation to the 100ha minimum lot size requirement (under Clause 4.2B(3)(a) of the LEP) for the erection of a dwelling on land in the RU4 Primary Production zoned land.

Clause 4.6 - Overview

The objectives of Clause 4.6 are to:

- a. to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- b. to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Clause 4.6 provides the ability for Cowra Council to consider this Development Application, even though the proposal contravenes the minimum lot size standard of 100ha imposed by Clause 4.2B(3)(a) of the LEP.

Clause 4.6(3) requires that Council must not grant consent unless it has considered a written request from the applicant that seeks to justify the contravention of Clause 4.2B(3)(a) by demonstrating:

- a. that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- a. that there are sufficient environmental planning grounds to justify contravening the development standard.

A written statement made pursuant to the requirements of Clause 4.6(3) is included as follows.

Applicants Written Request

The applicant submits that in the case of this proposal, compliance with the requirements of Clause 4.2B(3)(a) of Cowra LEP 2012 is unreasonable or unnecessary for the following specific reasons:

- + Figure 1 of this Statement of Environmental Effects clearly shows the locations of existing and planned residential activity in the vicinity of the subject land. Despite the rural zoning of the subject land, the dominant land-use in this vicinity is now considered to be for dwelling related purposes. This encroachment of residential activity has been enabled over many years by the rezoning of land (to R5 Large Lot Residential) on adjoining properties, as well as small lot subdivision (for dwelling related purposes) on adjoining properties that remain in the rural zone. The long term viability of agricultural production on the land is currently being reviewed by the landowners having regard to a number of circumstances including this encroachment of residential activity. Having assessed the nature of surrounding land-use and considered the size of existing holdings in the vicinity with existing dwellings, it would appear unnecessary and unreasonable to uphold the 100ha minimum lot size for this proposal.
- + The minimum lot size of 100ha applies to land in the RU1 and RU4 zones within Cowra Shire LGA. The minimum lot size aims to protect agricultural land and ensure that dwelling development only occurs where it supports the productive capacity of agricultural land. In the case of the subject land, historic planning policies have already resulted in a situation where the agricultural resource base has been fragmented and impacted by the encroachment of non-agricultural land-use. Given the nature of surrounding land-use, there is an extremely low likelihood that the land will be consumed into adjoining farms for productive agricultural purposes, if dwelling permission cannot be achieved. As an isolated property holding, the lot contains insufficient area to be used for commercially viable primary production purposes. Having considered the nature of surrounding land-use, the highest and best use of the land is considered to be rural dwelling purposes, supported by small lot primary production within the capacity of the land.

The applicant submits that in the case of this proposal, there are sufficient environmental planning grounds to justify contravening the 100ha minimum lot size standard imposed by Clause 4.2B(3)(a) of Cowra LEP 2012:

- + The nature of the proposal means that it is of local significance only. The contravention of the development standard will not raise any matter of significance for state or regional planning.
- + An environmental impact assessment has been completed in accordance with the requirements of Clause 4.15 of the Environmental Planning and Assessment Act 1979, the concludes that the proposal is likely to be of acceptable environmental impact.
- + The location of the proposed dwelling is demonstrated to be consistent with the requirements of the Cowra DCP 2021 without variation.
- + The proposed variation will be in the public interest because it is consistent with the objectives of Clause 4.1 of Cowra LEP 2012. The table below lists each of the 4 objectives and includes an assessment of the proposal against each of those objectives.

Objective	Planning Response
(a) to ensure that new subdivisions reflect characteristic lot sizes and patterns in the surrounding locality,	Figure 1 of this SEE shows that the existing size and configuration of the land is not inconsistent with the lot sizes and patterns in the surrounding locality.

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Objective	Planning Response
(b) to ensure that lot sizes for dwelling houses are consistent with lot sizes on adjoining land,	Figure 1 of this SEE shows that the use of the subject land for dwelling related purposes would not be inconsistent with the size of property holdings in the immediate vicinity which are also used for dwelling purposes. At 2.46ha in land area, the subject land remain larger than the majority of adjoining holdings with an existing dwelling.
(c) to ensure that lot sizes have a practical and efficient layout to meet the intended use of the lot,	The site plan submitted with the DA shows that a proposed dwelling can be sited on the subject land to achieve a practical and efficient layout that meets the intended use of the land. The dwelling location meets Council DCP requirements and avoids known easement locations.
(d) to prevent the fragmentation of rural land.	The proposal would not result in a further fragmentation of the land. The property holding is already a fragmented parcel at 2.46ha. Retaining the land in the RU4 Primary Production zone provides increased protection against subdivision potential.

- + The proposed variation will be in the public interest because it is consistent with the objectives of Clause 4.2B of Cowra LEP 2012. The table below lists each of the 2 objectives and includes an assessment of the proposal against each of those objectives.

Objective	Planning Response
(a) to minimise unplanned rural residential development,	The proposal seeks consent for the construction of a single dwelling on the land. The use of the land for dwelling purposes would not be inconsistent with the use of adjoining and nearby properties, as shown in Figure 1 of this SEE. Adequate services are available to the land to enable the use of the land for dwelling purposes.
(b) to enable the replacement of lawfully erected dwelling houses in certain rural and conservation zones.	Not inconsistent. The proposal does not relate to the replacement of a lawfully erected dwelling.

- + The proposed variation will be in the public interest because it is consistent with the objectives for development in the RU4 Primary Production zone under Cowra LEP 2012. The table below lists each of the 3 objectives and includes an assessment of the proposal against each of those objectives.

Objective	Planning Response
To enable sustainable primary industry and other compatible land uses.	The construction of a dwelling on the land would increase the likelihood that small lot agriculture would continue to be carried out within the capacity of the land. The use of the land for dwelling related purposes is deemed to be compatible with the use of adjoining and nearby land.


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Objective	Planning Response
To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.	Not inconsistent. The subject land has been used for intensive plant agriculture for many years. The viability of the existing viticultural operation on the land is uncertain due to reasons that have been explored in this SEE. The construction of a dwelling on the land would increase the likelihood that small lot agriculture would continue to be carried out within the capacity of the land.
To minimise conflict between land uses within this zone and land uses within adjoining zones	The proposal seeks consent for the construction of a single dwelling on the land. The use of the land for dwelling purposes would not be inconsistent with the use of adjoining and nearby properties, as shown in Figure 1 of this SEE. Appropriate setbacks are achieved to property boundaries and the potential for land-use conflict is assessed to be low.

- + The landowner has considered the alternate possibility of applying to Cowra Shire Council to have the land rezoned from RUI Primary Production to R5 Large Lot Residential. A rezoning of the land would be of strategic merit given the immediate adjacency of existing R5 Large Lot Residential land, the nature of surrounding land-use, the serviceability of the land and conclusions of an environmental impact assessment that has been made by this SEE. Preliminary consultation with Cowra Council has confirmed that a Clause 4.6 variation request (instead of a rezoning application) was the preferred pathway to allow consideration of the subject land for dwelling related purposes. The chosen pathway is likely to result in a more efficient use of (Council's and the proponents) time and resources in order to determine whether the erection of a dwelling is a suitable use for the subject land. In addition, the Council is currently undertaking a review of Cowra LEP 2012 and there is no opportunity at present to request consideration of a rezoning as part of a wider review of LEP provisions in Cowra Shire.
- + The proposal does not compromise public benefit considerations. The size and location of the land creates a unique set of circumstances where a variation to the minimum lot size can be assessed to have site specific merit. The use of Clause 4.6 of Cowra LEP 2012 enables Cowra Shire Council to consider the suitability of the land for dwelling related purposes on the merits of the site and is considered to represent a more efficient use of Council's resources than the alternate option of pursuing a rezoning of the land.

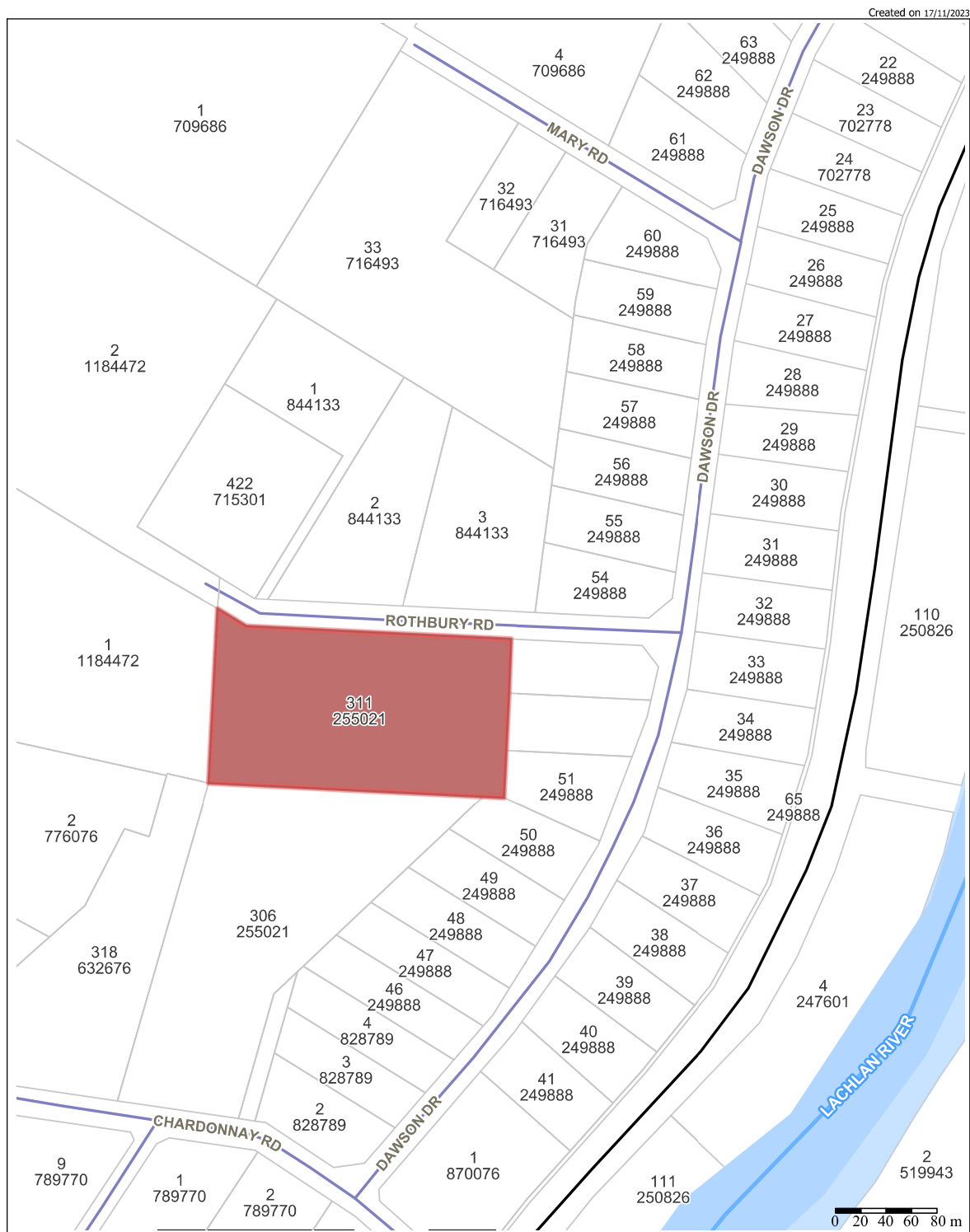
Concurrence

The landowner acknowledges that the proposed variation to Clause 4.2B(3)(a) is outside of any assumed concurrence provisions. The concurrence of the Planning Secretary will be required.


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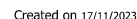
Drawn By: Cassandra Galky


Projection: # GDA2020 / MGA zone 55

Date: 17/11/2023 11:01 AM

**11 Rothbury Road
Cowra**

Map Scale: 1:3662 at A4





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11 Rothbury Road

Cowra

Map Scale: 1:1875 at A4

ORDINARY COUNCIL MEETING AGENDA

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7.4 Development Application No. 84/2023, Lot 311 DP 255021, 11 Rothbury Road Cowra, Dwelling, lodged by Currajong Pty Ltd

File Number: D23/1851

Author: Larissa Hackett, Director Environmental Services

RECOMMENDATION

1. That Council approves the Clause 4.6 exception to the development standard for minimum lot size specified under Clause 4.2B(3)(a) of Cowra Local Environmental Plan 2012 to allow for the erection of a dwelling on Lot 311 DP 255021; and
2. That Council Staff arrange for a copy of the assessment report with a recommendation to approve the development and coinciding meeting minutes be forwarded to the Western Region Branch of the NSW Department of Planning seeking their concurrence to approve the development.

INTRODUCTION

Development Application No. 84/2023 proposes a dwelling on Lot 311 DP 255021, 11 Rothbury Road Cowra. The application was lodged by Currajong Pty Ltd on 7 September 2023.

The application is being reported to Council because it includes a variation to Clause 4.2B(3)(a) of the Cowra Local Environmental Plan 2012 to allow a dwelling on an RU4 lot below the minimum lot size.

A copy of the site and elevation plans of the proposed Dwelling 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 311 DP 255021, 11 Rothbury Road Cowra is a rectangular allotment of approximately 2.45 ha fronting Rothbury road which is a sealed local road. The lot is located in the RU4 Primary Production Small Lots zone under Cowra Local Environmental Plan (LEP) 2012. The site contains grapevines (viticulture). The site does not contain any buildings or native vegetation.

A location map is included in Attachment '3' and an aerial photograph is included in Attachment '4' to this report.

Description of Proposal

The applicant proposes to remove the existing vines and construct a single storey 4 bedroom dwelling with an attached double garage. The dwelling will have a face brick exterior and Colorbond roof. An access crossing will be constructed from Rothbury Road. The development also includes rainwater tanks to meet Basix requirements and an on-site waste management system. Connection to Council's reticulated water supply is proposed.

Environmental Impact Assessment

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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(1) 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 84/2023:

S4.15(1)(a)(i) Any Environmental Planning InstrumentLocal Environmental Plan (LEP)

The applicable LEP is the Cowra LEP 2021 (CLEP) and the relevant provisions of the LEP are discussed as follows.

1.2 Aims of Plan

The development is not inconsistent the aims of the LEP.

1.4 Definitions

The development is defined as a dwelling house under the LEP.

1.6 Consent authority

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

1.9A Suspension of covenants, agreements and instruments

The subject lot is burdened by two easements

- Easement for Transmission Line
- Easement for water supply and access

The proposed development is clear of both easements

2.1 Land use zones

The site is zoned RU4 Primary Production Small Lots, and **dwelling**s are permitted with consent.

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2.3 Zone objectives and Land Use Table**I Objectives of the Zone**

Objective	Comment
• To enable sustainable primary industry and other compatible land uses.	Not inconsistent.
• To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.	Not inconsistent.
• To minimise conflict between land uses within this zone and land uses within adjoining zones.	Consistent.

2 Permitted without consent

Environmental protection works; Extensive agriculture; Home occupations; Intensive plant agriculture

3 Permitted with consent

Agritourism; Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Depots; Dual occupancies (attached); **Dwelling houses**; Environmental facilities; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Function centres; Helipads; Home businesses; Home industries; Industrial training facilities; Information and education facilities; Landscaping material supplies; Plant nurseries; Recreation areas; Roads; Roadside stalls; Rural industries; Transport depots; Veterinary hospitals; Water recreation structures; Water supply systems

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4 Prohibited

Livestock processing industries; Sawmill or log processing works; Stock and sale yards; Any other development not specified in item 2 or 3

Comment:

The proposed the development is permitted with consent.

4.2B Erection of dwelling houses on land in certain rural zones

The erection of a dwelling is not permissible under the provisions of Clause 4.2B as the lot is below minimum lot size and was not created for dwelling purposes. Lot 311 and Lot 306 of DP 255021 form an existing holding with a dwelling permissible on only one lot. There is an approved dwelling on Lot 306 under DA 88/2023.

A variation under Clause 4.6 is proposed (as discussed below) to enable the construction of a dwelling on this lot.

4.6 Exceptions to development standards

(1) *The objectives of this clause are as follows:*

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

The applicant is seeking to exercise the provisions of Clause 4.6 and requests that flexibility be applied to vary the minimum lot size numerical development standard of 100 hectares to permit the construction of a dwelling on an allotment in the RU4 zone of 2.45 hectares in size.

(2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

It is noted that Clause 4.2B(3)(a) which represents the development standard in relation to the minimum lot size for the construction of a dwelling is not a development standard expressly excluded from the clause. Therefore, development consent may be granted for this proposal.

(3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

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In section 04.4.2 of the Statement of Environmental Effects the applicant includes a request that seeks to justify contravention of the development standard. A written request and justifications are included in Appendix A of the SEE demonstrating that compliance is unreasonable and that there are sufficient environmental planning grounds to justify contravention. In summary, the applicant highlights the following points for consideration:

- Past subdivisions on adjacent land for residential purposes has resulted in the dominant land use in the immediate vicinity being dwelling houses.
- The existing agricultural land use has become fragmented and impacted by encroachment of non-agricultural land uses.
- The subject lot is of insufficient size to be commercially viable for primary production purposes.
- The proposal is consistent with the objectives of the development standard and of the zone objectives, and is in the public interest.

The applicant states that the request for an exception to the development standard meets the objectives of Clause 4.6 because it produces a better outcome for and from the proposed development by allowing an appropriate degree of flexibility of the development standard due to the unique nature and circumstances of this application. They have also demonstrated compliance with each of the relevant subclauses of Clause 4.6.

(4) *Development consent must not be granted for development that contravenes a development standard unless:*

(a) *the consent authority is satisfied that:*

- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

(b) *the concurrence of the Secretary has been obtained.*

It is assessed the applicant has adequately addressed the matters required to be demonstrated by subclause (3) as previously discussed.

The objectives of the standard (being Clause 4.2B) are:

- (a) *to minimise unplanned rural residential development,*
- (b) *to enable the replacement of lawfully erected dwelling houses in certain rural zones.*

It is considered the proposed development is consistent with the objectives of Clause 4.2B as the construction of a single dwelling on the land would not be inconsistent with the use of adjoining and nearby properties. Adequate services are available to the land to enable the use of the land for dwelling purposes.

The predominant land-use in the broader area is large lot residential rural-residential type holdings. The construction of a rural dwelling on Lot 311 DP255021 will result in

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development that is consistent with the existing character of the area and will not present as 'unplanned rural residential development'.

The application is assessed to comply with the objectives for the RU4 Primary Production zone as previously addressed and also with the development controls for a rural dwelling contained in Cowra Council's Development Control Plan 2021. The site has reticulated water available and is suitable for the provision of all other utilities necessary to service a dwelling and is not unsatisfactorily constrained by any environmental constraints. The site has legal and practical access available that is suitable for the use of the land for dwelling purposes and the use of the proposed dwelling is unlikely to impact adversely on adjoining land uses.

Therefore, it is assessed that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Objective (b) does not apply to this application.

As the lot size is less than 90% of the required Minimum Lot Size, the Secretary's concurrence may not be assumed. As such, the Department requires that Council provide its assessment report for the development application as well as Council's resolution in relation to the request to vary the development standard. A copy of the Planning Circular PS 20-002 relating to assumed concurrence is provided for Council's information in Attachment '5'.

It is recommended that a copy of this assessment report with a recommendation to approve the development and coinciding meeting minutes be forwarded to the Western Region Branch of the NSW Department of Planning seeking their concurrence to approve the development.

It is assessed that the development proposal satisfies the relevant provisions of Clause 4.6.

5.10 Heritage conservation

There are no heritage items on-located on the site (identified on either the SHR or in the LEP), and the site is not located in an HCA.

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

The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or conservation zones concerned (particularly between residential land uses and other rural land uses).

The following matters are to be taken into account—

- (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),

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

Comment:

The locality around the subject land is RU4 Primary Production Small Lots and R5 Large Lot Residential. RU4 zoned lots in the area have historically been utilised for viticulture and much of the land is still under cultivation. However, this land use has become less economically viable in recent years and property owners have begun to utilise their dwelling entitlements where available. Vegetation buffers will be applied to ensure some protection for the remaining viticultural and other agricultural uses.

The development will not have an adverse impact nor is it incompatible with any adjoining land uses. The proposed new dwelling incorporates adequate boundary setbacks and vegetation buffers to minimise incompatibility.

5.11 Bushfire

The site is not located within an area mapped as prone to bushfire; accordingly, this clause is not applicable.

5.21 Flood planning

The land is not in the flood planning area.

Part 6 Urban release areas

The site is not identified as being within an urban release area.

7.1 Earthworks

The proposal will result in less than one metre of cut and fill battered across the vicinity of the house site. It is considered that there will be no adverse impact or environmental risk from the earthworks required and Council's standard sedimentation and erosion control condition will apply.

7.3 Terrestrial biodiversity

This clause applies to land that is identified as biodiversity land on the *Terrestrial Biodiversity Map*; the site is not mapped as being affected. In addition, no tree removal is proposed, and no adverse impacts on the ecological value and significance of flora and fauna is considered likely.

7.4 Riparian land and watercourses

This clause applies to land that is identified as a watercourse on the *Watercourses Map*, or is within 40 metres of a mapped watercourse; the site is not mapped as being affected; accordingly, this clause is not applicable.

7.5 Wetlands

This clause applies to land identified on the wetlands map; the site is not identified as being affected; accordingly, this clause is not applicable.

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7.6 Groundwater vulnerability

This clause applies to land that is identified as groundwater vulnerable on the Groundwater Vulnerability Map, and the site is mapped as being affected. It is assessed that the proposed dwelling and associated onsite sewage management system is unlikely to impact adversely on either the supply or quality of groundwater in the locality. The development is suitably designed and sited to avoid any significant environmental impacts and complies with the requirements of Clause 7.6.

7.7 Airspace operations

This clause applies to developments that penetrate the Limitation or Operations Surface of the Cowra Airport. Works carried out on the site will not project into the Airport airspace.

7.8 Essential Services

Water	Reticulated water supply is available and a rainwater tank will be installed in accordance with Basix requirements.
Electricity	The proposed development will be connected to electricity supply to the requirements of the relevant energy provider.
Sewage	The proposed development will connect to a new proposed on-site septic system. There is sufficient site area to accommodate such a system.
Stormwater	There is sufficient room on site to accommodate stormwater disposal from hard surfaces. A condition will be imposed to direct stormwater 3m from the proposed building without impacting on adjoining properties.
Access	It is proposed that access will be off Rothbury Road. The access will require construction to Council standards as conditioned.

7.11 Development on land in karst areas

This clause applies to land that is identified as karst environment on the *Natural Resources Sensitivity – Land Map*. The land is not mapped as being affected; accordingly, this clause is not applicable.

State Environmental Planning Policies

SEPP	COMMENTS
SEPP (Biodiversity and Conservation) 2021	Not applicable
SEPP (Building Sustainability Index: BASIX) 2004	A BASIX certificate has been submitted that demonstrates compliance.
SEPP (Exempt and Complying Development Codes) 2008	Not applicable

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SEPP (Housing) 2021	Not applicable
SEPP (Industry and Employment) 2021	Not applicable
SEPP 65—Design Quality of Residential Apartment Development	Not applicable
SEPP (Planning Systems) 2021	Not applicable
SEPP (Precincts – Central River City) 2021	Not applicable
SEPP (Precincts – Eastern Harbour City) 2021	Not applicable
SEPP (Precincts - Regional) 2021	Not applicable
SEPP (Precincts – Western Parkland City) 2021	Not applicable
SEPP (Primary Production) 2021	Not applicable
SEPP (Resilience and Hazards) 2021	Includes the former SEPP 55 – Remediation of Land. See comment below.
SEPP (Resources and Energy) 2021	Not applicable
SEPP (Transport and Infrastructure) 2021	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

According to the contaminated land management guidelines the use of the land for intensive agriculture such as viticulture represents a potentially contaminating land use. The applicant has submitted a preliminary contamination investigation conducted by an environmental consultancy which concludes that the site is suitable for residential use. Asbestos pipe was sometimes used in vineyards, and a condition of consent is applied to ensure that an appropriate management plan is prepared in the event that asbestos is identified during site works. No further investigation is deemed necessary 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.

S 4.15(1)(a)(iii) provisions of any Development Control Plan(s)

Cowra Shire Council Development Control Plan 2021

PART A – PLAN INTRODUCTION

ORDINARY COUNCIL MEETING AGENDA**27 NOVEMBER 2023**

Consent is required for the proposed dwelling.

PART B – LAND MANAGEMENT

Appropriate erosion and sediment controls to be implemented prior to the commencement of works. The soil disturbance area is relatively minor.

PART C – BIODIVERSITY MANAGEMENT

The development area is clear of native vegetation – no further assessment required relating to Biodiversity.

PART F – RURAL DEVELOPMENT

F.1.1. Application of this part	Noted.
F.1.2. Objectives	Considered compliant with the stated objectives.
F.1.3. Siting Controls	Considered compliant with the relevant controls.
F.1.4. Setback Controls	Considered compliant with the relevant controls.
F.1.5. Building Appearance Controls	Considered compliant with the relevant controls.
F.1.6. Access Controls	Construction of a crossover will be required in accordance with Cowra engineering standards.
F.1.7. Onsite Sewage Management Controls	Given the area of land available an OSSMS will be able to service the proposed dwelling. Conditions of consent apply.
F.1.8. Water Supply Controls	The new dwelling will be connected to reticulated water supply.

Section F.1.4 Setback controls

Section F.1.4.1.a. provides recommended boundary setbacks for new dwellings in rural areas. For example, a setback of 50m applies in relation to adjoining land that is used for grazing. A setback of 150m applies to adjoining land that is used, or is capable of being used, for intensive agriculture such as cropping, horticulture and viticulture.

Despite the above controls, Section F.1.4.1.b. allows a reduction in the setback distance to not less than 40m where a vegetation buffer is provided in accordance with Appendix A. Appendix A specifies that the vegetation buffer is to be 20m wide.

Requested variation:

This application requests variations to Section F.1.4.1.b. given that a setback of 27m is proposed to the eastern and western boundaries which represents variations of 13m for each setback. In addition, the proposed vegetation buffers within each setback are 10m wide which represents a variation of 10m for each buffer.

The applicant requests the variations on the following basis:

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- The setback requirements of Council are well understood and have been properly considered as part of the design and site planning for the proposal. 100% compliance is not possible.
- Vegetated buffers are proposed with intent to mitigate against potential land use conflict issues associated with adjoining agricultural activities. The practical arrangement of the proposed rural dwelling and other ancillary site features (such as driveways) is within the limitations of the narrow lot configuration and does not allow for full width buffer implementation to the eastern and western boundaries.
- The use of the land for rural dwelling and small lot primary production purposes is consistent with existing land use in the vicinity. Similar examples exist on Lot 1 DP 710448, Lot 7 DP 789769, Lot 6 DP 710448, Lot 1 DP 1140579, Lot 413 DP 262068, Lot 412 DP 262068 and Lot 9 DP 789770, some of which have rural dwellings that are constructed in locations that would not comply with current setback requirements.
- The placement of a dwelling on the land is not expected to place an unreasonable burden or impediment to the continued use of adjoining land for viticultural purposes. The vineyard has operated for many years in a location that is exposed to rural residential land use. The viticultural operation has adjusted many of its farming practices to suit including the elimination of aerial spraying techniques.

Assessment Comment:

Lot 12 DP 789769 was created with entitlement for a dwelling. The applicant has incorporated side boundary setbacks and vegetation buffers to the extent possible given the narrow lot constraints. It is unlikely that non-compliance with setback and buffer width requirements will create any significant adverse impacts on adjoining agricultural activities. It is assessed that the application should not be refused on the basis that the proposal cannot comply with the stated development controls.

PART K – LAND USE BUFFERS

The provisions of Part K.2 have the effect of prohibiting the erection of a dwelling on any land that is located within 500m of Cowra Meat Processors. These provisions apply to the proposed development given that the subject land is partially located within the buffer applying to Cowra Meat Processors. However, the proposed dwelling has been sited to ensure that it will not be located within the buffer area.

The provisions of Part K.6 require new development to be of a height that does not penetrate through the Cowra Airport Obstacle Limitation Surface (OLS). The subject land is partially located within the OLS area applying to Cowra Airport, however the proposed dwelling is a single storey structure that does not penetrate the OLS.

PART M – PARKING, ACCESS & MOBILITY

A new access crossing will be constructed from Rothbury Road and recommended conditions of consent apply. The dwelling incorporates an attached double garage which provides sufficient on-site parking. The proposed development complies with Part M.

PART O – ENVIRONMENTAL HAZARD MANAGEMENT

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The subject land is not mapped as bushfire or flood prone. There is no identified contamination on the subject land as previously discussed in this report.

PART P – CPTED PRINCIPLES

CPTED assessment is not considered necessary for single dwellings.

The development, as conditioned, will comply with the remaining relevant DCP controls.

S 4.15(1)(a)(iii)(a) provisions of any Planning Agreement(s)

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.

S 4.15(1)(a)(iv) any matters prescribed by the regulations

Section 4.15(1)(a)(iv) requires the Council to also consider Clauses 61, 62, 63 and 64 of the Environmental Planning and Assessment Regulation. The following provides an assessment of the relevant Clauses of the Regulation:

- Clause 61 – The proposal does not involve demolition of a building and therefore the requirements of AS 2601-2001 are not required to be considered in accordance with Clause 61(1).
- Clause 62 – 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 62 is unnecessary.
- Clause 63 – The proposal does not involve the erection of a temporary structure and therefore the requirements to consider fire safety and structural adequacy is unnecessary.
- Clause 64 – The proposal does not involve the alteration, enlargement or extension of an existing building and therefore the requirement to consider the upgrading of buildings into total or partial conformity with the Building Code of Australia is not necessary.

S 4.15(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 immediate area is characterised by small lot primary production and scattered dwellings. This proposal is consistent with the existing character of the locality.

Access, Parking, traffic

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The site is accessible via Rothbury Road which is a sealed local road. A new access crossing is required to be constructed. No other traffic or parking concerns are identified.

Public Domain

The proposal will not have a negative impact on public recreational opportunities or public spaces in the locality.

Utilities

The site is serviced by adequate utilities to cater for the development.

Heritage

There are no items listed in schedule 5 of the LEP 2021 as present on the land and a search of the AHIMS records did not reveal any items or places of Aboriginal Cultural Significance identified as present on the land.

Other Land Resources

The land does not contain any recorded mineral deposits and the proposal will not negatively impact any water catchment areas.

Water, Sewerage and Stormwater

Council's reticulated water supply is available for connection. The site can accommodate an on-site sewage management system and disposal of stormwater.

Soils

No adverse impacts on soil is anticipated. A recommended condition will apply to require compliance with Council's DCP 2021 regarding sedimentation and erosion controls.

Air and Microclimate

Minimal amounts of dust may be generated during the construction period. Once construction works are complete the development will not impact on air quality.

Flora and Fauna

The development does not require removal of any significant vegetation. There will be no significant impact on native flora & fauna.

Waste

Any construction waste and ongoing domestic waste will be removed from the site and appropriately recycled or catered for at a licensed waste management facility.

Energy

A BASIX Certificate was submitted with the application. The submitted plans include a BASIX compliance schedule in accordance with the Certificate.

Noise and Vibration

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Some noise will occur during the construction period, but is not expected to adversely impact on any surrounding land uses. Council's standard condition regarding construction hours is recommended. The constructed development will not result in any ongoing noise or vibration.

Natural Hazards

The land is not identified as bushfire or flood prone land.

Technological Hazards

Council's records and inspection of the site did not reveal any technological hazards affecting the site. Council is not aware of and the SEE submitted with the application did not make reference to any previous land use likely to have resulted in contamination.

Safety, Security and Crime Prevention

This development will not generate any activity likely to promote any safety or security problems to the subject land or surrounding area.

Social and Economic Impacts on the locality

The proposed development will not result in any negative social or economic impacts.

Site Design and Internal Design

The design of the development is satisfactory for the site and without any identified adverse impacts.

Construction

The proposed development will be built in accordance with the Building Code of Australia. No adverse impacts are anticipated to occur as a result of the development.

Cumulative impacts

The proposal is not expected to generate any ongoing negative cumulative impacts. A minimal increase in traffic activity to the site will occur during the construction phase. This will be limited by a condition of consent and will not continue beyond that associated with a single dwelling once construction is completed.

S4.15(1)(d) Any Submissions ReceivedPublic Consultation

The subject Development Application was notified to adjoining owners in writing from 13 September 2023 to 27 September 2023, in accordance with Cowra Community Participation Plan 2020. No submissions were received in relation to the proposed development.

Public Authority Consultation:

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

S4.15(1)(d) The Public Interest

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Community Interest

The proposed development is permissible on the subject land and is not expected to adversely impact on the community interests of the area. The proposed development has been considered in terms of the context and setting of the locality in previous sections to this report. The proposed development will not impose any identified adverse economic or social impacts on the local community.

S7.12 Fixed development consent levies

The proposed development is not within a growth area identified under the Cowra Council s94 Contributions Plan 2016. No evidence of any prior 7.11 Development Contributions being levied has been identified. Therefore, the recommended conditions include S7.12 (formerly S94A) development contributions to be levied in accordance with Cowra Council S94A Contributions Plan 2016.

Conclusion

Development Application No. 84/2023 proposes a dwelling on Lot 311 DP 255021, 11 Rothbury Road Cowra. The application was lodged by Currajong Pty Ltd on 7 September 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 RU4 zone and is consistent with existing land-use activities of the locality. The variation to Clause 4.2B(3)(a) of Cowra Local Environmental Plan 2012 is sufficiently justified.

The development application was notified in accordance with Cowra Community Participation Plan 2020. No submissions were received following the consultation process.

The proposed development seeks to vary the minimum lot size development standard specified in Clause 4.2B(3)(a) of Cowra LEP 2012. The applicant is seeking to utilise the provisions of Clause 4.6 of Cowra LEP 2012. Assessment of the proposal is considered to be appropriately justified through the application and that enforcement of the minimum lot size development standard would be unreasonable and unnecessary in the circumstances of the application.

The concurrence of the NSW Department of Environment & Planning is required prior to Council's determination of the application. Accordingly it is recommended that a copy of this assessment report with a recommendation to approve the development and coinciding meeting minutes be forwarded to the Western Region Branch of the NSW Department of Planning seeking their concurrence to approve the development.

ATTACHMENTS

1. DA 84/2023 - Development Plans
2. DA 84/2023 - Statement of Environmental Effects
3. DA 84/2023 - Location map
4. DA 84/2023 - Aerial view
5. DA 84/2023 - Planning Circular PS 20-002



Department of Planning, Housing, and Infrastructure

Our ref: IRF24/51

Mr Paul Devery
General Manager
Cowra Shire Council
116 Kendal Street
Cowra, NSW 2794

Dear Mr Devery

**Development Standard Variation at Lot 311 DP 255021, 11 Rothbury Road, Cowra
(CNR63834/A-76732)**

I refer to Concurrence and Referral (CNR63834/A-76732) requesting the Secretary's concurrence under Clause 4.6 Exceptions to development standards of the Cowra Local Environmental Plan 2012 (Cowra LEP 2012) to vary a development standard as specified in Clause 4.2B(3)(a) to allow erection of a dwelling on a lot below the minimum lot size development standard.

The subject site is zoned RU4 Primary Production Small Lots, and dwellings are permitted with consent, however the minimum lot size (MLS) is 100ha. The proposal is to erect a dwelling house on an undersized lot of approximately 2.46ha.

The objective of Clause 4.6 of the Cowra LEP 2012 is to provide flexibility in the application of planning controls where strict compliance with those development standards would be unreasonable or unnecessary. Having regard to the information provided and assessment of the application, there are sufficient environmental planning grounds and particular circumstances to justify contravening the development standard in this case.

As delegate of the Secretary of the Department of Planning, Housing and Infrastructure, I concur with the variation of the development standard in this case for the following reasons:

1. The proposed dwelling house on the subject land does not create issues of State or regional environmental planning significance.
2. Varying the development standard in this case is unlikely to adversely impact the locality as the dwelling will not detract from primary production.

In making this decision, the Department was mindful of the circumstances as advised by the applicant and Council. Granting concurrence to this application should therefore not be a precedent for other applications seeking to construct dwellings on undersized lots on rural land within the local government area.

Council is reminded of its responsibilities to assess the development in accordance with Section 4.15 Evaluation of the *Environmental Planning and Assessment Act 1979*, including but not limited to the location of the proposed dwelling and issues that may arise.

Council should strategically consider the rural minimum lot size particularly where variations are being requested.

Should you have any enquiries about this matter, I have arranged for Jasper Allenby to assist you, who can be contacted on 9228 6136.

Yours sincerely



8/02/2024

Tim Collins
Manager, Western Region
Local and Regional Planning

8 LATE REPORTS

9 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:

10 CONFIDENTIAL GENERAL COMMITTEE RECOMMENDATIONS - MONDAY, 12 FEBRUARY 2024

10.1 Request for Tender 17/2023 - Tree Trimming and Removal Services Within Cowra Shire 2023-2026

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.

11 CONFIDENTIAL DIRECTOR-INFRASTRUCTURE & OPERATIONS

11.1 Request for Tender 18/2023 - Cabin Replacement - Cowra Van Park

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.

11.2 Crown Land Management of Part Crown Reserve 703 - Lot 7301 DP 1149856 and the Aboriginal Land Claim 37042

This matter is considered to be confidential under Section 10A(2)(h) 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 information concerning the nature and location of a place or an item of Aboriginal significance on community land.