



# **AGENDA**

## **General Committee Meeting**

**Date: Monday, 12 February 2024**

**Time: 5pm**

**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 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 General Committee Meeting held on 11 December 2023



# MINUTES

## **General Committee Meeting Monday, 11 December 2023**

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**MINUTES OF COWRA COUNCIL  
GENERAL COMMITTEE MEETING  
HELD AT THE COWRA COUNCIL CHAMBERS, 116 KENDAL STREET, COWRA  
ON MONDAY, 11 DECEMBER 2023 AT 6 PM**

- PRESENT:** Cr Ruth Fagan (Mayor), Cr Paul Smith (Deputy Mayor), Cr Sharon D'Elboux, Cr Cheryl Downing, Cr Nikki Kiss, Cr Judi Smith, Cr Erin Watt, 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

Nil

### 1.4 Disclosures of Interest

Cr Erin Watt declared a pecuniary interest in relation to item 10.1 Sale of land - lot 9 Cowra Airport to Louise Donkin, due to owning a business at Cowra Airport.

Cr Nikki Kiss declared a non-pecuniary interest in relation to item 4.2 Appointment of 2024 Cowra Youth Council Members, due to her son's involvement with the Youth Council.

Cr Ruth Fagan declared a non-pecuniary interest in relation to item 6.2 Planning Proposal PP 2023-884, Lot 2 DP 1028751, Lynch Street Cowra, due to her husband advising the applicant on the proposal.

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

### 1.5 Presentations

Nil

1.6 Public Forum

Development Application No. 105/2023, Lot 8 DP 235440, 12 Comerford Street Cowra

Mr Graham Hayes addressed Council speaking in favour of DA 105/23

**2 CONFIRMATION OF MINUTES****COMMITTEE RESOLUTION**

Moved: Cr Paul Smith

Seconded: Cr Cheryl Downing

**That the minutes of General Committee Meeting held on 9 October 2023 be confirmed.**

CARRIED

**3 GENERAL MANAGERS REPORT**3.1 Weir Bequest**COMMITTEE RESOLUTION**

Moved: Cr Cheryl Downing

Seconded: Cr Sharon D'Elboux

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

CARRIED

3.2 Growing Regions Application**COMMITTEE RESOLUTION**

Moved: Cr Bill West

Seconded: Cr Sharon D'Elboux

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

CARRIED

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

##### **4.1 Donation - Woodstock Swimming Pool Incorporated**

###### **COMMITTEE RESOLUTION**

Moved: Cr Judi Smith

Seconded: Cr Paul Smith

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

CARRIED

##### **4.2 Appointment of 2024 Cowra Youth Council Members**

###### **COMMITTEE RESOLUTION**

Moved: Cr Judi Smith

Seconded: Cr Erin Watt

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

- |                          |                          |
|--------------------------|--------------------------|
| • <b>Georgie Anning</b>  | • <b>Aiden Gunderson</b> |
| • <b>Ezekiel Austin</b>  | • <b>Sienna Launders</b> |
| • <b>Zipporah Austin</b> | • <b>Isabella Lette</b>  |
| • <b>Laura Bennett</b>   | • <b>Isabella Pepper</b> |
| • <b>Callie Bridges</b>  | • <b>Taylia Penyu</b>    |
| • <b>Lily Bridges</b>    | • <b>Laura Price</b>     |
| • <b>Emma Haslem</b>     | • <b>Alyvia Slade</b>    |
| • <b>Cohan Howden</b>    |                          |

CARRIED

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

###### **COMMITTEE RESOLUTION**

Moved: Cr Paul Smith

Seconded: Cr Bill West

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

CARRIED

##### **4.4 Sculpture Park Master Plan**

###### **COMMITTEE RESOLUTION**

Moved: Cr Sharon D'Elboux

Seconded: Cr Judi Smith

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

CARRIED

#### 4.5 Investments

### **COMMITTEE RESOLUTION**

Moved: Cr Paul Smith

Seconded: Cr Bill West

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

CARRIED

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

### 5.1 Dam Safety Management Plans: Cowra Stormwater Detention Basins

### **COMMITTEE RESOLUTION**

Moved: Cr Bill West

Seconded: Cr Peter Wright

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

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CARRIED

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

### **COMMITTEE RESOLUTION**

Moved: Cr Erin Watt

Seconded: Cr Bill West

1. That Council endorses the draft Pipes Along and Across Roads – Water, Drainage and Irrigation Policy for the purpose of public exhibition for a minimum of twenty eight (28) days from 8 January 2024 in accordance with the Community Engagement Strategy.
2. That following the public exhibition the Director – Infrastructure &



Operations provide a further report to Council for the formal adoption of the Draft Pipes Along and Across Roads – Water, Drainage and Irrigation Policy considering any submissions made.

CARRIED

## 6 DIRECTOR-ENVIRONMENTAL SERVICES REPORT

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

### COMMITTEE RESOLUTION

Moved: Cr Judi Smith

Seconded: Cr Sharon D'Elboux

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 E.4.5(a) of Part E of Council's Development Control Plan 2021 is sufficiently justified and the application was publicly notified and no submissions were received; and
2. That Council approves a variation to E.4.5(a) of Part E of Council's Development Control Plan 2021 for this development to allow a swimming pool forward of the building line; and
3. That Development Application No. 110/2023, for the construction of an inground swimming pool on Lot 149 DP 1162233, 13 Vineyard Drive Cowra be approved subject to the following conditions:

### GENERAL CONDITIONS

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

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

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

		<b>No. 10.2023.110.1</b>
<b>BASIX Certificate No. A1373199</b>	<b>Scott T James Issued: 19 October 2023</b>	<b>Received 6 November 2023 Stamped No. 10.2023.110.1</b>

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

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

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

6. All backwash water or water discharged from the pool during emptying shall be discharged in accordance with Australian Standard 3500 'National Plumbing and Drainage Code' and as follows:
  - (i) In an area serviced by reticulated sewerage, connect to Cowra Shire Council's sewerage system.
  - (ii) Where reticulated sewerage is not available, all backwash shall be directed to absorption trenches. Details of these trenches shall be submitted to and approved by Cowra Shire Council prior to the issue of a Construction Certificate. The discharge must be located and designed so as to not impact on the effluent land application area or result in water pollution (i.e. discharge into waterway).
  - (iii) The sewer connection can be via a suitable existing gulley or, alternatively, a gulley can be cut into the house drainage line for this purpose.

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

7. The Applicant is to obtain a Construction Certificate from either Council or an Accredited Certifier, certifying that the proposed works are in

accordance with the Building Code of Australia and applicable Council Engineering Standards prior to any building and or subdivision works commencing. No building, engineering or excavation work is to be carried out in relation to this development until the necessary construction certificates have been obtained. It is the responsibility of the Applicant to ensure that the development complies with the Building Code of Australia and applicable engineering standards in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

8. It is the responsibility of the Applicant to ensure that the development complies with the Building Code of Australia and applicable engineering standards in the case of building work.
9. The Applicant is to submit to Cowra Shire Council, at least two days prior to the commencement of any works, a 'Notice of Commencement of Building or Subdivision Works' and 'Appointment of Principal Certifier'.
10. Prior to the commencement of work on the site, all erosion and sediment control measures shall be implemented and maintained prior to, during and after the construction phase of the development. The erosion and sediment control measures are to comply with Part B of Cowra Shire Council Development Control Plan 2021 at all times.
11. Prior to the installation of the pool a 'peg-out' survey plan is to be submitted to the Principal Certifier which establishes the position of the property boundary and demonstrates that the development will be constructed in accordance with the boundary setbacks provided on the approved plans.

#### **CONDITIONS TO BE COMPLIED WITH DURING CONSTRUCTION**

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

require separate approval under Section 68 of the *Local Government Act 1993*.

15. Building activities and excavation work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 6.00 pm on weekdays and 8.00 am and 1.00 pm on Saturdays. No work on Sundays or Public Holidays is permitted.
16. All building rubbish and debris, including that which can be windblown, shall be contained on site in a suitable container for disposal at an approved Waste Landfill Depot. The container shall be erected on the building site prior to work commencing and shall be maintained for the term of the construction to the completion of the project. No building rubbish or debris shall be placed or permitted to be placed on any adjoining public reserve, footway or road. The waste container shall be regularly cleaned to ensure proper containment of the building wastes generated on the construction site.

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

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

#### **ADVICE**

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

CARRIED

In Favour: Crs Ruth Fagan, Paul Smith, Sharon D'Elboux, Cheryl Downing, Nikki Kiss, Judi Smith, Erin Watt, Bill West and Peter Wright

Against: Nil

CARRIED 9/0

At 6.46 pm, Cr Ruth Fagan left the meeting.

Cr Paul Smith assumed the position of Chair of the meeting

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

### COMMITTEE RESOLUTION

Moved: Cr Sharon D'Elboux

Seconded: Cr Bill West

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

CARRIED

In Favour: Crs Paul Smith, Sharon D'Elboux, Cheryl Downing, Nikki Kiss, Judi Smith, Erin Watt, Bill West and Peter Wright

Against: Nil

CARRIED 8/0

At 6:52 pm, Cr Ruth Fagan returned to the meeting.

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

### COMMITTEE RESOLUTION

Moved: Cr Judi Smith

Seconded: Cr Cheryl Downing

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 E.4.3.3 of Part E of Council's Development Control Plan 2021 is sufficiently justified and the application was publicly notified and no submissions were received; and

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

### GENERAL CONDITIONS

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

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

Plan No./ Supporting Document	Prepared by/Reference Details	Cowra Shire Council Reference
Site Plan (including driveways)	-	Received 10 November 2023 Stamped No. 10.2023.105.1
Garage Floor Plan & Elevations Dwg. No. COWR01-2197 Rev A Page 1/1	Ranbuild N.D.	Received 10 November 2023 Stamped No. 10.2023.105.1
Statement of Environmental Effects (Pro-forma Template)	Graeme Hayes N.D.	Received 1 December 2023 Stamped No. 10.2023.105.1(A)

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

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

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

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

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

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

**CONDITIONS TO BE COMPLIED WITH DURING CONSTRUCTION**

9. While building work is being carried out, any such work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.
10. Any damage caused to footpaths, roadways, utility installations and the like by reason of construction operations shall be made good and repaired to a standard equivalent to that existing prior to commencement of construction. The full cost of restoration/repairs of property or services damaged during the works shall be met by the Applicant.
11. All storage of goods and building materials and the carrying out of building operations related to the development proposal shall be carried out within the confines of the property. All vehicles must be parked

legally and no vehicles are permitted to be parked over the public footpath. The unloading of building materials over any part of a public road by means of a lift, hoist or tackle projecting over the footway will require separate approval under Section 68 of the *Local Government Act 1993*.

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

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

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



driveway(s) shall be borne by the Applicant.

#### ADVICE

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

CARRIED

In Favour: Crs Ruth Fagan, Paul Smith, Sharon D'Elboux, Cheryl Downing, Nikki Kiss, Judi Smith, Erin Watt, Bill West and Peter Wright

Against: Nil

CARRIED 9/0

#### 7 LATE REPORTS

Nil

#### 8 NOTICES OF MOTIONS

Nil

#### 9 CONFIDENTIAL MATTERS COMMITTEE RESOLUTION

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

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

#### 10 CONFIDENTIAL GENERAL MANAGER

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

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

CARRIED

At 6:57 am, Cr Erin Watt left the meeting.

**3 GENERAL MANAGERS REPORT****3.1 Section 355 Committee Draft Minutes - CBD Committee**

File Number: D24/92

Author: Paul Devery, General Manager

**RECOMMENDATION**

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

---

**INTRODUCTION**

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

**BACKGROUND**

Attached for the information of Councillors are the draft minutes from the Section 355 Committee – CBD Committee meeting held in January 2024..

**BUDGETARY IMPLICATIONS**

N/A

**ATTACHMENTS**

- I. Draft Minutes - CBD Committee - January 2024 [↓](#)



# **MINUTES**

## **CBD Committee Meeting 16 January 2024**

CBD COMMITTEE MEETING MINUTES

16 JANUARY 2024

Order Of Business

1 Acknowledgement of Country .....3

Cr Cheryl Downing delivered the Acknowledgement of Country. ....3

2 Apologies .....3

3 Confirmation of Minutes.....3

4 General Business.....3

4.1 Data Update ..... 3

4.2 CBD Activation Strategy – Workshop Planning ..... 3

4.3 Other Items Raised by Members..... 5

5 Next Meeting Date .....5

6 Meeting Close.....5

**CBD COMMITTEE MEETING MINUTES****16 JANUARY 2024**

**MINUTES OF COWRA COUNCIL  
CBD COMMITTEE MEETING HELD AT THE NGULUWAY ROOM, DARLING  
STREET, COWRA  
ON 16 JANUARY 2024 AT 6PM**

**PRESENT:** Cr Bill West, Cr Sharon D'Elboux (Chairperson), Cr Cheryl Downing, Cr Paul Smith (Deputy Mayor), Phillip Beer, Ashlea Field, Zachary Jones, Martina Lindsay, Amy Gormly, Stassi Austin

**IN ATTENDANCE:** Ponie De Wet

**1 ACKNOWLEDGEMENT OF COUNTRY**

Cr Cheryl Downing delivered the Acknowledgement of Country.

**2 APOLOGIES**

Kurt Overzet, Marc McLeish, Christine Muddle, Jesse Murphy, Paul Devery, Cr Erin Watt, Ian Docker

**3 CONFIRMATION OF MINUTES**

**That the minutes of the CBD Committee Meeting held on 19 December 2023 be confirmed.**

Moved: Cr Paul Smith

Seconded: Phillip Beer

**4 GENERAL BUSINESS**

**4.1 Data Update**

Cowra Business Officer Ponie De Wet provided a briefing on the SpendMapp Report for December 2023.

**4.2 CBD Activation Strategy – Workshop Planning**

Cr Sharon D'Elboux provided the following information to the meeting:

- I. Workshop date – 24 February 2024 from 1pm to 4pm; room capacity 140 people. Quotes will be requested from Cowra Services Club (Club Cowra), Cowra Golf Club, Cowra Show Pavilion (Cowra Show Society).

**Action**

**Quotes for venue & catering to be obtained – P De Wet**

**CBD COMMITTEE MEETING MINUTES****16 JANUARY 2024****2. On-line Registration for attendance.****Action****Online registration to be organised – P De Wet****3. Who to invite:**

- All applicants for service on the CBD committee – as per applications received by council.
- All committee members to personally invite minimum 10 local stakeholders – Committee members to action with pamphlets to be provided.
- Community organisations/groups – Youth Council & young people etc. – via council e-mail.
- Online community – Invited via social media platforms.
- All rate payers in the designated areas along Kendal & Redfern streets to be pamphlet dropped – Council to specify via ratepayer database
- All property owners/landholders to be sent a letter from the mayor – Council to obtain via ratepayer files.
- All Village reps – Council to obtain/specify
- General Open invitation to the community

**Action****Invitations to be drafted – P De Wet / Cr D'Elboux****4. How to invite:**

- Mailout to ratepayers on both sides of Kendal & Redfern Streets (as outlined in council resolution)
- Via calendar invites to councillors
- Via media releases & social media
- Via school & other community org newsletters
- Committee members to do pamphlet drops to businesses/other stakeholders
- CBD Committee members unable to attend Community Consult session – Zach Jones, Christine Muddle, Stassi Austin, Amy Gormly
- Via Council's normal communications channels
- Noticeboard in the Cowra Guardian and Phoenix
- Media articles

**Action****Invitations to be drafted – P De Wet / Cr D'Elboux****Mailing lists to be compiled – P De Wet****Outlook invitations sent to Councillors – T Robinson****Media Release to be drafted – P De Wet /Cr D'Elboux****Schools and community organisations to be contacted – P De Wet / Cr D'Elboux**

**CBD COMMITTEE MEETING MINUTES****16 JANUARY 2024****Pamphlet drops to business/other stakeholders - Committee members****5. Branding TBA****4.3 Other Items Raised by Members**

Cowra Ca\$h Card – Kurt Overzet was unable to attend and therefore unable to provide a briefing.

**5 NEXT MEETING DATE**

The next meeting will be held on 20 February 2024 at 6pm in the Nguluway Room, Darling Street, Cowra.

**6 MEETING CLOSE**

The Meeting closed at 7.13pm

.....  
**CHAIRPERSON**

## 4 DIRECTOR-CORPORATE SERVICES REPORT

### 4.1 Sculpture Park Master Plan

File Number: D24/12

Author: Michael Jones, Director - Corporate Services

### 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.
- 

### INTRODUCTION

Councillors will note that the following resolution was passed at the 18 December 2023 Council meeting:

#### RESOLUTION 267/23

Moved: Cr Sharon D'Elboux

Seconded: Cr Bill West

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

CARRIED

### BACKGROUND

Council has now completed the public exhibition period on the draft sculpture park master plan during which it received no submissions. It is now recommended that Council endorse the draft masterplan as presented to Council on 18 December 2023.

### BUDGETARY IMPLICATIONS

Budget implications are currently unknown. Further investigation is required with reports to be brought back to Council.

### ATTACHMENTS

Nil



**4.2 Investments**

File Number: D24/64

Author: Michael Jones, Director - Corporate Services

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

---

**INTRODUCTION**

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

**BACKGROUND**

The Local Government (General) Regulation 2021 (Part 9, Division 5, Clause 212), effective from 1 September 2021, requires the Responsible Accounting Officer of a Council to provide a written report setting out details of all monies that have been invested under Section 625 (2) of the Local Government Act 1993, as per the Minister's Order of 12 January 2011 published in the Government Gazette on 11 February 2011. The Responsible Officer must also include in the report a certificate as to whether the investment has been made in accordance with the Act, the Regulations and the Council's Investment Policies. This certificate appears below the table of investments

**BUDGETARY IMPLICATIONS**

Nil

**ATTACHMENTS**

- I. Investments Report – January 2024 [↓](#)

**ATTACHMENT****Investments and Financial Report**

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1. Investments Portfolio as at 31 January 2024.....	2
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## Investments

### I. Investments Portfolio as at 31 January 2024

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

	S&P RATING	Date Lodged	Term (Days)	%	Date Due	Principal \$
COMMONWEALTH BANK OF AUSTRALIA	A-1+	18/04/2023	336	4.40%	19/03/2024	500,000.00
SUNCORP-METWAY LTD	A-1	6/06/2023	245	5.10%	6/02/2024	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	8/08/2023	182	5.40%	6/02/2024	1,000,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	8/08/2023	196	5.42%	20/02/2024	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	8/08/2023	210	5.43%	5/03/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	8/08/2023	182	5.20%	6/02/2024	500,000.00
NEWCASTLE PERMANENT BUILDING SOCIETY LTD	A-2	15/08/2023	182	5.00%	13/02/2024	1,000,000.00
IMB LTD	A-2	5/09/2023	182	5.00%	5/03/2024	500,000.00
ING BANK	A-2	5/09/2023	217	4.80%	9/04/2024	1,000,000.00
BANK OF QUEENSLAND	A-2	12/09/2023	182	4.90%	12/03/2024	500,000.00
ING BANK	A-2	14/09/2023	215	4.07%	16/04/2024	500,000.00
BENDIGO & ADELAIDE BANK LTD	A-2	19/09/2023	182	4.81%	19/03/2024	1,000,000.00
IMB LTD	A-2	19/09/2023	182	5.00%	19/03/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	26/09/2023	245	5.15%	28/05/2024	500,000.00
SUNCORP-METWAY LTD	A-1	26/09/2023	245	5.15%	28/05/2024	500,000.00
ING BANK	A-2	3/10/2023	245	5.00%	4/06/2024	500,000.00
ING BANK	A-2	3/10/2023	245	5.00%	4/06/2024	500,000.00
SUNCORP-METWAY LTD	A-1	3/10/2023	210	5.07%	30/04/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-2	5/10/2023	264	5.10%	25/06/2024	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	10/10/2023	126	4.68%	13/02/2024	1,000,000.00
IMB LTD	A-2	10/10/2023	154	4.90%	12/03/2024	600,000.00
SUNCORP-METWAY LTD	A-1	10/10/2023	182	5.13%	9/04/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-2	24/10/2023	245	5.15%	25/06/2024	500,000.00
BANK OF QUEENSLAND (Wyangala Sewer Handover)	A-2	31/10/2023	182	5.30%	30/04/2024	1,000,000.00
ING BANK(Wyangala Sewer Handover)	A-2	31/10/2023	273	5.17%	30/07/2024	920,914.23
NATIONAL AUSTRALIA BANK LTD	A-1+	31/10/2023	273	5.30%	30/07/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	7/11/2023	112	5.00%	27/02/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-2	7/11/2023	182	5.20%	7/05/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	21/11/2023	210	5.20%	18/06/2024	1,000,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	28/11/2023	91	4.95%	27/02/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	28/11/2023	120	5.05%	27/03/2024	500,000.00
ST GEORGE BANK	A-1+	30/11/2023	96	4.08%	5/03/2024	500,000.00
IMB LTD	A-2	5/12/2023	126	5.10%	9/04/2024	250,000.00
NATIONAL AUSTRALIA BANK LTD	A-2	5/12/2023	182	5.15%	4/06/2024	500,000.00
SUNCORP-METWAY LTD	A-1	5/12/2023	98	5.03%	12/03/2024	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	12/12/2023	182	4.93%	11/06/2024	500,000.00
ING BANK	A-2	12/12/2023	161	4.81%	21/05/2024	500,000.00
ING BANK	A-2	12/12/2023	217	5.00%	16/07/2024	500,000.00
SUNCORP-METWAY LTD	A-1	12/12/2023	154	5.13%	14/05/2024	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	19/12/2023	154	4.88%	21/05/2024	500,000.00
ST GEORGE BANK	A-1+	19/12/2023	126	4.16%	23/04/2024	500,000.00
SUNCORP-METWAY LTD	A-1	19/12/2023	182	5.11%	18/06/2024	500,000.00
ING BANK	A-2	2/01/2024	35	4.52%	6/02/2024	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	9/01/2024	210	4.90%	6/08/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-2	9/01/2024	224	5.10%	20/08/2024	500,000.00
SUNCORP-METWAY LTD	A-1	9/01/2024	217	5.10%	13/08/2024	500,000.00
ING BANK	A-2	16/01/2024	224	4.89%	27/08/2024	500,000.00
ST GEORGE BANK	A-1+	16/01/2024	231	4.40%	3/09/2024	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	23/01/2024	182	4.90%	23/07/2024	500,000.00
SUNCORP-METWAY LTD	A-1	23/01/2024	300	5.20%	18/11/2024	500,000.00
BENDIGO & ADELAIDE BANK LTD	A-2	25/01/2024	159	4.91%	2/07/2024	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	30/01/2024	175	5.02%	23/07/2024	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	30/01/2024	231	5.04%	17/09/2024	500,000.00
ING BANK	A-2	30/01/2024	300	5.10%	25/11/2024	500,000.00
ING BANK	A-2	30/01/2024	365	5.17%	29/01/2025	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-2	30/01/2024	161	5.10%	9/07/2024	500,000.00
ST GEORGE BANK	A-1+	30/01/2024	245	4.88%	1/10/2024	500,000.00
SUNCORP-METWAY LTD (BARP)	A-1	30/01/2024	224	5.12%	10/09/2024	2,000,000.00
<b>Total</b>						<b>\$34,270,914.23</b>

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

Scott Ellison

**Manager – Finance**

31/01/24

## 2. Interest Rate

The average interest rate for Council's investments held is 4.98%. At the time of preparing this report, average (market rates) interest rates were as follows as at 31 January 2024:

30 Days	60 Days	90 Days	120 Days	150 Days	180 Days	270 Days	1 YR
3.48%	3.67%	4.91%	4.94%	4.96%	5.00%	5.07%	5.10%

## 3. General Fund Balance

As at 31 January 2024 balances for Cowra Shire Council for Transaction Accounts and Cash in hand were as follows:

CBA General Account	\$ '000
General Fund bank account	\$ 812
On-Call account balance	\$ 5,500
Cash in hand	\$ 4
<b>TOTAL</b>	<b>\$ 6,316</b>

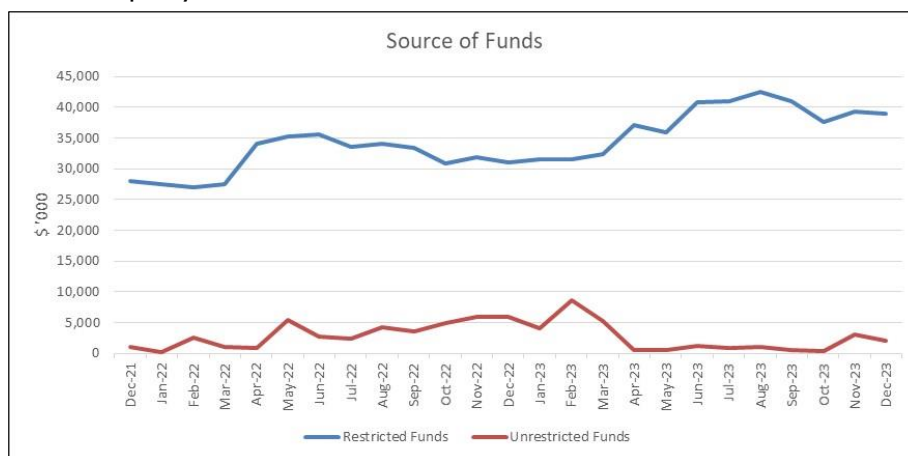
The General Fund bank account is monitored on a daily basis to ensure investments are maximised and that sufficient funds are available for day to day operations.

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

Source of Funds	\$ '000
Investment Portfolio	\$ 34,271
Cash and Cash Equivalents - General Ledger	\$ 6,316
<b>TOTAL</b>	<b>\$ 40,587</b>
Represented By:	
Restricted Funds	\$ 37,969
Unrestricted Funds	\$ 2,618
<b>TOTAL</b>	<b>\$ 40,587</b>

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

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



**“6. Approved Investments**

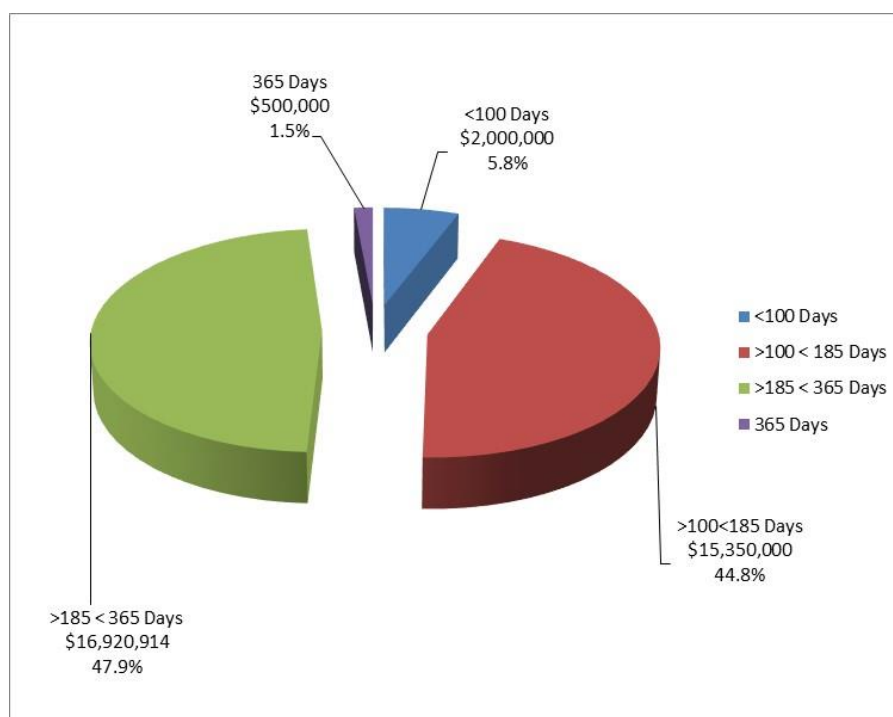
*Investments are limited to those allowed by the most current Ministerial Investment Order that has been issued by the NSW Minister for Local Government.*

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

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

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

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


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

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

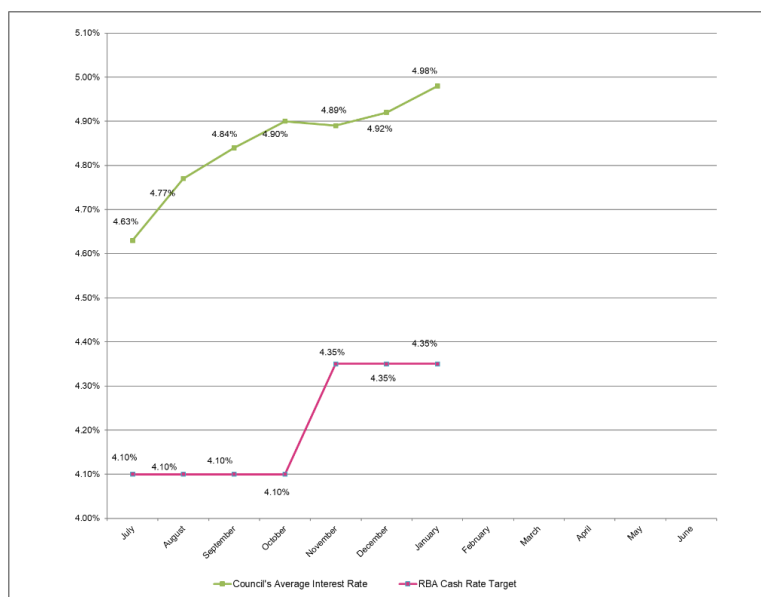
Any securities which are given a Moody's Investors Service Inc credit rating of ``Aaa", ``Aa1", ``Aa2", ``Aa3", "A1", "A2" or ``Prime-1" or a Standard and Poor's Investors Service, Inc credit rating of ``AAA", ``AA+", ``AA", ``AA-", "A+", "A", A1+" or ``A1"

## 5. Interest on Investment Income

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

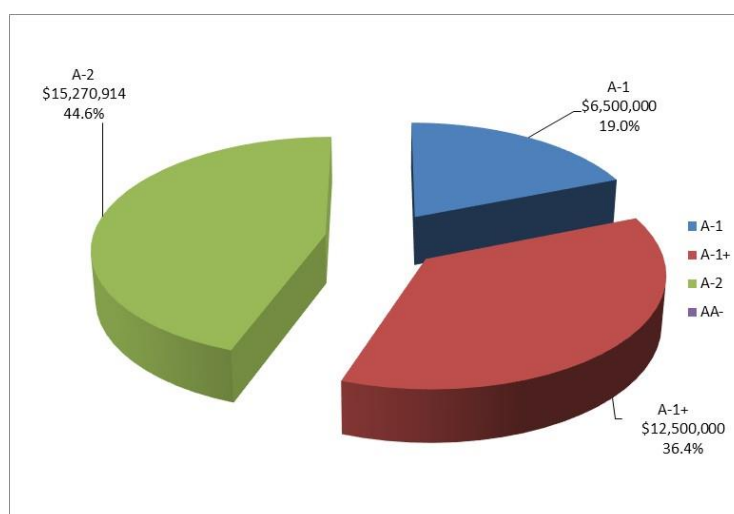
## 6. Term Deposit Average Monthly Interest Rate Compared to the RBA Cash Rate Target

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



## 7. Maturity Profile of Council's Investments

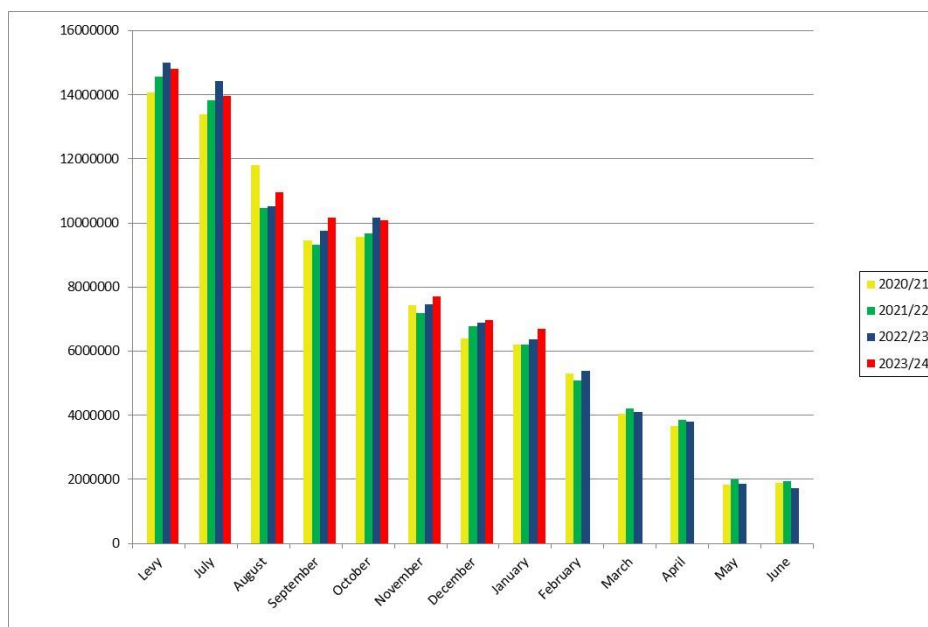
The following pie-chart shows the mix of Council investments for the month by maturity type.



## Rates

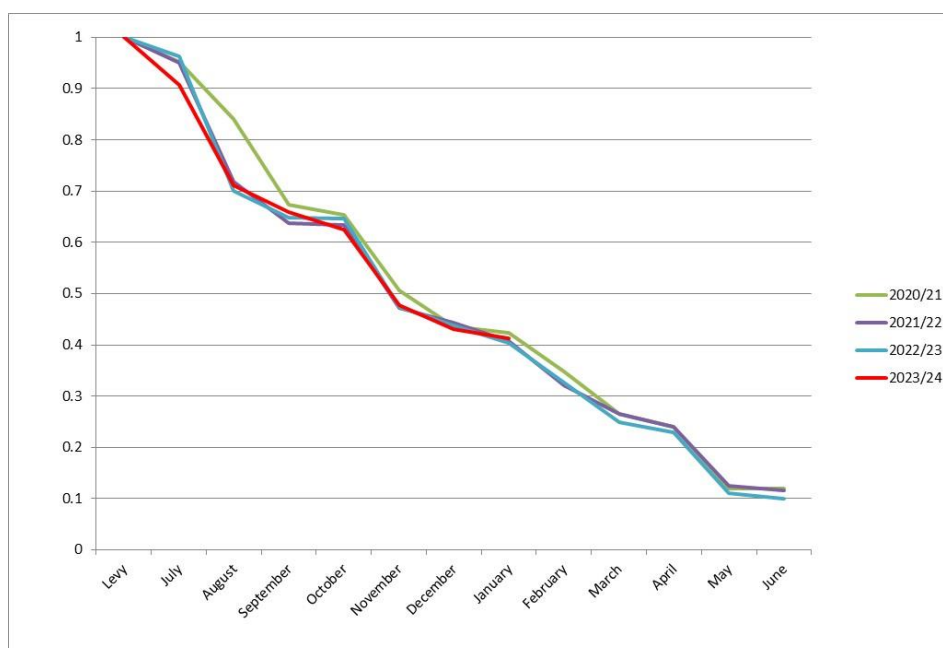
### 8. Comparison of Rate Collection Progress for 2023/24 to prior years

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



### 9. Council Rate Levy - % Comparison

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



## 10. Council Rate Levy – Arrears and Recovery Action

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

Arrears at 30 June 2023		\$	1,732,428
Collected – Year to Date (as per last month's report)	\$	559,232	
Collected in January 2024	\$	77,220	\$ 636,452
<b>Balance as at 1 February 2024</b>			<b>\$ 1,095,976</b>
Rates – Currently under legal proceedings	\$	123,274	
Arrangements (Repayment Schedules)	\$	972,702	
	\$	<b>1,095,976</b>	

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

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

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

## Loans

### 12. Interest Rate

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



### 13. Loan Summary

Summary of Current Loans and Purpose as at 31 January 2024.

Loan No	Lender	Date Obtained	Due Date	Principal	Interest Rate %	Principal O/S 31/1/24
	<b>GENERAL</b>					
233	NATIONAL AUST. BANK (SALEYARDS)	29/05/2003	29/11/2022	220,000	6.20	0
234	NATIONAL AUST. BANK (POOL KIOSK)	13/06/2003	13/06/2023	1,600,000	5.81	0
236	COMMONWEALTH (RIVER PK AMEN/VAUX DRAINAGE)	28/01/2005	1/02/2025	433,500	6.31	53,881
241B	COMMONWEALTH BANK (VAUX ST DRAINAGE WEST)	18/12/2006	18/12/2036	166,000	6.35	109,054
242B	COMMONWEALTH BANK (MULYAN OVAL AMENITIES)	22/08/2007	24/08/2037	95,000	6.80	66,216
249	NATIONAL AUST. BANK (CIVIC CENTRE REFURBISHMENT)	22/12/2008	22/12/2033	1,395,390	8.15	887,211
245	NATIONAL AUST. BANK (CIVIC CENTRE REFURBISHMENT)	29/06/2009	29/06/2029	234,000	8.33	103,978
246	NATIONAL AUST. BANK (SALEYARDS EFFLUENT SCREENS)	16/04/2010	16/04/2025	225,000	8.01	30,541
250	NATIONAL AUST. BANK (DRAINAGE IMPROVEMENTS)	28/06/2013	28/06/2028	250,000	6.36	101,007
253A	NSW TREASURY (DEPOT REDEVELOPMENT - STAGE 1)	27/06/2016	27/06/2026	400,000	2.63	110,071
253B	NSW TREASURY (AIRPORT SUBDIVISION)	27/06/2016	27/06/2026	1,478,993	2.63	406,951
253C	NSW TREASURY (CEMETERY EXPANSION)	27/06/2016	27/06/2026	250,000	2.63	68,772
254A	NSW TREASURY (DEPOT REDEVELOPMENT - STAGE 2)	11/05/2020	11/05/2040	512,120	2.41	439,219
254B	NSW TREASURY (CBD FOOTPATH REFURBISHMENT)	11/05/2020	11/05/2040	1,437,788	2.41	1,233,386
254C	NSW TREASURY (LOW LEVEL BRIDGE REPAIRS)	11/05/2020	11/05/2040	500,000	2.41	428,921
						<b>4,039,209</b>
	<b>WASTE</b>					
247	NATIONAL AUST. BANK (RECYCLING PLANT)	16/04/2010	16/04/2025	538,500	8.01	73,096
						<b>73,096</b>
	<b>WATER</b>					
238	COMMONWEALTH (CBD MAINS REPLACEMENT)	22/02/2006	23/02/2031	1,000,000	6.03	464,748
241A	COMMONWEALTH BANK (WATER MAIN REPLACEMENT)	18/12/2006	18/12/2036	1,256,000	6.35	825,428
242A	COMMONWEALTH BANK (1C1 ZONE)	22/08/2007	24/08/2037	1,286,500	6.80	896,228
251	WESTPAC (EMERGENCY WATER SUPPLY CONSTRUCTION)	28/06/2013	27/06/2033	1,186,124	6.566	751,510
252	NATIONAL AUSTRALIA BANK (WATER TREATMENT PLANT AUTOMATION)	18/06/2014	18/06/2024	3,875,000	5.050	243,406
						<b>3,181,321</b>
	<b>SEWERAGE</b>					
244	NATIONAL AUST. BANK (SEWER TREATMENT PLANT )	6/05/2010	04/05/2040	7,213,230	8.13	5,857,993
						<b>5,857,993</b>
	<b>GRAND TOTAL</b>					<b>13,151,619</b>

## 5 DIRECTOR-INFRASTRUCTURE & OPERATIONS REPORT

### 5.1 Cowra Waste and Resource Recovery Strategy 2023-2032

File Number: D23/I623

Author: Dirk Wymer, Director-Infrastructure & Operations

### 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.

---

### INTRODUCTION

The Cowra Waste and Resource Recovery Strategy 2023 – 2032 is presented to be implemented as a strategic plan within Council's Strategic Framework.

### BACKGROUND

Council's adopted Delivery Program includes:

*E4.1 Develop a Waste Management Strategy to meet the objectives of the "NSW EPA Waste and Sustainable Materials Strategy 2041".*

and the Operational Plan action for 2023/24 is:

*E4.1.a Undertake consultation and investigation to develop a Waste Management Strategy.*

The draft Cowra 'Waste and Resource Recovery Strategy 2023 – 2032' ('The Strategy') has been prepared by the Cowra Services team including consultation and interaction with Councillors, Netwaste and the waste industry. The Strategy includes the required actions as detailed in the NSW Waste and Sustainable Materials Strategy.

The Strategy will drive planning and development of Cowra's waste services. Section 8.2 'Waste Strategy Action Plan' will directly inform Council's Delivery Program and Operational Plan.

The Strategy is structured to:

- provide information on the services currently provided,
- identify challenges and opportunities with the services currently provided and the additional services required to be provided,
- defines the Action Plan for the period to 2032 to continuously improve waste management in Cowra Shire.

The key challenges and opportunities identified for the short term are:

- The design and shaping of the Cowra landfill at Glen Logan Road: the proposed re-design of the landfill shape will improve the operation of the landfill, decrease leachate generation and decrease forecast capital costs already included in the Long-Term Financial Plan. The potential cost savings from improved landfill management could then be available to assist with the implementation of new services.

- The high contamination rate of the yellow bin recycling service: the strategy includes operational actions to improve the removal of contaminants when sorting recycling, and education / behaviour change to reduce contamination at source.
- The NSW Waste and Sustainable Materials Strategy 2041 requires the separate collection of
  - food and garden organics from all NSW households by 2030.
  - food waste from targeted businesses and other entities that generate the highest volumes of including large supermarkets and hospitality businesses, by 2025.
- The planning for implementation of FOGO includes a bin auditing program of current red and yellow bins to determine potential waste diversion into FOGO, investigation of options for adding the FOGO bin to household collection and investigation of options for treatment of the FOGO material.

The Waste Strategy Action Plan to address these key issues is as follows:

Delivery Program		Waste Strategy Actions	How	Timeframe
E1.1 Maximise opportunities for the Cowra Material Recycling facility to participate in the circular economy.	E1.1 a Continue partnership with Cleanaway	CDS tonnages maintained or increasing.	Contract in place.	Ongoing
	E1.1 b Develop a MRF Masterplan to ensure the MRF is strategically designed to allow expansion opportunities in the future	Implement revised design of landfill to improve landfill operation efficiency.	Provide a report to Council on the proposed amended landfill engineering design including: <ul style="list-style-type: none"> <li>landfill leachate management to reduce risk of environmental damage</li> <li>options for management of biogas</li> </ul>	2024
		Investigate biogas collection from landfill as part of revised design.	Engage a suitably experienced planning consultant to manage the amendments to the Development Consent and EPA licence.	2024
		Mitigate landfill leachate risk.	Obtain all regulatory approvals and landfill operating as per approved amended design.	2025
		Design and construct larger concrete on-ground storage area for unsorted CDS and yellow bin material.	Design and estimates currently underway. Design and required budget to be reported to Council.	2024
		Maintain and upgrade recycling and CDS sorting process plant to improve efficiency.	Identify annual costs of ongoing maintenance and repairs of existing recycling and CDS sorting lines. Redesign sorting lines to improve efficiency.	2024 2025
		Investigate dual weighbridge options.	The priority of this item is dependent on the potential implementation of the Regional Waste Levy.	2028

Delivery Program		Waste Strategy Actions	How	Timeframe
		Maintain and upgrade processing plant to improve efficiency		Ongoing
E4.1 Develop a Waste Management Strategy to meet the objectives of the “NSW EPA Waste and Sustainable Materials Strategy 2041”.	E4.1 b Review Waste collection services	Review usage and viability of village transfer stations	Keeping log of attendees, income and volumes.	Ongoing
		Review waste and recycling options for non-serviced areas within Cowra LGA.	Identify non-serviced populations and conduct surveys to determine waste and recycling disposal activities.	2026
	E4.1 c Clean town, villages and streetscapes	Improve waste disposal and recycling options in street scapes Deliver and promote village cleanliness	Increase options to dispose of recycling and problem waste eg. sharps in Cowra CBD and villages.	Ongoing
E4.2 Implement Food Organic and Garden Organics (FOGO) in line with State government strategies.	E4.2 a Investigate requirements to implement FOGO system	Green waste / FOGO bins for all commercial business and other entities that generate the highest volumes	Investigate options through: <ul style="list-style-type: none"> <li>Existing Netwaste contracts</li> <li>Neighbouring Council contracts</li> </ul>	2025 (must be implemented by 2025)
		Complete annual bin audits	Engage bin auditor to provide information on the make up of the Cowra waste streams and estimate potential FOGO diversion quantities	Annually, 2024 to 2026
		Investigate options for general waste bin sizes and collection frequency. Investigate options for FOGO treatment at the MRF. Investigate options for contract collection and treatment at other sites. Provide FOGO bins for all serviced properties.	<ul style="list-style-type: none"> <li>Report models used to manage FOGO at other Councils and investigate opportunities within the MRF and in collaboration with external suppliers to manage and treat FOGO.</li> </ul>	2030 (must be implemented by 2030)
E4.3 Work with the	E 4.3 e Consider	Council to provide residents with 2	Report to Council	2024

Delivery Program	Waste Strategy Actions	How	Timeframe
community to maximise recycling.	options for an feasibility of bulk rubbish collection	bulky goods collection days per year.	
	E 4.3 f Reduce recycling contamination	Continue to provide and promote recycling education	Ongoing
		Introduce waste vouchers for zero contamination	Report to Council budget implication and criteria for allocating vouchers. Use the MRF app to allocate vouchers following bin audits.
		Assess impacts of CDS operations and agreements	Ongoing
		Identify new markets for recycled materials	Ongoing
		Continue to investigate options for the diversion of waste from landfill.	Ongoing
		Improve efficiency and pollution mitigation	Provide training for landfill operations and MRF pollution mitigation.
	E4.3 g Investigate options for recycling and resource recovery	Develop variety of accepted products by embracing opportunities to process problem waste	Ongoing
		Develop innovative methods to process recycling and problem waste	Ongoing

The following amendments have been made to earlier versions of the draft Strategy presented to a number of Council Information Meetings in 2023.

#### Section 4.1:

Recycling for main street businesses; more info on the commercial service; and the potential to improve / expand it:

*Commercial Recycling services are currently supplied within Cowra LGA with most large businesses delivering recycling directly to the MRF. Cowra Council currently has contracts in place with Orora Packaging Australia Pty Ltd, Cleanaway Waste Management Limited and Visy to pick up and bale cardboard from Woolworths, Coles and Bunnings. There is opportunity to expand the commercial kerbside recycling service by providing a commercial recycling skip service.*

#### Section 4.4:

What is the take up rate of our MRF app; how do we encourage greater take up

*The Cowra MRF app has had 319 downloads to end of September 2023 with an ongoing average of 2 downloads per week. It is anticipated that the introduction of a kerbside bulky pickup and waste vouchers both facilitated by the Cowra MRF app will increase its utilisation.*

#### Section 6.1

Village services further investigation / more detail required

*Although the villages of Darby's Falls, Gooloogong, Noonbinna, Wattamondara, Woodstock and Wyangala have kerbside waste and recycling services, Council acknowledges the requirement to increase opportunities for recycling and waste disposal in the non-serviced village and rural areas.*

*(1-2 years)*

- *Work with villages to identify best ways to increase community engagement in recycling.*
- *Review usage and viability of village transfer stations.*
- *Review waste and recycling options for non-serviced village and rural areas to identify areas to expand*

#### Section 6.3 Recycling

*The existing recycling line requires 5 staff to hand pick aluminium, plastics and cardboard from the material on a conveyor system before entering a trommel. Staff cannot carry out this process when high risk contaminants, usually sharps and / human waste, is identified. In cases where a truck's load of co-mingled recycling is heavily or dangerously contaminated, the whole load may be diverted to landfill. Table 2 weighbridge data provides an analysis of the contamination rate of the recycled material collected in the recycling bin and sorted at the MRF.*

*(Including addition of Table 2)*

#### Section 6.6 (new section)

##### *Problem Waste and Opportunities*

*NSW Waste and Sustainable Materials Strategy 2041 reinforces the need for a circular economy aimed at minimising waste and promoting the continual reuse of resources. Focusing on finding solutions to problem waste and creating recycling opportunities is fundamental to build a strong foundation for supporting a circular waste economy.*

*Two problem waste initiatives have been implemented in 2023 being the Foam Muncher polystyrene recycling and the Pharmacycycle blister pack recycling programs. Council has worked with third party providers to make recycling of these products available at Cowra MRF with initial results indicating savings in landfill costs from diverting these products away from landfill.*

*Current target problem waste areas in the Cowra landfill have been identified as follows*

- *Agricultural plastic waste including silage plastic, rural pipe, polyethylene film and tarps as these items are usually contaminated with soil and chemical.*
- *Soft plastics as current industry demand is low. Council will continue to liaise with soft plastic recyclers for example 'Recycle Smart' and 'Curby it'.*
- *Textiles and clothing.*
- *Medical waste. At larger centres plastic hospital waste is being recycled by All Mould Plastics (Orange).*

Section 8.2 Focus areas and priorities

*Table 8.2 updated to link to Cowra Council Delivery Program.*

## **BUDGETARY IMPLICATIONS**

Nil

## **ATTACHMENTS**

- I. Draft Waste Strategy [↓](#)





# Cowra Waste and Resource Recovery Strategy 2023 - 2032

Executive summary

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### Executive Summary

Cowra Council is spread over a land area of 2,810 square kilometres, and is home to approximately 12,700 people. The township of Cowra is located in the banks of the Lachlan River approximately 50km downstream of Wyangala Dam. Rural villages and localities within the Cowra Local Government Area (LGA) include Billimari, Darbys Falls, Gooloogong, Morongla, Wattamondara, Woodstock, and Wyangala. Cowra's 5 dominant main industry sectors are agriculture, health care and social assistance, retail trade, education and accommodation and food services. The large LGA area and prevalence of agriculture businesses and residents means that the Cowra LGA population density is low and widespread across the shire. This results in significant waste management challenges impacting on residential and commercial services. Council provides all households in the Cowra township with weekly rubbish (red-lid) bin and fortnightly household recycling (yellow-lid) collection services. This collection service is available at the villages of Billimari, Darbys Falls, Gooloogong, Morongla, Wattamondara, Woodstock, and Wyangala however does not service all areas of each village.

The Cowra Materials Recycling Facility (MRF) is Cowra's central waste recycling facility and only active landfill. Council also operates transfer facilities at the villages of Gooloogong and Woodstock. All of Cowra LGA's waste is currently transferred to the Cowra MRF for recycling or landfill. The MRF provides drop off for various recyclable materials, landfill drop off, a Community Recycling Centre for household problem waste and various other recycling options.

The Cowra MRF operates two recycling lines. One recycling line is used for processing kerbside and drop off recycling. The other line is used for processing Container Deposit Scheme material. Cowra is currently contracted to Cleanaway Pty Ltd through a processing agreement to process CDS material from Wellington, Cowra, Dubbo, Orange, Parkes, Forbes, Blayney, Lithgow, Mudgee, Gulgong, Bathurst and Young.

Council currently achieves 10% kerbside recycling diversion rate from landfill and has an average 48% kerbside recycling contamination rate. This indicates there is substantial work to be done, particularly in the context of the NSW Waste and Sustainable Materials Strategy 2041.

The NSW Waste and Sustainable Materials Strategy 2041 sets out key waste targets to work towards NSW transitioning to a circular economy over the next 20 years. This includes minimising what we throw away and using and reusing our resources efficiently, making them as productive as possible. We will end up with less waste, less emissions, less harm to our environment and more jobs.

The Cowra Waste and Resource Recovery Strategy 2023 to 2032 (CW&RRS) has been developed by review of the NSW Waste and Sustainable Materials Strategy 2041, analysis of the legislative requirements, analysis of overall waste management data and current waste collection and processing services; including

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household bin composition as identified through waste audits. In addition, the CW&RRS has been informed through substantial research and analysis of available alternative waste treatment technologies, which can be used to increase landfill efficiency and diversion. This information combined with input from our community is reflected in the options being considered for future waste management.

**I. Introduction**

Cowra LGA is situated in the Central West region of NSW and is situated at the intersection of three major highways. It is home to the historic Cowra Prisoner of War camp, the site of the famous Cowra Breakout, and the Japanese Garden and Cultural Centre. Its setting along the Lachlan River lends itself to intensive agriculture both in livestock and cropping and in addition the central NSW location offers great opportunity for manufacturing and retail businesses. Cowra's diverse industries mean that there are many challenges in managing problem waste and likewise there are many opportunities for recycling of a wide range of products on a viable scale. Significant opportunities have been identified to deliver improved services and achieve greater resource recovery based on research and best practice, these are outlined in this Cowra Waste and Resource Recovery Strategy 2023 to 2032 (CW&RRS). The CW&RRS provides a comprehensive long-term plan and roadmap to reduce waste generation, increase resource recovery and boost landfill diversion and efficiency in a cost-effective manner by 2032. The requirements of the NSW Waste and Sustainable Materials Strategy 2041 along with other relevant legislation, regulations and Council plans guide the CW&RRS. This strategy sets out Council's vision for waste management, waste targets, priorities and a roadmap to achieve the targets.

## 2. Community profile

The Census usual resident population of Cowra Shire in 2021 was 12,724, living in 6,261 dwellings with an average household size of 2.27.



Total rated properties 13,140  
Total bin services 4,749

7,398 RESIDENTIAL  
PROPERTIES 4,185 WITH BIN  
SERVICE



5,541 RURAL PROPERTIES,  
563 WITH BIN SERVICE

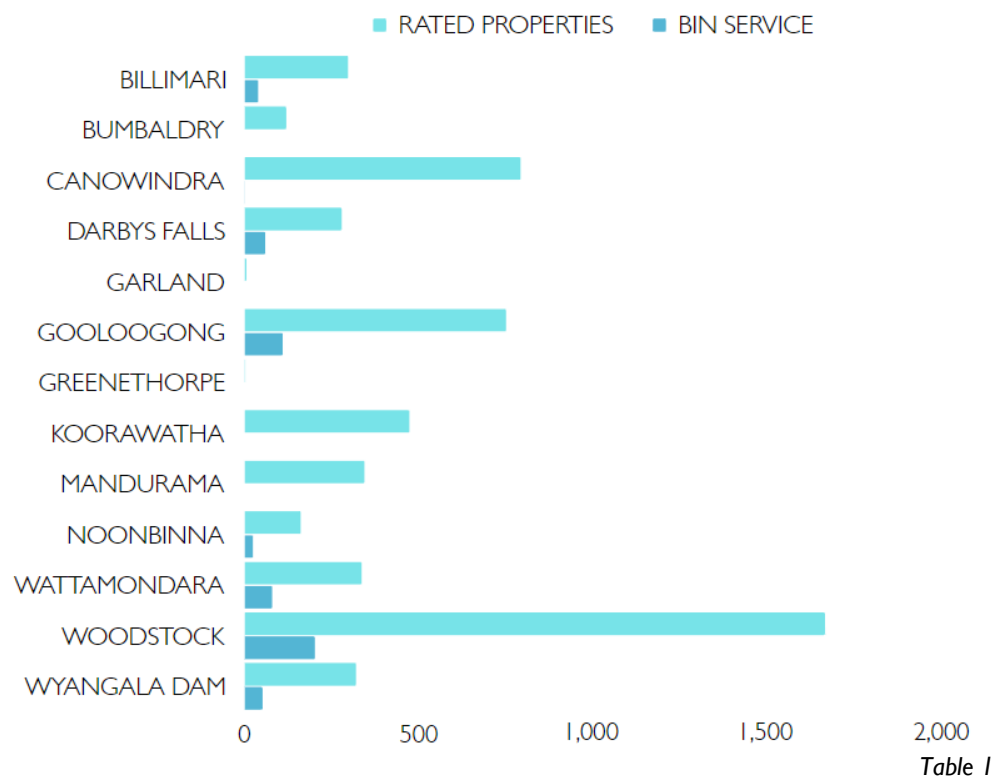


40 COMMERCIAL  
PROPERTIES WITH BIN  
SERVICE



**COWRA HAS 7398 RATED PROPERTIES WITH 4185 BIN SERVICES.**

### BIN SERVICES AT SURROUNDING VILLAGES AND LOCALITIES





### 3. Strategic and Regulatory Context

All councils in NSW use the Integrated Planning and Reporting (IP&R) framework to guide their planning and reporting activities. The IP&R framework recognises that most communities share similar aspirations: a safe, healthy and vibrant place to live, a sustainable environment, a caring and engaged community, opportunities for employment and reliable infrastructure. The IP&R framework allows NSW councils to draw their various plans together, to understand how they interact and inform each another, and to get the maximum benefit from their efforts by planning holistically for the future. While the IP&R framework is prescribed by the Local Government Act 1993, other Acts and state agencies require additional strategic planning from councils. The CW&RRS is developed in consideration of the below legislation, regulator and Council strategic and planning documents.

POEO Act 1997  The Protection of Environmental Operations Regulation 2005  Waste Avoidance and Resource Recovery (WARR) Act 2001  Waste Avoidance and Resource Recovery Amendment (Container Deposit Scheme) Act 2016 No 57	<b>FROM THE LEGISLATION</b>
The NSW Environmental Protection Authority (EPA).  The Cowra MRF is regulated by the EPA under EPA Licence 6435.  NSW Waste and Sustainable Materials Strategy 2041	<b>FROM THE REGULATOR</b>
Cowra Council Community Strategic Plan 2022 – 2036  Cowra Council Long Term Financial Plan 2022-2023 to 2031-2032	<b>FROM THE COUNCIL</b>

#### *NSW Waste Avoidance and Resource Recovery Act 2001*

The Waste and Resources Recovery Act 2001 forms the foundational approach of the CW&RRS, the objectives of which are as follows—

- (a) to encourage the most efficient use of resources and to reduce environmental harm in accordance with the principles of ecologically sustainable development,
- (b) to ensure resource management options are considered against a hierarchy in Figure 1.

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- (c) to provide for the continual reduction in waste generation,
- (d) to minimise the consumption of natural resources and the final disposal of waste by encouraging the avoidance of waste and the reuse and recycling of waste,
- (e) to ensure that industry shares with the community the responsibility for reducing and dealing with waste,
- (f) to ensure the efficient funding of waste and resource management planning, programs and service delivery,

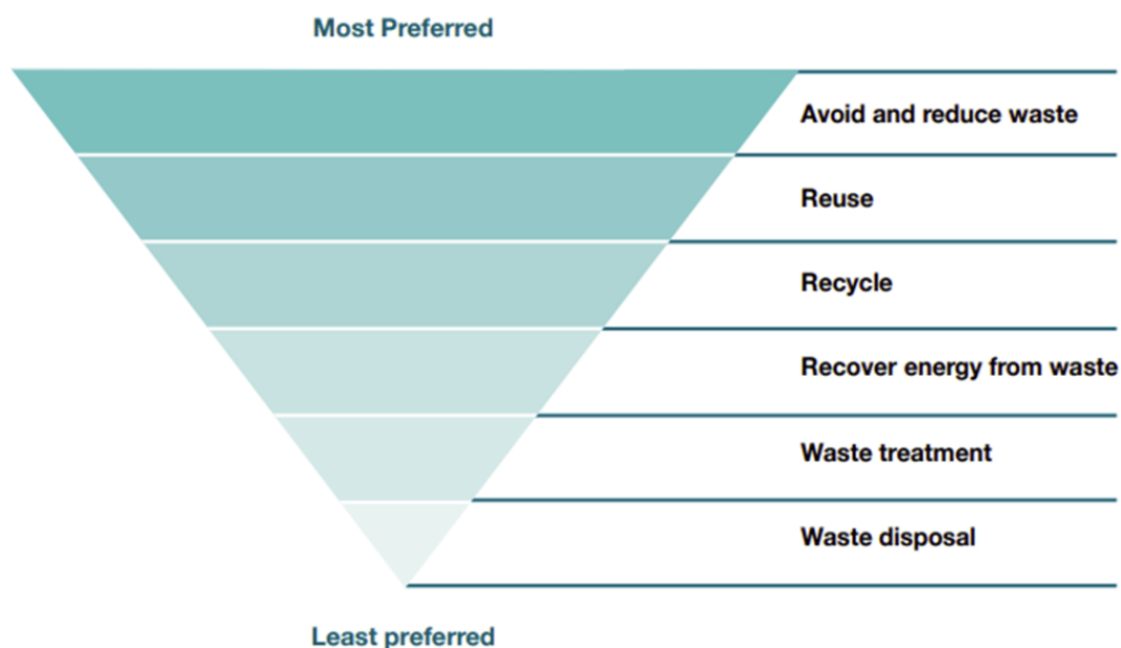


Figure 1

- (g) to achieve integrated waste and resource management planning, programs and service delivery on a State-wide basis,
- (h) to assist in the achievement of the objectives of the Protection of the Environment Operations Act 1997.

#### *NSW Waste and Sustainable Materials Strategy 2041*

The NSW Environmental Protection Authority requires all NSW Councils to work to the targets set out in the NSW Waste and Sustainable Materials Strategy 2041.

Stage 1: 2021 – 2027

- Transitioning to a Circular Economy

The circular economy is based on three key principles:

- design out waste and pollution
- keep products and materials in use
- regenerate natural systems



To help achieve the targets of halving food waste to landfill and achieving net zero emissions from organics in landfill by 2030, the NSW Waste and Sustainable Materials Strategy 2041 requires separate collection of

- food and garden organics from all NSW households by 2030.
- food waste from targeted businesses and other entities that generate the highest volumes of including large supermarkets and hospitality businesses, by 2025.

#### 5 YEAR TARGETS



Phase out problematic and unnecessary plastics by 2025

Plastic litter reduction target of 30% by 2025

#### 10 YEAR TARGETS



Reduce total waste generated by 10% per person by 2030

80% average recovery rate from all waste streams by 2030

Introduce a new overall litter reduction target of 60% by 2030

#### SUB-TARGETS - PLASTICS



Eliminate problematic and single use plastics by 2025

Triple the plastics recycling rate by 2030

#### SUB-TARGETS - ORGANICS



Halve the amount of organic waste sent to landfill by 2030

Net zero emissions from organics to landfill by 2030

Figure 2

In 2020, the NSW Government released the Net Zero Plan Stage 1: 2020–2030, which sets out how NSW will reduce emissions by 35% by 2030, reaching net zero emissions by 2050. In support of this plan, Council will work to identify opportunities to decrease landfill emissions during ongoing design and construction of the Cowra Landfill.

The NSW Waste and Sustainable Materials Strategy 2041 specifies that to minimise the impact of landfill gas emissions, the NSW Government will:

- require landfill gas capture for landfills over a certain size and all expanded or new landfills, with exemptions for certain circumstances
- require net zero emissions for landfills that are subject to an environment protection licence by a prescribed timeframe.

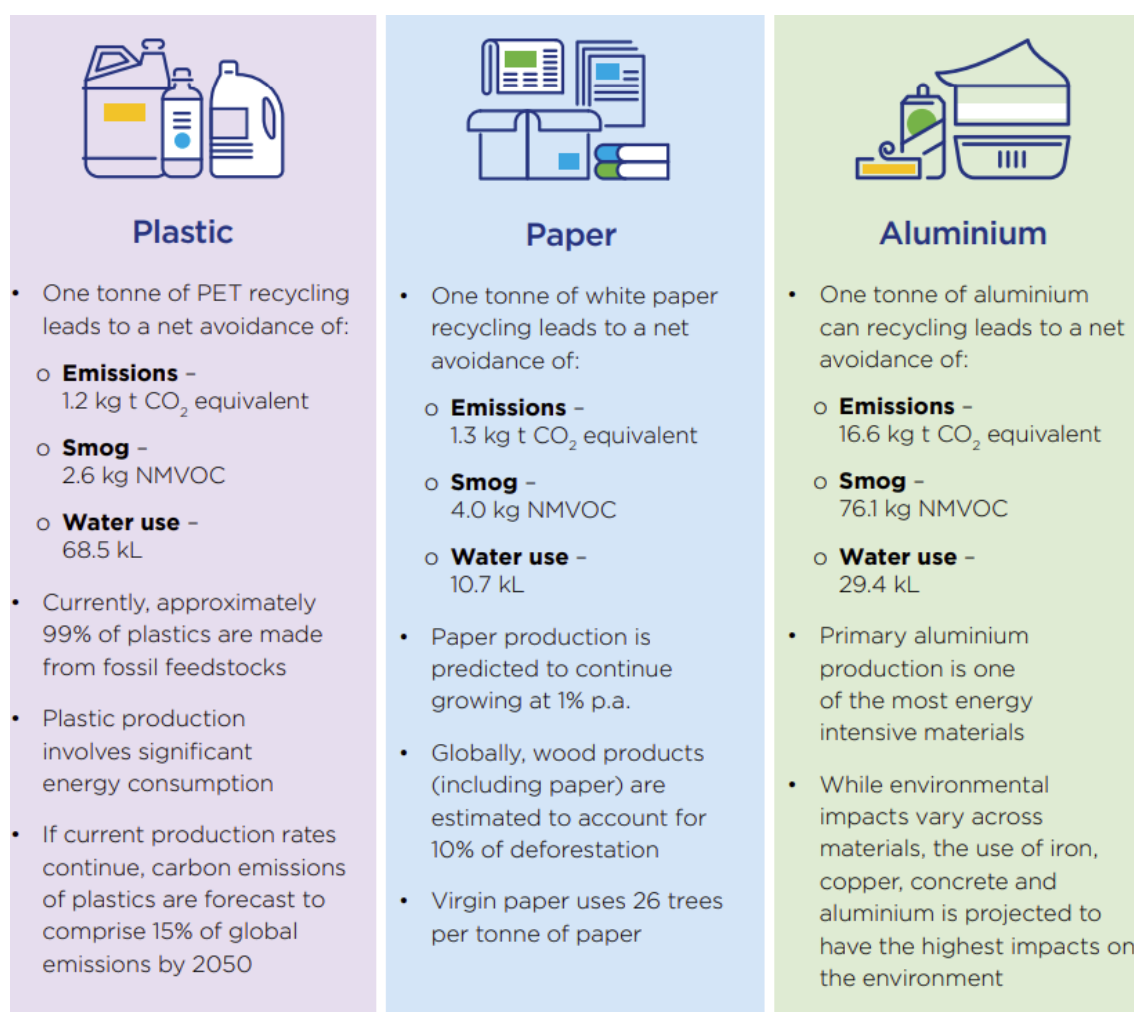


Figure 3

#### 4. Current waste management services

##### 4.1 Collection services

###### *Kerbside General Waste Pick-up*

As a component of Council's waste management charges, Council levies under Section 496 and 501 of the Local Government Act, respectively a domestic and commercial waste service charge for a weekly pickup service for a 240L general waste bin. The charge is applicable for all serviced properties within the township of Cowra and the villages of Darbys Falls, Wyangala, Woodstock, Wattamondara, Gooloogong, Noonbinna, Billimari and Morongla.

The waste service charge is derived from the cost of waste disposal to landfill and the bin pick up service.

Council operates two trucks that average pickup of 180 bins per hour.

The charge is based on a maximum weekly disposal of 50kg.

Currently accepted in Cowra Council's Kerbside General Waste:

##### **Acceptable items:**

- ✓ Clothing and textiles
- ✓ Crockery and ceramics
- ✓ Disposable nappies
- ✓ Drinking glasses
- ✓ Foam
- ✓ Food scraps
- ✓ Garden waste
- ✓ Light bulbs
- ✓ Mirrors and broken window glass
- ✓ Heat-proof dishes e.g. Pyrex
- ✓ Plastic bags, plastic wrap and bubble wrap
- ✓ Plastic food wrappers
- ✓ Polystyrene (expanded e.g. foam)

##### **Unacceptable items**

- ✗ Building materials
- ✗ Hot Ash
- ✗ Car batteries
- ✗ Gas bottles
- ✗ Hazardous waste or chemicals
- ✗ Oil, used engine oil
- ✗ Paint
- ✗ Recyclable items
- ✗ Rocks and soil

###### *Residential Kerbside Recycling*

As a component of Council's waste management charges, Council levies under Section 496 of the Local Government Act, a recycling charge for a fortnightly pickup service for a 240L recycling bin. The charge is applicable for all serviced properties within the township of Cowra and the villages of Darbys Falls, Wyangala, Woodstock, Wattamondara, Gooloogong, Noonbinna, Billimari and Morongla.





































*Commercial Kerbside Recycling*

Council levies under Section 501 of the 1993 Local Government Act, a Commercial Recycling Management Charge for a weekly pickup service for a 240L recycling bin to any Cowra commercial businesses. Subsequent and additional recycling bins are available. 40 Commercial Recycling services are currently supplied within Cowra LGA with most large businesses delivering recycling directly to the MRF. Cowra Council currently has contracts in place with Orora Packaging Australia Pty Ltd, Cleanaway Waste Management Limited and Visy to pick up and bale cardboard from Woolworths, Coles and Bunnings. There is opportunity to expand the commercial kerbside recycling service by providing a commercial recycling skip service.

*Kerbside Pick-up Locations*

Kerbside collection charges are applicable to all serviced properties within the township of Cowra and the villages of Darby's Falls, Wyangala, Woodstock, Wattamondara, Gooloogong, Noonbinna, Billimari and Morongla as defined by the maps in Figures 4 and 5. The domestic waste service is available upon request and by agreement, to a limited number of properties situated on the main access roads between Cowra Township and the above villages

**Currently accepted in Cowra Council's Kerbside Recycling**

	Aerosol cans (empty)		Margarine tubs
	Aluminium cans		Milk bottles and cartons
	Aluminium foil and plates		Motor oil containers (empty)
	Books including phone books		Newspapers
	Bottles and jars		Office paper
	Catalogues		Oil containers (empty)
	Cardboard and paperboard		Pet food tins (empty)
	Cereal boxes		Phone books
	Coffee cans		Pizza boxes (empty)
	Computer paper		Plastic bottles, tubs and jars
	Cosmetic jars (clean)		Shampoo and conditioner bottles
	Drink cans and bottles		Steel cans
	Envelopes (including window faced)		Take away containers (hard plastic)
	Food cans		Toilet roll inners
	Greeting cards		Wine and beer bottles
	Ice cream containers		Wrapping paper
	Juice containers		Yoghurt containers
	Junk mail		
	Magazines		

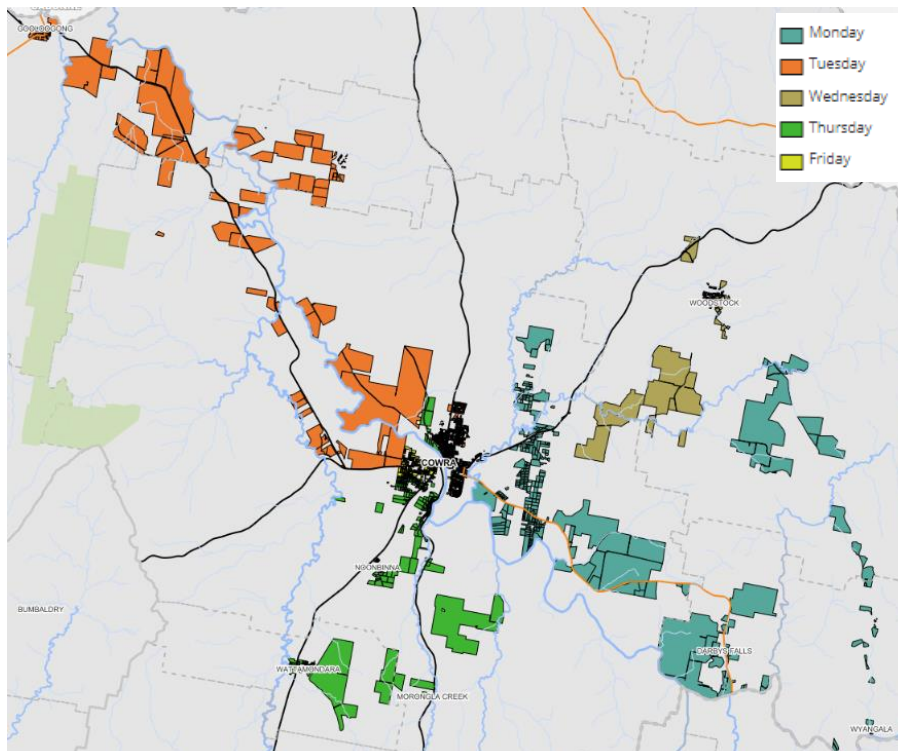


Figure 4

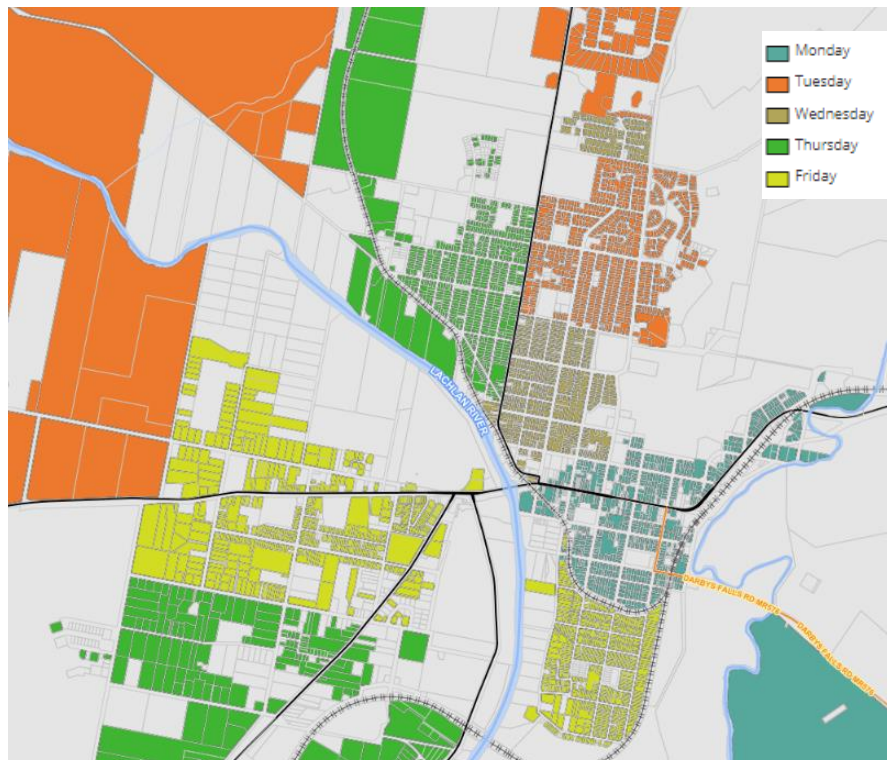


Figure 5

*Village and non-services areas*

Council operates waste transfer stations at Woodstock and Gooloogong open fortnightly. The transfer stations offer an opportunity for village residents to dispose of all waste streams locally. Village and rural residents not located on a serviced route are able to take their recycling and waste to the Cowra MRF or to either of the waste transfer stations and are subject to the Cowra MRF standard pricelist.

Current average usage of the village transfer stations are 4 to 6 attendees at Gooloogong transfer station and up to 30 attendees at Woodstock transfer station.

Figures 4 and 5 show the current collection areas.



## 4.2 Glen Logan Landfill

**Existing Cowra Landfill at a glance**

Cowra Landfill Documentation

- Landfill Environmental Management Plan 1997
- Development Application 14987 (1997) Materials Recycling Facility, Dog Pound and Office
- Landfill Environmental Management Plan 2014
- Long Term Plan of Management 2022
- Operations Improvement Plan 2022

4.75ha existing landfill footprint

**Current  
active  
cell**

**CELL 5 -  
Bentonite  
(Benofix) Liner**

**CELL 4 -  
Bentonite  
(Benofix) Liner**

**CELL 3 -  
Bentonite  
(Benofix) Liner**

Located at the 42ha MRF site described as Lot  
1 DP733574

**CELL 2 -  
HDPE Liner**

Served by 1 leachate pond with bidirectional  
piping to / from the landfill.

**CELL 1 -  
Compacted Clay  
Liner**

**First operational year  
2000**



16



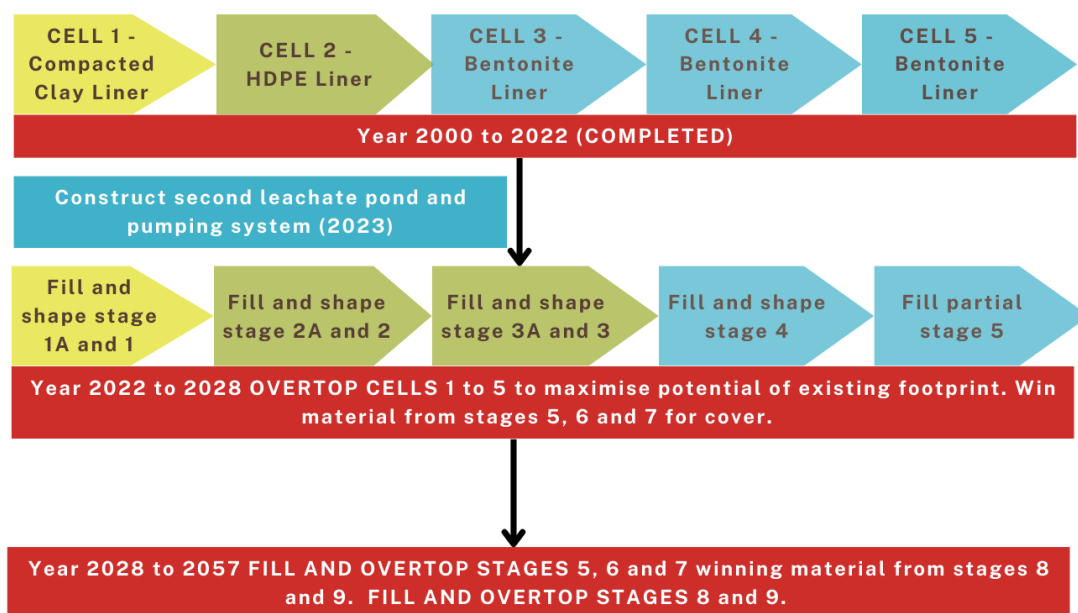
### Future Landfill staged design

Design life to 2057

Anticipated annual disposal to landfill 10,000 tonnes / year.

The future landfill staged design aims

- To maximise the residual life of the landfill
- To adopt filling plans that will progressively develop a final landform that will have a post settlement gradient of a minimum 5%
- To identify improvements to existing practices that will translate into cost efficiencies and deliver better performance.
- To develop plans for the coordinated development of the facility over the longer term.
- To engage practices that will ensure responsible environmental performance is achieved.
- To comply with the requirements of the EPA Environmental Guidelines: Solid Waste Landfills (2nd edition 2016) together with other relevant legislation, regulations and codes where applicable.
- To address risk.



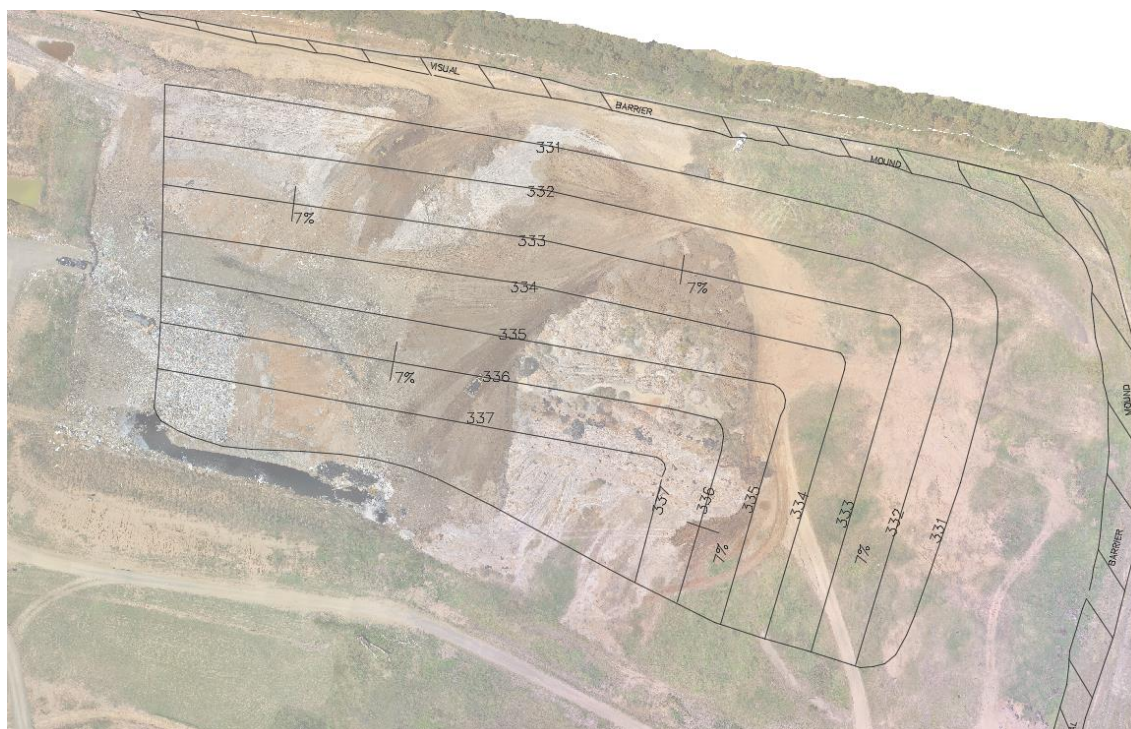


Figure 6 Year 2022 to 2028 OVERTOP CELLS 1 to 5

#### Landfill materials

The existing Cowra Landfill is a continuous and complete lined cell and can therefore accept the following waste types.

- Fill (Inert or contaminated)
- Residential Waste
- Mattresses
- Commercial and demolition waste
- Asbestos and asbestos containing material appropriately wrapped. The Cowra MRF intends to create an asbestos location register to track incoming asbestos material and its point of origin.
- Animal carcasses
- Other materials by application and prior approval.

#### Landfill charge based on ongoing construction and maintenance cost

The per tonne waste disposal cost for landfill material is estimated as \$200/tonne. This cost estimate is based on the construction and maintenance costs for disposal to landfill of 10,000 tonnes / year, which can be derived from the following expenses;

- Tana landfill compactor \$233,400/year
- Earthworks to win cover and batter material for forming of soil batters and drainage. \$267,060/year
- Construction of additional leachate dam. (\$10,000 /year)
- Design and construction modelling updates. \$5,000/year
- EPA compliance reporting \$3,000/year
- Pollution minimisation measures. \$95,000 / year
- Materials for drainage and cell liners for new cells. \$25,000/year
- Wages for weighbridge, MRF attendants, admin \$868,400
- 30% Contingency

#### 4.3 Recycling

##### *Community Recycling Centre (CRC)*

Cowra MRF is home to the Cowra Community Recycling Centre (CRC). CRC's are permanent drop-off centres for common household problem wastes that can't be collected via council kerbside waste and recycling collection services. NSW householders can drop off household quantities (up to 20kg) of problem wastes at these centres year round, free of charge. The Cowra CRC is endorsed and setup by NetWaste. Council endeavors to continue promoting and increasing uptake of the Cowra CRC in line with the EPA and NetWaste initiative.

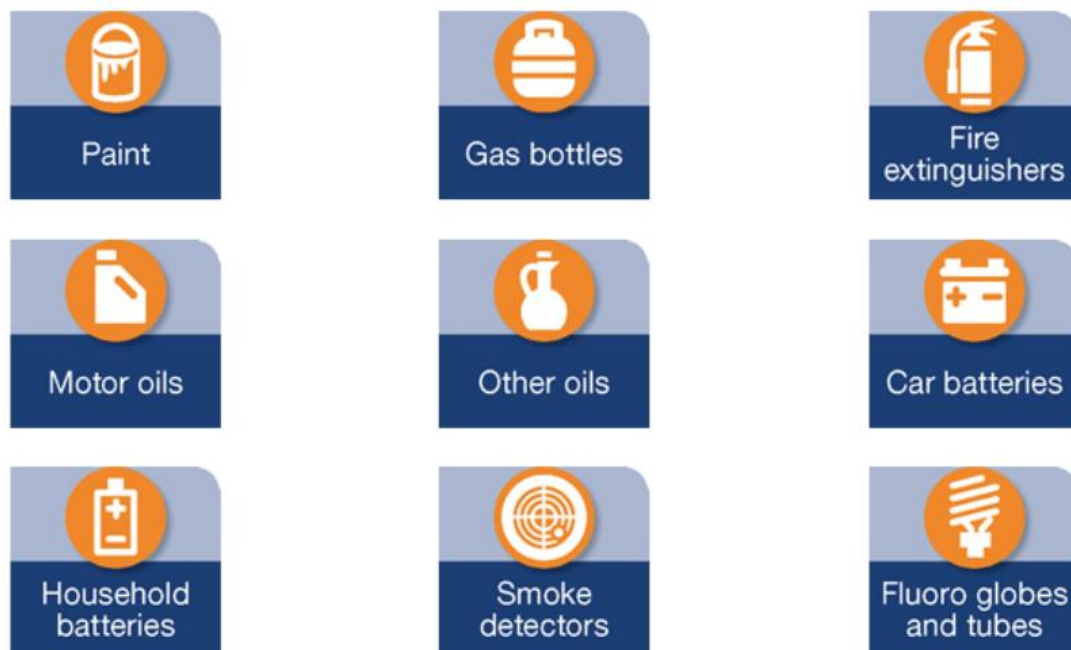


Figure 7 Currently accepted in the Cowra Community Recycling Centre

*DrumMUSTER*

DrumMUSTER provides an easy, environmentally-friendly way of disposing of empty farming chemical containers and is held monthly at the Cowra MRF. Council will continue to partake in drumMuster training for the safe handling, cleanliness, inspection and storage of the returned drums. Training also covers the reporting required to track the program's performance at each site.

*Steel*

Steel can be dropped off free of charge at Cowra MRF and continues to be a profitable material with high market demand.

#### 4.4 Community engagement

Community education is key to meeting the goals of this strategy. In partnership with key stakeholders, the EPA has developed a NSW Waste Less, Recycle More Education Strategy 2016–21 called Changing Behaviour Together. Changing Behaviour Together provides a framework for us to change community behaviour through targeted education and Council is on board with utilising this framework to implement education initiatives that engage the broader community.

In line with the Changing Behaviour Together strategy Council's vision is to optimise the use of quality waste education with the intention to

- increase recycling knowledge and skills.
- build positive attitudes towards recycling and litter reduction.
- promote positive behaviour change so the community can improve the environment and wellbeing.

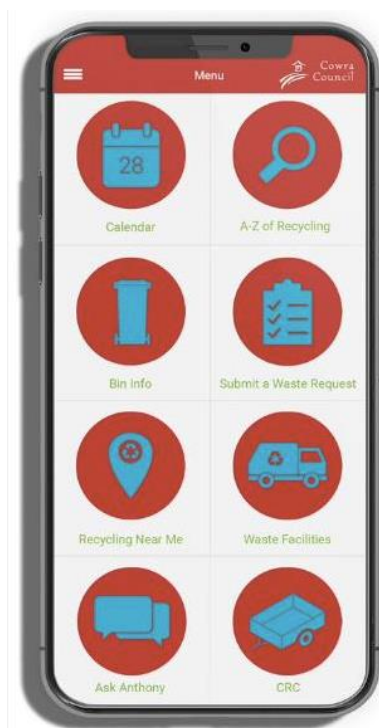
*The Cowra MRF App*

The Cowra MRF app was launched in November 2022 and is the communities guide to what is reusable, recyclable and what is considered to be waste. All it takes is making sure everyday items end up in the right place and this app helps people to be aware of that.

The Cowra MRF app has had 319 downloads to end of September 2023 with an ongoing average of 2 downloads per week. It is anticipated that the introduction of a kerbside bulky pickup and waste vouchers both facilitated by the Cowra MRF app will increase its utilisation.

The Cowra MRF app includes

- Recycling and waste pickup calendars personalised to resident and business addresses
- An A – Z list of everyday items and how they can be recycled.
- Bin info lists of what can and can't be put in bins
- Information on recycling and waste facilities within the Cowra LGA
- Fillable forms for illegal dumping, damaged or stolen bins and missed service.
- News, alerts and general enquiry



#### *NetWaste Membership*

Cowra Council is an active member of NetWaste. NetWaste is a voluntary regional waste group covering almost 40% of the state, to provide collaborative approaches to waste and resource management. Cowra Council actively participates in regional meetings to collaborate, share ideas, and discuss and develop waste initiatives. Cowra Council considers the NetWaste group to be a fantastic resource for networking and developing Council's waste strategies in line with industry standards and the latest ideas and technology in the waste industry. NetWaste is funded primarily through the NSW Environment Protection Authority (EPA) and delivers outcomes beyond regional service arrangements, through targeted waste management projects, education and community engagement programs.

Through NetWaste, a number of regional contracts have been established with member Councils, which allows remote areas of the NetWaste region to access services previously not offered due to economic or geographic constraints. These contracts typically provide significant financial benefit to participating Councils. As a member Council of NetWaste, Cowra Council is not obliged to use any existing regional contracts. Current regional contracts that may be utilized by

Cowra Council include;

- Processing of Garden Organics and Wood and Timber Contract
- Collection of Scrap Metal
- Collection of Used Motor Oil





*Working with school aged children*

- The Recycled Art for Cowra Award (RAFCA) is an initiative of the Cowra Tidy Towns Committee. The Tidy Towns Committee is a section 355 committee of Council. RAFCA is about creating art from recycled materials. There is a different theme for the competition every year, with awards presented in a range of categories. The Tidy Towns committee are examining options to better promote RAFCA and increase involvement in the competition. The NetWaste group run a regional Waste2Art competition and provide resources for recycling education programs. Utilisation of the NetWaste education resources and involvement in the regional competition may be an effective way to grow involvement in RAFCA.
- Recycled Art School Holiday workshops are run during the July school holidays with an art teacher engaged to guide students through the process of reuse of recycled materials in art.
- The first Garbage truck artwork Competition was launched in 2022 with primary school students creating artworks that promote waste avoidance and recycling. The winning artworks will be printed as decals to be put on Council's recycling / garbage trucks.



## 5 Current kerbside waste profile

2022 Bin audit average breakdown for 240L Recycling Bin and 240L General Waste Bin



2022 Bin audit average breakdown for 240L Recycling Bin and 120L General Waste Bin



## 6 Waste Management Challenges and Opportunities

### 6.1 Collection

Council has identified significant recycling contamination rates amongst households with 120L general waste bins. This occurs when 120L general waste bins fill up and general waste is then placed in the kerbside recycling bin.

The bin purchase price to Council and the pickup cost of the 120L bins is equivalent to the 240L bins. In addition to this, the average weekly disposal weight in the 120L bins is only marginally less than the average disposal weights in the 240L bins.

- Engage bin auditor to provide information on the make up of the Cowra waste streams and estimate potential FOGO diversion quantities
- Investigate options for red bin sizing, collection frequency and cost of service.

Although the villages of Darby's Falls, Gooloogong, Noonbinna, Wattamondara, Woodstock and Wyangala have kerbside waste and recycling services, Council acknowledges the requirement to increase opportunities for recycling and waste disposal in the non-serviced village and rural areas.

- Work with villages to identify best ways to increase community engagement in recycling.
- Review usage and viability of village transfer stations.
- Review waste and recycling options for non-serviced village and rural areas to identify areas to expand kerbside pickup or implement alternate solution.

### 6.2 Glen Logan Landfill

Leachate poses the greatest risk of a pollution event in the operation of Glen Logan landfill. Landfill operators should make every effort to minimise the generation of leachate. Although the Glen Logan landfill is lined and has a leachate management system in place, there are measures that should be adopted to minimise the production of leachate. These measures include keeping the active tipping area to a minimum size, directing surface water away from the active tipping area and covering waste regularly

For the past two years or so, Council has accepted wet waste from the de-sludging of off-site tannery dams and placed this waste over the capped sections of part cells 3 and cell 4. This tannery sludge has an extremely high salt concentration and contains fatty wastes which shows up as a TDS of around 42,000 ppm in the leachate dam when sampled and tested. With the tannery dam sludge having been placed on top of the capped cells, the capping represents a barrier to any leachate from the tannery wastes reaching the leachate collector drains below and any movement of leachate during a rain event will likely migrate laterally. There is no documentary evidence to show how far the liners extend up the faces of the



excavated cells. There is the potential for the leachate to therefore pass above the liner and seep into the water table or shed with surface water into the surrounding environment To compound the issue, part cell 3 and cell 4 shape down gradient to the active tipping cell 5. This is a significant catchment and with every rain event, leachate accumulates within cell 5. The collected leachate is pumped to the evaporation leachate pond which was at capacity at the time of inspection for preparation of this Plan. There is a risk that the leachate evaporation pond will overflow. The LTPoM will see the overtopping of cells 1 to 5, commencing at cell 1, however preventing leachate run off into cell 5 from cells 3 and 4.

### 6.3 Recycling Contamination

The existing recycling line requires 5 staff to hand pick aluminium, plastics and cardboard from the material on a conveyor system before entering a trommel. Staff cannot carry out this process when high risk contaminants, usually sharps and / human waste, is identified. In cases where a truck's load of co-mingled recycling is heavily or dangerously contaminated, the whole load may be diverted to landfill. Table 2 weighbridge data provides an analysis of the contamination rate of the recycled material collected in the recycling bin and sorted at the MRF.

	Inbound kerbside received for sorting (T)	Contamination in kerbside sorted material (T)	Contamination Rate	Kerbside Recycles Products Tonnages Out (T)
2017	1,206	No data		990
2018	1,115	345	31%	55
2019	1,127	415	37%	435
2020	1,218	434	36%	742
2021	1,185	592	50%	557
2022	988	623	63%	138
2023	648	278	43%	318
<b>Totals</b>	<b>7,487</b>	<b>1927</b>	<b>Average Contamination rate 43%</b>	<b>3,235</b>
		Average 481T p.a. sorted to landfill excl. 2023		Average 365T p.a. of recycled product sold (excl. 2023 and 2017 prior to Container Deposit Scheme)

Table 2

The following initiatives will be implemented to decrease diversion of kerbside recycling to landfill

- Promote recycling education as outlined in section 4.4 of this strategy.
- Introduction of a waste voucher system allocated to residents observed to have zero contamination in kerbside recycling.
- Assess the potential impacts of CDS on viability of processing kerbside recycling
- Identify new markets for current waste material to increase opportunities for recycling. For example, recycling of styrofoam and soft plastics.
- Upgrade processing plant to eliminate requirement for staff to directly sort incoming material.

#### 6.4 Bulky Waste Pickup

Bulky waste is the big stuff - items that are too big, too heavy or too bulky to be put in your household bins. Council often receives requests for bulky waste pickup services. Additionally, the provision of a bulky waste pickup service has long been an agenda item for the section 355 Tidy Towns Committee. Many Councils already have a bulky waste pickup service in place with a large variety of ways in which they are operated. Key considerations in developing a bulky waste pickup service include

- Logistics and safety of pickup including heavy lifting by staff, or requirement to provide loading machinery and large trucks.
- Cost for disposal of high cost waste products for example tyres and mattresses.
- Customer communication and timing of the pickup for example bulky waste may be left on kerbside under incorrect assumption that it will be picked up.
- Hazardous or dangerous waste left on kerbside for example material that may obstruct traffic or members of public ransacking waste on kerbsides.

The following is proposed based on review of Councils with existing bulky waste pickup services.

- Council to provide 2 bulky goods collection days per year for each resident. Bulky pickups to be scheduled by booking through the MRF app.

## 6.5 Implementation of green waste and FOGO

The NSW Waste and Sustainable Materials Strategy 2041 requires the separate collection of

- food and garden organics from all NSW households by 2030.
- food waste from targeted businesses and other entities that generate the highest volumes of including large supermarkets and hospitality businesses, by 2025.

In support of this requirement there is growing demand within the community for a kerbside green waste service with Council receiving 5 requests in 2022 including a petition of 76 signatures.

Option	Opportunities	Considerations
1.Contract full green waste and FOGO service. Indicative cost is \$3/bin/ week based on all three services contracted i.e general, recycling and greenwaste/FOGO.	-Eliminate requirement to change existing EPL6435. -No requirement for infrastructure upgrades to process waste. -No requirement for availability of compactor trucks. -Option to contract general waste and recycling pickup to reduce per bin per week cost.	-Are kerbside charges to cover cost reasonable. -Missed opportunities for recycling greenwaste and or FOGO material into a saleable product.
2.Council operated green waste and FOGO service with transfer to licenced facility. Current FOGO gate indicative fee is \$145 per ton.	-Utilise existing compactor trucks. -Reduced cost of contracted service. -Eliminate risk of processing FOGO at Council facility.	-Cost from total annual volumes needs to be reflected in service rate. -Missed opportunities for recycling greenwaste and or FOGO material into a saleable product.
3.Collection and processing of both green waste and FOGO using fully enclosed in-vessel organics processing	-Minimal pollution risk from windblown waste, animals and odour. -Controlled process providing option for compost resale.	-Capital cost of infrastructure. -Impact of contaminated material on processing. -Technology not currently proven to be viable.
4.Collection and processing of both green waste and FOGO by windrow composting techniques.	-Lower capital infrastructure cost as equipment in comparison to option 3. - Option for compost resale. -Windrow processing technique is common and low cost.	-Requirement of large amount of space to stockpile and process. -Significant pollution risk and leachate management challenges.



Table 3

Council is committed to the provision of a green waste service and is examining the following options to implement recycling of green waste and FOGO within the 2030 timeframe.

In accordance with the NSW Waste and Sustainable Materials Strategy 2041

- Engage bin auditor to provide information on the make up of the Cowra waste streams and estimate potential FOGO diversion quantities
- Green Waste / FOGO bins for all commercial businesses and other entities that generate the highest volumes of FOGO including large supermarkets and hospitality businesses.
- Investigate options for FOGO treatment at the MRF.
- Investigate options for contract collection and treatment at other sites.
- Investigate options for general, recycling and FOGO bin sizes and collection frequency.
- Provide FOGO bins for all serviced properties.

## 6.6 Problem Waste and Opportunities

NSW Waste and Sustainable Materials Strategy 2041 reinforces the need for a circular economy aimed at minimising waste and promoting the continual reuse of resources. Focusing on finding solutions to problem waste and creating recycling opportunities is fundamental to build a strong foundation for supporting a circular waste economy.

Two problem waste initiatives have been implemented in 2023 being the Foam Muncher polystyrene recycling and the Pharmacycycle blister pack recycling programs. Council has worked with third party providers to make recycling of these products available at Cowra MRF with initial results indicating savings in landfill costs from diverting these products away from landfill.

Current target problem waste areas in the Cowra landfill have been identified as follows

- Agricultural plastic waste including silage plastic, rural pipe, polyethylene film and tarps as these items are usually contaminated with soil and chemical.
- Soft plastics as current industry demand is low. Council will continue to liaise with soft plastic recyclers for example 'Recycle Smart' and 'Curby it'.
- Textiles and clothing.
- Medical waste. At larger centres plastic hospital waste is being recycled by All Mould Plastics (Orange).



7. The Objectives of the Strategy 2023-2032

The objectives of the Cowra Waste and Resource Recovery Strategy (CW&RRS) are to

- Align with the Cowra Council Community Strategic Plan 2022 – 2036 and the Cowra Council Long Term Financial Plan 2022 – 2023 to 2031 – 2032.
- Cover a ten year period from 2023 to 2032.
- Be consistent with and promote the NSW Waste and Sustainable Materials Strategy 2041.
- Focus on delivery of cost effective, accessible and sustainable waste initiatives.
- Establish a trajectory of improvement in waste minimisation and recycling.
- Ensure the longevity of Councils waste management facilities and associated services.

## 8. Targets and focus areas

### 8.1 Targets

Context within Council's Strategic Framework

The CW&RRS forms a 10 year framework to target waste and recycling initiatives. Council's strategic plans are used to inform Council's 4 Year Delivery Program and 1 Year Operational Plan and the proposed targets of the CW&RRS will be reviewed annually with respect to the Delivery Program and Operational Plan .

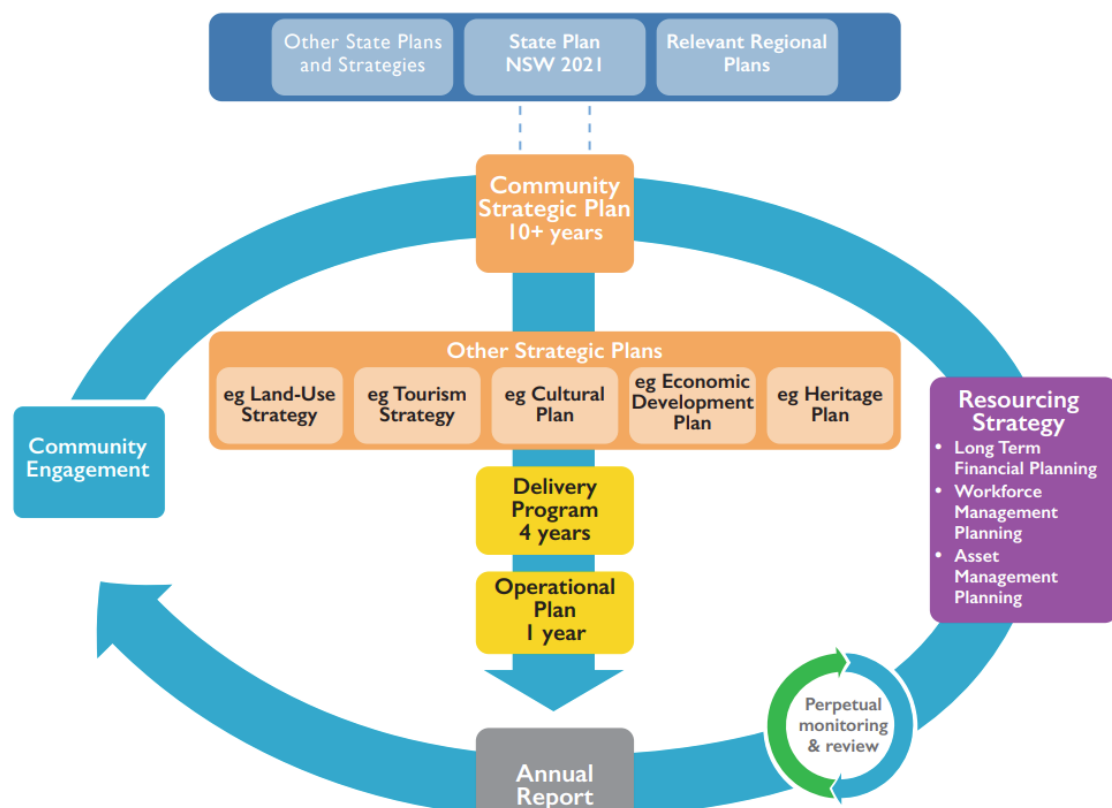


Figure 8 Extract from - Cowra Council Community Strategic Plan 2022 – 2036



Environmental Sustainability & Stewardship (Strategic Theme7)					
COMMUNITY STRATEGIC PLAN 2022 - 2036	4 YEAR DELIVERY PROGRAM 2022-2023 TO 2025-2026	1 YEAR OPERATIONAL PLAN 2022-2023			
Strategic Direction	Program	Link	Action	Performance Measures	Responsibility
E1. Aim to position Cowra Shire as a center 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 of Infrastructure & Operations
	E4.1 Develop a Waste Management Strategy to meet the objectives of the NSW Waste and Sustainable Materials Strategy 2041.	E4.1.a	Undertake consultation and investigation to develop a Waste Management Strategy	Strategy adopted by Council	Director of Infrastructure & Operations
E4. Show leadership by taking action and promoting practices to encourage Cowra Shire to be an environmentally responsible community.	E4.2 Implement Food Organic and Garden Organic (FOGO) in line with State government strategies	E4.2.a	Investigate requirements to implement FOGO system.	Investigations undertaken and reported to Council.	Director of Infrastructure & Operations
	E4.3 Work with the community to maximise recycling.	E4.3.a	Promote recycling education program.	Promotion and education initiatives undertaken.	Director of Infrastructure & Operations
		E4.3.b	Conduct annual Recycled Art for Cowra Awards	Event conducted with good community participation.	Director of Infrastructure & Operations
		E4.3.c	Support initiatives of the Tidy Towns committee within available resources.	Support provided where required, subject to available resources.	Director of Infrastructure & Operations
		E4.3.d	Participate in Garage Sale Trail	Event conducted with good participation from the community.	Director of Infrastructure & Operations
		E4.3.e	Consider options for and feasibility of bulk rubbish collection.	Investigations undertaken and report provided to Council.	Director of Infrastructure & Operations

Table 4 Extract from – Cowra Council Delivery Program 2022-2023 to 2025-2026 &amp; Operational Plan 2022-2023

## 8.2 Waste Strategy Action Plan

Delivery Program		Waste Strategy Actions	How	Timeframe
E1.1 Maximise opportunities for the Cowra Material Recycling facility to participate in the circular economy.	E1.1 a Continue partnership with Cleanaway	CDS tonnages maintained or increasing.	Contract in place.	Ongoing
	E1.1 b Develop a MRF Masterplan to ensure the MRF is strategically designed to allow expansion opportunities in the future	Implement revised design of landfill to improve landfill operation efficiency.	Provide a report to Council on the proposed amended landfill engineering design including: <ul style="list-style-type: none"> <li>landfill leachate management to reduce risk of environmental damage</li> <li>options for management of biogas</li> </ul>	2024
		Investigate biogas collection from landfill as part of revised design.	Engage a suitably experienced planning consultant to manage the amendments to the Development Consent and EPA licence.	2024
		Mitigate landfill leachate risk.	Obtain all regulatory approvals and landfill operating as per approved amended design.	2025
		Design and construct larger concrete on-ground storage area for unsorted CDS and yellow bin material.	Design and estimates currently underway. Design and required budget to be reported to Council.	2024
		Maintain and upgrade recycling and CDS sorting process plant to improve efficiency.	Identify annual costs of ongoing maintenance and repairs of existing recycling and CDS sorting lines. Redesign sorting lines to improve efficiency.	2024 2025
		Investigate dual weighbridge options.	The priority of this item is dependent on the potential implementation of the Regional Waste Levy.	2028

Delivery Program		Waste Strategy Actions	How	Timeframe
		Maintain and upgrade processing plant to improve efficiency		Ongoing
E4.1 Develop a Waste Management Strategy to meet the objectives of the “NSW EPA Waste and Sustainable Materials Strategy 2041”.	E4.1 b Review Waste collection services	Review usage and viability of village transfer stations	Keeping log of attendees, income and volumes.	Ongoing
		Review waste and recycling options for non-serviced areas within Cowra LGA.	Identify non-serviced populations and conduct surveys to determine waste and recycling disposal activities.	2026
	E4.1 c Clean town, villages and streetscapes	Improve waste disposal and recycling options in street scapes Deliver and promote village cleanliness	Increase options to dispose of recycling and problem waste e.g sharps in Cowra CBD and villages.	Ongoing
E4.2 Implement Food Organic and Garden Organics (FOGO) in line with State government strategies.	E4.2 a Investigate requirements to implement FOGO system	Green waste / FOGO bins for all commercial business and other entities that generate the highest volumes	Investigate options through: <ul style="list-style-type: none"> <li>Existing Netwaste contracts</li> <li>Neighbouring Council contracts</li> </ul>	2025 (must be implemented by 2025)
		Complete annual bin audits	Engage bin auditor to provide information on the make up of the Cowra waste streams and estimate potential FOGO diversion quantities	Annually, 2024 to 2026
		Investigate options for general waste bin sizes and collection frequency. Investigate options for FOGO treatment at the MRF. Investigate options for contract collection and treatment at other sites. Provide FOGO bins for all serviced properties.	<ul style="list-style-type: none"> <li>Report models used to manage FOGO at other Councils and investigate opportunities within the MRF and in collaboration with external suppliers to manage and treat FOGO.</li> </ul>	2030 (must be implemented by 2030)
E4.3 Work with the community to maximise recycling.	E 4.3 e Consider options for an feasibility of bulk rubbish collection	Council to provide residents with 2 bulky goods collection days per year.	Report to Council	2024

Delivery Program		Waste Strategy Actions	How	Timeframe
	E 4.3 f Reduce recycling contamination	Continue to provide and promote recycling education		Ongoing
		Introduce waste vouchers for zero contamination	Report to Council budget implication and criteria for allocating vouchers. Use the MRF app to allocate vouchers following bin audits.	
		Assess impacts of CDS operations and agreements		Ongoing
		Identify new markets for recycled materials		Ongoing
		Continue to investigate options for the diversion of waste from landfill.		Ongoing
		Improve efficiency and pollution mitigation	Provide training for landfill operations and MRF pollution mitigation.	Ongoing
	E4.3 g Investigate options for recycling and resource recovery	Develop variety of accepted products by embracing opportunities to process problem waste	For example: Foam Muncher for styrofoam, pallet and timber recycling options, Pharmcycle for blister packs.	Ongoing
		Develop innovative methods to process recycling and problem waste		Ongoing

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

File Number: D24/I43

Author: Dirk Wymer, Director-Infrastructure &amp; Operations

**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.**

**INTRODUCTION**

This report provides Council information on

- the need for an extended storage area to assist manage the operational requirements of Container Deposit Scheme and yellow bin recycling material sorting at Council's Material's recycling Facility,
- the construction requirements of the storage area,
- the estimated cost of construction;

and recommends a transfer from Waste Reserves to fund the work.

**BACKGROUND**

Council's draft Waste and Resource Recovery Strategy 2023 – 2032 includes the following action:

El.1 b Develop a MRF Masterplan to ensure the MRF is strategically designed to allow expansion opportunities in the future	Design and construct larger concrete on-ground storage area for unsorted CDS and yellow bin material.	Design and estimates currently underway. Design and required budget to be reported to Council.	2024
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At peak periods of generation of CDS material (eg Christmas) and during operational breakdowns the volume of unsorted material to be stored prior to the recycling and CDS sorting lines exceeds the current storage space.



Current Recycling working space full of CDS material

There is available space onsite adjacent to the existing area to expand the CDS material storage area. At peak periods the CDS material is preferred for deferred sorting / longer term storage as it has a low risk of polluting land, water or air.

The current high contamination rate of yellow bin recycling means this material is a higher risk of containing potential pollutants and should be sorted as quickly as possible. However, from time to time it will require storage due to operational breakdowns and therefore the proposed storage area will need to be:

- sealed – concrete is the preferred surfacing to allow for vehicles and loading equipment;
- graded to direct surface runoff back toward the internal site drainage away from neighbouring property.

The potential extended storage area is shown in red below and as stated above it will require concreting to provide the storage area material handling requirements. A higher fence will be required to minimise windblown air and land pollution.





A formal Request for Quotation has not been advertised as yet but for budget purposes Council's Services team has obtained indicative quotes indicating the required budget is \$180,000.

### **BUDGETARY IMPLICATIONS**

It is proposed to fund the proposed extended storage area from the 'Waste – General' Reserve; reported as a budget variance in the third quarter budget review.

### **ATTACHMENTS**

Nil

## 6 DIRECTOR-ENVIRONMENTAL SERVICES REPORT

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

File Number: D24/84

Author: Larissa Hackett, Director Environmental Services

### RECOMMENDATION

1. That Council notes that the reason for the decision is that the proposal largely complies with Section 4.15 of the Environmental Planning and Assessment Act 1979. The variations to Section 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	Vision Property Development Hub	Received 14 November 2023



<b>Drawing 4A</b>	<b>31/8/2023</b>	<b>Stamped No. 10.2023.118.1</b>
<b>Proposed Floor Plan (Shed 1) Drawing 5</b>	<b>Vision Property Development Hub 31/8/2023</b>	<b>Received 14 November 2023 Stamped No. 10.2023.118.1</b>
<b>Elevations (Shed 1) Drawing 6</b>	<b>Vision Property Development Hub 31/8/2023</b>	<b>Received 14 November 2023 Stamped No. 10.2023.118.1</b>
<b>Proposed Floor Plan (Shed 2) Drawing 7</b>	<b>Vision Property Development Hub 31/8/2023</b>	<b>Received 14 November 2023 Stamped No. 10.2023.118.1</b>
<b>Elevations (Shed 2) Drawing 8</b>	<b>Vision Property Development Hub 31/8/2023</b>	<b>Received 14 November 2023 Stamped No. 10.2023.118.1</b>
<b>Cut and Fill Plan Drawing 11</b>	<b>Vision Property Development Hub 1/12/2023</b>	<b>Received 14 December 2023 Stamped No. 10.2023.118.1</b>
<b>Cross Section Cut Plan Drawing 12</b>	<b>Vision Property Development Hub 1/12/2023</b>	<b>Received 8 December 2023 Stamped No. 10.2023.118.1 (A)</b>
<b>Landscape Plan Drawing 13</b>	<b>Vision Property Development Hub 1/12/2023</b>	<b>Received 14 December 2023 Stamped No. 10.2023.118.1 (B)</b>
<b>Erosion and Sediment Control Plan Drawing 14</b>	<b>Vision Property Development Hub 7/12/2023</b>	<b>Received 8 December 2023 Stamped No. 10.2023.118.1</b>
<b>Part Erosion and Sediment Control Plan Drawing 15</b>	<b>Vision Property Development Hub 7/12/2023</b>	<b>Received 8 December 2023 Stamped No. 10.2023.118.1</b>
<b>Statement of Environmental Effects Version 3</b>	<b>Vision Property Development Hub 8/1/2023</b>	<b>Received 11 January 2024 Stamped No. 10.2023.118.1</b>

		(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.

<b>Contribution Type</b>	<b>Proposed Cost of Development<sup>1</sup></b>	<b>Levy Percentage</b>	<b>Total Contribution</b>	<b>Contribution Rate Remains Current Until</b>
<b>Section 94A Contribution<sup>2</sup></b>	<b>\$324,190.00</b>	<b>1%</b>	<b>\$3,241.90</b>	<b>30 June 2024</b>

#### **Notes**

<sup>1</sup> As shown on the Development Application/Construction Certificate Application/Complying Development Certificate Application

<sup>2</sup> 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](http://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](http://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**.

## INTRODUCTION

Development Application No. 118/2023 proposes two general industrial sheds on Lot 2 DP 1166678, 506 Binni Creek Road Cowra. The application was lodged by M J Croker on 14 November 2023.

The application is being reported to Council because of variations to I.1.8(a) of the DCP.

A copy of the site and elevation plans of the proposed two general industrial sheds 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 2 DP 1166678, 506 Binni Creek Road Cowra is an irregularly shaped allotment of approximately 34.05 hectares. The lot is located in the RUI Primary Production zone under Cowra Local Environmental Plan (LEP) 2012. The site is generally vacant with an existing shed.

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 construct two new general industrial sheds of 499.2m<sup>2</sup> in area.

## Environmental Impact Assessment

In determining a development application, a consent authority is to take into consideration such 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 118/2023:

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

#### Cowra Local Environmental Plan 2012

The land is zoned RUI Primary Production under the provisions of the Cowra Local Environmental Plan 2012

#### 1.2 Aims of Plan

The development is not inconsistent the aims of the LEP.

#### 1.4 Definitions

The development is defined as a **general industry** 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 for electricity transmission, 18.29m and 20m wide. The proposed industrial sheds would be located outside these easements. There are no covenants or agreements known to affect the property.

### 2.1 Land use zones

The site is zoned RUI Primary Production, and **general industries** are permitted with consent.



### 2.3 Zone objectives and Land Use Table

#### I Objectives of the Zone

Objective	Comment
• To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.	Not applicable
• To encourage diversity in primary industry enterprises and systems appropriate for the area.	Not inconsistent
• To minimise the fragmentation and alienation of resource lands.	Not inconsistent
• To minimise conflict between land uses within this zone and land uses within adjoining zones.	Not inconsistent

#### 2 Permitted without consent

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



### 3 Permitted with consent

Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Camping grounds; Cellar door premises; Cemeteries; Community facilities; Correctional centres; Depots; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Function centres; **General industries**; Heavy industries; Helipads; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Jetties; Landscaping material supplies; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Rural industries; Rural workers' dwellings; Secondary dwellings; Signage; Transport depots; Veterinary hospitals; Water recreation structures; Water supply systems

### 4 Prohibited

Any development not specified in item 2 or 3

Comment:

The proposed development is permitted with consent.

#### 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.

#### 5.11 Bushfire

Bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out without development consent.

#### 5.21 Flood planning

The land is not in the flood planning area. It is considered the risk from flood to be minimal.

#### Part 6 Urban release areas

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

#### 7.1 Earthworks

The site is hilly and substantial earthworks are proposed, including cut to a maximum depth of 5.6 metres. The applicant has provided the below response to Clause 7.1:

- (a) *The site is currently an open paddock with a hill that consistently slopes towards Binni Creek Road. The proposal will still facilitate the flow of stormwater from the site onto the development area and eventually make its way through the grass surfaces to the table drain in Binni Creek Road. A stormwater management plan can be submitted with any Construction Certificate demonstrating that stormwater can be effectively drained to the table drain system in the road reserve without having any negative impact if Council deems that necessary. stormwater can be effectively managed. Surfaces that are not treated with*

*gravel for vehicle manoeuvring can have grass revegetated on them to prevent any erosion, meaning it will not disrupt or affect the soil stability or negatively impact any drainage patterns.*

- (b) The proposed earthworks will not affect the likely future or redevelopment of the land as this would be the principal use of the land and the remainder of the land would remain for agriculture.*
- (c) The quality of any soil excavated can be reutilised for another purpose as good quality soil.*
- (d) The position of the cut adjacent to agricultural lands means it will not have any negative effect on the amenity of any adjoining properties.*
- (e) Any excavated material can be appropriately used for other purposes either within the site or on other sites as soil that is not likely to have been contaminated by any non-intensive agricultural use.*
- (f) It is unlikely to find or disturb relics in this location as it is not on a prominent escarpment hillside or part of or close to any waterway.*
- (g) The development is not in close proximity to any waterway or part of any drinking water catchment or nominated environmentally sensitive area.*
- (h) The measures to avoid any impact are the construction of the development as proposed in the development plans and the implementation of any stormwater management plan practices and erosion and sediment control plan.*

The proposed development represents significant hardstand area; however it is considered that with appropriate measures the proposed development would not have a detrimental effect on drainage or soil stability. The proposed earthworks would have minimal effect on the future use or redevelopment of the land. The proposed earthworks being cut only would not affect the amenity of neighbouring properties. The excavated soil would be utilised on site or disposed of appropriately. There are no known relics on the site, and it is considered unlikely any relics would be located. A standard condition to stop works should relics be discovered is included.

Conditions will apply to address potential erosion and sedimentation issues. A Soil and Water management plan will be conditioned prior to Construction Certificate. It is considered there would not be an adverse impact or environmental risk from the proposed earthworks as conditioned.

### 7.3 Terrestrial biodiversity

This clause applies to land that is identified as biodiversity land on the *Terrestrial Biodiversity Map*; the site is partially mapped as being affected. The proposed works are not located within the mapped area. 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 identifies on the wetlands map; the site is not identified as being affected; accordingly, this clause is not applicable.

**7.6 Groundwater vulnerability**

This clause applies to land that is identified as groundwater vulnerable on the *Groundwater Vulnerability Map*, and the site is not mapped as being affected.

**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	N/A
Electricity	N/A
Sewage	N/A
Stormwater	There is sufficient area to allow for overland flow within the lot. It will be conditioned for overflow to be directed 3 metres clear of any buildings.
Access	The proposed development would be accessed from Binni Creek to the east. A new driveway is proposed and a S138 has been 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 (Exempt and Complying Development Codes) 2008	Not applicable
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 (Sustainable Buildings) 2022	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

There are no known prior land-uses on the site that are likely to have resulted in the contamination of the land. Site inspection carried out did not reveal any evidence of contamination of the site. The proposal does not involve any demolition or works likely to result in contamination of the site. The SEE submitted with the application does not mention any previous land use that likely to have resulted in contamination of the site. No further investigation is warranted in this instance.

#### **S 4.15(1)(a)(ii) provisions of any draft Environmental Planning Instrument(s)**

There are no draft Environmental Planning Instrument(s) that are relevant to the site.

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

### **PART A – PLAN INTRODUCTION**

Consent is required for the proposed general industrial sheds.

### **PART B – LAND MANAGEMENT**

Appropriate erosion and sediment controls to be implemented prior to the commencement of works. As the area of disturbance exceeds 2,500m<sup>2</sup>, a Soil and Water Management Plan (SWMP) is required in accordance with B.1.6. of the DCP.

### **PART C – BIODIVERSITY MANAGEMENT**

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

**PART F – RURAL DEVELOPMENT**

Part F applies to new dwellings and eco-tourist facilities only.

**PART I – INDUSTRIAL DEVELOPMENT**

I.1.1. Application of this Section	Section I.1 applies as industrial development is proposed and is permitted in the subject zone.
I.1.2. Objectives	Considered compliant with the stated objectives.
I.1.3. Land-use Conflict & Pollution Management Controls	It is considered the use of general industrial sheds within the RU1 zone would have minimal impact on surrounding primary production land uses. An erosion and sediment control plan will be required. Considered compliant with the relevant controls. The proposed industrial shed includes long blank walls on the western side. It is considered this would not have an impact on amenity as these walls would face away from, and not be visible from, the public domain.
I.1.4. Setback Controls	Complies. The front setback is 18.27m including a 3m landscaping strip. The northern side setback is 24.3m and includes a 3m landscaping strip. The side and rear setbacks are considered sufficient, and a landscape buffer is not required.
I.1.5. Building Appearance Controls	Considered compliant with the relevant controls.
I.1.6. Waste Management Controls	Considered compliant with the relevant controls.
I.1.7. Fencing Controls	Not applicable. No fencing is proposed
I.1.8. Servicing Controls	Variation requested I.1.8.(a) as the proposed development is incapable of being serviced by reticulated water or sewer. The variation is considered at the end of this section.
I.1.9. Commercial Activity Controls	Not applicable to RU1 zone
I.1.10. Parking, Access and Mobility	Consistent. Part M is considered below.
I.1.11. Signage	Not applicable. No signage proposed.
I.1.12. Landscaping	Consistent. Part N is considered below.
I.1.13. Soil Erosion and Sediment Control	Consistent. Part B is considered above.

**PART K – LAND USE BUFFERS****Cowra Airport Obstacle Limitation Surface**

The subject land is located outside of the OLS.

**PART M – PARKING, ACCESS AND MOBILITY**

The proposal would include 10 car parking spaces including one disability accessible space which is considered suitable for the development. The proposal will require a new driveway and crossover to Binni Creek Road. An application under Section 138 of the Roads Act 1993 will be required.

## **PART N – LANDSCAPING**

A Landscaping Plan prepared in accordance with Part N has been provided. It is considered the proposed 3m landscape buffers to the eastern and northern boundaries are appropriate.

## **PART O – ENVIRONMENTAL HAZARD MANAGEMENT**

The subject land is not mapped as flood prone.

The subject land is not mapped as bushfire prone.

There is no identified contamination on the subject land.

## **PART P – CPTED PRINCIPLES**

The proposed development is assessed as consistent with the CPTED controls within the DCP. The proposed development includes passive surveillance over the street, and does not include any communal areas or blind corners.

The proposed development complies with the relevant requirements of the DCP with the exception of the following clauses:

### 1.1.8(a)

Section 1.1.8(a) of Part I of the Cowra Council DCP 2021 requires all new industrial developments to be fully serviced by reticulated water and reticulated sewerage, and must be connected to the street stormwater drainage system where this is available. Lot 2 DP 1166678 does not have reticulated water and sewerage services available and is therefore unable to comply with this control.

The applicant provides the following response to justify the variation request:

*“The site is unable to be connected to Council’s reticulated sewer and water system. There are circumstances where it is appropriate for industrial development to be serviced by an onsite sewage management system as opposed to reticulated sewer. This is evident through the control contained in subclause 1.1.8(b) that allows for development on Waratah Street to take place without connection to reticulated sewer. In this instance, and as further support for this variation, the subject site is far greater in area than any allotments fronting Waratah Street industrial zone, and can easily cater for an onsite sewage management system. The site is a single allotment comprising 33 hectares meaning it is large enough to accommodate an onsite sewage management system. The site and the proposed sheds are large enough that rainwater can be captured from the roof areas and retained using rainwater harvesting tanks behind the sheds as displayed on the plans submitted with the application. It is therefore considered that the variation to reticulated water and sewer connection is justified. The site can be connected to the reticulated electricity system. The development site is serviced by both NBN (satellite) and mobile network coverage. The development is located outside of the electricity easement that runs through the property.”*

Comment

Section I.1.8(a) is generally applicable to the E4 General Industrial zone (Formerly IN1 General Industrial and IN2 Light Industrial). The proposed development represents industrial development within the RUI Primary Production Zone utilising Clause 7.10 of the LEP. In this instance it is considered appropriate to apply similar concessions to Clause I.1.8(b) as the subject site is capable of supporting on-site water provision and sewerage management. Submission of an on-site sewage management application been conditioned prior to issue of a Construction Certificate.

**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 2021*. 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 rebuilding, alteration, enlargement or extension of an existing building or place of public entertainment and therefore the requirement to consider the upgrading of buildings into total or partial conformity with the Building Code of Australia is not required to be undertaken.

**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 area is characterised by rural primary production land and sparse single storey residential developments and farm sheds. This proposal for industrial sheds would not negatively detract from the existing character of the locality.

Access, Parking, traffic

The site has access to Binni Creek Road, a sealed rural road. A new driveway and crossover is proposed, and an application pursuant to Section 138 of the Roads Act 1993 is conditioned.

#### Public Domain

The proposal will not have a negative impact on public recreational opportunities or public spaces in the locality.

#### Utilities

The site is not serviced by reticulated water or sewer. It is considered the proposed development can be adequately supplied by on-site water storage, and sewerage management. There is sufficient area available for the provision of an OSSM system. The applicant proposes a single 100,000 litre rainwater tank. This water supply will be conditioned per the proposed plans.

#### Heritage

There are no items listed in schedule 5 of the LEP 2012 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

The proposed development would be serviced by 1x 100kL water tank (100,000L).

A new OSSMS can be accommodated on site to service the proposed sheds as conditioned.

Stormwater disposal associated with the development can be accommodated on site without impacting on adjoining properties as conditioned.

#### Soils

Cut and fill is extensive, with a maximum proposed cut of 5.605 metres and an area of 5,518.7m<sup>2</sup>. As the area of disturbance exceeds 2,500m<sup>2</sup>, a Soil and Water Management Plan (SWMP) is required. A Soil and Water Management Plan has been conditioned to ensure the proposed cut will not impact on soil stability or otherwise negatively impact the surrounding land or road. It is considered the development will not have a negative impact on soils. A recommended condition will apply to require compliance with Council's DCP 2021 with regard to 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. Refer to biodiversity assessment previously in this report.

#### 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

N/A for industrial sheds.

#### Noise and Vibration

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

It is considered 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 once construction is completed.

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

The development is consistent with the zone objectives and consideration has been given to the impacts the development will have within the locality. It is considered that the proposed development will not create adverse impacts within its local setting. It is assessed that the development will not impact upon any existing services. The development site is not identified as bushfire or flood prone or otherwise unsatisfactorily constrained by natural features. The site is considered suitable for the development subject to the imposition of appropriate conditions of consent.

**S4.15(1)(d) Any Submissions Received**Public Consultation

The subject Development Application was notified to adjoining owners in writing from 23 November 2023 to 7 December 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**

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

**S7.12 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. 118/2023 proposes two general industrial sheds on Lot 2 DP 1166678, 506 Binni Creek Road Cowra. The application was lodged by M J Croker on 14 November 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 RUI zone and is consistent with existing land-use activities of the locality. The variation to Section 1.1.8(a) of the Cowra Development Control Plan 2021 is sufficiently justified.

The development application was notified in accordance with Cowra Community Participation Plan 2020. No submissions were received following the consultation process.

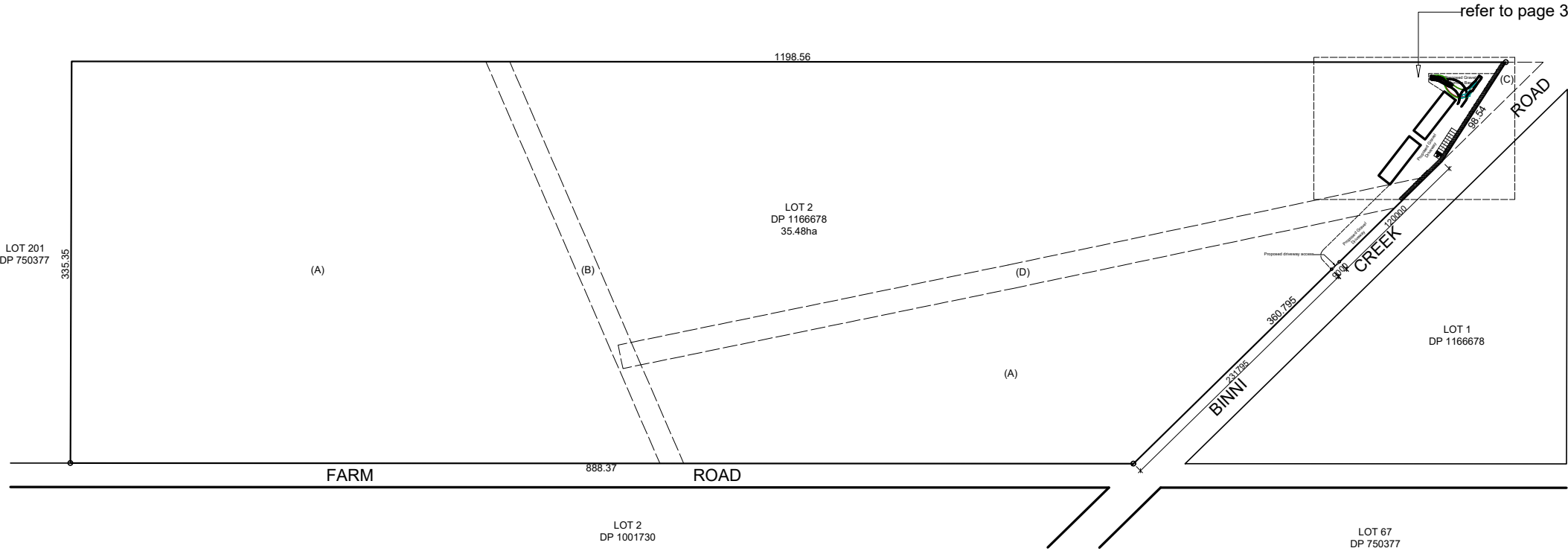
Having considered the documentation supplied by the applicant, the findings of site inspection(s) and the comments made from consultation, it is assessed that the impacts of the proposal and the likely environmental interactions between the proposed development and the environment are such that Council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

**ATTACHMENTS**

1. DA 118/2023 - Development Plans [↓](#)
2. DA 118/2023 - Statement of Environmental Effects [↓](#)
3. DA 118/2023 - Location map [↓](#)
4. DA 118/2023 - aerial view [↓](#)

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Plan No: DA 10.2023.118.1

**GENERAL NOTES**  
Do not scale from drawings. Use figured dimensions only.  
  
All existing conditions, dimensions and levels are approximate only and are to be checked & verified by contractor prior to the commencement of work or the manufacture of any item.  
  
All items not shown in the scope of works or drawings, but necessary for the proper completion of the works are deemed to be included.  
  
All work will be carried out in accordance with the NCC, EP&A Act 1979 (as amended), Local Government Act 1993, Regulations under the Acts, relevant Australian Standards, and local authority conditions.  
  
All work to be carried out by qualified and licensed tradespeople.



proposed SITE PLAN

EASEMENTS	
(A)	LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN. SEE CROWN GRANT(S)
(B)	EASEMENT FOR ELECTRICITY TRANSMISSION LINE 18.29 WIDE
(C)	ROAD IN CROWN PLAN 30269.1603
(D)	EASEMENT FOR OVERHEAD POWERLINES 20 WIDE

**ISSUE**  
For Council Submission

Revision	Changes	Date
A	Move driveway access to provide line of sight on main road, added in Gravel driveway	25/10/23
B	Move sheds further South to eliminate the need for a retaining wall, move car parking	1/11/23

**PROJECT**  
Proposed General Industries

**CLIENT**  
Mitch Croker

**LOCATION**  
506 Binni Creek Rd, Cowra

DATE	SCALE
31/8/2023	1:4000

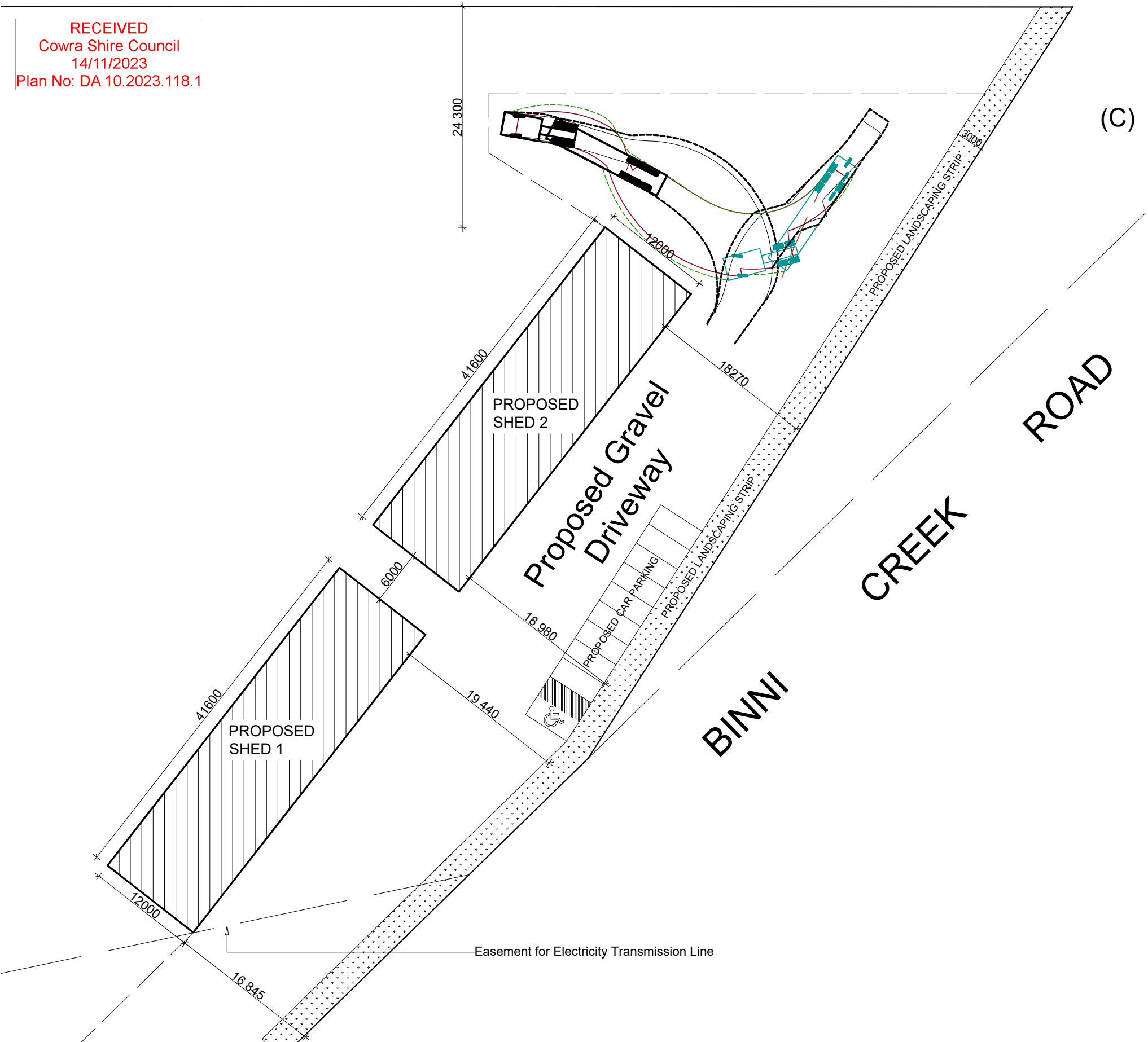
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**JOB NUMBER**  
40/23

**DRAWING**  
Proposed Site Plan 2 B



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**ISSUE**  
For Council Submission

Revision	Changes	Date
A	Move driveway access to provide line of sight on main road, added in Gravel driveway	25/10/23
B	Move sheds further South to eliminate the need for a retaining wall, move car parking, add in easement to show sheds are not encroaching	1/11/23

**PROJECT**  
Proposed General Industries

**CLIENT**  
Mitch Croker

**LOCATION**  
506 Binni Creek Rd, Cowra

**DATE** 31/8/2023 **SCALE** 1:400

Sheet size: A3  
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**JOB NUMBER** 40/23

**DRAWING** Shed Layout  
Truck Turnpath 4 A

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ISSUE  
For Council Submission

Revision      Changes      Date

PROJECT  
Proposed General Industries

CLIENT  
Mitch Croker

LOCATION  
506 Binni Creek Rd, Cowra

DATE      SCALE  
27/9/2023      1:100

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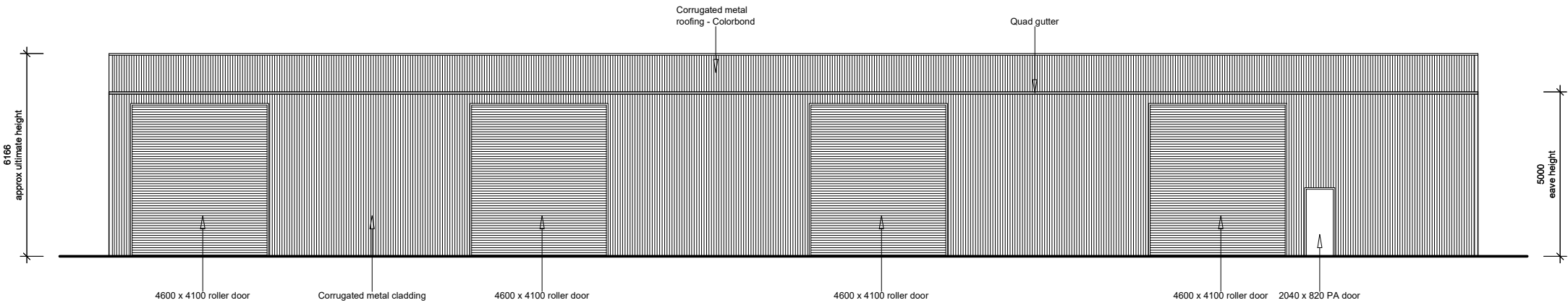
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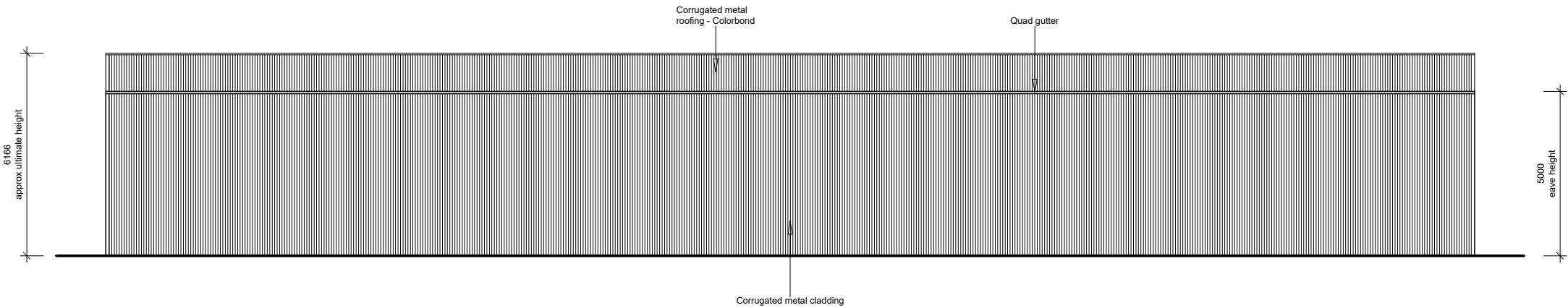
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JOB NUMBER  
40/23

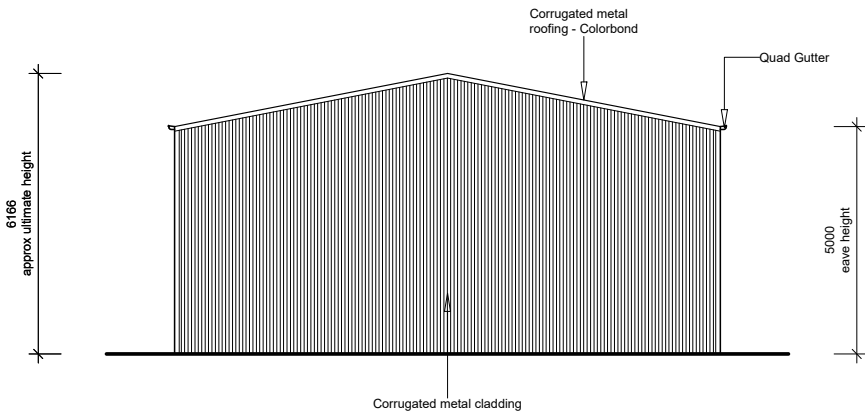
DRAWING  
Elevations  
6



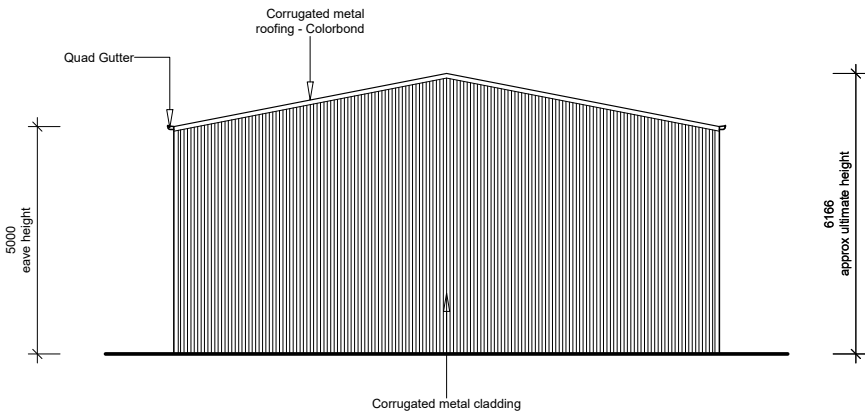
Shed 1 East Elevation



Shed 1 West Elevation

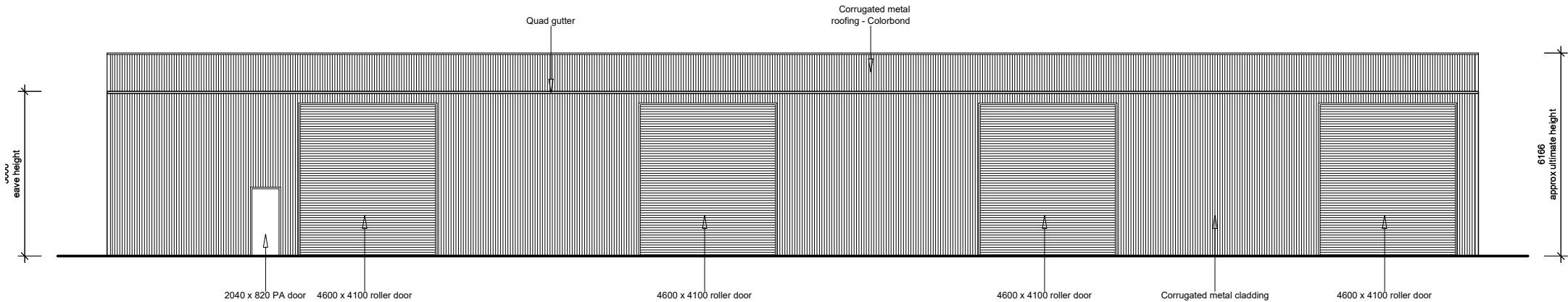


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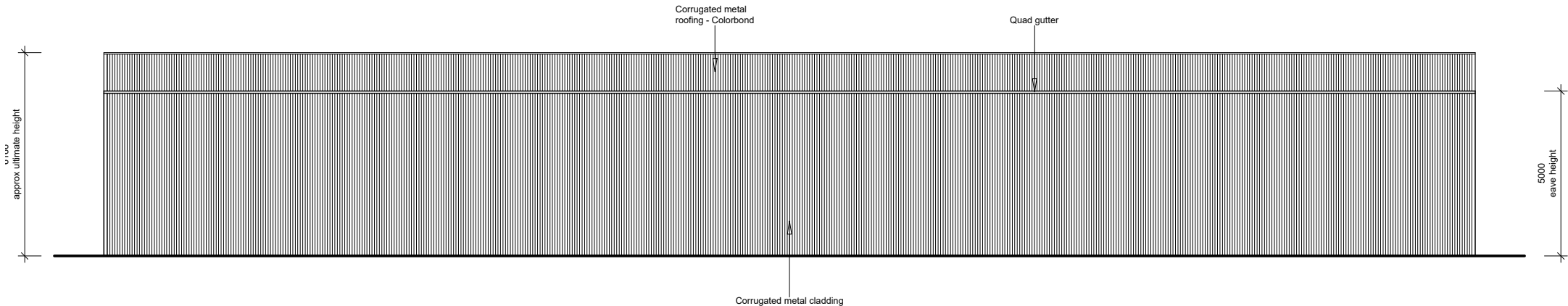


Shed 1 South Elevation

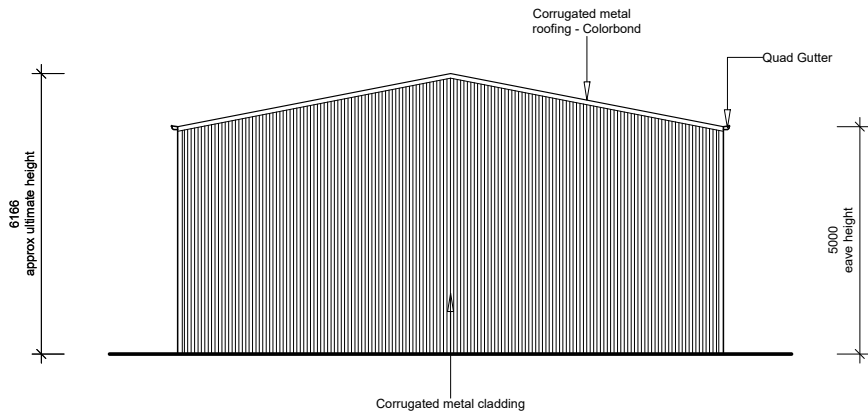
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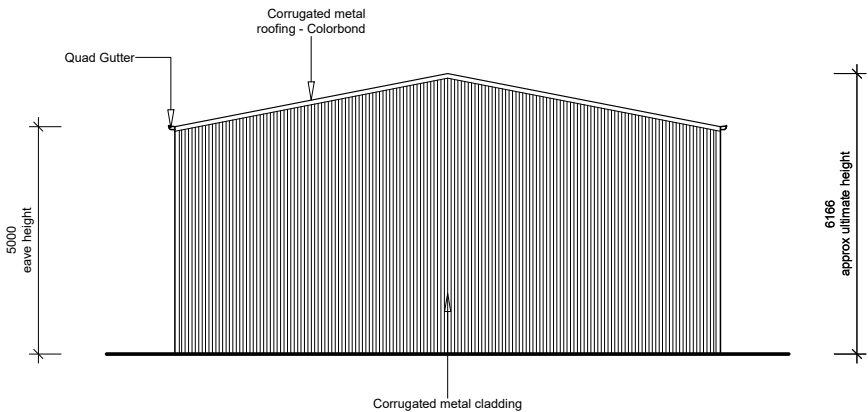
Shed 2 East Elevation



Shed 2 West Elevation



Shed 2 North Elevation



Shed 2 South Elevation

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ISSUE  
For Council Submission

Revision	Changes	Date
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PROJECT  
Proposed General Industries

CLIENT  
Mitch Croker

LOCATION  
506 Binni Creek Rd, Cowra

DATE  
1/11/2023

SCALE  
1:100

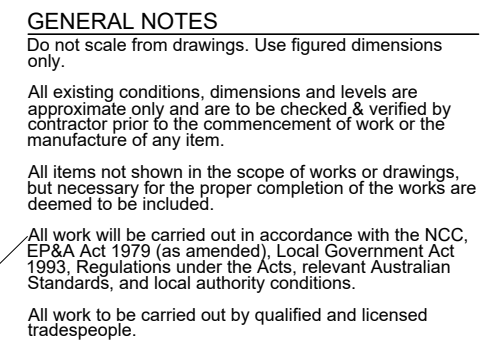
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DRAWING  
Elevations  
8



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Revision	Changes	Date
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PROJECT  
Proposed General Industries

CLIENT  
Mitch Croker

LOCATION  
506 Binni Creek Rd, Cowra

DATE SCALE

1/11/2023 1:400

Sheet size: A3  
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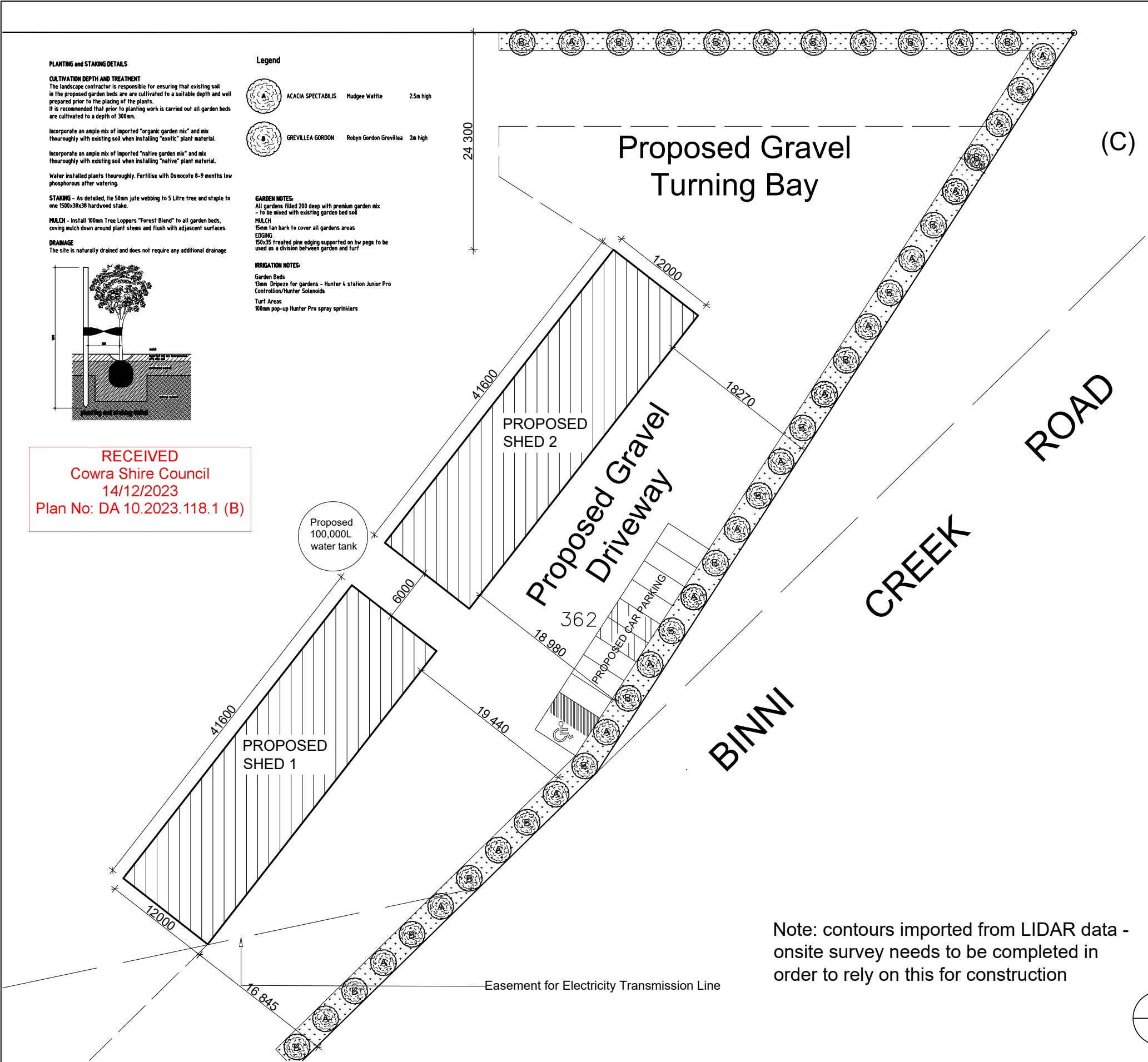
40/23

DRAWING  
Cut and Fill Plan

---

11





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ISSUE

For Council Submission

Revision Changes Date

PROJECT

Proposed General Industries

CLIENT

Mitch Croker

LOCATION

506 Binni Creek Rd, Cowra

DATE

1/12/2023

SCALE

1:400

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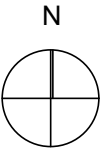
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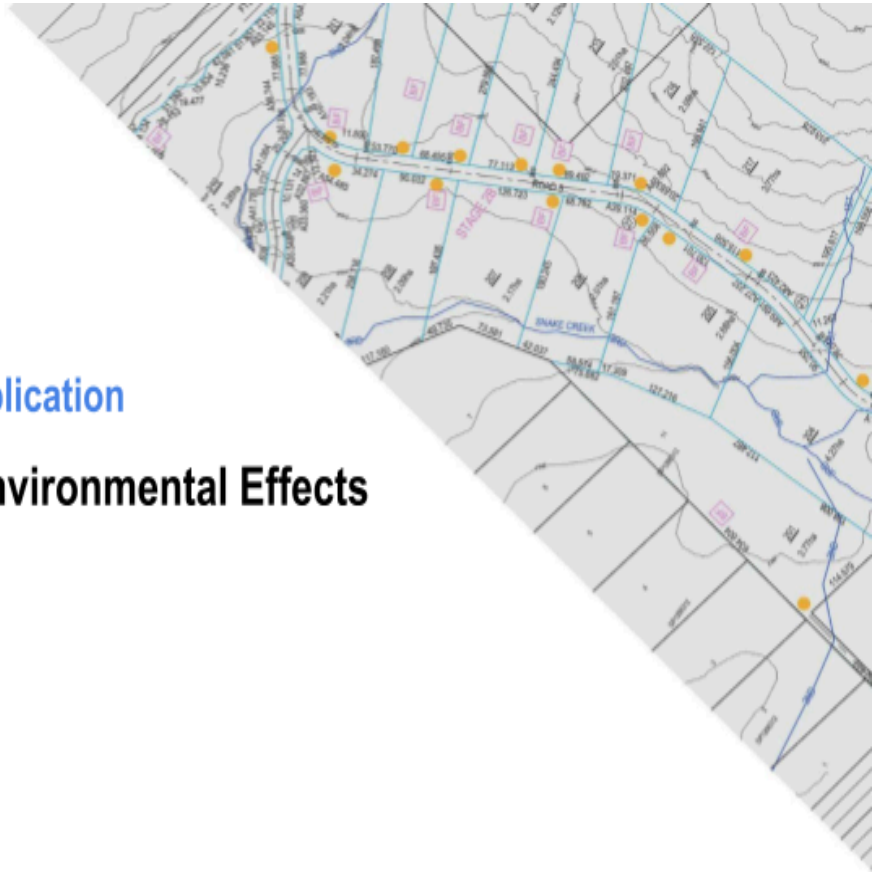
DRAWING  
Landscape Plan

13

Note: contours imported from LIDAR data - onsite survey needs to be completed in order to rely on this for construction



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## Development Application

## Statement of Environmental Effects





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COWRA NSW 2794  
PO Box 852  
1300 240 827  
ABN: 95 614 159 698  
<https://visionpdhub.au>

## Statement of Environmental Effects

**Proposed Development: Construction of two sheds for use as general industry**

**Subject Land: Lot 2 DP 1166678, 506 Binni Creek Road, Cowra**

**Client: Mitch Croker**

Version	Date	Changes
Version 1	31.10.23	Issued for Submission
Version 2	08.12.23	Addressing Council RFAI - DCP Part I
Version 3	08.01.24	Addressing Council RFAI - Earthworks

**This Statement of Environmental Effects (SEE) was prepared based on the following plan and document versions:**

Author	Plan	Page	Date	Job
Vision Property Development Hub	Existing Site Plan	1	31/08/23	40/23
Vision Property Development Hub	Proposed Site Plan	2B	01/11/23	40/23
Vision Property Development Hub	Proposed Shed Layout	3B	01/11/23	40/23
Vision Property Development Hub	Truck Turnpath	4B	01/11/23	40/23
Vision Property Development Hub	Proposed Floor Plan	5	26/09/23	40/23
Vision Property Development Hub	Elevations	6	27/09/23	40/23
Vision Property Development Hub	Proposed Floor Plan	7	26/09/23	40/23
Vision Property Development Hub	Elevations	8	01/11/23	40/23
Vision Property Development Hub	Cut and Fill Plan	11	01/11/23	40/23
Vision Property Development Hub	Cross Section Cut	12	01/12/23	40/23
Vision Property Development Hub	Landscape Plan	13	01/12/23	40/23
Vision Property Development Hub	Erosion and Sediment Control	14	07/12/23	40/23
Vision Property Development Hub	Erosion and Sediment Control	15	07/12/23	40/23

Prepared by:

Patrick Fitzsimmons  
**Town Planner, Managing Director**  
**VISION Property Development Hub Pty Ltd**



## Statement of Environmental Effects

### Abbreviations

The Act – Environmental Planning and Assessment Act 1979  
 EPI – Environmental Planning Instrument  
 SEE - Statement of Environmental Effects

### Contents

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## 1. Executive Summary

The land-owners have commissioned Vision Town Planning Consultants to prepare this Statement of Environmental Effects (SEE) to consider a proposal to construct two sheds for the purpose of General Industry as shown on the development plans against the applicable planning controls and environmental context.

Through preparation of this SEE, it is confirmed that the development is consistent with all the planning controls of the LEP and the majority of the controls contained in the DCP with the exception of not being able to connect to reticulated water and sewer. However, information has been provided to demonstrate that onsite sewage management and water collection and detention can occur to service the development. The development is appropriate in scale and design to be constructed without any identified negative impact.

It is considered the proposed development can be approved by Council without alteration to the proposed design.

## 2. Proposed Development

The owners are seeking Council approval to construct two sheds and a parking area as shown on the development plans submitted with the application and gain approval for their use for general industry. The general industry will operate within the sheds between the hours of 7am to 6pm Monday to Friday and 8am to 12pm Saturday with no operation on Sunday or public holidays.

## 3. Site Description and Surrounding Land Use

The site is located approximately 5 kilometres north of the Cowra CBD. The land is used for non intensive agriculture and gently undulates. The land slopes upwards from the vehicle access point from Binni Creek Road to the site of the proposed sheds. The surrounding land use is primary production. The agricultural research station including an associated conference centre is located to the south east of the land.



---

#### 4. Section 1.7 of the Act - Part 7 of the Biodiversity Conservation Act 2016

The Act gives effect to the consideration of part 7 of the *NSW Biodiversity Conservation Act 2016*. Accordingly, consideration of part 7 of the *NSW Biodiversity Conservation Act 2016* and associated regulation is required and is provided below:

The land is not mapped as containing any sensitive native environments. The development does not involve the removal of native vegetation that would exceed the thresholds defined under Section 7 of the *NSW Biodiversity Conservation Act 2016* and associated Regulation. Entry into the Biodiversity Offset Scheme is not required



## 5. Consideration of Environmental Planning Instruments & Environment

### Section 4.15 Evaluation

#### Matters for consideration—general

##### (a) the provisions of:

##### (i) any environmental planning instrument, and

### 5.1 Cowra Local Environmental Plan 2012 (LEP)

*Section 2.3(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.*

The land is zoned RU1 Primary Production. Construction of two sheds for use as general industry is permissible in the zone and consistent with the zone objectives.

#### **Zone RU1 Primary Production**

##### 1 Objectives of zone

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

##### 2 Permitted without consent

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

##### 3 Permitted with consent

*Agritourism; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Camping grounds; Cellar door premises; Cemeteries; Community facilities; Correctional centres; Depots; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Function centres; General industries; Heavy industries; Helipads; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Jetties;*



---

*Landscaping material supplies; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Rural industries; Rural workers' dwellings; Secondary dwellings; Signage; Transport depots; Veterinary hospitals; Water recreation structures; Water supply systems*

**4 Prohibited**

*Any development not specified in item 2 or 3*

**Clause 7.1 Earthworks**

- (1) The objective of this clause 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.*
- (2) Development consent is required for earthworks unless—*
  - (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or*
  - (b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.*
- (3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—*
  - (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.*

**Comments:**

The development involves cut to prepare a level area for the buildings and vehicle maneuvering areas as displayed on the development plans. Accordingly, sub clause 3 of Clause 7.1 is addressed below:

- (a) The site is currently an open paddock with a hill that consistently slopes towards Binni Creek Road. The proposal will still facilitate the flow of stormwater from the site onto the development area and eventually make its way through the grass surfaces to the table drain in Binni Creek Road. A stormwater management plan can be submitted with any Construction Certificate demonstrating that stormwater can be effectively drained to the table drain system in the road reserve without having any negative impact if Council deems that necessary. stormwater can be effectively managed. Surfaces that are not treated with gravel for vehicle maneuvering can have grass revegetated on them to prevent any erosion, meaning it will not disrupt or affect the soil stability or negatively impact any drainage patterns.
- (b) The proposed earthworks will not affect the likely future or redevelopment of the land as this would be the principal use of the land and the remainder of the land would remain for agriculture.
- (c) The quality of any soil excavated can be reutilised for another purpose as good quality soil.
- (d) The position of the cut adjacent to agricultural lands means it will not have any negative effect on the amenity of any adjoining properties.
- (e) Any excavated material can be appropriately used for other purposes either within the site or on other sites as soil that is not likely to have been contaminated by any non intensive agricultural use.
- (f) It is unlikely to find or disturb relics in this location as it is not on a prominent escarpment hillside or part of or close to any waterway.
- (g) The development is not in close proximity to any waterway or part of any drinking water catchment or nominated environmentally sensitive area.
- (h) The measures to avoid any impact are the construction of the development as proposed in the development plans and the implementation of any stormwater management plan practices and erosion and sediment control plan.

The earthworks associated with the development are consistent with Clause 7.1



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**Clause 7.3 Terrestrial Biodiversity**

- (1) *The objective of this clause is to maintain terrestrial biodiversity by—*
- (a) protecting native fauna and flora, and*
  - (b) protecting the ecological processes necessary for their continued existence, and*
  - (c) encouraging the conservation and recovery of native fauna and flora and their habitats.*
- (2) *This clause applies to land identified as “Biodiversity” on the Terrestrial Biodiversity Map.*
- (3) *Before determining a development application for development on land to which this clause applies, the consent authority must consider—*
- (a) whether the development is likely to have—*
    - (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
    - (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*
    - (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
    - (iv) any adverse impact on the habitat elements providing connectivity on the land, and*
  - (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*
- (4) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—*
- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
  - (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or*
  - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

**Comments:**

A very small portion of land at the far western side of the allotment is identified on the terrestrial



biodiversity map as shown on the image below. The development has been designed and sited to ensure that there will be no significant adverse environmental impact to the areas of terrestrial biodiversity on the land by positioning the buildings, vehicle access points and all associated traffic areas in an area that is already cleared. The development is consistent with clause 7.3.

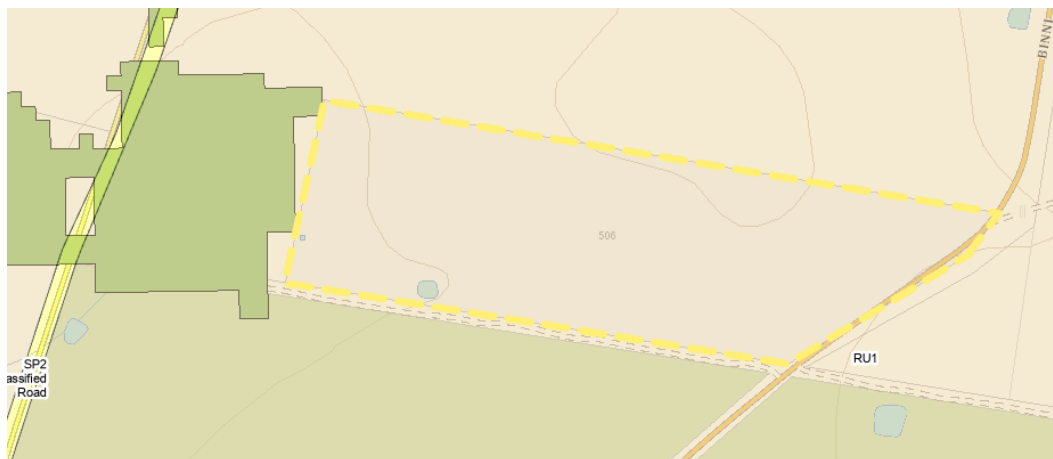


Image 1: Terrestrial Biodiversity map, Cowra LEP. Source: NSW Planning Portal Spatial Viewer, accessed 24/10/2023.

#### **Clause 7.8 Essential services**

*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 are 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 vehicular access.*

#### **Comments:**

Future uses of the site will include rainwater tanks for the provision of water. The site can be connected to a suitable supply of electricity. Future uses of the site will need to include provision for the disposal and management of sewage. The site is a single allotment comprising more than 33 hectares meaning it is large enough to accommodate an onsite sewage management system. Stormwater will be drained to rainwater harvesting tanks, any overflow can be managed on the site. A new vehicle access point is proposed from Binni Creek Road. The development is consistent with clause 7.8.



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**Clause 7.10 Industrial development on land in Zone RU1**

*(1) The objective of this clause is to ensure that industries are appropriately located on land in Zone RU1 Primary Production to avoid land use conflict and maintain surrounding amenity.*

*(2) This clause applies to development for the purpose of general industries or heavy industries on land in Zone RU1 Primary Production that is within 5 kilometres of land in Zone E4 General Industrial or a residential zone.*

*(3) Development consent may be granted to development to which this clause applies if the consent authority is satisfied that—*

*(a) the land is the most suitable and practical land that is available for that industry, and*

*(b) the industry could not otherwise be accommodated on land in Zone E4 General Industrial, and*

*(c) the development will not adversely affect the use and enjoyment of any adjoining land, and*

*(d) the development is located and designed to minimise any adverse impact on the Cowra township or any village areas affected by the development.*

**Comments:**

The development proposes industrial development on land zoned RU1 Primary Production. The surrounding land use is primary production, with the nearest dwelling located approximately 640 metres to the east of the proposed industry. The distance of the nearest sensitive noise receiver to the proposed development makes it an appropriate mitigation measure to avoid negative impact, land use conflict, or negative effects on the amenity.

The land is situated within 5 kilometres of land zoned E4 General Industrial and within 5 kilometres of a residential zone.



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### Land Availability

Through professional practice in development, the author is aware that there is presently a limited amount of availability of industrial land within the township, including the summary below:

- Kollas Drive,

All of which either have land uses, and only one of which is for sale at the time of writing that contains a small shed and existing approved land use.

- Mees Street

The land fronting Mees Street, all of which are subject to a valid development consent or contain existing land uses, and none of which we are aware of for sale;

- Young Road

The area fronting Young Road also adjoining Fishburn Street, the vast majority of which all contain existing uses or approved land uses for which construction is imminent;

- Pridham and Nangar Streets

The area in Pridham Street and Nangar Street, contains existing approved land uses, with industrial and commercial activities operating.

- Glen Logan Road

The land area in the Glen Logan Road industrial estate is zoned correctly, but is yet to be developed meaning it does not yet have utility connections available and individual allotments available for an industrial land use of the proposed size.

The image below sourced from an online commercial real estate website supports the scenario addressed above.

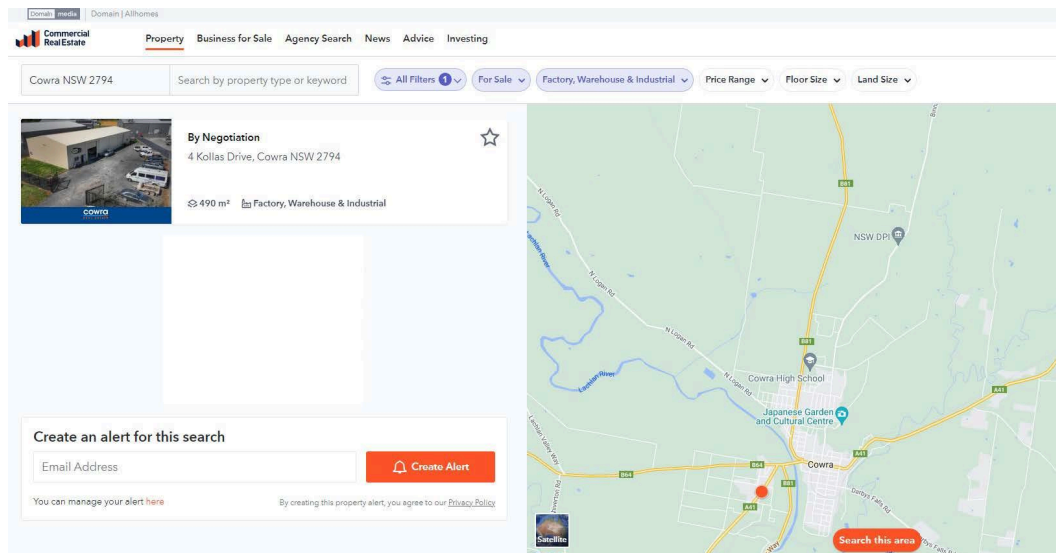


Image 2: Availability of industrial properties for sale in Cowra. Source: <https://www.commercialrealestate.com.au/for-sale/cowra-nsw-2794/industrial-warehouse/>, accessed 19/10/23.

From the analysis above, it is identified that the land is the most suitable and practical land that is available for industrial sheds of this size, meaning the proposed development could not otherwise be accommodated on any land available in the E4 General Industrial zone. The development will not adversely affect the use and enjoyment of any adjoining land, given its distance from the nearest residential dwelling. The development has been designed and sited to minimise any adverse impact and will not affect the Cowra township or any village areas in any way. The development is consistent with clause 7.10.

There are no other clauses of the LEP that are applicable to the development.



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## 5.2 State Environmental Planning Policies

### 5.2.1 State Environmental Planning Policy (Resilience and Hazards) 2021

#### *Chapter 4 Remediation of land*

#### ***Section 4.6 Contamination and remediation to be considered in determining development application***

*(1) 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.*

#### **Comments:**

The author is not aware of any other prior land-uses on the site that are likely to have resulted in the contamination of the land. The site is presently used for non-intensive primary production and is proposed to be used for general industry. Therefore no remediation is required. No further investigation is required in accordance with the NSW Managing Land Contamination Planning Guidelines.



(ii) any proposed instrument that is or has been the subject of public consultation under this Act.

There are no Draft Environmental Planning Instruments on public exhibition at the date the Development application is lodged.

(iii) any Development Control Plan (DCP)

### 5.3 Cowra Shire Council Development Control Plan 2021

<b>Part I - Industrial Development</b>	<b>Applies</b>	<b>Consistent</b>	<b>Variation Proposed</b>
<i>I.1. General Provisions</i>	Y	Y	N
<i>I.1.1. Application of Section</i>	Y	Y	N
<i>I.1.2. Objectives</i>	Y	Y	N
<i>I.1.3. Land-use Conflict &amp; Pollution Management Controls</i>	Y	Y	N
<i>I.1.4. Setback Controls</i>	Y	Y	N
<i>I.1.5. Building Design &amp; Form Controls</i>	Y	Y	N
<i>I.1.6. Waste Management Controls</i>	Y	Y	N
<i>I.1.7. Fencing Controls</i>	Y	Y	N
<i>I.1.8. Servicing Controls</i>	Y	Y	Y
<i>I.1.9. Commercial Activity Controls</i>	N	-	-
<i>I.1.10. Parking, Access and Mobility</i>	Y	Y	N
<i>I.1.11. Signage</i>	N	-	-
<i>I.1.12. Landscaping</i>	Y	Y	N
<i>I.1.13. Soil Erosion and Sediment Control</i>	Y	Y	N
<i>Part M - Parking, access &amp; mobility</i>	Y	Y	N
<i>Part N - Landscaping</i>	Y	Y	N





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### *I.1. General Provisions*

#### *I.1.1. Application of Section*

The proposed development is for general industry on land zoned RU1 Primary Production. General industry is permissible with consent on land zoned RU1 under the Cowra LEP. Section I.1 is applicable to the development.

#### *I.1.2. Objectives*

The development includes the construction of 2 high quality industrial sheds which will support, and not detract from, the functions of the Cowra Central Business District. The development is located at least 640 metres from the nearest residential dwelling ensuring that any impact on surrounding sensitive uses is minimised. The industrial development will not impact the ability of surrounding land to be continued to be used for primary production. The design features a new access from Binni Creek Road which will provide safe and practical access to appropriate car parking for the development. The development includes landscaping as shown on the development plans submitted with the application. The development is consistent with the objectives contained in I.1.2.

#### *I.1.3. Land-use Conflict & Pollution Management Controls*

The nearest sensitive noise receiver is located approximately 640 metres to the north east of the development. The roller doors of the facility are orientated east south/east.

An erosion and sediment control plan has been prepared and submitted with the application.

Vehicle entry from Binni Creek road will be sealed, and the car parking and vehicle manoeuvring areas constructed from gravel to minimise dust. The industrial buildings, which are oriented to front Binni Creek Road, will not create any long blank walls with no articulation visible from public spaces. The development includes a 3 metre wide landscaping strip as shown on the development plans submitted with the application. The development is consistent with I.1.3.

The western side of the development features a long blank wall, however this faces a paddock which forms part of the larger land holding. The appearance of a long blank wall of a shed would not be inconsistent with the surrounding farm and machinery sheds that form part of the surrounding context in the primary production setting.

#### *I.1.4. Setback Controls*

##### *I.1.4.1. Front Setbacks*

The development is setback a minimum of 11 metres from the front boundary, and incorporates a 3 metre wide landscaping strip for the full length of the development. The front setback increases to 18 metres from the front boundary where the car parking is incorporated into the development.



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#### *1.1.4.2. Side and Rear Setbacks*

The proposed development is setback at least 15 metres from the side boundary to the north, and more than 300 metres from the southern boundary. The development is more than 1 kilometre from the rear boundary. As shown on the development plans submitted with the application, the side setback to the north features a 2 metre wide landscaping strip as the adjoining property is used for primary production and not a residential purpose.

#### *1.1.5. Building Design & Form Controls*

The development contains roller doors and office components that are located at the street frontage of the structure. This will provide passive surveillance to the street. There are no long blank walls facing the street or public domain. The building height will not exceed 3 storeys. The building height will not adversely impact on the visual amenity of the locality due to the slope of the land rising from Binni Creek Road towards the west. The development will not result in any loss of solar access of any adjoining property. The development will incorporate new materials that will not be highly reflective. The materials used will be in neutral colours that will complement the surrounding style of agricultural sheds. The long blank wall of the western elevation faces a paddock and does not face the street or public domain which means this is not a variation to this control.

#### *1.1.6. Waste Management Controls*

Any future use of the site incorporating storage areas will need to accommodate them behind the building line so they are not visible from Binni Creek Road. Any future use that may generate or discharge any trade waste will be disposed of at a licensed facility.

#### *1.1.7. Fencing Controls*

No fencing is proposed as part of this application.

#### *1.1.8. Servicing Controls*

The site is unable to be connected to Council's reticulated sewer and water system. There are circumstances where it is appropriate for industrial development to be serviced by an onsite sewage management system as opposed to reticulated sewer. This is evident through the control contained in subclause 1.1.8(b) that allows for development on Waratah Street to take place without connection to reticulated sewer. In this instance, and as further support for this variation, the subject site is far greater in area than any allotments fronting Waratah Street industrial zone, and can easily cater for an onsite sewage management system. The site is a single allotment comprising 33 hectares meaning it is large enough to accommodate an onsite sewage management system. The site and the proposed sheds are large enough that rainwater can be captured from the roof areas and retained using rainwater harvesting tanks behind the sheds as displayed on the plans submitted with the application. It is therefore considered that the variation to reticulated water and sewer connection is justified. The site can be connected to the reticulated electricity system. The



development site is serviced by both NBN (satellite) and mobile network coverage. The development is located outside of the electricity easement that runs through the property.

*1.1.9. Commercial Activity Controls*

The development does not propose any commercial activity as part of this application.

*1.1.10. Parking, Access and Mobility*

The development complies with the requirements of Part M of the DCP for parking and access.

*1.1.11. Signage*

The development does not propose any signage as part of this application.

*1.1.12. Landscaping*

The development can comply with Part N of the DCP for landscaping requirements.

*1.1.13. Soil Erosion and Sediment Control*

An erosion and sediment control plan can be prepared and submitted with the construction certificate application.

The development is consistent with the controls contained in Part I of the DCP with the exception of Part I.1.8 where connection cannot occur to Council's reticulated sewer and water system, but provisions have been made through onsite sewage management systems and rainwater harvesting tanks to ensure the development meets the servicing requirements of the DCP.

*Part M - Car Parking*

Section M.1.5.4 parking calculations for industrial land-use types advises that the car parking rate should be drawn with regard to the nature of the development. The development plans submitted with the application displays 7 parking spaces separate to the shed structures. The parking area has been designed to comply with Part M of the DCP without variation.

*Part N - Landscaping*

*N.3.4 Industrial landscape controls*

The development incorporates a 3 metre wide landscape strip along the Binni Creek Road frontage and a 2 metre wide landscape strip on the northern side boundary in accordance with Part I.1.4 of



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the DCP. This landscape plan achieves the objectives contained in Part N of the DCP without variation.

The development is consistent with the provisions of the DCP with the exception of the required connection to Council's reticulated water and sewer. The objectives of servicing controls are achieved through the use of onsite sewage management systems and rainwater harvesting tanks.



(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F.

The applicant has not entered into any planning agreement or draft planning agreement.

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

#### 5.4 Environmental Planning and Assessment Regulation 2021

##### **Part 4 - Division 1 Determination of development applications—the Act, s 4.15(1)(a)(iv)**

##### **Clause 61 Additional matters that consent authority must consider**

(1) In determining a development application for the demolition of a building, the consent authority must consider the Australian Standard AS 2601—2001: The Demolition of Structures.

(2) In determining a development application for the carrying out of development on land that is subject to a subdivision order under the Act, Schedule 7, the consent authority must consider—

(a) the subdivision order, and

(b) any development plan prepared for the land by a relevant authority under that Schedule.

(3) In determining a development application for development on the following land, the consent authority must consider the Dark Sky Planning Guideline—

(a) land in the local government area of Coonamble, Gilgandra, Warrumbungle Shire or Dubbo Regional,

(b) land less than 200 kilometres from the Siding Spring Observatory, if the development is—

(i) State significant development, or

(ii) designated development, or

(iii) development specified in State Environmental Planning Policy (Planning Systems) 2021, Schedule 6.

(4) In determining a development application for development for the purposes of a manor house or multi dwelling housing (terraces), the consent authority must consider the Low Rise Housing Diversity Design Guide for Development Applications published by the Department in July 2020.

(5) Subsection (4) applies only if the consent authority is satisfied there is not a development control plan that adequately addresses the development.

(6) In determining a development application for development for the erection of a building for residential purposes on land in Penrith City Centre, within the meaning of Penrith Local



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*Environmental Plan 2010, the consent authority must consider the Development Assessment Guideline: An Adaptive Response to Flood Risk Management for Residential Development in the Penrith City Centre published by the Department on 28 June 2019.*

*(7)–(8) (Repealed)*

**Comments:**

The proposal does not involve demolition of a building and therefore the requirements of AS 2601 do not need to be considered in accordance with Clause 61(1).

The subject land is not subject to a subdivision order under the Act, Schedule 7, therefore Clause 61(2) is not applicable.

The *Dark Sky Planning Guideline* does not apply to Cowra Shire and therefore Clause 61(3)(a) and (b) are not applicable.

The development does not include a manor house or multi dwelling housing, therefore Clause 61(4) is not applicable (subject to subclause (5)).

The development is not located within the Penrith City Centre.



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**62 Consideration of fire safety**

*(1) This section applies to the determination of a development application for a change of building use for an existing building if the applicant does not seek the rebuilding or alteration of the building.*

*(2) The consent authority must—*

*(a) consider whether the fire protection and structural capacity of the building will be appropriate to the building's proposed use, and*

*(b) not grant consent to the change of building use unless the consent authority is satisfied that the building complies, or will, when the development is completed, comply, with the Category 1 fire safety provisions that are applicable to the building's proposed use.*

*(3) Subsection (2)(b) does not apply to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.*

**Comments:**

The proposal does not involve the change of a building use for an existing building and therefore the requirement to consider fire safety and structural adequacy of buildings in accordance with Clause 62 is unnecessary.



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**63 Considerations for erection of temporary structures**

*In determining a development application for the erection of a temporary structure, the consent authority must consider whether—*

- (a) the fire protection and structural capacity of the structure will be appropriate to the proposed use of the structure, and*
- (b) the ground or other surface on which the structure will be erected will be sufficiently firm and level to sustain the structure while in use.*

**Comments:**

The proposal does not involve the erection of a temporary structure and therefore the requirements to consider fire safety and structural adequacy is unnecessary.





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#### **64 Consent authority may require upgrade of buildings**

*(1) This section applies to the determination of a development application that involves the rebuilding or alteration of an existing building if—*

*(a) the proposed building work and previous building work together represent more than half of the total volume of the building, or*

*(b) the measures contained in the building are inadequate—*

*(i) to protect persons using the building, if there is a fire, or*

*(ii) to facilitate the safe egress of persons using the building from the building, if there is a fire, or*

*(iii) to restrict the spread of fire from the building to other buildings nearby.*

*(2) The consent authority must consider whether it is appropriate to require the existing building to be brought into total or partial conformity with the Building Code of Australia.*

*(3) In this section—*

***previous building work*** means building work completed or authorised within the previous 3 years.

***total volume of a building*** means the volume of the building before the previous building work commenced and measured over the building's roof and external walls.

#### **Comments:**

The proposal does not involve the rebuilding, alteration, enlargement or extension of an existing building that represents more than half the total volume of the building and therefore the requirement to consider the upgrading of buildings into total or partial conformity with the Building Code of Australia.

The measures within the building at the completion of the project will be adequate to protect the building and facilitate safe egress from the building and restrict spread of fire.



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**67 Modification or surrender of development consent or existing use right**

Not applicable.

**75 Fulfilment of BASIX commitments**

Not applicable.

**76 Deferred commencement consent**

Not applicable.



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**(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,**

**Context and Setting**

The site is located approximately 5 kilometres north of the Cowra CBD. The land contains an existing farm shed associated with agricultural use of the land. The land gently undulates, the land slopes upwards from the vehicle access point from Binni Creek Road to the site of the proposed sheds. The surrounding land use is primary production. The agricultural research station including an associated conference centre is located to the south east of the land.

**Access, Transport and Traffic**

Vehicle access to the development will be gained by a new vehicle crossing from Binni Creek Road as displayed on the development plans submitted with the application.

**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.

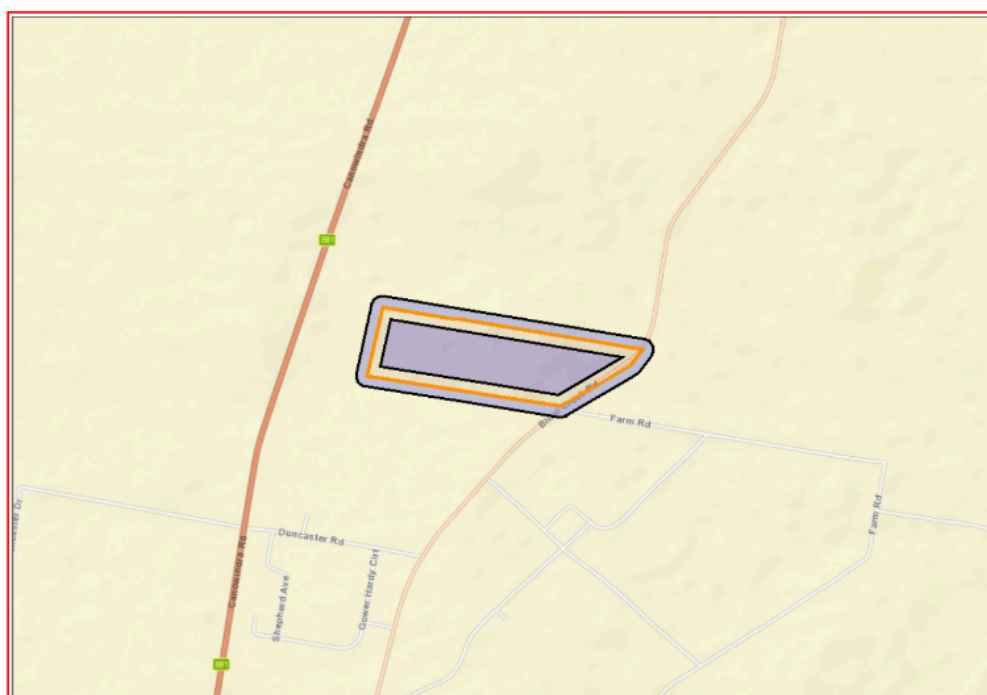


### **Heritage**

There are no items listed in schedule 5 of the LEP as present on the land. An AHIMS search did not reveal any recorded items of Aboriginal Heritage Significance on the land or adjacent road reserve.

**AHIMS Web Service search for the following area at Lot : 2, DP:DP1166678, Section : - with a Buffer of 50 meters, conducted by Beth Johnstone on 22 March 2023.**

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

### **Water**

Water will be provided through rainwater harvesting tanks. Excess stormwater can be managed on the site or drained to the Council Stormwater management System in Binni Creek Road.



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**Soils**

The development will not have a negative impact on soils.

**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. The ongoing use of the development will not negatively impact air quality.

**Flora and Fauna**

The proposal does not require the removal of any trees.

**Waste**

Future use of the site can accommodate an appropriate on-site sewage management system. The site is connected to reticulated sewerage. Any construction waste and future industrial waste will be removed from the site and appropriately recycled or catered for at a licensed waste management facility.

**Energy**

The development is required to comply with the associated energy efficiency requirements.

**Noise and Vibration**

Some noise will occur during the construction period, but is not expected to adversely impact on any surrounding land uses.

**Natural Hazards**

Inspection of the site and mapping associated with the LEP did not identify the subject land as being subject to flooding or bushfire or any other potential hazards.

**Technological Hazards**

No impacts as previously discussed in this report.

**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 is constructed in accordance with the Building Code of Australia.



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**Cumulative impacts**

The proposal is not expected to generate any ongoing negative cumulative impacts. A minimal increase in traffic and activity at the site will occur during the construction phase.

**(c) the suitability of the site for the development**

The site has appropriate area, dimensions and topography to facilitate construction of the proposed development.

**(d) any submissions made in accordance with this Act or the regulations,**

Council will exhibit the development in accordance with the Community Consultation Policy.

**(e) the public interest**

No aspect of the proposed development will overburden any facility operating in the public interest.



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## 6. Conclusion

Through preparation of this SEE, it is confirmed that the development is consistent with all the planning controls of the LEP and the majority of the controls contained in the DCP with the exception of not being able to connect to reticulated water and sewer. However, information has been provided to demonstrate that onsite sewage management and water collection and detention can occur to service the development. The development is appropriate in scale and design to be constructed without any identified negative impact.

It is considered the proposed development can be approved by Council without alteration to the proposed design.



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## Appendix A - Requirements of the Approved Form Guide

### a. The environmental impacts of the development

The development is being completed on a rural site and no negative environmental impact will be incurred.

### b. How the environmental impacts of the development have been identified

The site was inspected as part of the preparation of the development application and confirmed that no environmental impacts that could be avoided have been identified.

### c. The steps to be taken to protect the environment or to lessen the expected harm to the environment

As per a. and b., no specific measures are required other than to construct the development as proposed.

### d. Any matters required to be indicated by any guidelines issued by the Planning Secretary

No specific guidelines relevant to the application have been issued by the planning secretary.

### e. Drawings of the proposed development in the context of surrounding development, including the streetscape

The proposed development is consistent with the character of the rural area in the surrounding context. The documents submitted are adequate to allow for comprehensive assessment of the proposal.

### f. Development compliance with building heights, building height planes, setbacks and building envelope controls (if applicable) marked on plans, sections and elevations

The plans submitted with the application are sufficient to allow for comprehensive assessment of the proposal.

### g. Drawings of the proposed landscape area, including species selected and materials to be used, presented in the context of the proposed building or buildings, and the surrounding development and its context

The plans submitted with the application are sufficient to allow for comprehensive assessment of the proposal which is of a design and scale appropriate to the rural area.

### h. If the proposed development is within an area in which the built form is changing, statements of the existing and likely future contexts





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The area is characterised by rural land use and the proposed development is consistent with the existing character and the proposed surrounding character which is also rural.

**i. Photomontages of the proposed development in the context of surrounding development**

Photomontages are not necessary in this instance.

**j. A sample board of the proposed materials and colours of the facade**

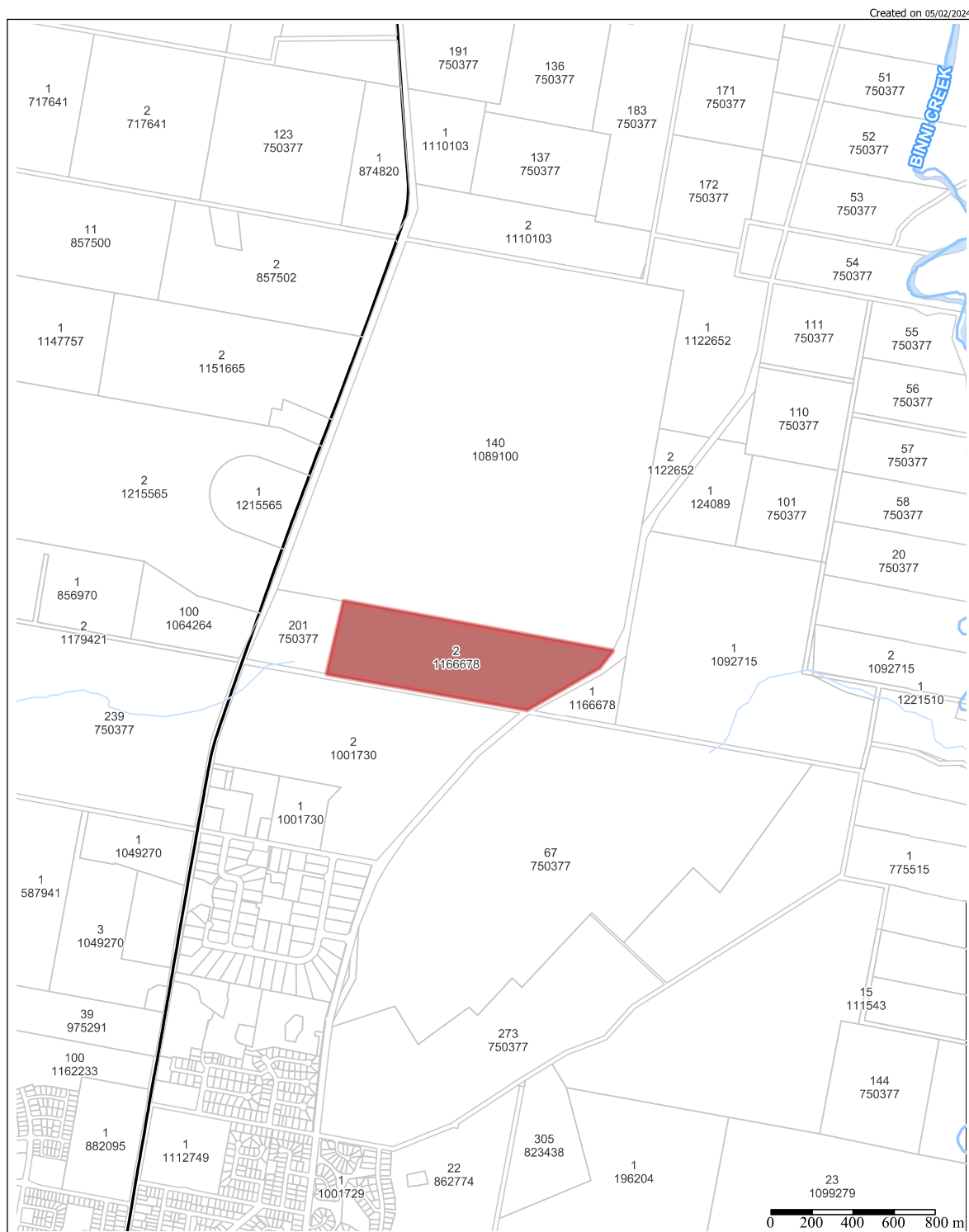
Sample boards are not necessary in this instance.

**k. Detailed sections of proposed facades**

The plans submitted are adequate for comprehensive assessment of the development without submitting section plans for a development application.

**l. If appropriate, a model that includes the context.**

A model is not necessary in this instance.



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Projection: # GDA2020 / MGA zone 55

Date: 05/02/2024 4:51 PM

**506 Binni Creek Road  
Cowra**

Map Scale: 1:22198 at A4

Created on 05/02/2024



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Drawn By: Cassandra Galley

Projection: # GDA2020 / MGA zone 55

Date: 05/02/2024 4:53 PM

**506 Binni Creek Road  
Cowra**

Map Scale: 1:10000 at A4

- 6.2** 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

File Number: D24/94

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 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 1, 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-interimguideline-2008.ashx (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](mailto: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

<b>Emergency Maintenance</b>	<b>All Days</b>	<b>24 hours</b>
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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.

## INTRODUCTION

Development Application No. 57/2020 proposes 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. The application was lodged with Council by Buzzree Pty Ltd on 29 June 2020. It has since been subject to one major amendment (discussed below) and required re-exhibition and re-referral to two government agencies.

The application is being reported to Council because it involves two lots and some road reserve areas that are owned by Cowra Council. In accordance with Council's Code of Planning Practice – Development Applications, where applications involve Council interests the application is to be reported to Council for determination.

A copy of the development plans of the proposed continued use of 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

The subject land covers an area of approximately 2.9ha. A landscape materials yard has been operating from the site since the early 1970's. Prior to this, the site formed part of a gravel extraction operation involving the extraction of gravel from the bed and banks of the adjacent Lachlan River.

Features adjacent to the subject land include the Lachlan River to the south and west, agricultural land to the west and northwest, and light industrial, residential, and business zones to the north, northeast, and east.

Lot & DP	Owner	Zone
Lot 2 DP 557714	Applicant	RUI
Lot 1 DP 1201417	Cowra Council	SP2
Lot 10 DP 1107219	Cowra Council	RUI
Lot 3905 DP 1200283	NSW Government	SP2
Unformed road reserves associated with Lee and River Streets.	Cowra Council	RUI

The subject land includes land within Lot 3905 DPI200283 which is occupied by the disused Cowra to Eugowra Railway. A licence agreement between the Applicant and Rail Corporation NSW for the continued use of the section of the Project Site within Lot 3905 DPI200283 was granted on 17 February 2020.

The Applicant proposes to seek an agreement in relation to access and continued use of land within the Project Site owned by Cowra Council.

The subject land is accessed by a concrete driveway on the corner of Kite Street and River Street and is intersected by the disused Cowra to Eugowra Railway.

The subject land is occupied by a Landscaping Materials Yard adjacent to the upper bank of the Lachlan River, with the southwestern and western boundaries defined by a combination of a concrete block walls and an earth bunds. Infrastructure which forms part of the existing Landscaping Material Yard includes the following.

- Two concrete pad work areas, including one with an adjacent unlined sump used for truck washout and water storage.
- Material bunkers constructed using concrete blocks and panels.
- Various material stockpiles.
- Surface water management infrastructure including earth bunds and concrete block walls along the southern and western perimeter of the Project Site.
- A concrete-sealed driveway and level crossing.

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

### **Description of Proposal**

The application was initially submitted as Designated Development seeking consent for the continued use of a concrete batching plant including manufacture of precast concrete products and concrete waste recycling. Continued use was also sought for the sales of small quantities of landscaping and other materials.

Following lodgement, a thorough review of Council records discovered historical approval for the existing concrete batching operation but not for landscaping materials supplies. The application was subsequently amended for this component only. There is also no existing formal authorisation for the use of Council land.

The applicant's principal objectives for the proposal are to:

- Obtain the necessary development consent and rectify issues associated with the use of land controlled by Council and Transport for NSW;
- Continue to service the construction and landscaping material market in the Cowra region;
- Undertake modification to the existing site layout to ensure that environmental risks are minimised to the maximum extent practicable; and

- Undertake all activities in a manner to ensure compliance with conditional requirements of all approvals, reasonable community expectations and, to the extent practicable, the objectives of the Cowra LEP.

The proposal includes the following key activities:

- Modifications to the project site layout, including the construction of a concrete sealed work area including truck washout bays and bunding and relocation of some concrete bunkers;
- The establishment of a range of surface water management infrastructure (including a sediment basin) to ensure improved environmental management of the project site;
- Continued sale of small quantities of landscaping and other materials to the general public and small business;
- Recycling of limited quantities of returned concrete material from the applicant's adjacent concrete batching operations;
- Ancillary activities, including management of surface water and storage of equipment.
- Remediation of a section of the rail corridor
- Establishment of a vegetated riparian zone

The hours of operation for the existing and proposed Landscaping Materials Yard are as follows:

1. Activity	2. Period	3. Hours of Operation
Landscaping Materials Delivery and Supply	Monday to Friday	7:00am to 5:00pm
	Saturday	7:00am to 12:00pm
	Sunday	No Operations
Emergency Maintenance	All Days	24 hours

The Applicant currently employs five full-time employees.

The table below lists mobile equipment that would be used for day-to-day operations, together with the likely use of each piece of equipment.

4. Equipment	5. No.	6. Function
Front-end Loader	2	Loading trucks and trailers within the Landscaping Materials Yard. Stockpile management activities. Washout bay clean-out.
Agitator Trucks <sup>1</sup>	3 - 5	Enter and exit the Project Site, washing at the Concrete Sealed Work Area
Note 1: Agitator trucks associated with the Applicant's adjacent concrete batching operations would only enter the Project Site for truck washout purposes.		

No site office or amenities are present within the boundary of the Landscaping Materials Yard as facilities available at the Applicant's adjacent concrete batching plant are used instead (not the subject of this DA). Those site amenities are connected to Council's reticulated sewage system.

### **Environmental Impact Assessment**

In determining a development application, a consent authority is to take into consideration such of the matters as are of relevance to the development in accordance with Section 4.15(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 57/2020:

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

The application is classified as Non-Designated, Local Development as it does not meet the relevant thresholds for Designated, Regionally Significant or State Significant Development.

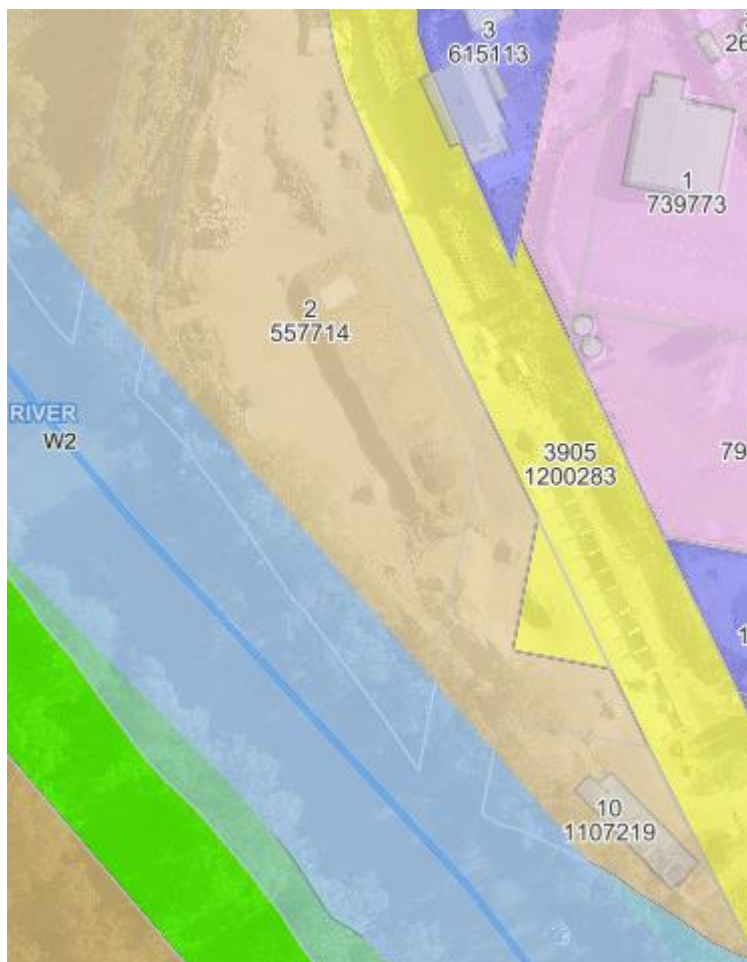
The proposal is classified as Integrated Development under Section 4.46 of the EP&A Act as a controlled activity approval for activities within 40m of waterfront land Under the *Water Management Act 2000* is required. This has been issued and is discussed elsewhere in this report along with the necessary licence from Transport for NSW for the use of rail corridor land.

A Section 138 Permit from Council for the ongoing use of the unformed sections of road reserves associated with Lee Street and River Street would also be required.

#### **Cowra Local Environmental Plan 2012**

The subject land is zoned RUI Primary Production and SP2 Rail Infrastructure Facilities under the provisions of the *Cowra Local Environmental Plan 2012 (LEP)*.

Landscaping material supplies are permitted with consent in the RUI zone (which is what the land west of the railway line is zoned), however are prohibited in the SP2 zone (the former railway lands). Clause 5.3 of the LEP (development near zone boundaries) can be used in this instance to utilise the RUI zone provisions within 100m of the zone boundary, with respect to permissibility.



Clause 2.3(2) of the Cowra LEP 2012 requires that “The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone”.

### **Zone RUI Primary Production**

#### *1 Objectives of zone*

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

#### *2 Permitted without consent*

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

#### *3 Permitted with consent*

Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Camping grounds; Cellar door premises; Cemeteries; Community facilities; Correctional centres; Depots; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Function centres; General industries; Heavy industries; Helipads; Home-based child care; Home businesses; Home industries; Home occupations (sex services); Industrial training facilities; Information and education facilities; Intensive livestock agriculture; Jetties; **Landscaping material supplies**; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Rural industries; Rural workers' dwellings; Secondary dwellings; Signage; Transport depots; Veterinary hospitals; Water recreation structures; Water supply systems

#### 4 Prohibited

Any development not specified in item 2 or 3

Objective	Response
• To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.	The land is not used for primary production and has historically been used for landscape materials supplies.
• To encourage diversity in primary industry enterprises and systems appropriate for the area.	The land is not suitable or capable for primary industry enterprises.
• To minimise the fragmentation and alienation of resource lands.	The land is already fragmented.
• To minimise conflict between land uses within this zone and land uses within adjoining zones.	The continuation of the land use is considered acceptable with respect to the minimising potential conflict with neighbouring land uses. The proposed hours of operation are acceptable and mitigation measures proposed in the SEE are reasonable to ensure that any impacts are acceptable.

### Zone SP2 Infrastructure

#### 1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

#### 2 Permitted without consent

Roads

#### 3 Permitted with consent

Aquaculture; The purpose shown on the [Land Zoning Map](#), including any development that is ordinarily incidental or ancillary to development for that purpose

#### 4 Prohibited

Any development not specified in item 2 or 3

Objective	Response
<ul style="list-style-type: none"> <li>To provide for infrastructure and related uses.</li> </ul>	The land is no longer utilised for the purposes of a rail line. TfNSW has no objections to the proposed development on this land (Lot 3905).
<ul style="list-style-type: none"> <li>To prevent development that is not compatible with or that may detract from the provision of infrastructure.</li> </ul>	Lot 3905 has been used for landscape materials supplies for a considerable period of time and the applicant has a licence in place with TfNSW to use it for this purpose.

### 5.3 Development near zone boundaries

(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 100 metres.

(3) This clause does not apply to—

(a) land in Zone RE1 Public Recreation, Zone C1 National Parks and Nature Reserves, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone W1 Natural Waterways, or

(b) land within the coastal zone, or

(c) land proposed to be developed for the purpose of sex services or restricted premises.

Note—

When this Plan was made it did not include Zone W1 Natural Waterways.

(4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—

(a) the development is not inconsistent with the objectives for development in both zones, and

(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

(5) This clause does not prescribe a development standard that may be varied under this Plan.

#### Comments

The following provides consideration of Clause 5.3:

**Sub-clause 1**

The applicant is seeking to utilise clause 5.3 to allow for the landscape materials supplies development on the SP2 Rail Infrastructure part of the subject land as it adjoins the RUI zoned land where landscape materials supplies are permitted with consent. The clause is designed to provide flexibility in such a situation.

**Sub-clause 2**

The entirety of the SP2 zoned land is within 100 metres of the RUI Primary Production land-use zone meaning the entire site can be utilised in the proposed development which is permitted to within 100 metres of a neighbouring zone. The development is consistent with sub-clause 2.

**Sub-clause 3**

The land is zoned SP2 which is not listed as being specifically excluded, nor is the land mapped within a coastal zone and the proposed use is not listed as specifically excluded from its operation. The development is consistent with sub-clause 3.

**Sub-clause 4**

The proposed landscape materials supplies is not considered inconsistent with the zone objectives of the SP2 and RUI zones in this instance. Refer to previous assessment against the zone objectives. The development is consistent with the planning controls of Sub-clause 4(a).

The proposed development is considered compatible with the area and is desirable as the area has sufficient capacity of infrastructure to cater for a landscape materials supplies business without over-burdening any public utility, consistent with Sub-clause 4(b).

**Sub-clause 5**

This proposed development does not vary any prescribed development standard within the LEP.

The proposed landscape materials supplies development in the environmental context of the subject land can be developed consistent the provisions of clause 5.3 without variation and may be approved.

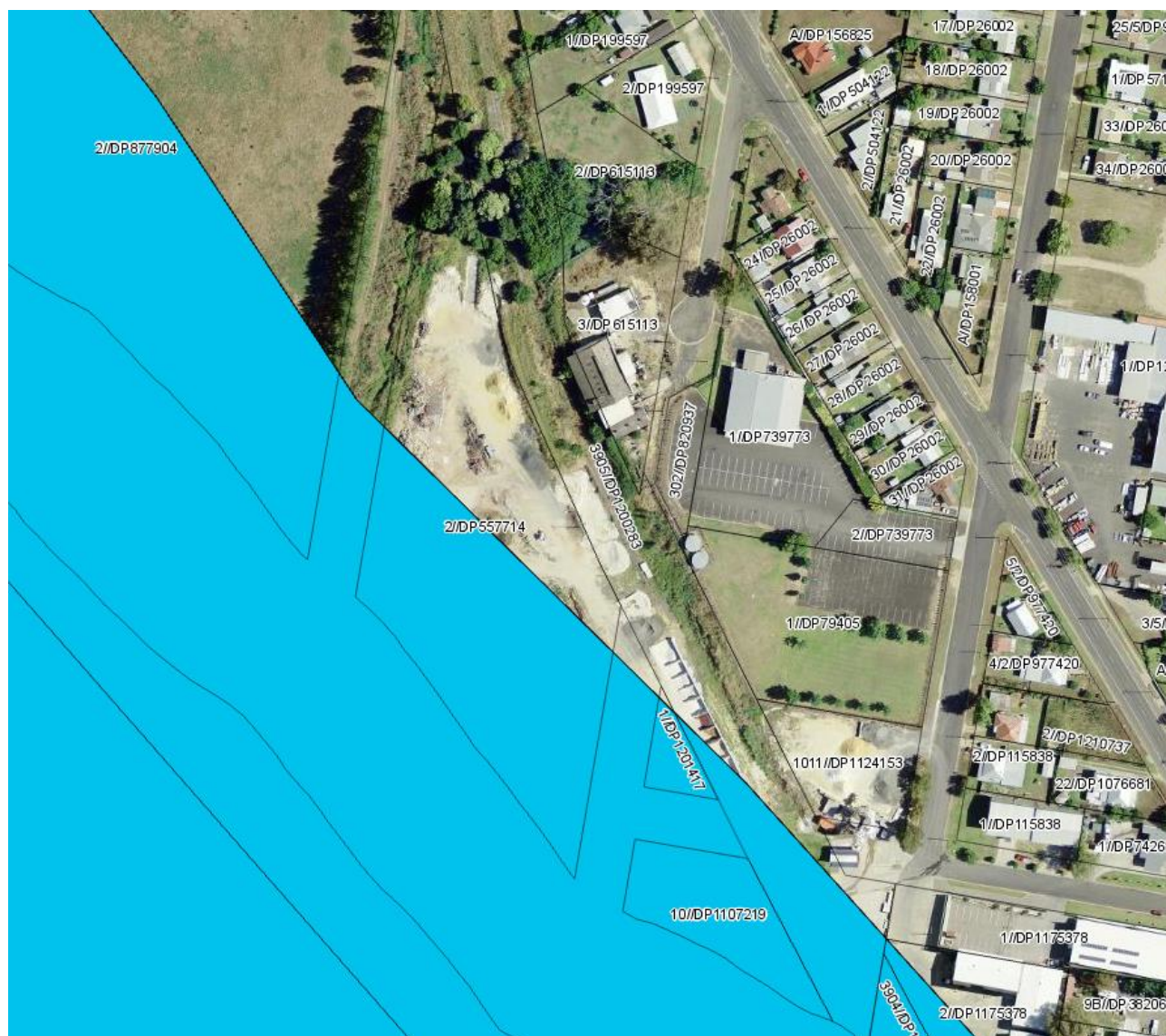
**5.21 Flood Planning**

Clause 5.21 of the Cowra LEP identifies the following objectives with regards to flood planning.

- “To minimise the flood risk to life and property associated with the use of land.
- To allow development on the land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change.
- To avoid adverse or cumulative impacts on flood behaviour and the environment.
- To enable the safe occupation and efficient evacuation of people in the event of a flood”.

A review of Cowra LEP 2012 Flood Planning Map Sheet FLD\_002C confirms that the Project Site is located within the nominated flood planning area.





The Applicant contends that structures and activities within these areas would not impact on flood behaviour or be inconsistent with the Cowra LEP or DCP for the following reasons:

- All structures have been designed to minimise impacts on flood behaviour, including the following.
  - The existing material bunkers have been constructed in the most elevated section of the Landscaping Material Yard, with the openings of these bunkers on the downslope side, permitting entry and exit of flood waters with minimal obstruction.
  - The concrete wash out bays and water storage cell would be recessed into the ground and lined with concrete, permitting the free passage of flood waters over the tops of these structures and not obstructing flood waters.
  - All structures extending above the ground surface within the Flood Planning Area would be earth bunds or would be constructed using concrete blocks. In the event that these structures are subjected to high velocity flood waters, the concrete blocks may be displaced

*short distances, but would not form debris that would result in damage downstream of the Project Site.*

- *The Applicant would relocate as much landscaping materials from lower sections of the Project Site to higher sections in advance of potential flooding. This would limit the potential for that material to be entrained in flood waters.*

These measures are considered reasonable. The development is assessed to be compatible with the flood function and behaviour on the land and will not adversely affect flood behaviour or the safe occupation and evacuation of people. Projected changes to flood behaviour as a result of climate change are unknown. Landscaping products can be relocated if the surrounding area is impacted by flooding. It is assessed that the proposed development is satisfactory with regard to the considerations contained in Clause 5.21.

### **7.3 - Terrestrial Biodiversity**

Clause 7.3 of the Cowra LEP identifies the following objective with regards to terrestrial biodiversity, which is to maintain terrestrial biodiversity by:

- “protecting native flora and fauna,
- protecting the ecological processes necessary for their continued existence; and
- encouraging the conservation and recovery of native fauna and flora and their habitats”.

A review of Cowra LEP 2012 Terrestrial Biodiversity Map confirms that the Project Site is partially located on land identified as ‘Biodiversity’ which is the riparian vegetation located on the banks of the Lachlan River.

Section 3.9 of the submitted SOEE provides information on biodiversity-related impacts associated with the Proposal to allow for consideration against Clause 7.3(3) and (4) of the Cowra LEP.

No vegetation removal is proposed – accordingly no negative impacts have been identified.

### **7.4 - Riparian Lands and Watercourses**

Clause 7.4 of the Cowra LEP identifies the following objectives with regards to riparian lands and watercourses, namely to protect and maintain:

- “water quality within watercourses,
- the stability of the bed and banks of watercourses,
- the aquatic and riparian habitats; and
- ecological processes within watercourses and riparian areas.”

A review of Cowra LEP 2012 Wetlands Map Groundwater Vulnerability Map Riparian Lands and Watercourses Map confirms that the project is located adjacent to an identified watercourse, namely the Lachlan River.

Additionally, Clause 7.4 of the Cowra LEP applies to “all land that is within 40 metres of the top of the bank of each watercourse” as identified on the aforementioned map.

The application includes a number of management and mitigation measures aimed at minimising impacts on surface water and flooding and improving water quality. DPE-Water have provided their General Terms of Approval (Water Management Act 2000) which are included in the recommended conditions of consent. The application is satisfactory with regard to the considerations of Clause 7.4.

### **7.6 - Groundwater Vulnerability**

Clause 7.6 of the Cowra LEP identifies the following objectives with regards to groundwater vulnerability.

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

A review of Cowra LEP 2012 Wetlands Map Groundwater Vulnerability Map Riparian Lands and Watercourses Map Sheet confirms that the Project Site is located on land identified as ‘Groundwater Vulnerable’.

The application includes the following assessment of potential impacts:

Potential groundwater-related impacts and constraints include the following:

- Interception or extraction of groundwater from an aquifer. No groundwater would be extracted or intercepted and therefore no aquifer interference or other groundwater approval or licence is required. As a result, this issue poses a negligible constraint.
- Contamination of groundwater through the discharge of high pH or contaminated water. Truck wash out activities would be undertaken in areas of the Project Site which are concrete sealed to prevent infiltration of potentially contaminated water. The Applicant would ensure that potentially contaminated water would drain to the concrete-lined water storage cell which would be constructed to ensure that contaminated water does not seep through to reach the water table. Assuming that these measures are implemented, this issue is likely to pose a minor constraint.
- Contamination of groundwater from hydrocarbon leaks or spills. The Applicant would implement appropriate hydrocarbon management procedures. As a result, this issue is likely to pose a negligible constraint.
- Impacts on groundwater dependent ecosystems. On the basis that groundwater would not be affected by the Proposal, groundwater dependent ecosystems would not be impacted, and so this issue is likely to pose a negligible constraint.

Given the water management measures outlined in Section 2.2.4 and Appendix 2, it is not anticipated that the Proposal would have any impact on groundwater resources and is therefore consistent with the objectives of the Cowra LEP.

### **7.8 Essential services**

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 are 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 vehicular access.

#### Comments

The site is connected to all available services. There is an existing access onto the site.

#### State Environmental Planning Policies

The following State Environmental Planning Policies are considered relevant to Council's consideration:

#### **State Environmental Planning Policies**

<b>SEPP</b>	<b>COMMENTS</b>
SEPP (Housing) 2021	Not applicable
SEPP (Primary Production) 2021	Not applicable
SEPP (Resources and Energy) 2021	Not applicable
SEPP (Resilience and Hazards) 2021	Includes the former SEPP 55 – Remediation of Land. See comments below
SEPP (Industry and Employment) 2021	Not applicable
SEPP (Transport and Infrastructure) 2021	Not applicable
SEPP (Biodiversity and Conservation) 2021	Not applicable. No vegetation requires removal.
SEPP (Planning Systems) 2021	Not applicable
SEPP (Precincts – Eastern Harbour City) 2021	Not applicable
SEPP (Precincts – Central River City) 2021	Not applicable
SEPP (Precincts – Western Parkland City) 2021	Not applicable
SEPP (Precincts - Regional) 2021	Not applicable
SEPP (Building Sustainability Index: BASIX)	Not applicable

SEPP 65—Design Quality of Residential Apartment Development	Not applicable
SEPP (Exempt and Complying Development Codes) 2008	Not applicable

### • SEPP (RESILIENCE AND HAZARDS) 2021

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

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

It is assessed that the proposal would not be classified as offensive or potentially offensive development as it would not have a significant adverse impact on the locality. The site has been subject to long-term industrial use.

Following a suspected pollution incident, on 30 June 2020 Council issued a Notice of Intention to the Applicant to issue a Clean-up Direction under Section 92 of the Protection of the Environment Operations Act 1997. A further direction was issued by Council on 17 August 2022 requiring the Applicant to complete a contamination assessment at the site. Details of the contamination assessment are included in Section 3.6 of the Statement of Environmental Effects (SEE). In summary, the contamination assessment concluded that the suspected pollution incidents had not resulted in unacceptable impacts to soil or groundwater at the site which was therefore suitable for continued commercial/industrial use. The SEE contains proposed surface water controls which would prevent future pollution as a result of truck washout activities.

The land is presently used as a landscape materials supplies business – no change is proposed other than seeking approval for its continued use. No further investigation is required in accordance with the NSW Managing Land Contamination Planning Guidelines.

#### **4.15(1)(a)(ii) Any draft Environmental Planning Instrument**

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

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

#### **Cowra Shire Council Development Control Plan 2021**

#### **Relevant Plan sections:**

### **PART A – PLAN INTRODUCTION**

Consent is required for the proposed development.

**PART B – LAND MANAGEMENT**

Appropriate soil and water management controls are to be implemented in accordance with the approved documentation.

**PART I – INDUSTRIAL DEVELOPMENT**

The landscaping materials supplies component including product bunkers and stockpile areas has minimal road frontage and visibility from public spaces. Streetscape landscaping is not considered necessary. Hours of operation, noise emission limitations and waste management controls are included in the application and in the recommended conditions of consent. The proposal is designed appropriately in consideration of the requirements of Part I.

**PART K – LAND USE BUFFERS****Cowra Airport Obstacle Limitation Surface**

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

**PART O – ENVIRONMENTAL HAZARD MANAGEMENT**

The subject land is partially mapped as flood prone as discussed previously in this report. It is assessed that the proposal has been satisfactorily designed so as to minimise both flood risk to property and adverse effects on flood behaviour.

The subject land is not mapped as bushfire prone.

A contamination assessment has concluded that the site is suitable for continued commercial/industrial use.

**PART P – CPTED PRINCIPLES**

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

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

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

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

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

- Clause 92 – The Government Coastal Policy does not apply to Cowra Shire and therefore Clause 92(1)(a) and (b) are not applicable to this development proposal. The proposal does not involve demolition of a building and therefore the requirements of AS 2601 do not need to be considered in accordance with Clause 92(2).

- Clause 93 – The proposal does not involve the change of a building use for an existing building, or the use of an existing building as a place of public entertainment and therefore the requirement to consider fire safety and structural adequacy of buildings in accordance with Clause 93 is unnecessary.
- Clause 94 – The proposal does not involve the rebuilding, alteration, enlargement or extension of an existing building or place of public entertainment and therefore the requirement to consider the upgrading of buildings into total or partial conformity with the Building Code of Australia.
- Clause 94A – The proposal does not involve the erection of a temporary structure and therefore the requirements to consider fire safety and structural adequacy is unnecessary.

#### **S4.15(C)(1)(b) The Likely Impacts of the Development**

Section 4.15(C)(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 area is characterised by a range of commercial and residential land uses. The proposal is assessed as being consistent with the character of the locality and is appropriate given its local context and setting.

##### Access, Transport and Traffic

Site access is via an existing concrete driveway located at the corner of Kite Street and River Street. The applicant states that the landscaping materials yard typically requires two material delivery trucks to access the site each week. The proposal does not include any changes to the existing traffic environment. Temporary parking for customers is available in the landscaping materials yard.

##### Public Domain

The proposal will not have a negative impact on public recreational opportunities or public spaces in the locality.

##### Utilities

The site is connected to all necessary utilities.

##### Heritage

There are no Aboriginal or European heritage items on the subject land or adjoining lands.

##### Stormwater, Water and Sewerage

The application will not impact on water or sewer services. A soil and water management plan (SWMP) has been submitted as part of the application and assessed as satisfactory.

##### Soils

Minimal impact on soils. The SWMP mitigates potential soil erosion and sedimentation issues.

#### Air and Microclimate

There is potential for dust to be emitted from the site in association with vehicle movements and product stockpiles. There may also be a temporary increase during the proposed upgrades to site infrastructure. The Statement of Environmental Effects proposes a range of control measures to minimise dust and particulate emissions. This includes monitoring dust generation, wetting surfaces and stockpiles and ensuring construction activities are not undertaken in windy conditions. Water will be applied to the revegetated riparian corridor areas for the first two months following seed or hydromulch application.

#### Flora and Fauna

No native vegetation exists on the site and the continued use of the development will not require the removal of any trees. Revegetation of the adjacent riparian vegetation is proposed as part of the application. The applicant has proposed to establish a 10m wide vegetated riparian zone delineated by a fence. The vegetation community selected will reflect existing remnant riparian vegetation in the locality. The proposal is unlikely to adversely affect threatened species, communities or their habitats.

#### Waste

Any construction waste will be removed from the site and appropriately recycled or catered for at a licensed waste management facility.

#### Energy

A BASIX Certificate is not required for this application.

#### Noise and Vibration

The development application does not propose any additional activities to those already being undertaken on the site which has been operating since the 1970's. Nevertheless, the applicant has submitted an acoustic assessment which contains the following noise management measures:

- Ensure that the operation of the sprinkler system is restricted to daytime periods (i.e. 7:00am to 6:00pm, Monday to Saturday).
- Comply with the approved hours of operation.
- Actively engage with the surrounding community and neighbours to ensure that any concerns over noise or vibration are identified and addressed.

It is noted that neither the Applicant or Council has received any noise complaints regarding the operation of the facility.

#### Natural Hazards

The site is partially subject to flooding as previously discussed in this report. There are no habitable buildings proposed as part of the application. It is assessed that suitable measures are proposed to address the flood hazard and the proposed development will not impact adversely on flood behaviour.



### Technological Hazards

Site assessment has confirmed that there are no technological hazards rendering the site unsuitable for the continued use of the landscaping materials supplies.

### 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 identified 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

There are proposed minor structures for product storage and surface water management that can be constructed without adverse impacts on neighbours or the environment.

### Cumulative impacts

The proposal is not expected to generate any ongoing negative cumulative impacts.

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

The development is consistent with the zone objectives and consideration has been given to the impacts the development will have within the locality. It is considered that the proposed development will not create adverse impacts within its local setting. Appropriate services for water, waste disposal and other utilities are available to the site. It is assessed that the development will not impact upon any existing services. The development site is not identified as being unsatisfactorily constrained by natural features. The site is considered suitable for the development subject to the imposition of appropriate conditions of consent.

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

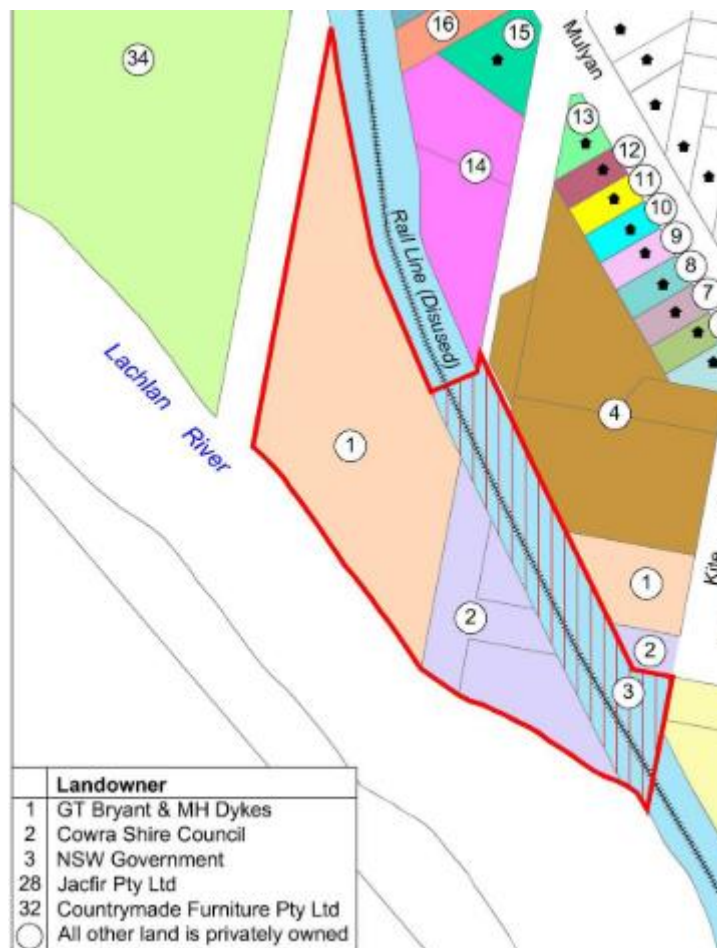
### Public Consultation

The subject Development Application was advertised and notified to adjoining owners in writing from 25 May 2021 to 23 June 2021, in accordance with Cowra Community Participation Plan 2020. No submissions were received in relation to the proposed development.

### Public Authority Consultation:

The Applicant required and has received land-owner's consent and a licence from Transport for NSW (TfNSW) for the use of land within the disused rail corridor. TfNSW has requested the application of a number of conditions of consent which have been included in the recommended conditions.

The applicant seeks to negotiate suitable agreements with Council regarding the use of some unformed road reserve land within the existing project site and two Council owned lots within the site, being Lot 1 DP 1201417 (560m<sup>2</sup>) and Lot 10 DP 1107219 (2,326m<sup>2</sup>). A recommended condition of consent notes this requirement. On the map extract below the boundaries of the project site are shown in red and the Council owned areas referenced above are labelled no.2 and highlighted in purple.



The application also represents Integrated Development requiring a Controlled Activity approval under the Water Management Act 2000. The responsible agency is the NSW Department of Planning and Environment (DPE) – Water. Council received the General Terms of Approval (GTA's) from NSW DPE-Water on 2 November 2023. The GTA's are included in the recommended conditions of consent.

#### **S4.15(1)(d) The Public Interest**

##### 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 development is of insufficient estimated cost to trigger the requirement for development contributions under Cowra Council S94A Contributions Plan 2016.

**Conclusion**

Development Application No. 57/2020 proposes 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. The application was lodged with Council by Buzzree Pty Ltd on 29 June 2020. It has since been subject to one major amendment and required re-exhibition and re-referral to two government agencies.

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 RUI & SP2 zones and is consistent with the existing land-use activities of the locality.

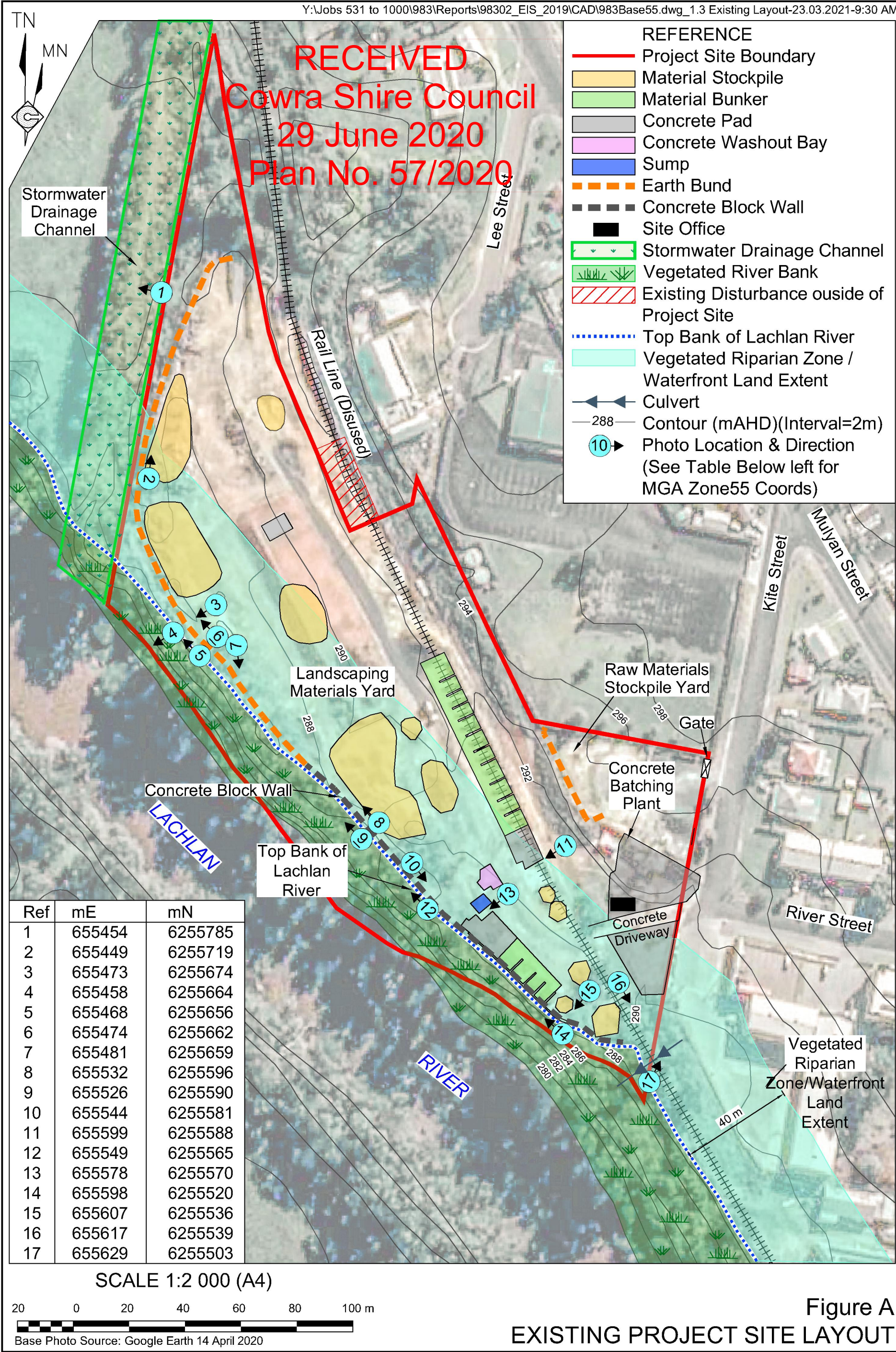
The development application was notified in accordance with Cowra Community Participation Plan 2020. No submissions were received following the consultation process.

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

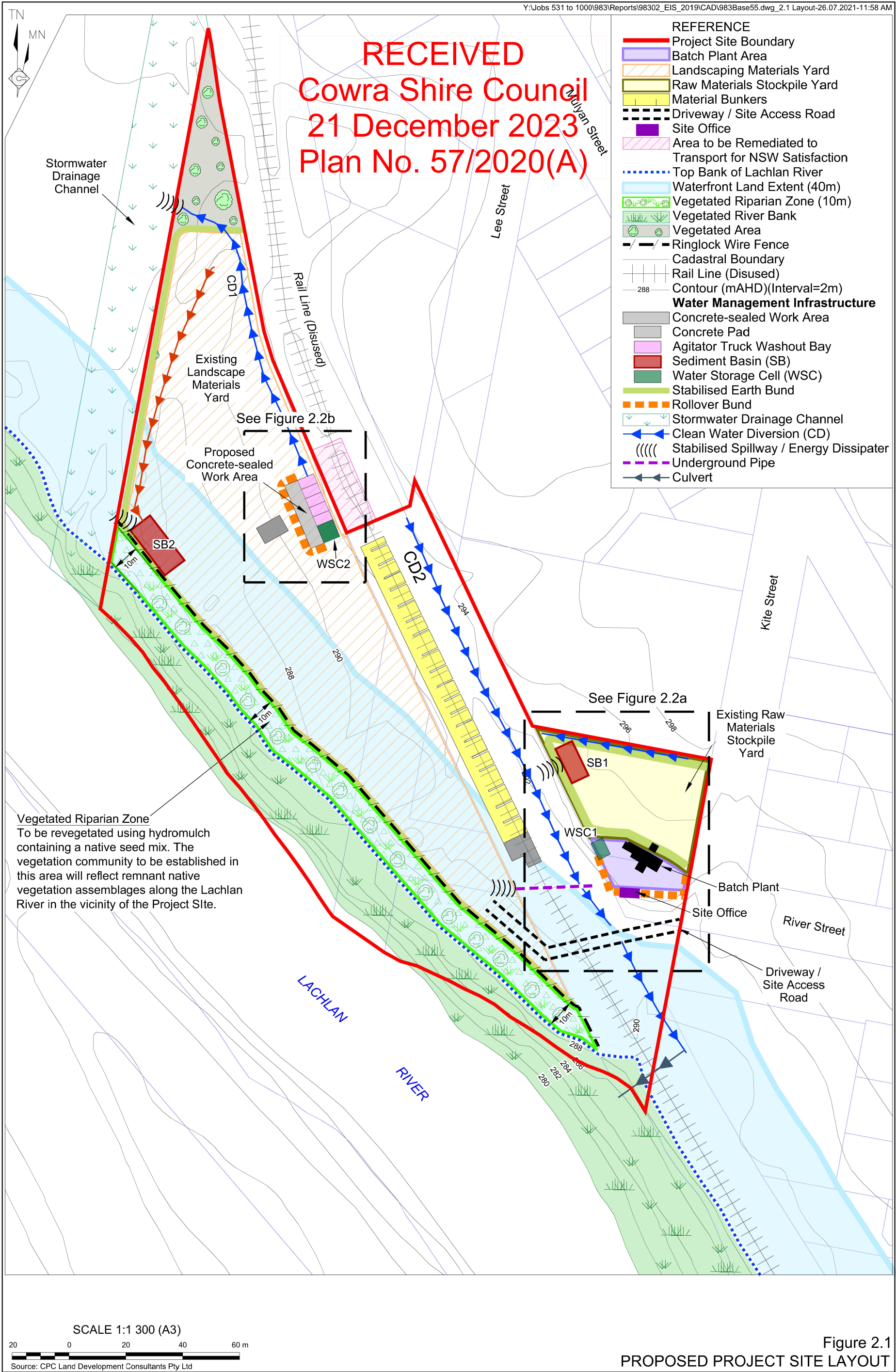
**ATTACHMENTS**

1. DA 57/2020 - Development Plans [↓](#)
2. DA 57/2020 - Statement of Environmental Effects [↓](#)
3. DA 57/2020 - Location map [↓](#)
4. DA 57/2020 - Aerial view [↓](#)









# Buzzree Pty Limited

ABN: 86 125 534 367

## Statement of Environmental Effects

RECEIVED  
Cowra Shire Council  
21 December 2023  
Plan No. DA 57/2020(A)

for the

## Bryant's Landscaping Materials Yard



*Prepared by:*

**RWCorkery&co**

December 2023



**RWC**corkery&co

# Buzzree Pty Limited

ABN: 86 125 534 367

## Statement of Environmental Effects

for the

## Bryant's Landscaping Materials Yard

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Ref No. 983/06

December 2023

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**BUZZREE PTY LIMITED**  
*Bryant's Landscaping Materials Yard*

**STATEMENT OF ENVIRONMENTAL EFFECTS**  
*Report No. 983/06*

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Bryant's Landscaping Materials Yard

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## Executive Summary

### Introduction

This *Statement of Environmental Effects* (SoEE) has been prepared by R.W. Corkery & Co. Pty Limited (RWC) on behalf of Buzzree Pty Limited (the Applicant). This document has been prepared to accompany a development application for the continued operation of, and proposed upgrades to, the Bryant's Landscaping Materials Yard located at 2 Kite Street, Cowra, NSW (the Proposal).

The Proposal would comprise:

- modifications to the Project Site layout, including establishment of a range of surface water management infrastructure to ensure improved environmental management of the Project Site;
- sale of small quantities of landscaping and other materials to the general public and small business;
- recycling of limited quantities of returned concrete material from the Applicant's adjacent concrete batching operations; and
- ancillary activities, including management of surface water and storage of equipment.

The Proposal is classified as:

- "Non-Designated, Local Development" as it does not meet the relevant thresholds for Designated or State Significant Development; and
- "Integrated Development" under the *Environmental Planning and Assessment Act 1979* as it would require a Controlled Activity Approval under the *Water Management Act 2000*.

This SoEE has been prepared to support the application for development consent. Cowra Shire Council is to accept, notify and/or exhibit, assess and determine the application.

### The Applicant

Buzzree Pty Limited (the Applicant) assumed control of the Project Site on 1 July 2007. The Project Site contains an existing landscaping materials sales business which has been operating since the early 1970s.

The Applicant also owns and operates an approved concrete batching plant located adjacent to the Project Site.



**BUZZREE PTY LIMITED**  
Bryant's Landscaping Materials Yard

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## Objectives of the Proposal

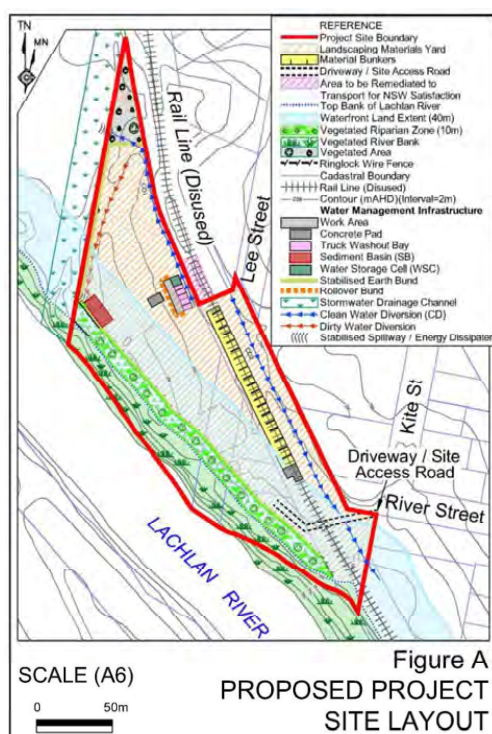
The Applicant's objectives for the Proposal are to:

- obtain the necessary development consent and rectify issues associated with use of land controlled by Council and Transport for NSW;
- continue to service the construction and landscaping material market in the Cowra region;
- undertake modification to the existing Project Site layout to ensure that environmental risks are minimised to the maximum extent practicable; and
- undertake all activities in a manner to ensure compliance with conditional requirements of all approvals, reasonable community expectations and, to the extent practicable, the objectives of the Cowra LEP.

## Description of the Proposal

### Overview

The Proposal would include the following activities (**Figure A**).



- Modifications to the Project Site layout, including the:
  - construction of a concrete-sealed work area including truck washout bays;
  - construction of a range of surface water management infrastructure to ensure improved environmental management of the Project Site; and
  - establishment of a Vegetated Riparian Zone where the southern boundary of the Landscape materials Yard abuts the bank of the Lachlan River.
- Sale of small quantities of landscaping and other materials to the general public, small business and for small infrastructure projects.
- Ancillary activities, including management of surface water and storage of equipment.

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Bryant's Landscaping Materials Yard

### Site Establishment

The Applicant would commence the following minor site establishment activities following receipt of development consent and other necessary approvals, leases and permits.

- Establishment of water management infrastructure including a sediment basin with stabilised spillway, and a clean water diversion drain.
- Construction of a concrete-sealed work area consisting of a concrete pad, concrete-sealed truck washout bays, a concrete-sealed water storage cell, and rollover bunds to contain potentially contaminated water.
- Construction of a stabilised earth bund along the southern and western borders of the Landscaping Materials Yard.
- Establishment of a 10m wide Vegetated Riparian Zone along the southern boundary of the Landscaping Materials yard.

### Proposed Operations and Workforce

Proposed operations at the Project Site, including landscaping material sales, concrete waste recycling, and transportation operations (i.e. receipt of material deliveries and loading of product for transportation) would be consistent with existing operations.

The proposed hours of operations would be consistent with existing hours of operation and are outlined in **Table A**.

**Table A**  
**Proposed Hours of Operation**

Activity	Period	Hours of Operation
Landscaping Materials Delivery and Supply	Monday to Friday	7:00am to 5:00pm
	Saturday	7:00am to 12:00pm
	Sunday	No Operations
Emergency Maintenance	All Days	24 hours

The Proposal would continue to directly employ five personnel to manage on site activities, with additional contract truck drivers employed by contract transportation companies or the Applicant's customers as required.

### Planning Context

#### Planning Instruments

The Project Site is situated within land zoned as Zone RU1 – Primary Production and SP2 – Infrastructure under the *Cowra Local Environmental Plan 2012* (Cowra LEP). Landscaping Material Supplies is permissible with development consent in zone RU1.

The purpose of land zoned SP2 within the Project Site is rail transportation. The Applicant holds a licence from Rail Corporation NSW to occupy land zoned SP2 adjacent to the Project Site for the purposes of the existing operation of a concrete batching plant. Under Clause 5.3 of the Cowra LEP, the Proposal would be permissible as areas of the Project Site zoned SP2 are within 100m of the boundary between land zoned RU1 within which Landscaping Material Supplies is permissible.





**BUZZREE PTY LIMITED**  
*Bryant's Landscaping Materials Yard*

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### **Approvals Required**

In addition to development consent, the Applicant anticipates the following approval would be required.

- A Controlled Activity Approval under Section 91(2) of the Water Management Act 2000 for activity “in, on, or under waterfront land”.

### **Assessment and Management of Key Environmental Issues**

The components and features of the existing environment within and surrounding the Project Site have been assessed and the Proposal has been designed to avoid or to minimise impacts on that environment where possible.

#### **Surface Water Resources**

The Applicant has committed to the establishment of water management infrastructure within the Project Site which would ensure the effective separation of clean water, dirty water (i.e. potentially sediment laden water) and contaminated water (i.e. water potentially containing cementitious materials and alkaline salts from cement material).

Clean water would be diverted around the Project Site by a series of clean water diversion drains and bunds.

Dirty water would be captured by a sediment basin and preferentially used for dust suppression, irrigation of on-site vegetation, and truck washout where possible. Where necessary to maintain sufficient storage capacity, dirty water would be treated prior to discharge from the Project Site.

Contaminated water would be captured in a water storage cell located within the proposed concrete-sealed work area. This water would be preferentially used in the manufacture of concrete in the Applicant's concrete batching plant adjacent to the Project Site, with an automatic level controller employed to ensure that accumulated contaminated water is pumped to the plant as available. Excess contaminated water would be permitted to evaporate.

As a result, it is not anticipated that the Proposal would result in significant adverse surface water impacts.

#### **Flooding**

A stabilised earth bund would be constructed around the southern and western borders of the Landscaping Materials Yard to divert runoff from the Project Site into a sediment basin and provide some protection from flooding. The bund would be constructed to a minimum elevation of 298.68m AHD, a minimum height of approximately 1m, and a maximum height of approximately 1.68m. At the proposed heights, the stabilised earth bund would provide immunity for the Project Site from the 1:100 year Average Recurrence Interval flood level (289.18m AHD) plus 0.5m freeboard.

The proposed bund would result in a loss of area for flood conveyance equivalent to <0.3% of the total available area and an increase in flood levels in the vicinity of the Project Site by approximately 10mm.

As a result, the Proposal would not have a significant adverse flood-related impact on neighbouring properties or flood behaviour.

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### Noise

Noise monitoring undertaken at the Project Site concluded that existing activities including operation of the dust suppression sprinkler system during the shoulder period (i.e. between 6:00am and 7:00am) resulted in exceedances of the relevant Project Noise Trigger Levels.

As a result, and assuming the noise management and mitigation measure outlined in this SoEE are implemented, it is anticipated that the Proposal would result in reduced noise levels compared to those associated with existing operations.

### Other Impacts

Impacts on biodiversity, traffic, air quality, groundwater, Aboriginal and historic heritage, land resources and capability, and hazards associated with the Proposal would be negligible as the Proposal is generally consistent with existing operations at the Project Site.

### Evaluation and Justification of the Proposal

The Proposal has been evaluated and justified through consideration of its potential impacts on the environment and potential benefits to the local and broader community. This evaluation has found that, with the implementation of the proposed operational controls, safeguards and mitigation measures, it is concluded that the Proposal achieves a sustainable outcome for the local and broader environment.

The Proposal and associated activities have been assessed in terms of a wide range of biophysical, social and economic issues. Potential residual impacts can be justified in terms of the positive economic and social benefits to the local Cowra community and the broader Cowra Local Government Area.

### Conclusion

The Proposal:

- provides for the ongoing use of the Project Site for landscaping supplies sales whilst minimising the residual impacts on the biophysical environment;
- includes upgrades to site water management infrastructure which would permit the effective management of sediment-laden and contaminated water runoff generated at the Project Site,
- would allow for the continued employment of up to five personnel, continued expenditure in the local economy, and the maintenance of competitive prices for landscaping supplies in the local area; and
- would result in positive environmental outcomes with no additional adverse environmental impacts compared to existing operations at the Project Site.

In light of the conclusions included throughout this SoEE, it is assessed that the Proposal could be constructed and operated in a manner that would satisfy all relevant statutory goals and criteria, environmental objectives, and reasonable community expectations.

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# 1. Introduction

## 1.1 Scope

This *Statement of Environmental Effects* (SoEE) has been prepared by R.W. Corkery and Co. Pty Limited (RWC), on behalf of Buzzree Pty Limited (the Applicant), to accompany an application for development consent to Cowra Shire Council (Council) to operate an existing landscape supplies business at 2 Kite Street, Cowra, NSW ("the Proposal") (**Figure 1.1**).

For the purposes of this document, the area which is the subject of the development application is referred to as the "Project Site" (**Figure 1.2**) (see Section 1.4).

The Project Site is located on land zoned as follows under the *Cowra Local Environmental Plan 2012* (Cowra LEP).

- RU1 – Primary Production.
- SP2 – Infrastructure.

Section 1.6.4.1 describes the permissibility of the Proposal under the Cowra LEP.

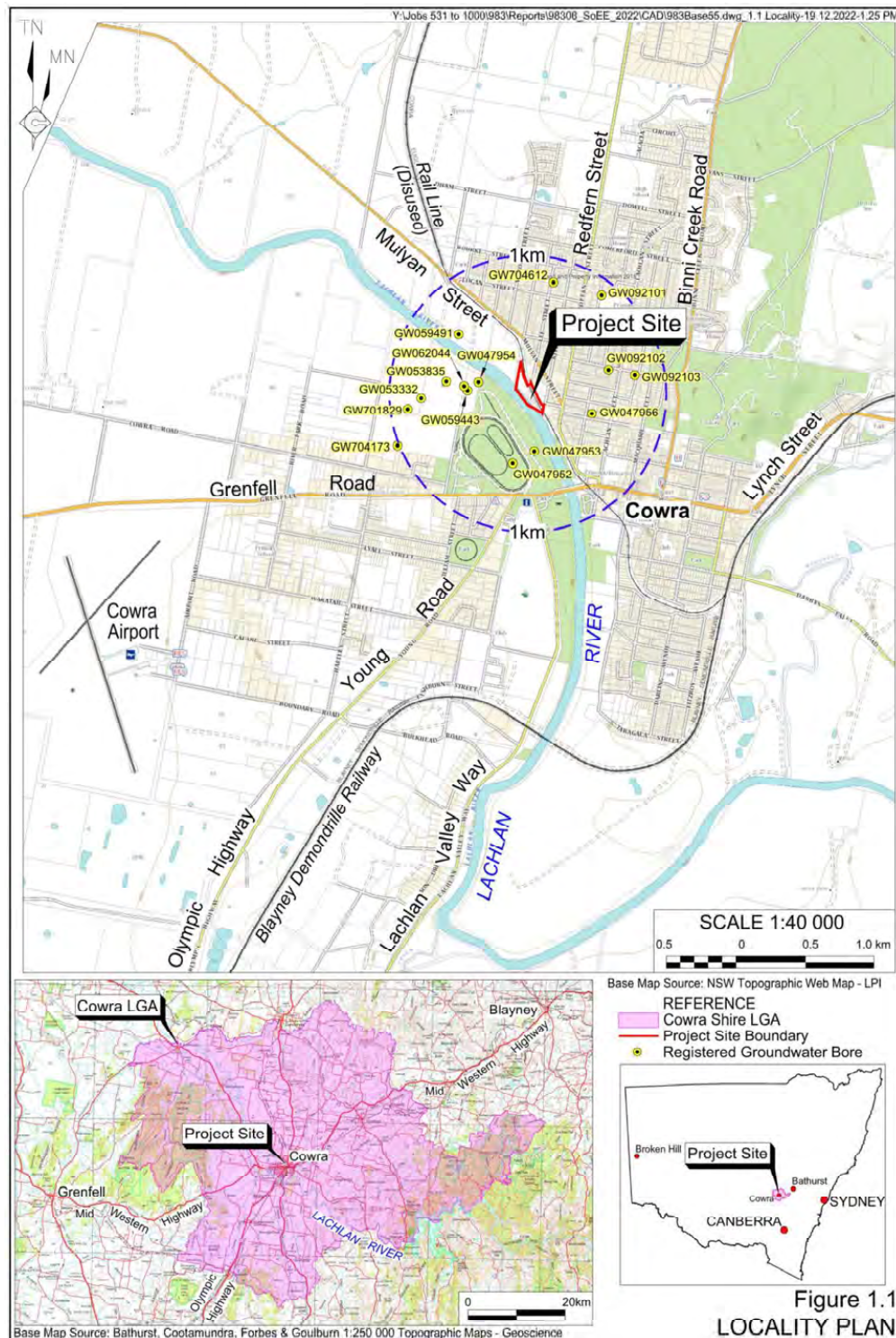
The Proposal would be classified as Non-Designated, Local Development as it does not meet the relevant thresholds for Designated or State Significant Development.

Additionally, the Project would be classified as "Integrated Development" under Section 4.46 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as the location of the Project Site adjacent to the Lachlan River and the proposed activities would require a Controlled Activity Approval under Section 91(2) of the *Water Management Act 2000* for activity "in, on, or under waterfront land."

The Proposal therefore requires development consent to be issued by Council. This SoEE has been prepared to support the application for development consent. An extract of the licence agreement with Transport for NSW and a plan showing the railway corridor licence area is presented as **Appendix 1**.

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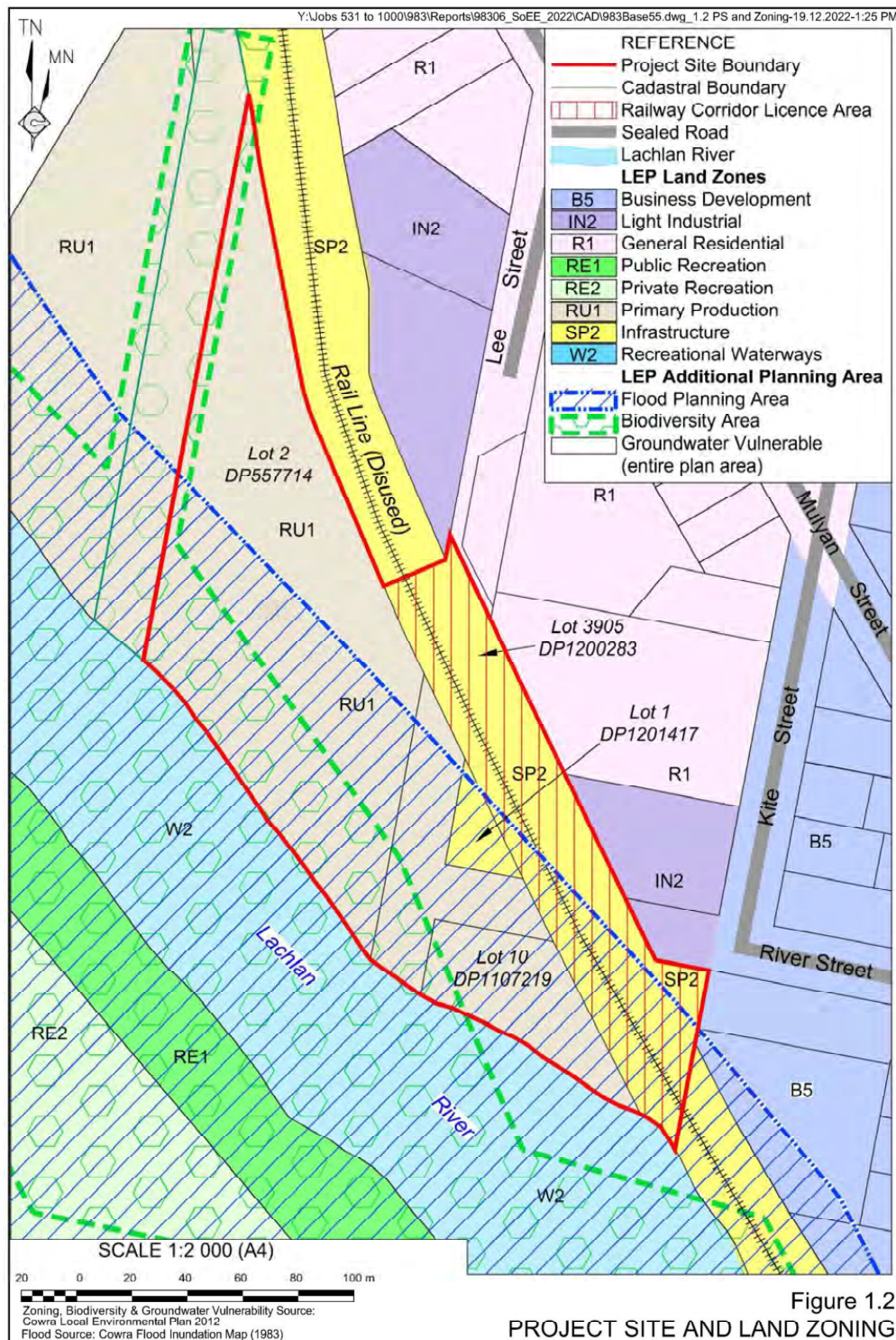
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## 1.2 Format of the Statement

The format of the document is set out below.

**Section 1:** introduces the Proposal and Buzzree Pty Limited as the Applicant. Background to the Proposal is provided, together with the planning context for the Proposal and the results of consultation undertaken. The section concludes with an overview of the key personnel involved in the management of investigations, including the specialist consultant team involved.

**Section 2:** describes the proposed construction and operational phases of the Proposal, hours of operation, employment, transport delivery routes and required infrastructure and services.

**Section 3:** presents a description of the existing environment, summarises the outcomes of the various specialist consultants' assessments, proposed management and mitigation measures, and assesses the potential impacts and maintenance / monitoring requirements.

**Section 4:** provides a conclusion to the document which justifies the Proposal in terms of biophysical, economic and social considerations and identifies the consequences of not proceeding with the Proposal.

**Section 5:** lists the various source documents referred to for information and data used during the preparation of this *Statement of Environmental Effects*.

**Appendices** present:

1. An extract of the licence agreement and a plan showing the railway corridor licence area for Lot 3905, DP1200283.
2. A *Soil and Water Management Plan* prepared by Strategic Environmental and Engineering Consulting Pty Limited.
3. Natural Resources Access Regulator consultation.
4. Community Consultation Sheet No. 1 prepared by RWC.
5. A *Noise and Vibration Impact Assessment* prepared by Spectrum Acoustics Pty Limited.
6. *Groundwater Contamination Assessment* prepared by Ground Doctor Pty Ltd.

## 1.3 The Applicant

The Applicant assumed control of the Project Site on 1 July 2007. The current director of Buzzree Pty Limited is Mr Garry Bryant.

The Applicant has been a sponsor of local Rugby League and AFL sports clubs, the Woodstock Park Speedway, the Cowra Eisteddfod, and multiple annual village productions since assuming control of the Project Site in 2007.

The Applicant also owns and operates the concrete batching plant located adjacent to the Project Site on Lot 1011 DP1124153 and the unformed road reserve associated with River Street.



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## 1.4 Project Site

The Project Site covers an area of approximately 2.9ha. A landscape materials yard has been operating at the Project Site since the early 1970's. Prior to this, the site formed part of a gravel extraction operation involving the extraction of gravel from the bed and banks of the adjacent Lachlan River.

Features adjacent to the Project Site include the Lachlan River to the south and west, agricultural land to the west and northwest, and light industrial, residential, and business zones to the north, northeast, and east.

**Table 1.1** and **Figure 1.2** present the cadastral information and zoning of land within the Project Site.

**Table 1.1**  
**Project Site**

Lot	Deposited Plan	Owner	Zoning
2	557714	Applicant	RU1 - Primary Production
3905 <sup>1</sup>	1200283	NSW Government	SP2 – Infrastructure
1	1201417	Cowra Shire Council	SP2 – Infrastructure
10	1107219	Cowra Shire Council	RU1 – Primary Production
Unformed road reserves associated with Lee and River Streets.		Cowra Shire Council	RU1 – Primary Production
Note 1: Partially included within the Project Site.			

The Project Site includes land within Lot 3905 DP1200283 which is occupied by the disused Cowra to Eugowra Railway. A licence agreement between the Applicant and Rail Corporation NSW for the continued use of the section of the Project Site within Lot 3905 DP1200283 (**Figure 1.2**) was granted on 17 February 2020 and is included as **Appendix 1**.

The Applicant proposes to seek an agreement in relation to access and continued use of land within the Project Site owned by Cowra Shire Council.

The Project Site is accessed by a concrete driveway on the corner of Kite Street and River Street and is intersected by the disused Cowra to Eugowra Railway.

Portions of the Project Site are zoned RU1 – Primary Production and SP2 - Infrastructure under the Cowra LEP (see Section 1.6.4.1).

Sections of the Project Site are also identified on various plans under the Cowra LEP as follows (**Figure 1.2**).

- Flood Planning Area
- Biodiversity Area
- Groundwater Vulnerable Area

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## 1.5 Background and Existing Operations

The Applicant has operated the landscape materials yard since 1 July 2007 when it was purchased from the previous operator. Prior to the Applicant assuming control, the Project Site had been used as a landscaping materials yard since the early 1970s and was formerly the site of a river gravel extraction operation.

The Applicant sells small quantities of sand, gravel, aggregate and other landscaping products to retail and small business customers, within Cowra and the surrounding areas.

**Figure 1.3** presents the existing Project Site layout. The Project Site is occupied by a Landscaping Materials Yard adjacent to the upper bank of the Lachlan River, with the southwestern and western boundaries defined by a combination of a concrete block walls and an earth bunds. Infrastructure which forms part of the existing Landscaping Material Yard includes the following.

- Two concrete pad work areas, including one with an adjacent unlined sump used for truck washout and water storage.
- Material bunkers constructed using concrete blocks and panels.
- Various material stockpiles.
- Surface water management infrastructure including earth bunds and concrete block walls along the southern and western perimeter of the Project Site.
- A concrete-sealed driveway and level crossing.

It is noted that an area of existing disturbance associated with the Proposal is currently located on land that would not form a component of Project Site (**Figure 1.3**). The Applicant would remediate this area and restore the land to the standard required by the land holder, namely Transport for NSW or their nominee.

The Applicant's principal activity within the Project Site is the sale of landscaping materials. In summary, existing activities include the following.

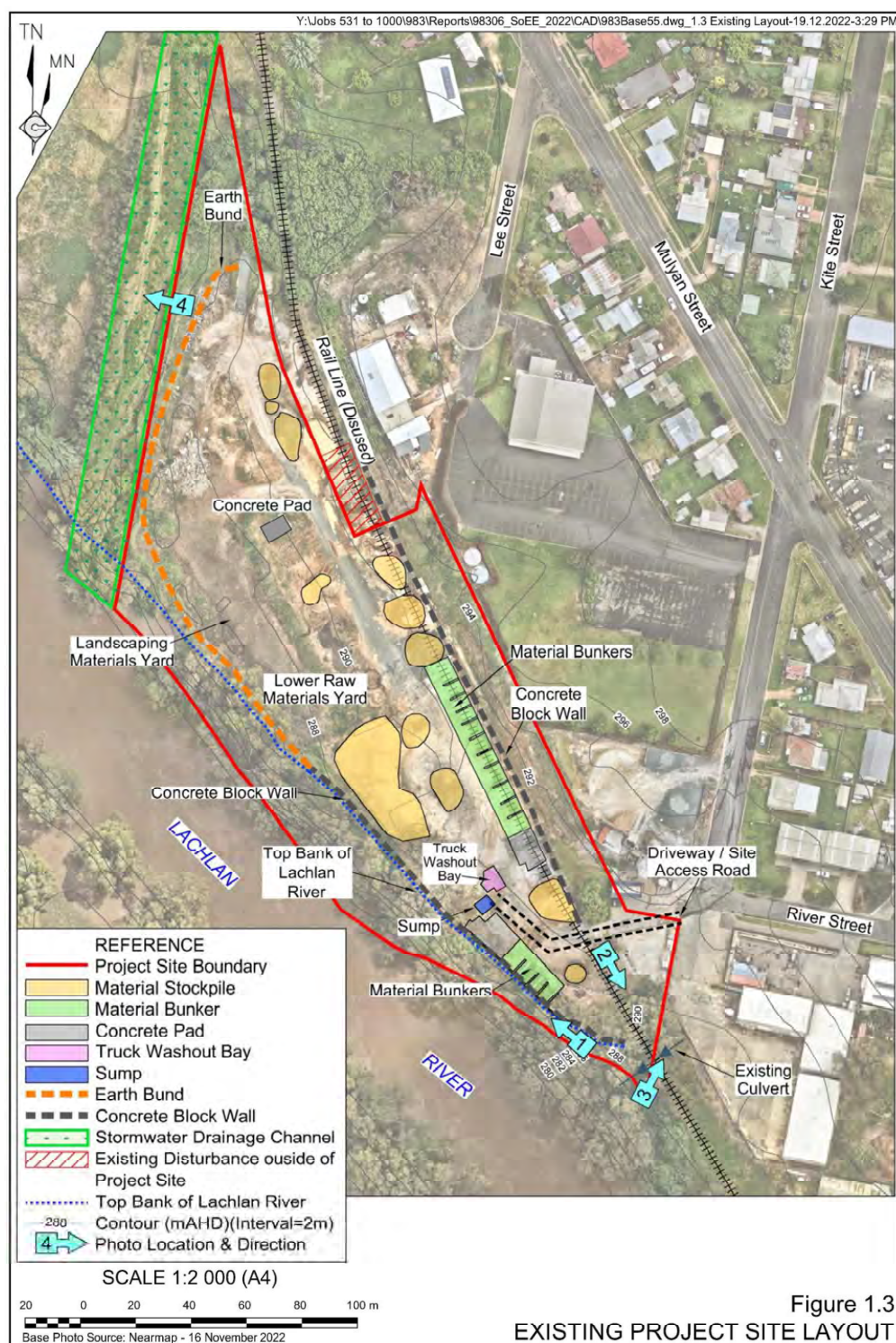
- Receipt of raw materials deliveries within the Landscaping Materials Yard.
  - Typically, two material delivery trucks would access the Project Site per week.
- Washout of product trucks and agitator trucks.
- Recycling of waste concrete (i.e. stockpiling and crushing on a campaign basis) sourced from adjacent concrete batching operations.
- Sale of small quantities of landscaping and other materials to the general public and small businesses.
- Ancillary activities, including stockpile watering to minimise dust, storage of equipment, and management of surface water.

**Table 1.2** outlines the hours of operation for the existing Landscaping Materials Yard at the Project Site. The Proposal would not alter these hours.



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**Table 1.2**  
**Existing Hours of Operations**

Activity	Period	Hours of Operation
Landscaping Materials Delivery and Supply	Monday to Friday	7:00am to 5:00pm
	Saturday	7:00am to 12:00pm
	Sunday	No Operations
Emergency Maintenance	All Days	24 hours

The Applicant currently employs five full-time employees.

The proposed activities, described in detail in Section 2, are largely consistent with the existing activities.

## 1.6 Planning Considerations

### 1.6.1 Introduction

A range of NSW legislation and planning instruments apply to the Proposal. These pieces of legislation and statutory instruments were reviewed to identify any environmental aspects requiring consideration in this SoEE.

A summary of each relevant piece of legislation and planning instrument is provided in the following subsections. The application and relevance of planning instruments to specific environmental issues has been addressed in the relevant specialist consultant assessments and considered in Section 3 of this document.

### 1.6.2 NSW Legislation

#### 1.6.2.1 Introduction

The key NSW legislation relating to the approvals and licences required for the Proposal are identified and discussed as follows.

- *Environmental Planning and Assessment Act 1979* (EP&A Act).
- *Protection of the Environment Operations Act 1997* (POEO Act).
- *Water Management Act 2000* (WM Act).
- *Biodiversity Conservation Act 2016* (BC Act).

#### 1.6.2.2 Environmental Planning and Assessment Act 1979

The EP&A Act provides the framework for the assessment and approval of development in NSW and is administered by the Department of Planning and Environment (DPE).

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The application would be classified as Non-Designated, Local Development as it does not meet the relevant thresholds for Designated or State Significant Development.

The Proposal would also be classified as Integrated Development under Section 4.46 of the EP&A Act as a controlled activity approval for activities within 40m of waterfront land Under the *Water Management Act 2000* would be required.

#### **1.6.2.3 Protection of the Environment Operations Act 1997**

The POEO Act provides a framework for the prevention and regulation of pollution, and pollution causing development, within NSW. The POEO Act identifies activities for which an Environment Protection Licence (EPL) is required where particular activities exceed thresholds or triggers identified within Schedule 1 of the POEO Act.

Landscaping Material Supplies are not identified as an activity for which an EPL is required under Schedule 1 of the POEO Act.

The fact that an EPL is not required notwithstanding, the POEO Act incorporates specific conditions which make it an offence to pollute. In particular the following sections of the POEO Act are noted.

- Section 120 – a person who pollutes any waters is guilty of an offence.
- Sections 124 to 126 – it is an offence to cause air pollution.
- Section 139 – it is an offence to cause noise pollution.
- Sections 143 and 144 – it is an offence to transport or dispose of waste or operate an unlicensed waste facility.

#### **1.6.2.4 Water Management Act 2000**

The WM Act, amongst other matters, regulates development and activities within areas over which a Water Sharing Plan (WSP) has been issued which:

- use water;
- require construction of infrastructure to modify the flow or management of water; and/or
- require development on or under waterfront land or which interferes with groundwater.

As the Project Site is located on waterfront land adjacent to the top bank of the Lachlan River and is also located within a Flood Planning Area under the Cowra LEP, a Controlled Activity Approval would be required under Clause 91(2) of Part 3 of the WM Act.

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### **1.6.2.5 Biodiversity Conservation Act 2016**

The BC Act facilitates a system for assessing impacts on threatened species, populations and endangered or critically endangered ecological communities (EEC/CEEC). The BC Act requires offsetting of impacts to native vegetation where:

- area thresholds are exceeded;
- sensitive lands are identified (on OEH generated maps); or
- significant impact on threatened species, populations or communities is assessed.

The Proposal would not disturb native vegetation and, as a result, the BC Act does not apply.

## **1.6.3 State Environmental Planning Policies**

### **1.6.3.1 Introduction**

The following State Environmental Planning Policies (SEPPs) are potentially relevant to the Proposal and have been considered below.

- State Environmental Planning Policy (Resilience and Hazards) 2021 (730) replacing SEPP 33 – Hazardous and Offensive Developments and SEPP 55 – Remediation of Land.
- State Environmental Planning Policy (Transport and Infrastructure) 2021 (732) replacing SEPP (Infrastructure) 2007.
- State Environmental Planning Policy (Primary Production) 2021 (729) replacing the SEPP (Primary Production and Rural Development) 2019.
- State Environmental Planning Policy (Biodiversity and Conservation) 2021 (722) replacing the SEPP (Vegetation in Non-Rural Areas) 2017.

### **1.6.3.2 State Environmental Planning Policy (Resilience and Hazards) 2021**

Chapter 3 and 4 of the Resilience and Hazards SEPP 2021 applies to development involving:

- Hazardous and Offensive Developments; and
- Remediation of Land.

#### Chapter 3 - Hazardous and Offensive Developments

Hazardous industries, and potentially hazardous, relate to industries that, without the implementation of appropriate impact minimisation measures, would, or potentially would, pose a significant risk in relation to the locality, to human health, life or property, or to the biophysical environment.

The hazardous substances and dangerous goods to be held or used at the Project Site are required to be identified and classified in accordance with the risk screening method of

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(DP 2011). Hazardous materials are defined within DP (2011) as substances falling within the classification of the *Australian Code for Transportation of Dangerous Goods by Road and Rail* (Dangerous Goods Code) (National Transport Commission, 2011).

As no hazardous substances or dangerous goods would be stored within the Project Site, the Proposal would not be classified as hazardous or potentially hazardous development.

Offensive industries, and potentially offensive, relate to industries that, without the implementation of appropriate impact minimisation measures, would, or potentially would, emit a polluting discharge in a manner which would have a significant adverse impact in the locality or on future development in the locality.

Potential pollutant discharge impacts associated with the Proposal are detailed in Section 3. In summary, the Proposal would not be classified as offensive or potentially offensive development as it would not have a significant adverse impact on the locality.

**Chapter 4 - Remediation of Land**

Chapter 4 requires that consent for any development cannot be granted unless the consent authority has considered whether the land is contaminated. If the land is contaminated, the consent authority must be satisfied that:

- a) "the land is suitable in its contaminated state (or would be suitable, after remediation) for the purpose for which the development is proposed to be carried out; and/or
- b) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, the land would be remediated before the land is used for that purpose."

On 15 June 2020 the Applicant received a notice from Cowra Shire Council indicating Council's intention to issue a clean-up action for land within and adjacent the Project Site following a suspected pollution incident. The suspected pollution incidents detailed in the notice included:

- the disposal of chemicals (including MasterPolyheed 8875 and MasterSet AC 534) onto the ground and into drains which discharge onto the ground;
- the washing of chemical containers and the disposal of contaminated water onto the ground and into drains which discharge onto the ground;
- the washing down of agitator trucks containing residual cement and other chemicals in areas where wastewater discharges onto the ground.

Council issued a Clean-up Direction under Section 92 of the PoEO Act on 30 June 2020 and issued a further direction on 17 August 2022 requiring the Applicant to complete a contamination assessment at the Project Site. Details of the contamination assessment are provided in Section 3.6. In summary, the contamination assessment concluded that the suspected pollution incidents had not resulted in unacceptable impacts to soil or groundwater at the Project Site and that the Project Site was therefore suitable for continued commercial/industrial use.

Section 2.2.4 outlines proposed surface water controls which would prevent future pollution as a result of truck washout activities.



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As a result, no further consideration of Chapter 4 of the Resilience and Hazards SEPP in relation to remediation of land is required.

### **1.6.3.3 State Environmental Planning Policy (Transport and Infrastructure) 2021**

Clause 2.97 of the Transport and Infrastructure SEPP 2021 applies to development involving:

- "a new level crossing, or
- the conversion into a public road of a private access road across a level crossing, or
- a likely significant increase in the total number of vehicles or the number of trucks using a level crossing as a result of the development"

This clause does not apply as the Proposal would utilise an existing private level crossing within the Project Site and would not result in any changes to the total number of vehicles using the level crossing.

Clause 2.98 applies to development on land that is in or adjacent to a rail corridor, if the development:

- "is likely to have an adverse effect on rail safety;
- involves the placing of a metal finish on a structure and the rail corridor is used by electric trains;
- involves the use of a crane in air space above any rail corridor; or
- is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities."

This clause does not apply as the proposal would not involve the use of a metal finish or crane, the rail corridor does not include an overhead power line, and the rail corridor is currently disused.

Clause 2.99 applies to development involving the penetration of ground to a depth of at least 2m below ground level:

- "within, below or above a rail corridor;
- within 25m (measured horizontally) of a rail corridor;
- within 25m (measured horizontally) of the ground directly below a rail corridor; or
- within 25m (measured horizontally) of the ground directly above an underground rail corridor."

This clause does not apply as excavations associated with the Proposal within 25m of the rail corridor, including the construction of a diversion drain and water storage cell, would not reach or exceed a depth of 2m.

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#### **1.6.3.4 State Environmental Planning Policy (Primary Production) 2021**

SEPP (Primary Production and Rural Development) 2019 was repealed in July 2020 and replaced with the Primary Production SEPP 2021.

The Proposal is not located on State significant agricultural land as identified in Schedule 1 of the Primary Production SEPP.

Division 4(2.27) of Part 2.5 of the Primary Production SEPP requires consideration of:

- a) *"whether, because of its nature and location, the development may have an adverse effect on oyster aquaculture development or a priority oyster aquaculture area."*

No oyster aquaculture developments and no priority oyster aquaculture areas, as identified in the *NSW Oyster Industry Sustainable Aquaculture Strategy*, are located in the vicinity of the Project Site.

No further consideration of the Primary Production SEPP is considered necessary.

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

The Biodiversity and Conservation SEPP applies to the Project Site as it contains land zoned as SP2 Infrastructure (**Figure 1.2**). The aims of this SEPP are:

- b) *"to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- c) *To preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation."*

The Proposal would not increase the disturbance footprint occupied by the existing landscaping materials supply business within the Project Site and would not involve the clearing of any native vegetation. As a result, the Biodiversity and Conservation SEPP has not been considered further.

### **1.6.4 Local Planning Issues**

#### **1.6.4.1 Cowra Local Environmental Plan 2012**

##### **Permissibility**

The Project Site is located within the Cowra Local Government Area to which the Cowra LEP is relevant. The Project Site is situated within land which is zoned:

- RU1 – Primary Production; and
- SP2 – Infrastructure.

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The objectives of the RU1 – Primary Production Zone are as follows.

- “To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.”

The Proposal may be classified as “Landscaping Material Supplies” under the Cowra LEP. Landscaping Material Supplies is permissible with development consent within Zone RU1.

The objectives of the SP2 – Infrastructure Zone is as follows.

- “To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.”

Development for the following purpose is permissible within Zone SP2.

“the purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose”

The purpose of land Zoned SP2 within the Project Site is rail transportation. The Applicant holds a licence from the Rail Corporation of NSW to occupy land Zoned SP2 within the Project Site for the purposes of the existing operation of a landscaping materials yard.

Clause 5.3 of the Cowra LEP provides for flexibility with regards to permissible land uses where:

“a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.”

This clause applies to land that is within 100m of the boundary between any two zones. As all land within the Project Site which is zoned SP2 is within 100m of adjacent land zoned RU1 (see **Figure 1.2**), the provisions of Clause 5.3 apply to this land.

Clause 5.3(4) of the Cowra LEP states the following.

- “(4) Despite the provisions of this Plan relating to the purpose for which development may be carried out, development consent may be granted to the development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that-
- (a) the development is not inconsistent with the objectives for development in both zones, and
  - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficiency and timely development of land.”

As identified above, Landscaping Material Supplies is permissible with development consent within Zone RU1 and would therefore be permissible under Clause 5.3 within land zoned SP2 within the Project Site.





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The Proposal would not be inconsistent with the objectives for development in RU1 – Primary Production Zone for the following reasons.

- The Proposal would maintain the current level of diversity and competition in landscaping material supply industry in the Cowra area.
- The Proposal is an existing operation with an existing disturbance footprint and therefore would not result in the further fragmentation and alienation of resource lands.
- The Proposal is an existing operation which has no history of conflict with adjacent land uses (rural, residential, railway or industrial) and would complement the Applicant's adjoining industrial development (concrete batching plant).

The Proposal would not be inconsistent with the objectives for development in SP2 – Infrastructure Zone for the following reasons.

- The Proposal is considered incidental or ancillary to purpose of that land (railway) as the Applicant holds a licence from the Rail Corporation of NSW to occupy land zoned SP2 within the Project Site for the purposes of the existing operation of a landscaping materials yard.
- The Applicant would remove all Proposal-related infrastructure from within land zoned SP2 and remediate areas of the rail corridor within the Project Site in the event that the licence agreement is not renewed in the future.

The Proposal, including the portion of the Project Site within land zoned SP2, would be desirable as it:

- represents an existing landscaping materials yard which is compatible with adjacent operations (i.e. the Applicant's concrete batching plant);
- would rely upon existing infrastructure at the Project Site with minimal improvements and no additional disturbance required; and
- represents an efficient use of the relatively small area of land occupied by the Project Site.

The following additional clauses within the Cowra LEP are also relevant to the Proposal.

#### **Clause 5.10 - Heritage Conservation**

Clause 5.10 of the Cowra LEP identifies the following objectives with regards to heritage conservation.

- "To conserve the environmental heritage of Cowra.
- To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings, and views.
- To conserve archaeological sites.
- To conserve Aboriginal objects and Aboriginal places of heritage significance."

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A review of Cowra LEP 2012 Heritage Map Sheet HER\_002C indicated that no identified heritage items are present within the Project Site. One heritage item of local significance, the Cowra Showground grandstand, is located southwest of the Project Site on the opposite bank of the Lachlan River. Although it is not anticipated that the Proposal would impact this heritage item, potential flood-related impacts on property in the vicinity of the Project Site are considered in Section 3.2.

### Clause 7.2 - Flood Planning

Clause 7.2 of the Cowra LEP identifies the following objectives with regards to flood planning.

- "To minimise the flood risk to life and property associated with the use of land.
- To allow development on the land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change.
- To avoid significant adverse impacts on flood behaviour and the environment."

A review of Cowra LEP 2012 Flood Planning Map Sheet FLD\_002C confirms that the Project Site is located within the nominated flood planning area (**Figure 1.2**). Additionally, a review of the NSW Water Resource Commission Flood Inundation Map for Cowra (1978) indicates that portions of the Project Site would be subject to flooding during floods with recurrence intervals of 20 years, 50 years, and 100 years.

Clause 7.2(3) of the Cowra LEP requires that development consent must not be granted unless the development:

- a) "is compatible with the flood hazard of the land, and
- b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
- c) incorporates appropriate measures to manage risk to life from flood, and
- d) is not likely to significantly adversely affect the environment or cause erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
- e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding."

While noting the potential for flooding is limited to extreme rainfall conditions, the Proposal has been designed so as to minimise both flood risk to property and adverse effects on flood behaviour which could result in adverse or detrimental impacts on other properties or the environment. Section 3.2 and **Appendix 2** provide information on flooding impacts to allow for consideration against Clause 7.2(3) of the Cowra LEP.

### Clause 7.3 - Terrestrial Biodiversity

Clause 7.3 of the Cowra LEP identifies the following objective with regards to terrestrial biodiversity, which is to maintain terrestrial biodiversity by:

- "protecting native flora and fauna,
- protecting the ecological processes necessary for their continued existence; and
- encouraging the conservation and recovery of native fauna and flora and their habitats."

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A review of Cowra LEP 2012 Terrestrial Biodiversity Map Sheet BIO\_002 confirms that the Project Site is partially located on land identified as 'Biodiversity' (**Figure 1.2**).

Section 3.9 provides information on biodiversity-related impacts associated with the Proposal to allow for consideration against Clause 7.3(3) and (4) of the Cowra LEP.

#### **Clause 7.4 - Riparian Lands and Watercourses**

Clause 7.4 of the Cowra LEP identifies the following objectives with regards to riparian lands and watercourses, namely to protect and maintain:

- "water quality within watercourses,
- the stability of the bed and banks of watercourses,
- the aquatic and riparian habitats; and
- ecological processes within watercourses and riparian areas."

A review of Cowra LEP 2012 Wetlands Map Groundwater Vulnerability Map Riparian Lands and Watercourses Map Sheet CL1\_002 confirms that the project is located adjacent to an identified watercourse, namely the Lachlan River (**Figure 1.2**). Additionally, Clause 7.4 of the Cowra LEP applies to "all land that is within 40 metres of the top of the bank of each watercourse" as identified on the aforementioned map.

Section 3.2 provides information on water quality impacts and surface water and flooding management and mitigation to allow for consideration against Clause 7.4(3) and (4) of the Cowra LEP.

#### **Clause 7.6 - Groundwater Vulnerability**

Clause 7.6 of the Cowra LEP identifies the following objectives with regards to groundwater vulnerability.

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

A review of Cowra LEP 2012 Wetlands Map Groundwater Vulnerability Map Riparian Lands and Watercourses Map Sheet CL1\_002 confirms that the Project Site is located on land identified as 'Groundwater Vulnerable' (**Figure 1.2**).

Section 3.6 provides information on potential groundwater-related impacts associated with the Proposal and identifies management and mitigation measures to allow for consideration against Clause 7.6(3) and (4) of the Cowra LEP.

#### **1.6.4.2 Cowra Shire Council Development Control Plan 2021**

The aims of the Cowra Shire Council Development Control Plan (Cowra DCP) 2021 are:

- "to promote growth and development in the Cowra Local Government Area;
- to ensure growth and development occurs in an orderly, environmentally friendly and sustainable manner; and
- to ensure positive outcomes are maximised for the benefit of the broader community."

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**Table 1.3** identifies specific matters addressed by sections of the Cowra DCP, their relevance to the Proposal, and the section of the SoEE in which they are addressed. Additionally, the Applicant acknowledges that the Proposal would be subject to the neighbour notification process (and potentially also the public exhibition process) in accordance with Part B of the Cowra DCP.

**Table 1.3**  
**Cowra Shire Development Control Plan 2021 – Relevant Sections**

Page 1 of 5

Relevant DCP Clause	Description	SoEE Section
<b>Part B – Land Management</b>		
1.5 Erosion and Sediment Control Plan	a) Locality details.	Appendix 2
	b) North point and scale.	
	c) Property boundaries and adjoining roads.	
	d) Existing land contours.	
	e) Location of vegetation to be removed/ retained.	
	f) Existing watercourses and drains.	
	g) Proposed building structures and disturbed areas.	
	h) Proposed vehicular access.	
	i) Extent of earthworks and limits of cut and fill.	
	j) Location of proposed stockpiles.	
	k) Location of temporary and permanent site drainage, erosion and sediment control measures.	
	l) Location of temporary and permanent revegetation areas.	
	m) An explanation of any changes to the erosion prevention and sediment controls as the works proceed.	
	n) Supplementary notes covering inspection and maintenance requirements.	
1.6 Soil and Water Management Plan	Erosion and Sediment Control Plan measures are incorporated into a Soil and Water Management Plan where disturbance exceeds 2 500m <sup>2</sup> .	Appendix 2
	a) Detailed calculations to determine the soil loss and the size of any sediment basins that may be required on the site.	
	b) Information required for an Erosion and Sediment Control Plan.	
	c) The location of lots, public open space, stormwater drainage systems.	
	d) The location of land designated or zoned for special uses.	
	e) Location and diagrams of all erosion and sediment site controls used.	
	f) Locations, calculations and engineering details of any sediment basins.	
	g) Location and details of other stormwater management structures such as: constructed wetlands, gross pollutant traps, trash racks or separators.	
	h) Procedures for the operation and maintenance of pollution control equipment/works must also be noted, including:	
	i) quality and characteristic of any wastes before treatment;	
	ii) estimate quality of wastes after treatment;	
	iii) details of permitted maximum pollution levels specified by Council or the EPA;	
	iv) estimate of the average volumes of waste from the site;	
	v) details of the treatment methods e.g. flocculation agents;	
	vi) methods of disposal of the wastes, including discharge points and/or disposal areas;	
	vii) details of major items of equipment used e.g. pumps, sprays;	
	viii) identify any special requirements or site conditions that exist (and may require specialist service/advice);	
	ix) identify inspection procedures and inspectors; and	
	x) any other relevant matters.	

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**Table 1.3 (Cont'd)**  
**Cowra Shire Development Control Plan 2021 – Relevant Sections**

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<b>Relevant DCP Clause</b>	<b>Description</b>	<b>SoEE Section</b>
1.7 Design Guidelines	d) retain stripped topsoil for reuse on-site during landscaping and site rehabilitation.	N/A
	e) Protect stockpiles by erecting sediment fencing on the down slope side.	N/A
	i) Reduce the slope length through the use of graded banks, cross banks and drains.	N/A
	j) Keep batters as flat as possible. On larger developments batters should not exceed 3:1.	N/A
	k) Revegetate disturbed sites as soon as possible.	2.7
	l) Where possible, build a diversion bank around the topside of the excavation line to divert clean runoff from above the site away from the building site and other disturbed areas.	2.2.4
	m) Provide sediment fencing/hay bales below all construction sites to slow and filter sediment laden runoff.	N/A
	p) Sediment retention basins should be installed on large sites particularly if the soils are dispersive.	2.2.4
	r) Provide a designated wash-out area which will detain and filter polluted water.	2.2.4, 2.4.2
	s) Where possible, use grassed or natural drainage channels to carry and filter runoff.	2.2.4
	u) Stabilise disturbed areas by turfing, mulching, seeding, paving or similar.	2.2.4, Appendix 2
	v) Rehabilitate all excavated and filled areas.	N/A
	w) Erosion and sediment controls must be maintained throughout the course of construction and until the building site has been rehabilitated and stabilised.	Appendix 2
	y) All control measures are to be inspected after each rainfall event and cleaned or repaired if required.	3.2.3, 3.6.6
	z) Accidental spills of soil or other materials onto the roadway or gutter must be removed prior to completion of the day's work. Spills are to be removed by sweeping, shovelling or a means other than washing.	Noted
1.8 Erosion Prevention and Sediment Control Techniques	f) Drainage lines or channels carry concentrated flows and will require specialised revegetation techniques such as using erosion control blankets.	Appendix 2
<b>Part I – Industrial Development</b>		
1.3 Land Use Conflict and Pollution Management Controls	a) Careful site planning should be used to maximise the distance between activities that have potential to generate noise, dust, odour etc, and sensitive uses or activities on adjoining land.	N/A (ED)
	b) Consideration should be given to conducting noisy, dusty, or odorous activities at limited times of the day.	2.3.6, 3.3, 3.5
	c) Industrial activities that generate and discharge liquid trade waste to the reticulated sewerage system must obtain the relevant Liquid Trade Waste approval from Council.	N/A
	d) Development involving construction works should implement an Erosion and Sediment Control Plan prepared and submitted in accordance with Part Q of the DCP.	Appendix 2
	e) Vehicle entry, exits, loading, unloading and internal manoeuvring areas should be concreted, sealed or topped with blue metal aggregate (as a minimum) to prevent the emission of dust from trafficable surfaces.	2.2, 2.3, 2.5 & Figure 2.1
	f) Buildings used for noisy operations should be designed (orientated, insulated etc) to inhibit the transmission of noise onto nearby properties used for residential or other noise sensitive purposes.	3.3

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**Table 1.3 (Cont'd)**  
**Cowra Shire Development Control Plan 2021 – Relevant Sections**

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<b>Relevant DCP Clause</b>	<b>Description</b>	<b>SoEE Section</b>
1.3 Land Use Conflict and Pollution Management Controls (Cont'd)	h) Noisy operations including manufacturing and loading/ unloading activities should be carried out at reasonable times.	2.3.6, 3.3
	i) Hours of operation and access to the site through residential streets may be restricted where the proposed development involves the generation of noise likely to affect residential areas.	2.3.6, 3.3
	j) An acoustic report from a suitably qualified acoustic consultant may be required where there is a reasonable likelihood that a proposed industrial activity will generate noise that impacts residential amenity.	3.3, Appendix 5
	n) Effective use of landscaping should be used to screen unsightly areas, improve streetscape appearance, and reduce the impact of pollutants emitted from industrial activities.	2.2, 2.7, 3.2, 3.9
1.4 Setback Controls	a) Front setback areas must be a minimum of 8m, incorporating a minimum 3 metre landscaping strip. Front setback areas larger than the minimum are encouraged where this area is used for on-site car parking, or large vehicle manoeuvrability.	Project Site does not abut street.
	c) Industrial buildings should generally be setback 3m from side and rear property boundaries.	No new buildings proposed.
	e) Zero side and rear setbacks are permitted subject to compliance with the Building Code of Australia and merit issues are deemed acceptable in relation to adjoining or adjacent properties.	Figure 2.1
1.5 Building Design and Form Controls	a) Office components should: i. be located at the street frontage of the structure; ii. be architecturally differentiated to break up the facade	2.5.3
	g) Building height should not adversely impact on the visual amenity of the locality.	
1.6 Waste Management Controls	a) Storage areas should be behind the building or another part of the site that cannot be seen from the street or adjoining properties. Alternatively, these areas must be screened from public view.	2.3
	b) Screen fences should be a maximum of 2.4m in height and goods should not be stacked higher than the actual fence.	
	c) Landscaping is generally not an acceptable method of screening unless it is already well established and the applicant can demonstrate that the storage area will be effectively screened. Landscaping may only be used for screening purposes when undertaken in conjunction with fencing and other screening devices.	
	d) The storage of hazardous goods, materials or wastes will not be permitted in areas that adjoin residential or other sensitive land-uses.	N/A
	e) Sufficient space should be provided on-site for the loading and unloading of wastes. This activity is not to be undertaken on any public place.	2.3.1
	f) Industrial activities that generate and discharge liquid trade waste to the reticulated sewerage system must obtain the relevant Liquid Trade Waste approval from Council. The industrial activity must comply at all times with the requirements of the Liquid Trade Waste Regulation Guidelines and any conditions of the Liquid Trade Waste Approval.	N/A
1.7 Fencing Controls	a) Security fencing should provide for the protection of property and should be avoided (where possible) around non-productive and exposed areas of the site such as car parking and landscaped areas.	2.6
	c) Security fencing should preserve safe sight distances for all vehicle entry and exit locations, including those on adjoining properties.	
	d) Mesh security fencing should not be located in front of the main building wall towards the street and must not be erected to a height greater than 2.4m.	

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**Table 1.3 (Cont'd)**  
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Relevant DCP Clause	Description	SoEE Section
<b>Part M – Parking, Access and Mobility</b>		
Part M Generally	Customers (or contract drivers) generally visit the Project Site for loading activities only. Any in-person sales are completed at the Site Office located at the adjacent concrete batching plant, with product loading occurring adjacent to the relevant material stockpiles.	2.3.3
<b>Part N – Landscaping</b>		
3.4 Industrial Landscape Controls	a) Incorporates a landscape strip in accordance with Section 1.4 of Part I of this Plan.	Project Site does not abut street.
	b) Incorporates techniques where relevant to act as a barrier or buffer to reduce dust, noise and vibration levels from industrial activities.	3.3.5, 3.5.4
	a) Reduces the visual impact of vehicle parking, loading, unloading and manoeuvring areas, particularly where these areas are visible from the public domain.	Project Site does not abut street.
	d) Visually promotes the site and provides a pleasant work environment and recreation space for employees and other users of the site.	3.9.4
	e) Reduces the visual impact of large building masses.	N/A
	f) Retains existing mature trees within development sites where possible.	3.9.4
	g) Promotes public safety.	2.7
	i) Includes an appropriate drip, trickle or spray irrigation system.	3.9.4
	k) Includes tree species that are appropriate for site conditions such as soil, aspect, drainage and micro-climate.	2.7, 3.9.4
	l) Includes native species where possible.	2.7, 3.9.4
	o) Includes appropriate treatment of areas left exposed by development works including cut and fill.	2.2.2
	p) Incorporates appropriate edging techniques to separate hardstand areas (i.e. car parking and manoeuvring areas) from landscaped areas.	2.2.4.2, 2.2.4.4
	q) Incorporates vegetation and landscaping (other appropriate measures) to screen less desirable aspects of industrial development including loading / unloading areas and waste disposal.	2.7
	r) Integrates security fencing (where this is proposed) within or behind landscaped areas.	2.6, Figure 2.1
	s) Integrates all cut scars, fill batters and retaining walls into the landscape with shrubs, trees or ground covers plantings, or combinations thereof.	2.2.4.2, 2.2.4.4
	t) Makes provision for adequate drainage including collection or dispersal of stormwater runoff, prevention of ponding of water on pavements, or discharge of runoff onto adjoining properties or public areas.	2.2.4, 3.2
<b>Part O – Environmental Hazard Management</b>		
1.8 Information to Accompany a Development Application	a) A statement or justification as to why the proposed development is appropriate on flood prone land.	3.2, Appendix 2
	b) A survey plan showing: <ul style="list-style-type: none"> <li>i) Position of the existing building and/or proposed building.</li> <li>ii) Existing ground levels to AHD around the perimeter of the building, as determined by a registered surveyor.</li> <li>iii) Level of the 1% AEP flood event.</li> <li>iv) Proposed floor levels relative to the 1% AEP flood event.</li> </ul>	Figures 1.3, 2.1 & 3.6

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**Table 1.3 (Cont'd)**  
**Cowra Shire Development Control Plan 2021 – Relevant Sections**

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Relevant DCP Clause	Description	SoEE Section
1.8 Information to Accompany a Development Application (Cont'd)	c) A report from a suitably qualified engineer that demonstrates that: <ul style="list-style-type: none"> <li>i) The development will not increase the flood hazard or risk to other properties.</li> <li>ii) The structure of the proposed buildings will be adequate to deal with flooding situations.</li> <li>iii) The proposed building materials are suitable.</li> <li>iv) The buildings are sited at the optimum position to avoid flood waters and allow safe flood access for evacuation.</li> <li>v) The proposed redevelopment will not expose any resident to unacceptable levels of risk, or any property to unreasonable damage.</li> </ul>	3.2, Appendix 2
1.9 Flood Controls	e) Solid fences that impede the flow of floodwaters are not permissible. Fences should be at least 50% open to allow the progress of floodwaters.	Noted
	j) All applications should be accompanied by a flood emergency plan. Appropriate warning and advisory signage must be prominently visible at entry/exit points.	3.2
	n) On-site sewage management facilities should be sited and designed to withstand flooding conditions (including consideration of structural adequacy, avoidance of inundation and flushing/leaking into flowing flood waters).	N/A (ED)
	o) Tank and trench style of systems are not permitted on land affected by the Flood Planning Level. All sewer fixtures must be located above the 1% AEP event	2.5.3, Figure 3.6
<b>Part P – Crime Prevention Through Environmental Design</b>		
2.2 Building Orientation	f) Office and administration areas in industrial developments should be located at the front of the building overlooking the street and any car parking areas.	2.5.3
2.7 Security Measures	a) Quality locks should be installed on external windows and doors.	2.6
	e) External storage areas and yards should be secured and well lit.	2.6
N/A (ED) = Deemed not applicable to existing development.		

## 1.7 Consultation

### 1.7.1 Government Agencies

#### 1.7.1.1 Council and Environment Protection Authority

On 25 July 2017, an inspection of the Project Site and the adjacent Applicant-owned and operated concrete batching plant was undertaken by officers from Cowra Shire Council (Council) and the Environment Protection Authority (EPA). On 23 October 2017, Council issued a Prevention Notice under Section 96 of the *Protection of the Environment Operations Act 1997* (POEO Act) stating that it suspected that the Company was undertaking an activity at the Project Site in an environmentally unsatisfactory manner. In addition, Council issued a range of orders under Section 121B of the EP&A Act and Section 96 of the POEO Act on 23 October 2017. Since that date, the Applicant has continued to liaise with Council in relation to those orders.



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Following receipt of this notice and order, the Applicant reviewed its operations and determined that the Landscaping Materials Yard was operating:

- without development consent; and
- on land controlled by Council and owned by Transport for NSW and managed by John Holland.

In order to rectify the identified issues, the Applicant was requested to:

- prepare a *Site Management Plan* identifying how the site would be managed moving forward, including rectifying a number of matters identified during the agency inspections of the Project Site; and
- prepare an application for development consent.

The *Site Management Plan* was prepared by RWC and submitted to Council on 25 October 2018. This document has been prepared to support an application for development consent.

#### **1.7.1.2 Site Meeting**

A meeting between the Applicant, R. Roberts of Garden and Montgomerie, representatives of Council and RWC was held at the Project Site on 20 December 2018. During this meeting, proposed changes to the site layout and key issues to be assessed in the SoEE were discussed. Additionally, the following approaches and responsibilities were determined during the meeting.

- In the absence of a licence agreement between the Applicant and Transport for NSW (or their delegate), land within the railway corridor would be excluded from the Project Site and a revised layout would be detailed by RWC in the EIS. It is noted that an agreement has since been reached with the Rail Corporation of NSW in relation to that land (see **Appendix 1**).
- The Applicant would apply to Council to either occupy, lease or purchase the lots owned by Council within the Project Site.
  - It is understood that such an agreement would be considered during Council's assessment of the development application.
- Council would resolve drainage issues causing runoff from Kite Street and River Street to enter the Project Site at the site entrance.
- A specialist consultant would be engaged by the Applicant to prepare an Erosion and Sediment Control Plan (Soil and Water Management Plan) and high level flood study.

#### **1.7.1.3 Natural Resources Access Regulator**

An earlier iteration of the Proposal which included both the Landscaping Materials Yard as well as the Applicant's concrete batching operations was referred to the Natural Resources Access Regulator (NRAR). In Response, NRAR issued several requests for information (dated 22

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December 2020, 20 April 2021 and 28 April) seeking clarification on whether the Proposal would be consistent with requirements under the *Guidelines for Controlled Activities on Waterfront Land – Riparian Corridors* (NRAR, 2018).

In response to NRAR's request, the Applicant committed to the establishment of a 10m wide Vegetated Riparian Zone along the southern border of the Project Site (see Section 3.9). A copy of the final correspondence with NRAR (dated 19 May 2021) is included as **Appendix 3**.

#### 1.7.1.4 Railway Corridor Licence

In response to the identification of land within the Project Site which is owned by Transport for NSW (TfNSW) and controlled by John Holland, the Applicant commenced an application for a licence agreement over the railway corridor land in May 2019. A licence fee was provided to the Applicant by TfNSW in January 2020 following valuation of the subject land. A final licence agreement for the railway corridor land within the Project Site was agreed between the Applicant and Rail Corporation NSW on 17 February 2020 (**Appendix 1**).

#### 1.7.2 Local Community

A community consultation pamphlet (**Appendix 4**) was prepared for the Proposal as well as the Applicant's existing concrete batching plant located adjacent to the Project Site. The consultation pamphlet provided information regarding site activities, proposed changes to existing activities, and a request for feedback regarding the existing operation at the Project Site. The pamphlet was distributed to those residences closest to the Project Site, representing the sensitive receivers most likely to experience any adverse impacts associated with the Proposal. The pamphlet was delivered to each of the following residential addresses in April 2019.

- 9 Kite Street
- 11 Kite Street
- 8 Mulyan Street
- 10 Mulyan Street

No feedback was received in response to the community consultation pamphlet.

### 1.8 Management of Investigations

The preparation of this SoEE has been coordinated by Jack Flanagan (B.Sc., M.Env.Sc.), Environmental Consultant with RWC with assistance from Indigo Devane (B.Sc., Env.Sc) with the same company.

Technical information relating to the Proposal was provided by Mr Garry Bryant of the Applicant.

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Strong emphasis has been placed upon a multi-disciplinary team approach to the design of the Proposal, the description of the existing environment, identification of key environmental issues, development of appropriate safeguards and assessment of impacts. The following consultancy firms were commissioned by the Applicant to prepare nominated specialist consultant studies for the Proposal.

- Noise: Spectrum Acoustics Pty Limited
  - Ross Hodge (B.Sc (Hons))
  - Neil Pennington, Dr (Ph.D, B.Sc (Physics), B.Math (Hons))
- Surface Water: Strategic Environmental and Engineering Consulting (SEEC) Pty Ltd
  - Mark Passfield (B.Sc (Eng. Geol)(Hons))
  - Bill Johnson (B.Sc.Eng. (Civil)(Hons), M.Eng.Sc (Civil))
  - Liam O'Rourke (B.Sc.Env.)

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## 2. Description of the Proposal

### 2.1 Outline of the Proposal

#### 2.1.1 Objectives

The Applicant's principal objectives for the Proposal are to:

- obtain the necessary development consent and rectify issues associated with use of land controlled by Council and Transport for NSW;
- continue to service the construction and landscaping material market in the Cowra region;
- undertake modification to the existing Project Site layout to ensure that environmental risks are minimised to the maximum extent practicable; and
- undertake all activities in a manner to ensure compliance with conditional requirements of all approvals, reasonable community expectations and, to the extent practicable, the objectives of the Cowra LEP.

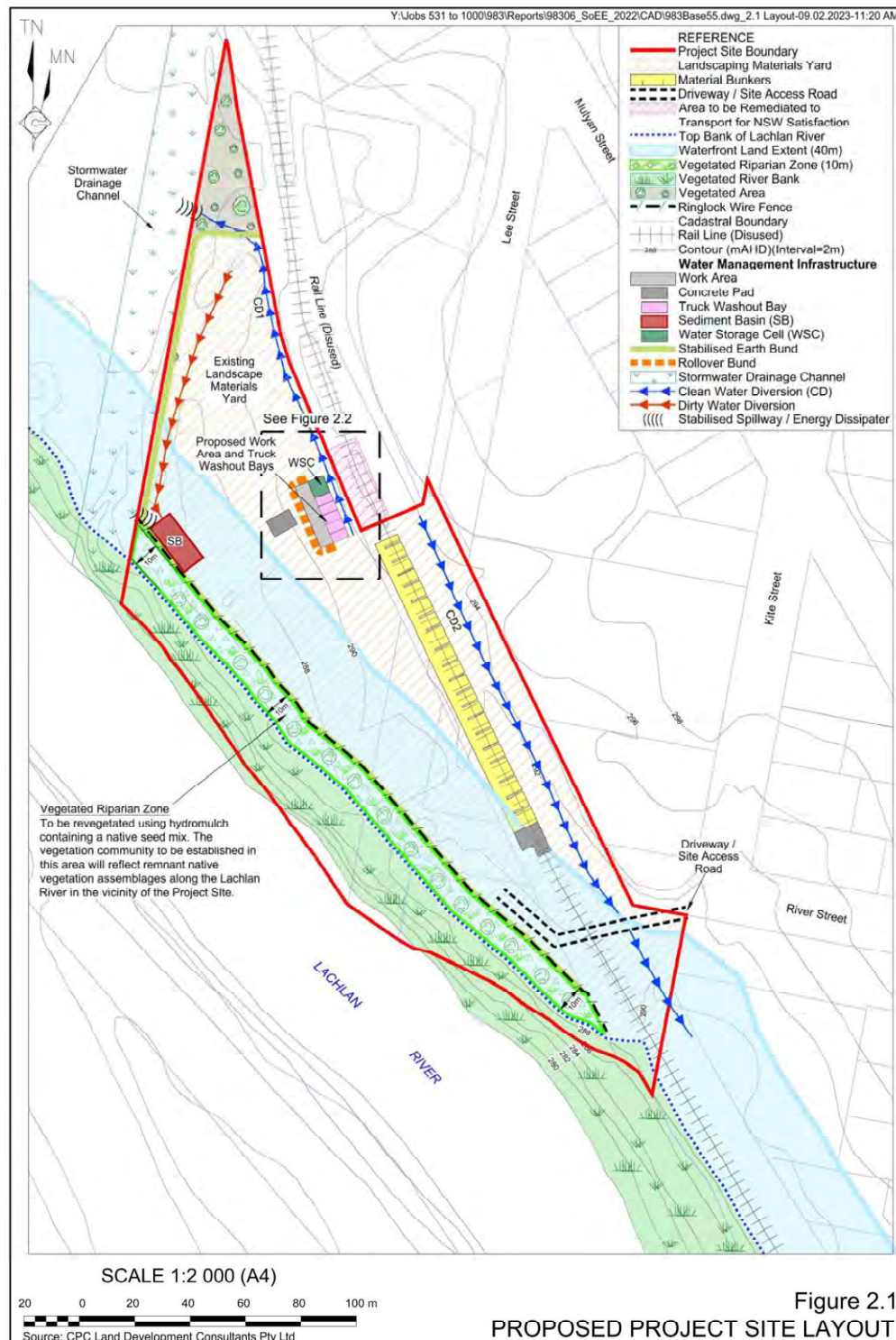
#### 2.1.2 Overview of the Proposal

The Proposal would include the following key activities (**Figure 2.1**).

- Modifications to the Project Site layout, including establishment of a range of surface water management infrastructure to ensure improved environmental management of the Project Site.
- Sale of small quantities of landscaping and other materials to the general public and small business.
- Recycling of limited quantities of returned concrete material from the Applicant's adjacent concrete batching operations.
- Ancillary activities, including management of surface water and storage of equipment.

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### 2.1.3 Approvals Required

Section 1.6 describes the various planning considerations that apply to the Proposal. In summary, the following approvals would be required for the Proposal.

- Development consent under Part 4, Division 4.3 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The Proposal is classified as both Non-Designated, Local Development and Integrated Development. As a result, the development application is accompanied by an SoEE.
- Controlled activity approval under Clause 91(2) of Part 3 of the *Water Management Act 2000* as the Project Site is located adjacent to the top bank of the Lachlan River.

## 2.2 Project Site Modification Works

### 2.2.1 Introduction

A range of Project Site modification works are required to address issues associated with:

- remediation of disturbed areas encroaching on land controlled by Transport for NSW (Lot 3905 DP1200283) which is not covered by the licence agreement with the Applicant;
- establishment of a Vegetated Riparian Zone;
- upgrades to existing infrastructure; and
- surface water management.

The following subsections provide a description of the proposed Project Site modifications works, including the proposed timing for each.

### 2.2.2 Remediation of the Rail Corridor

The Applicant notes that over time, infrastructure associated with existing operations have encroached onto land controlled by Transport for NSW, namely Lot 3905 DP1200283 comprising the disused Cowra – Eugowra Railway corridor. A licence agreement between Rail Corporation NSW (RailCorp), a division under Transport for NSW, and the Applicant for the continued use of the section of the project Site within Lot 3905 DP1200283 was granted on 17 February 2020 (**Appendix 1**).

The section of existing disturbance within Lot 3905 DP1200283 which is not included within the licence agreement would be remediated to the satisfaction of Transport for NSW or their nominee as part of the Proposal (**Figure 1.3** and **Figure 2.2**). Remediation of this area would involve the removal of any product stockpiles, spreading of growth medium, and sowing with a suitable native groundcover seed mix.

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Infrastructure associated with the Proposal which is currently located within the subject Lot includes material bunkers and stockpiles, precast concrete blocks and concrete block walls. With the exception of additional material bunkers, no additional infrastructure would be constructed or located within Lot 3905 under the Proposal (**Figure 2.1**).

In the event that the licence agreement is not renewed in the future, the Applicant would, in consultation with Transport for NSW or their nominee, remove all infrastructure from within Lot 3905. Following removal of relevant infrastructure, the Applicant would then remediate the rail corridor to the satisfaction of Transport for NSW or their nominee. In order to ensure that encroachment of Proposal-related activities into the rail corridor does not occur in future, the Applicant would permanently mark on the ground the boundary of the rail corridor using regularly spaced posts or a fence.

### 2.2.3 Upgrades to Existing Infrastructure

A range of existing infrastructure at the Project Site would be required to be upgraded, including the following.

#### Concrete Sealed Work Area and Washout Bays

Product delivery trucks and concrete agitator trucks associated with the Applicant's adjacent concrete batching plant are required to be washed out prior to and/or following deliveries. Wash water generated has the potential to have an elevated pH due to mixing with cementitious particles and other raw materials. The concrete work area and associated unlined sump have been identified as not being consistent with best practice, particularly in relation to management of accumulated wash out water. Consequently, the Applicant would remove the existing sump and construct a concrete sealed work area with concrete sealed washout bays, a concrete sealed water storage cell and perimeter rollover bunds (**Figure 2.2**).

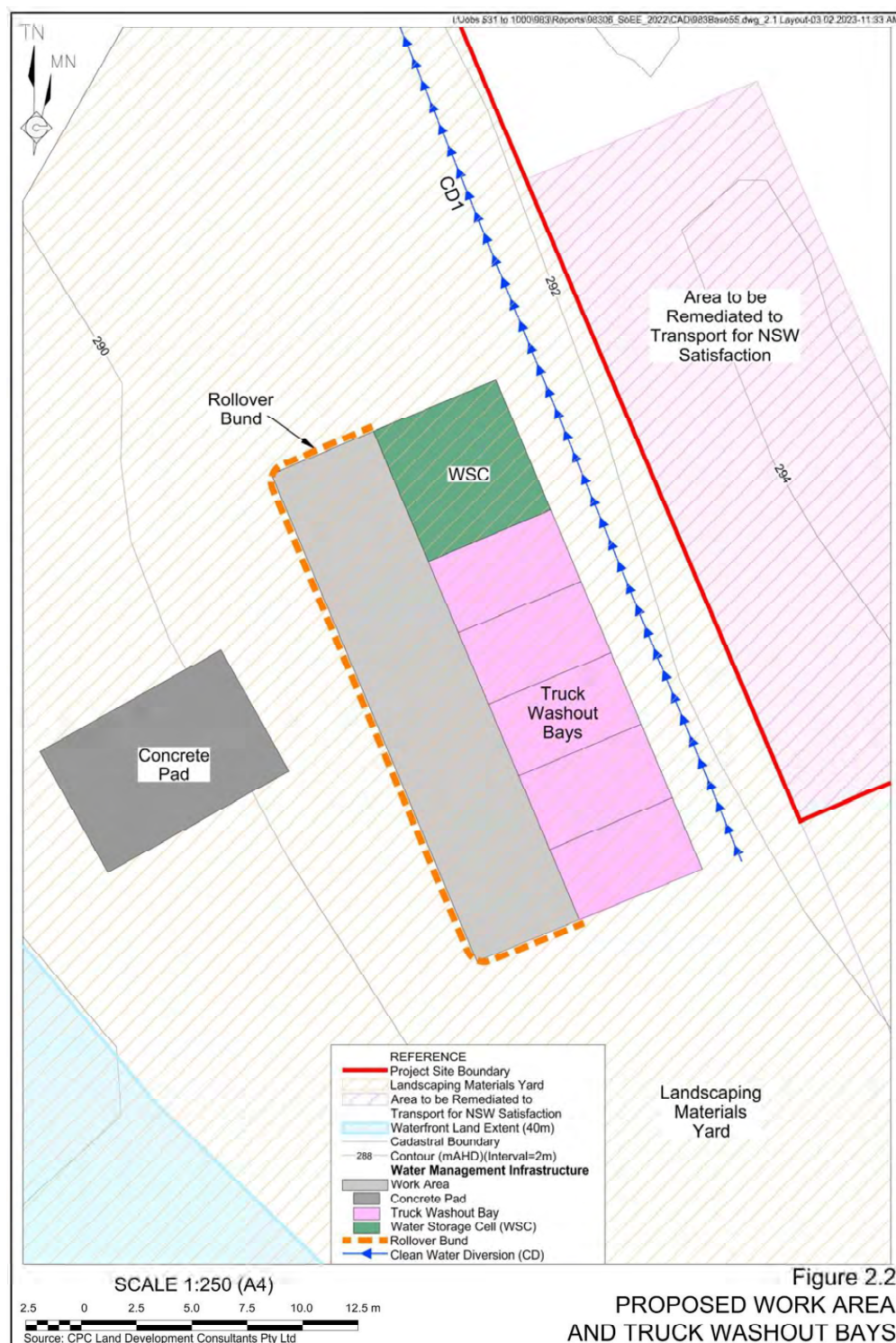
In summary, the concrete sealed work area and washout bays would have the following design criteria (**Figure 2.2**).

- Concrete sealed work area adequate to permit use by laden vehicles.
- Concrete lined, in-ground washout bays (maximum depth of two metres) suitable for washing out agitator trucks.
  - The washout bays would be constructed in a manner that would permit retention of aggregate within the washout bay and collection of washout water within an adjacent water storage cell for reuse.
  - The washout bays would be designed to facilitate removal of aggregate using a front-end loader.
- Vehicular access to the concrete sealed work area would be via rollover bunds which would ensure that surface water is not permitted to flow from unsealed work areas to the concrete sealed area or vice versa.
- Surface water within the work area would be directed to flow into the washout bays and water storage cell for reuse.
  - Accumulated water would not be permitted to flow to natural drainage or to the dirty water management system.



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- Accumulated water would preferentially be pumped to the Applicant's adjacent concrete batching plant for use in the production of concrete.
- An automatic level controller would be installed to ensure that accumulated water is pumped to the concrete batching plant once a sufficient quantity is available.

#### **2.2.4 Surface Water and Flood Controls**

A *Soil and Water Management Plan* (SWMP) detailing surface water and flood controls for the Proposal and the Applicant's adjacent concrete batching plant was prepared by Strategic Environmental and Engineering Consulting Pty Ltd (SEEC) and is presented as **Appendix 2**. This subsection provides a summary of the surface water and flood controls which would be implemented at the Project Site. Detailed designs for the proposed surface water and flood controls would be prepared following approval, with designs to be consistent with requirements outlined in the relevant Natural Resource Access Regulator Guidelines for Controlled Activities on Waterfront Land.

Operations at the Project Site includes the sale of landscaping materials and washout of product delivery trucks and agitator trucks, with these activities largely confined to separate areas of the Project Site. Consequently, it would be possible to isolate and individually address the following three types of runoffs.

- Clean water – any surface runoff originating from areas outside of the Project Site which has not encountered materials stored on site or exposed areas of disturbance.
- Dirty water – water which is potentially sediment laden (primarily inert particles) following contact with Project Site surfaces or stored landscaping materials.
- Contaminated water – water which potentially contains cementitious materials and alkaline salts in suspension following contact with cement products and/or additives.

In order to both minimise the volume of contaminated and dirty water generated by the Project and permit effective treatment of any water retained on site, multiple control measures targeting clean, dirty, and contaminated water are proposed.

Furthermore, as the Project Site is located adjacent to the Lachlan River and within the Cowra LEP 2012 flood planning area (**Figure 1.2**), several measures targeting the management of flood-related risks and impacts are also discussed.

##### **2.2.4.1 Contaminated Water Controls**

**Figure 2.2** presents the Landscaping Materials Yard concrete-sealed work Area including the concrete pad, truck washout bays, and water storage cell. Activities involving cementitious materials, including washing of agitator trucks, and any concrete waste recycling would be restricted to concrete sealed areas within the Project Site (**Figure 2.2**). The following design

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features would prevent the contamination of groundwater and downstream surface water by isolating and storing sediment-laden and/or high pH surface water runoff from the Concrete-sealed Work Area.

- Concrete sealed surfaces (site access, concrete batching plant, and washout bays) – to prevent water infiltration.
- Rollover bunds - to prevent the entry and exit of runoff from concrete sealed areas while permitting vehicle access.
- Sunken washout bays - to capture potentially contaminated water and cementitious sediment generated during agitator truck washdown.
- Concrete lined water storage cell (WSC) - with adequate storage capacity of 20.7m<sup>3</sup> to contain runoff up to the 72-hour, 5-year storm event (i.e. 96.5mm).

In addition to the above design features, the Applicant would ensure that excess contaminated water within the water storage cell is removed within 5 days following a rainfall event to maintain appropriate capacity for runoff capture. Water captured by the water storage cell would be preferentially reused at the Applicant's adjacent concrete batching plant. Once a sufficient volume of water has accumulated in the water storage cell, an automatic level controller would ensure that available water is pumped to the concrete batching plant. Excess water would be permitted to evaporate.

#### **2.2.4.2 Dirty Water Controls**

The following design features would prevent the discharge of dirty water into the Lachlan River by diverting and containing potentially sediment-laden runoff generated on site (**Figure 2.1**).

- A raised stabilised earth bund (minimum height of 1m) along the southern and western borders of the Landscaping Materials Yard.
- Sediment basin would be constructed in accordance with the requirements of Landcom (2004) and located at points of low elevation within the Project Site to permit drainage of dirty water diversions.
- Sediment basin (Type D basin) would be constructed with adequate storage to contain runoff up to the 5-day, 95<sup>th</sup> percentile rainfall event (i.e. 44.9mm) and with a minimum capacity: 607.9m<sup>3</sup> (including a marked 160.0m<sup>3</sup> sediment storage volume).

Where necessary, the following measures would be implemented to manage the sediment basin, including:

- maintenance of sediment basins to remove accumulated sediment (i.e. every 6 months or if sediment accumulates to more than 60% of the marked sediment storage volume);
- use of water stored in sediment basins for site activities (e.g. dust suppression, agitator truck washdown or concrete manufacture);

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- treatment of water stored in sediment basins with a gypsum flocculant at a rate suitable to floc and settle suspended sediment where rapid settlement is required prior to discharge; and
- discharge of stored water off site following monitoring to confirm that water quality goals have been met.

Water captured in sediment basins would be used for activities including vehicle washdown, and dust suppression. Where water is required to be discharged from site in order to maintain necessary dirty water storage volumes, water quality monitoring would be undertaken prior to discharge to confirm that discharged water will not adversely impact the receiving environment. Where necessary to encourage rapid settlement of sediment, gypsum (or an alternative flocculant approved by Council and/or the Environment Protection Authority) will be mixed with water and added to sediment basins at a rate suitable to floc and settle suspended sediment. Water from sediment basins would be discharged to the existing stormwater drainage channel immediately to the west of the Project Site from where it would flow to the Lachlan River.

**Table 2.1** outlines the target discharge water quality values which would need to be confirmed by testing before water could be discharged off site. These parameters would be measured using a water quality meter within 24-hours prior to discharge, with results recorded and retained on site for a minimum of five years. Initially (i.e. for the first 10 samples), a water sample would be collected and sent to a NATA accredited laboratory for analysis to assist in determining a site-specific correlation between Total Suspended Solids (TSS) and Nephelometric Turbidity Units (NTU). Once a correlation is established, a target NTU value equivalent to a TSS value of approximately 50mg/L will be stipulated in the SWMP.

**Table 2.1**  
**Water Quality Target Values**

<b>Parameter</b>	<b>Target Value</b>
Turbidity (NTU)	<100
TSS (mg/L)	<50
pH	6.5 – 8.5
Oil and Grease	None Visible
Salinity	<340 µS/cm

Source: SEEC (2023) – After Table 4.

### **2.2.4.3 Clean Water Controls**

Clean water diversion channels would be constructed along the north-eastern border of the Landscaping Materials Yard (**Figure 2.1**). These structures would capture and/or divert clean runoff originating from adjacent residential and light industrial areas before it enters the Project Site. Clean water would then be directed either southeast towards an existing stormwater drain or northwest towards an existing drainage line, from where it would subsequently enter the Lachlan River.

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#### 2.2.4.4 Flood Management

The clean water diversion channels would be designed in accordance with the SWMP to cater for flows associated with the 1 in 20-year Average Recurrence Interval (ARI) flood event (Table 2.2). It is anticipated that these controls would protect the Project Site from local flooding associated with runoff from adjacent residential and light industrial areas and minimise the volume of potentially sediment-laden water generated at the Project Site.

**Table 2.2**  
**Clean Water Diversion Ditch Design Specifications**

Feature	Clean Water Diversion Drain (CD)	
	CD1 <sup>1</sup>	CD2 <sup>1</sup>
Base Width (m)	0.5	1.5
Depth (including freeboard) (m)	0.5	0.9
Side Slopes (V:H)	1:2	1:2
Lining	Vegetation	Vegetation
Mannings Roughness Co-Efficient	0.03 – 0.06	0.03 – 0.06
Longitudinal Gradient (%)	2	1.7
Note 1: See Figure 2.1.		
Source: SEEC (2023) – After Table 6.		

A stabilised earth bund would be constructed on the southern and western boundaries of the Project Site to divert dirty water generated at the Project Site into a sediment basin. This bund would also act as a flood levee, providing immunity from flooding of the Lachlan River up to the 1:100-year ARI flood level which is estimated to reach 289.18m AHD. As the lowest section of the Landscaping Materials Yard extends down to 288m AHD, the height of the stabilised earth bund at this location would be 1.68m (i.e. 1.18m to the height of the 1:100 year ARI flood level plus 0.5m freeboard).

The height of the stabilised earth bund would vary between a minimum of 1m and a maximum of 1.68m along the southern and western boundaries of the Landscaping Materials Yard, with the top of the bund never falling below an elevation of 298.68m AHD. The stabilised earth bund would be constructed with a side slope of 1:2 (V:H) and would be seeded with a mixture of native grasses to provide a vegetative cover and assist in bund stabilisation.

#### 2.2.5 Indicative Timing

All proposed infrastructure upgrades, water and flood control structure construction and remediation activities would be undertaken within 6 months following the granting of development consent.

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## 2.3 Proposed Operations

### 2.3.1 Raw Materials Delivery and Receipt

Raw materials, including aggregates and landscaping materials, would continue to be transported to the Project Site by road-registered trucks, predominately in truck-and-dog configuration.

Aggregates are commonly sourced from Forbes and Berrima and approach the Project Site via Lachlan Valley Way, Mid-Western Highway, Redfern Street and River Street (**Figure 2.3**). Landscaping materials are sourced from a variety of locations and would continue to be stored either in stockpiles or within material bunkers in the Landscaping Materials Yard.

Typically, two material delivery trucks would access the Project Site each week, each delivering an average payload of between 26t and 32t.

The standard hours for raw materials delivery are 7:00am to 5:00pm, Monday to Friday. Rarely, product may be delivered on a Saturday between 7:00am and 12:00pm.

### 2.3.2 Water Balance

**Table 2.3** lists the catchment areas, design rainfall events and water storage volumes for the proposed water management structures at the Project Site.

**Table 2.3**  
**Project Site Water Catchments and Storage Capacities**

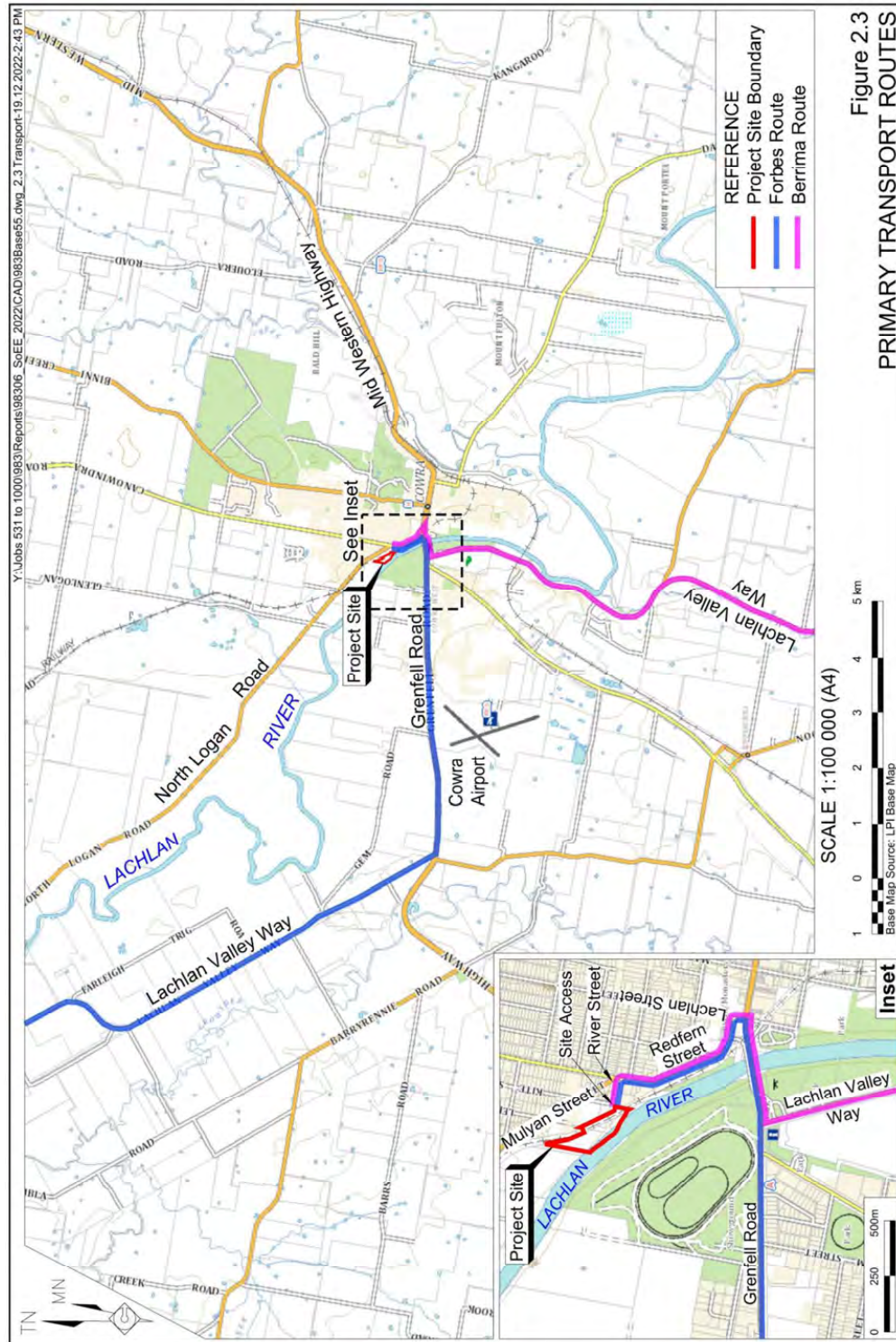
Catchment	Catchment Area (m <sup>2</sup> )	Water Storage Structure	Design Event	Minimum Storage Volume (m <sup>3</sup> )
<b>Contaminated Water</b>				
Concrete-sealed Work Area (including washout bays and water storage cell)	265	Water Storage Cell	72 hour, 5 year storm event (96.5mm)	26.1 <sup>1</sup>
<b>Dirty Water</b>				
Landscaping Materials Yard	17,250	Sediment Basin	5-day, 95 <sup>th</sup> percentile rainfall event (44.9mm)	607.9 <sup>2</sup>
Note 1: Includes 20.7m <sup>3</sup> Water Storage Cell capacity and 5.4m <sup>3</sup> first-flush pit.				
Note 2: Includes 160m <sup>3</sup> sediment storage volume and 447.9m <sup>3</sup> water settling volume.				
Source: After SEEC (2023).				

Modelling completed by SEEC (2023) considered the potential water availability from the water storage cell based on mean rainfall, a runoff threshold of 1.5mm and an assumed water demand of 2kL per day. SEEC (2023) anticipate that potentially contaminated water captured on site and stored within the water storage cell would provide for approximately 50% of the annual operational water demand at the Applicant's concrete batching operations adjacent to the Project Site.



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Water from the sediment basin would preferentially be used for dust suppression and vehicle washdown operations. In the event that the sediment basin is dry, water for dust suppression and washdown activities would be sourced from Council's reticulated supply.

### **2.3.3 Landscaping Material Retail Sales**

Limited volumes of sand, soil and aggregate would continue to be retained within the Landscaping Materials Yard for sale to the general public. Landscaping materials are typically stored within material bunkers or, for larger volumes, in stockpiles on the ground.

Signage at the Project Site entrance would direct incoming vehicles to the Landscaping Materials Yard where orders would be filled.

No odorous materials are stored within the retail sales area or elsewhere on the Project Site.

### **2.3.4 Transportation Operations**

The Project Site is accessed via a concrete driveway leading onto River Street at the intersection with Kite Street (**Figure 2.1**). The principal traffic associated with the Proposal includes:

- trucks associated with the delivery of landscaping products from the Project Site; and
- light vehicles of employees and customers.

All raw materials are transported to the Project Site via road-registered trucks, predominantly in truck and dog configuration, with the average payload being 26t to 32t per load. Typically, two material delivery trucks would access the Project Site per week.

Ultimately, the rate of materials delivery and despatch depends upon multiple factors including:

- the volume of sales;
- the nature of the construction and landscaping activity within Cowra and surrounding areas;
- the weather;
- the size of individual loads; and
- the availability of raw materials from suppliers.

Due to the nature and volume of materials being supplied, no formal parking spaces are required at the Project Site. Customers in light vehicles typically park at the Site Office located at the Applicant's adjacent concrete batching plant to place orders or park adjacent to stockpiled material to facilitate loading. Customers with trucks or contracted truck drivers typically park adjacent to stockpiled material in the Landscaping Materials Yard for loading prior to despatch.

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### 2.3.5 Equipment

**Table 2.4** lists mobile equipment that would be used within the Project Site for day-to-day operations, together with the likely use of each piece of equipment.

**Table 2.4**  
**Mobile Equipment**

Equipment	No.	Function
Front-end Loader	2	Loading trucks and trailers within the Landscaping Materials Yard. Stockpile management activities. Washout bay clean-out.
Agitator Trucks <sup>1</sup>	3 - 5	Enter and exit the Project Site, washing at the Concrete Sealed Work Area
Note 1: Agitator trucks associated with the Applicant's adjacent concrete batching operations would only enter the Project Site for truck washout purposes.		

### 2.3.6 Hours of Operation

In line with the current hours of operation, the proposed hours of operation would be:

- Monday to Friday: 7:00am to 5:00pm;
- Saturday: 7:00am to 12:00pm; and
- Sunday / public holidays: no operations.

Noting the above, the actual hours of operation would vary based on customer requirements and would depend upon the size, location, and timing of individual concrete pours. Where required, emergency maintenance would be undertaken at any time to address potential hazards at the Project Site.

### 2.3.7 Workforce

The Landscaping and Materials Yard and the Applicant's adjacent concrete batching operations currently require five employees to manage activities across both areas.

Product delivery truck drivers are typically employed by contract transportation companies or by the Company's customers.

## 2.4 Waste Management

### 2.4.1 Nature of Wastes

Wastes requiring management can be sub-divided into non-production and production wastes based upon waste classifications outlined within the *Environment Protection Authority Waste Classification Guideline 2009* (EPA, 2009). With the exception of returned concrete material generated by the Applicant's adjacent concrete batching operations which would either be reused or recycled, no material that may be classified as waste would be accepted at the Project Site.





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Limited volumes of returned concrete material generated by the Applicant's adjacent concrete batching operations would be received at the Project Site. As any significant volume of returned concrete would be utilised by the Applicant outside of the Project Site, only small volumes of returned concrete would be received at the Project Site. This returned material would only be deposited in concrete sealed work areas within the Project Site prior to curing and would be stockpiled until a sufficient quantity is available for crushing and recycling.

## **2.4.2 Production Wastes**

### **2.4.2.1 Solid Wastes**

Solid wastes would predominantly comprise coarse aggregates, sand and cement from daily truck wash-outs, together with small amounts of solid waste concrete returned to site.

During washout operations, the vehicle operator would use a hose to wash any remaining material from the agitator truck bowl and delivery truck body. That material would be discharged into the wash out bays, with the solid component permitted to settle within the bay. The washout bay would be permitted to fill with water, with excess water then flowing to the water storage cell.

Each washout bay would consist of a sloping, concrete lined sump that would be sufficiently wide to enable accumulated material to be cleaned out using a front-end loader. Once sufficient material has accumulated, the water would be pumped from the bay and the wash-out bay would be excavated by front-end loader. Recovered material would be sold as a landscaping product or reincorporated into the Applicant's adjacent concrete batching operations.

### **2.4.2.2 Liquid Wastes**

Liquid wastes would consist primarily of the liquid fraction resulting from washout of agitator trucks. The water would comprise sediment and cementitious materials, including alkaline salts, in suspension. The liquid fraction generated during delivery truck and agitator truck washout would be permitted to accumulate within the Washout Bays and, when full, would flow to the water storage cell.

Accumulated water would be re-used at the Applicant's adjacent concrete batching plant. An automatic level controller would be installed to ensure that accumulated water is pumped to the concrete batching plant once a sufficient volume is available. Excess water would be permitted to evaporate.

Surface water from the Landscaping Materials Yard would be managed as described in Section 2.2.4.

## **2.4.3 Non-production Wastes**

Non-production wastes would comprise:

- paper and general waste originating from personnel and contractors at the Project Site;

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- waste from routine equipment and vehicle maintenance consumables; and
- sewage.

With the exception of oils and grease, all non-production waste would be placed in appropriate containers for collection as part of Council's waste collection service. Oils and grease would either be removed immediately by service contractors or stored in leak proof containers within a sealed and bunded area to await collection by a licenced recycling contractor.

Personnel would rely on the Applicant's existing ablutions and site office facilities at the adjacent concrete batching plant. Sewage would be directly transferred to the sewer mains.

## 2.5 Infrastructure and Services

### 2.5.1 Introduction

The following sub-sections identify the existing infrastructure and services within the Project Site that would continue to be used, as well as any modifications to existing infrastructure and services. An assessment of not proceeding with the Proposal is presented in Section 4.2.4.

### 2.5.2 Site Access and Parking

The Project Site is primarily accessed via a concrete driveway situated on River Street at the intersection of Kite Street. Both Kite Street and River Street are sealed two-lane local roads with no road markings. The driveway is secured by a lockable gate and forms part of:

- the unformed road reserve associated with River Street under the control of Cowra Shire Council; and
- the disused Cowra – Eugowra Railway corridor controlled by Transport for NSW.

The Applicant has secured a licence agreement with Rail Corporation NSW for the continued use of the disused railway corridor and existing vehicle crossing within the Project Site (**Appendix 1**).

The Applicant proposes to negotiate suitable agreements with Council for ongoing use of the road reserve which contains the existing driveway.

Temporary parking for customers and contract truck drivers loading landscaping materials into vehicles is available in the Landscaping Materials Yard.

### 2.5.3 Site Office and Amenities

No Site Office or Amenities are present within the boundary of the Landscaping Materials Yard as facilities available at the Applicant's adjacent concrete batching plant are used instead. Those site amenities are connected to Council's reticulated sewage system.

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## 2.5.4 Services

The following existing services would continue to service the Project Site.

- Water – potable water would continue to be provided by the Council-operated water supply network.

## 2.6 Safety and Security

Current and future site safety and security measures would focus on securing site infrastructure and minimising opportunities for damage to equipment. The following security measures would be maintained on site.

- Security cameras.
- Existing perimeter walls and fences.
- Existing lockable access gates.
- Storage in locked shipping containers.
- Daily removal from site of unsecured equipment.

In addition to the above, the Applicant would construct a ringlock wire fence along the southern border of the Project Site to prevent access to the Project Site via the Lachlan River bank (**Figure 2.1**).

## 2.7 Remediation

Opportunities to incorporate setbacks and landscaping as specified in the Cowra DCP are constrained by existing site infrastructure and the location of the Site Access driveway on the corner of River Street and Kite Street.

Revegetation associated with remediation works will be undertaken within the disused rail corridor (**Figure 2.1**). This rehabilitation will include the remediation of disturbed areas to the satisfaction of Transport for NSW or their delegate, including the seeding of these areas with a native grass seed mix.

A 10m wide Vegetated Riparian Zone would be established along the southern boundary of the Project Site (**Figure 2.1**). This area would be revegetated through the application of hydromulch containing a native seed mix with species reflecting existing assemblages along the Lachlan River bank. Indicatively, vegetation assemblages would be consistent with those species associated with the following Plant Community Types.

- PCT 278 – Riparian Blakey's Red Gum – box – shrub – sedge – grass tall open forest of the central NSW South Western Slopes Bioregion.
- PCT 266 – White Box grassy woodland in the upper slopes sub-region of the NSW South Western Slopes Bioregion.

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A ringlock wire fence would be erected to delineate the revegetated area and to prevent accidental access to the revegetated area by site personnel and customers. Regular watering would be undertaken during the first two months (minimum) following establishment to encourage seedling germination and survival.

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## 3. Environmental Features, Management Measures and Impacts

### 3.1 Background Information

#### 3.1.1 Introduction

The descriptions of various environmental aspects of the Proposal throughout this section are reliant upon a range of background information common to many of the key environmental issues. In this subsection, background information is provided on climate, land ownership and residences and land uses surrounding the Project Site.

#### 3.1.2 Climate

##### 3.1.2.1 Source of Data

Meteorological data has been drawn from the Bureau of Meteorology Station No. 065111 (Cowra Airport AWS) (Table 3.1), located approximately 2.1km southwest of the Project Site at an elevation of 300m AHD. Additionally, meteorological data relating to wind which was not available for Station No. 065111 has been sourced from the now closed Bureau of Meteorology Station No. 065091 (Cowra Airport Comparison) which operated between 1966 and 2011 and is located approximately 0.8km from Station No. 065111 at the same elevation.

**Table 3.1**  
**Meteorological Data**

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Annual
<b>Temperature (C°)</b>													
Mean maximum	33.7	31.5	28.4	23.9	18.8	14.9	14.2	15.9	19.7	24.1	27.8	30.9	23.7
Mean minimum	17.3	16.2	13.6	8.8	4.8	3.7	2.4	2.5	4.2	7.3	11.6	14.5	8.9
<b>Rainfall (mm)</b>													
Mean rainfall	46.3	52.9	58.8	37	33.8	52.7	45.2	41.3	47.3	47.1	68.7	61.6	559.9
Highest monthly rainfall	151.6	196.4	178.7	115	74.6	130	111	105.2	163.2	155.8	184.8	177.6	972.6
Lowest monthly rainfall	5.8	3.6	3.2	0	0.6	5.2	5.2	4.2	1.4	0	15.2	5	261.8
Mean number of rain days	7.7	6.7	7.7	5.2	6.4	12.7	13.2	11.2	8.7	8.3	9.3	7.6	104.7
Highest daily rainfall	44.8	58.2	64.6	50.8	42.4	50.4	40	39.6	36.2	36.8	80.2	63.8	80.2

Source: Bureau of Meteorology – Cowra Airport AWS (Station Number: 065111) from 2004 – 2022.

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### 3.1.2.2 Temperature

Mean monthly maximum and minimum temperatures are presented in **Table 3.1**. January is typically the warmest month, with a mean maximum temperature of 33.7°C and a mean minimum temperature of 17.3°C. July is typically the coldest month, with a mean maximum temperature of 14.2°C and a mean minimum temperature of 3.7°C.

### 3.1.2.3 Rainfall

Mean monthly rainfall varies between 33.8mm and 68.7mm, tending to be highest during the late spring to early summer period (November to December). The total mean annual rainfall is 559.9mm. The distribution of rain days is relatively even throughout the year, with rain days typically being more frequent during the winter period (June to August) and less frequent during the autumn period (March to May) (**Table 3.1**). The driest year on record was in 2006 when 261.8mm of rainfall was recorded, while the wettest year in record was in 2021 when 972.6mm of rainfall was recorded.

### 3.1.2.4 Wind

Wind speed and direction data from Bureau of Meteorology Station No. 065091 (Cowra Airport Comparison) between 1966 and 2011 is presented in **Figure 3.1**.

On an annual basis, wind most frequently originates from the west and northwest, with less frequent winds originating from the southwest and southeast. Seasonally, winds originating from the west, northwest and southwest are more dominant during spring and summer, while winds originating from the southeast are more dominant in autumn and winter.

## 3.1.3 Land Ownership and Land Uses

### 3.1.3.1 Land Ownership and Surrounding Residences

Land ownership and surrounding residences are presented in **Figure 3.2**. Land within the Project Site is registered to:

- MH Dykes and GT Bryant, the current director of Buzzree Pty Limited;
- Cowra Shire Council; and
- the NSW Government.

A licence agreement has been established between the Applicant and the NSW Government (i.e. Rail Corporation NSW) for the ongoing use of the portion of the Project Site which is within the disused railway line (**Appendix 1**).

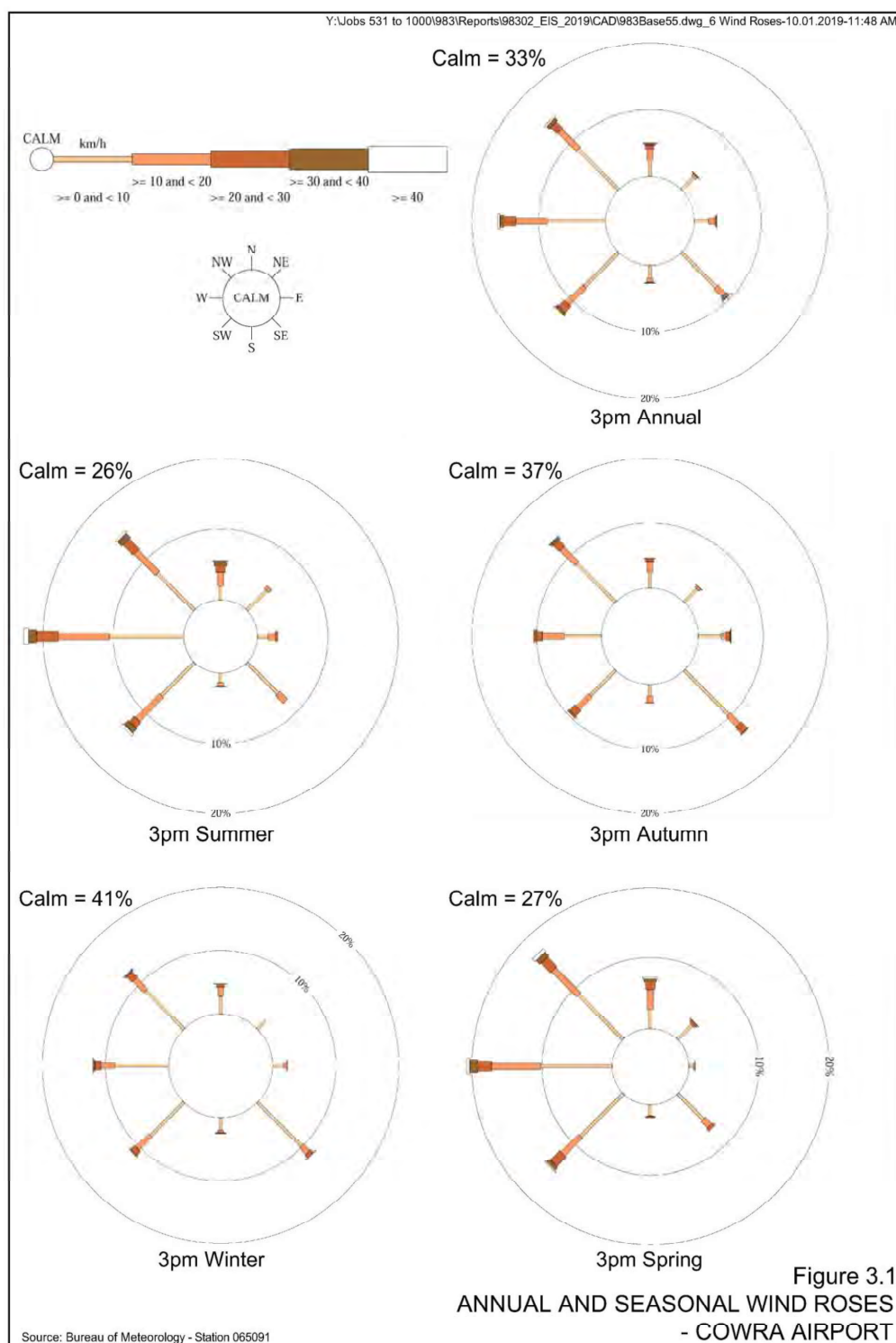
The Applicant proposes to negotiate suitable agreements with Council for ongoing use of the road reserve within the Project Site as part of the determination of this application.

The closest residence is located approximately 25m to the east of the Project Site boundary on the opposite side of Kite Street. A further 40 residences are located within 150m to the north, northeast and east of the Project Site boundary.



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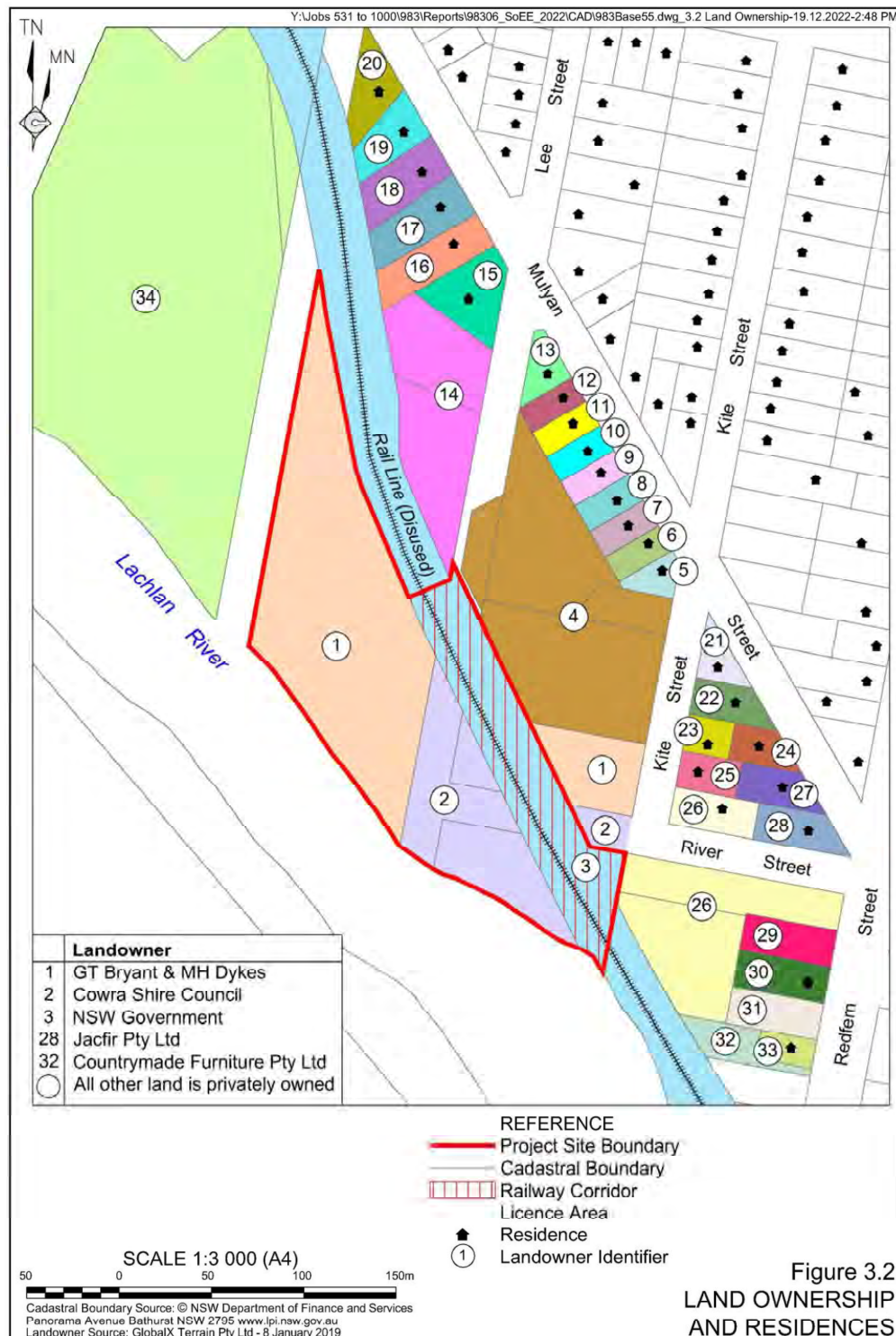
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BUZZREE PTY LIMITED  
Bryant's Landscaping Materials Yard





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### 3.1.3.2 Land Use

Land uses within and surrounding the Project Site are presented in **Figure 3.3** and include the following.

- Primary Production (RU1) – primarily cropping with some grazing. The Project Site, including the existing landscaping materials sales yard, also occupies land which is zoned RU1.
- Infrastructure (SP2) – this land represents a disused rail line.
- Light Industrial (IN2) – this land is occupied by a mustard seed oil plant as well as the Applicant's existing concrete batching plant located on Lot 1011 DP1124153.
- General Residential (R1) – residential properties within Cowra township.
- Business Development (B5) – mixed residential and business land uses adjoining Redfern Street.
- Recreational Waterways (W2) – the Lachlan River and adjacent riparian areas.
- Public Recreation (RE1) – a narrow strip of parkland dominated by riparian vegetation on the southwest bank of the Lachlan River.
- Private Recreation (RE2) – land of heritage significance within the Cowra Showground.

### 3.1.4 Topography, Drainage and Flooding

#### 3.1.4.1 Regional Topography and Drainage

The topography of the region surrounding the Project Site is variable, encompassing:

- flat to gently undulating areas adjacent to the Lachlan River and Cowra township;
- undulating hills to the north and east of Cowra; and
- steep slopes associated with the Broula Range to the west and the Illunie Range to the south (**Figure 3.4**).

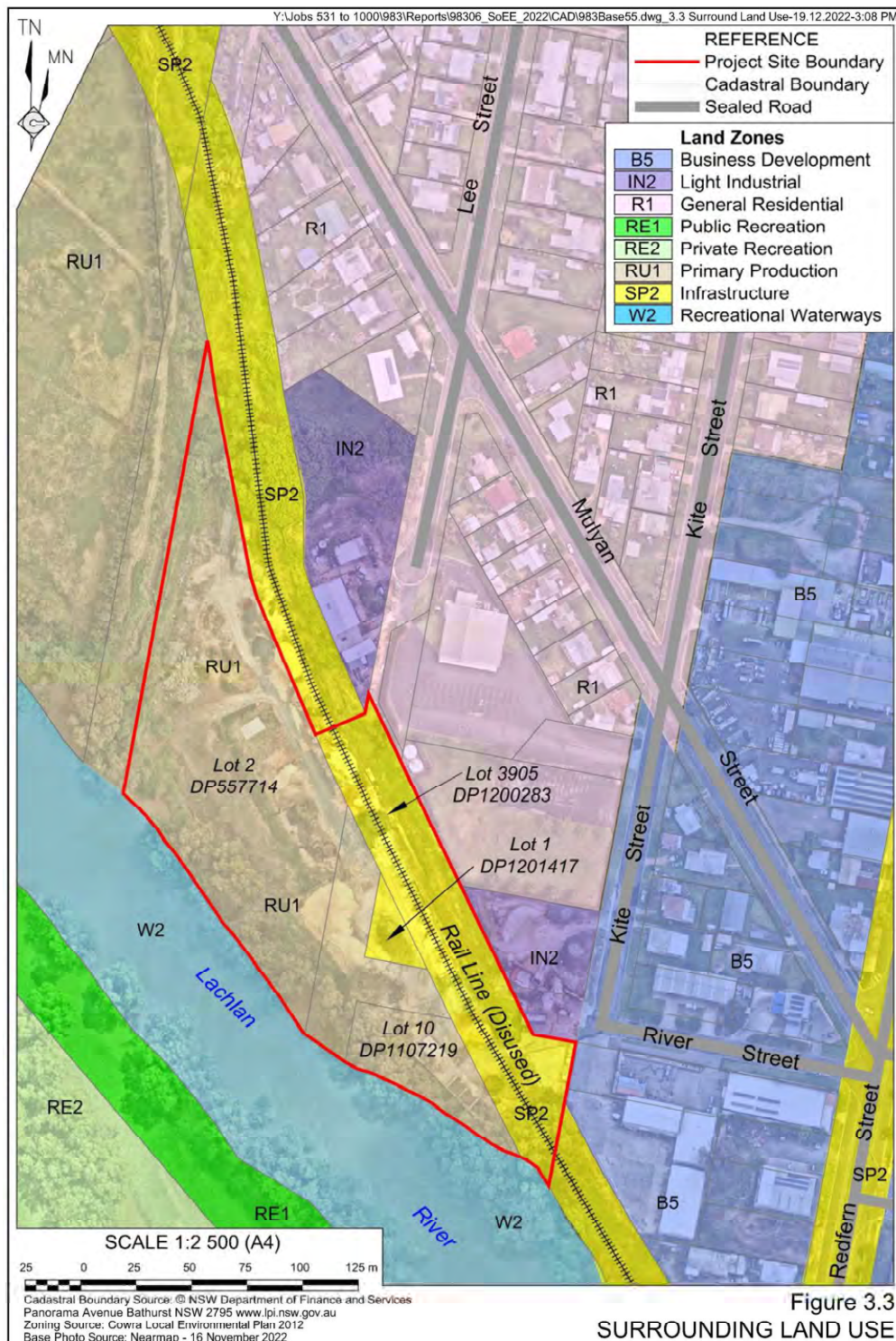
The Lachlan River, flowing from the southeast to northwest, represents the primary drainage line within the region surrounding the Project Site. Binni Creek flows into the Lachlan River from the northeast and Neila Creek, Morongla Creek and Crowther Creek flow into the Lachlan River from the south in the vicinity of Cowra.

#### 3.1.4.2 Local Topography and Drainage

Land surrounding the Project Site generally slopes towards the Lachlan River (**Figure 3.5**), with land to the northeast of the Project Site sloping to the southwest and land to the southwest sloping to the northeast.

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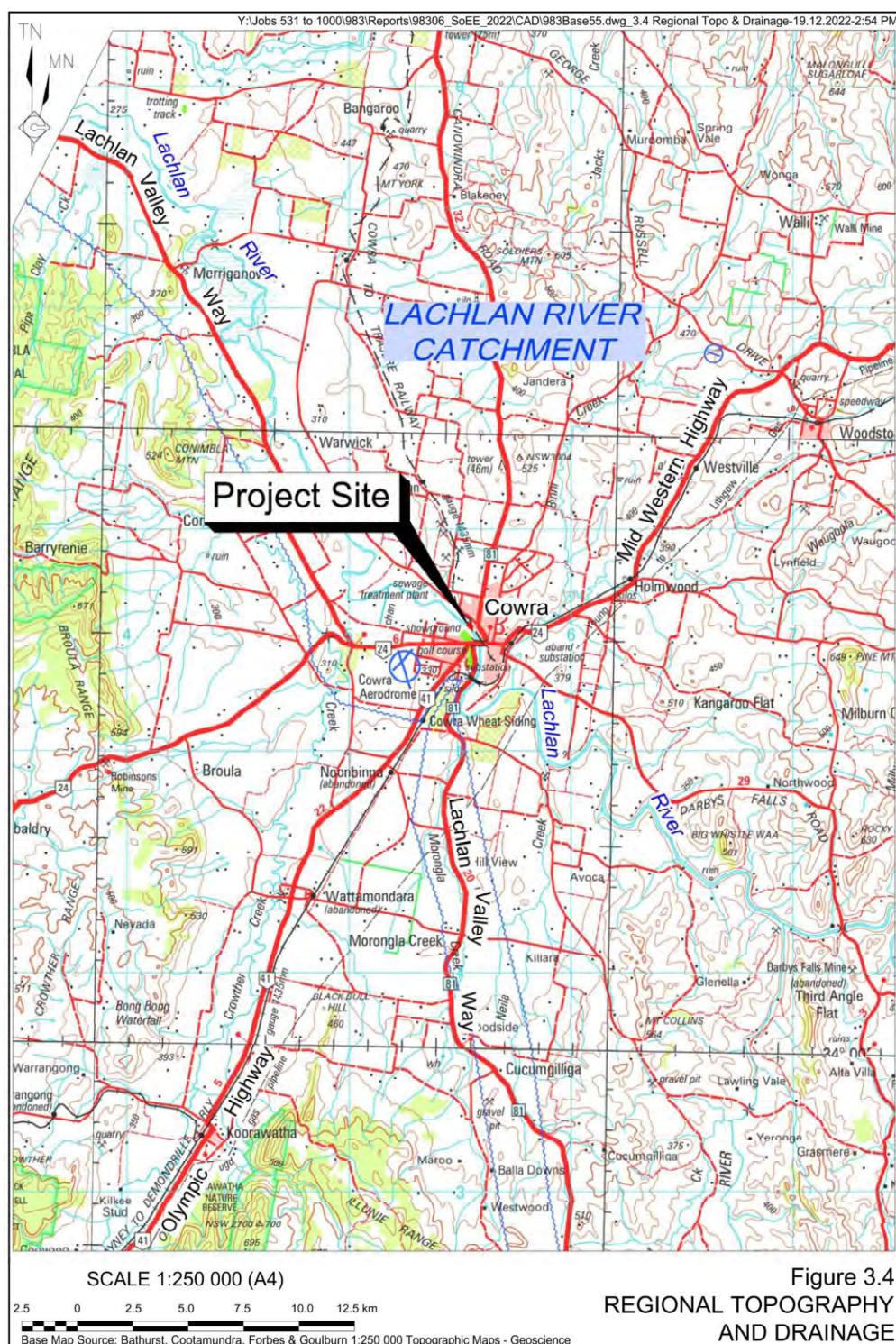
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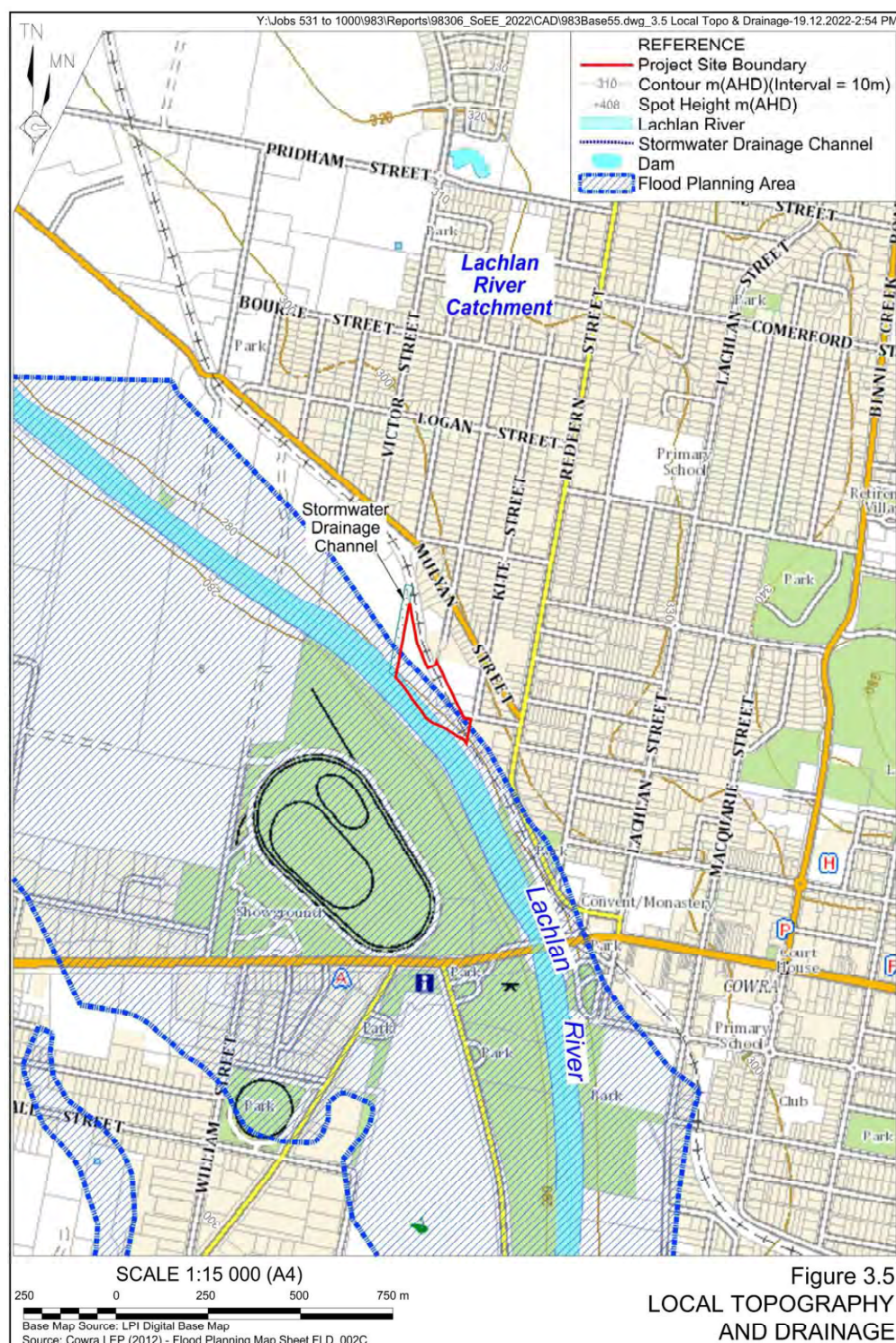
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The Project Site slopes from a maximum elevation of 298m AHD in the northeast corner of the site to a minimum elevation of 278m AHD at the southwest boundary of the site. The majority of the Project Site occupies elevations between 296m AHD and 288m AHD. The southwest margin of the Project Site encompasses the steep slope of the bank of the Lachlan River (**Plate 1**).

The Lachlan River represents the primary drainage line associated with the Project Site, with the channel passing parallel to the Project Site's southwestern border. An ephemeral drainage channel is located immediately west of the Project Site and drains directly into the Lachlan River (**Plate 2** and **Figure 1.3**). An existing culvert passes under the railway immediately to the southeast of the Project Site.

Water which enters the Project Site from the northeast by passing under the disused railway line typically accumulates in the western and southwestern areas at the lowest points of the Project Site. Runoff entering the Project Site from Kite Street and River Street runs either to the western and southwestern sections of the Landscaping Materials Yard or into an existing informal drainage line which enters an existing culvert immediately southeast of the Project Site (**Plates 3** and **4**).

## **3.2 Surface Water and Flooding**

### **3.2.1 Introduction**

This section provides an overview of existing site surface water and drainage conditions and addresses potential impacts on surface water and flooding associated with the Proposal, including the following.

Strategic Environmental Engineering and Consulting (SEEC) prepared a Soil and Water Management Plan (SWMP) for the Proposal. The resulting report, hereafter referred to as SEEC (2023), is presented as **Appendix 2**.

### **3.2.2 Existing Environment**

#### **3.2.2.1 Water Sharing Plan**

The Project Site lies within the Lachlan Regulated River Water Source under the *Water Sharing Plan for the Lachlan Regulated River Water Source 2016*. This water sharing plan identifies that domestic and stock access accounts for 12 502 ML of water per year, local water utility access licences account for 15 545ML per year, conveyance access licences account for 17,911 unit shares per year and high, and general security access licences account for 27,680ML and 592 801ML per year respectively.

A search of the NSW Water Register maintained by WaterNSW indicates that 1,627 Water Access Licences (WALs) have been issued under the Lachlan Regulated River Water Source.

The Proposal would not require additional surface water or water allocations under the above Water Sharing Plan. Water required for the Proposal would be sourced from on-site water storages (i.e. the proposed water storage cell and sediment basin) and from Council's reticulated supply.



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### 3.2.2.2 Water Quality Setting

The Project Site is situated on the top bank of the Lachlan River, with discharge from the Project Site entering the Lachlan River channel via the existing ephemeral drainage line to the west or the existing culvert to the southeast (**Figure 2.1**). **Table 3.2** lists the relevant water quality objectives for the Lachlan River. SEEC (2023) note that the water quality trigger values would likely be exceeded in the Lachlan River during periods of moderate to high flow following rainfall events.

**Table 3.2**  
**Water Quality Objectives – Lachlan River**

Objective Type	Aim	Parameter <sup>1</sup>	Water Quality Trigger
Aquatic Ecosystems	Maintaining / improving the ecological condition of water bodies and their riparian zones long term.	Total Phosphorous Total Nitrogen Turbidity Salinity Dissolved Oxygen pH	50µg/L 500µg/L 50 NTU 340µS/cm 85% - 110% 6.5 – 8.5
Visual Amenity	Aesthetic qualities of waters.	Natural visual clarity Natural hue Natural reflectance Oils and Petrochemicals Debris	Reduction of >20% Change of >10 points on the Munsell Scale Change of >50% Noticeable as a visible film or detectable by odour Free from floating debris / litter
Secondary Contact Recreation	Maintaining / improving water quality for recreational activities with low probability of water being swallowed.	Chemical Contaminants Visual Clarity and Colour Surface Films	Chemicals toxic or irritating to the skin or mucous membranes See visual amenity guidelines
Primary Contact Recreation	Maintaining / improving water quality for recreational activities with high probability of water being swallowed.	Turbidity Other	6 NTU See secondary contact guidelines.
Drinking Water	Refers to the quality of drinking water drawn from the raw surface and groundwater sources before treatment.	Turbidity Salinity Dissolved Oxygen pH	Site-specific. <1 500µS/cm >6.5mg/L (>80% saturation) 6.5 – 8.5
Note 1: Only triggers relevant to inert substances are listed as no organic materials are stored at the Project Site.			
Source: SEEC (2023) – After Table 1.			

### 3.2.2.3 Local Flood Setting

Council has adopted the 1-in-100-year flood Annual Exceedance Probability (AEP) as its Flood Planning Level in the Cowra DCP 2014. Areas below the Flood Planning Level, referred to as the Flood Planning Area, are outlined in Cowra LEP 2012.

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**Figure 3.5** displays the Flood Planning Area in relation to the Project Site, showing that part of the Project Site would be subject to flooding at the designated Flood Planning Level. This area is also classified as a High Hazard Floodway by the Cowra DCP 2014, which indicates that:

- these areas would experience significant discharges of water during flooding;
- water in these areas would have a high velocity and could cause significant damage to buildings; and
- development in these areas could cause significant redistribution of flood flows.

In addition to Cowra LEP 2012 and Cowra DCP 2014, Council also specified that the Water Resource Commission Flood Plain Atlas – Flood Inundation Map for Cowra 1978 (WRC 1978) should be consulted regarding local flood inundation areas. This resource delineates areas which would experience inundation during 20-, 50-, and 100-year flood events. Areas subject to flooding according to this resource have also been included on **Figure 3.6**.

### 3.2.3 Management and Mitigation Measures

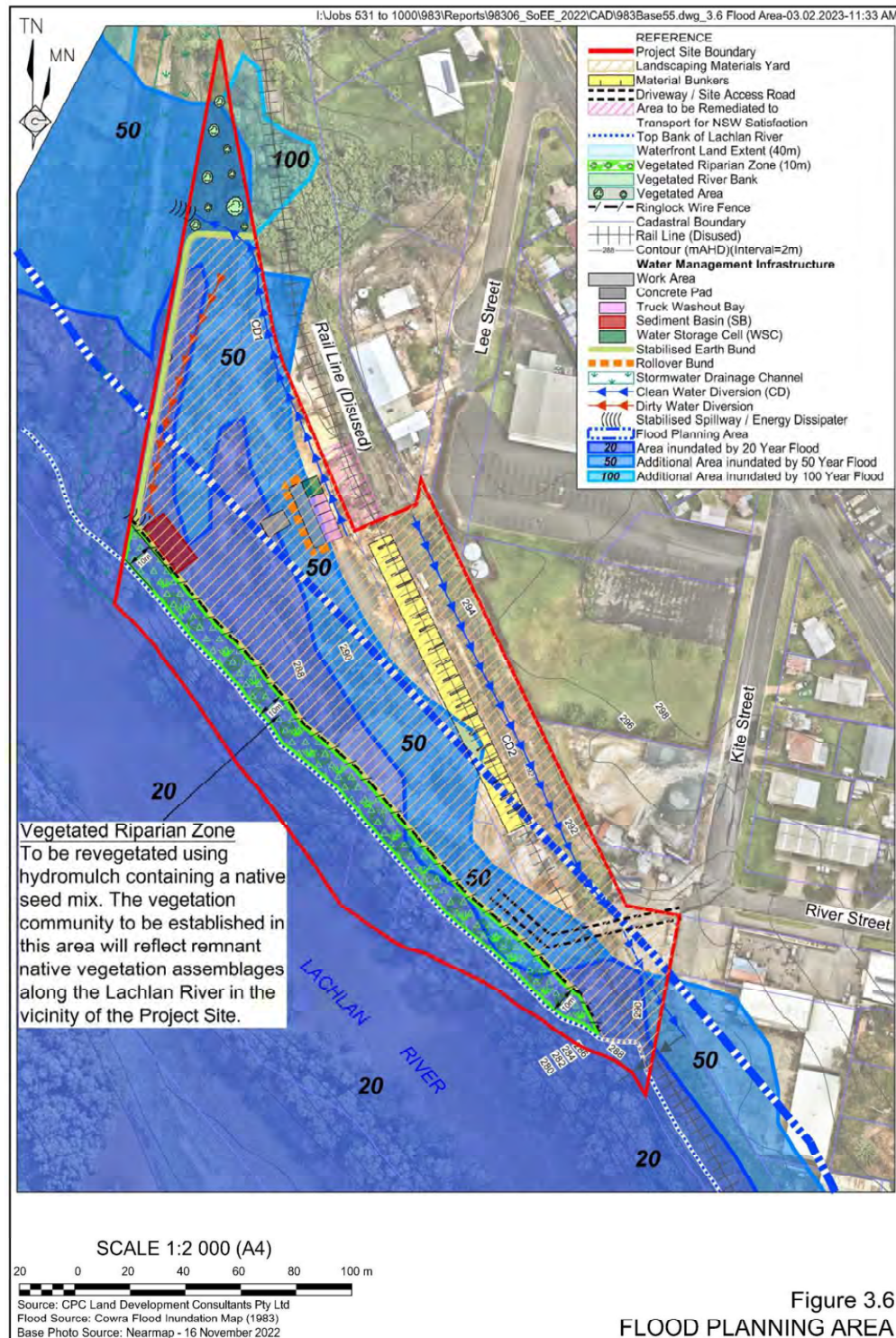
The Applicant would implement the following management and mitigation measures to ensure that the Proposal would minimise impacts on surface water and flooding to acceptable levels.

- Construct the surface water and flood controls as detailed in Section 2.2.4 and the SWMP (**Appendix 2**) within 6 months of receiving development consent.
- In the event that flood warnings are issued or in the event that flooding may exceed the 50-year ARI flood level, implement all reasonable and feasible measures to relocate materials from the Landscape Materials Yard to areas of the Project Site above the 100 year ARI flood level where safe to do so.
- In the event that flood warnings are issued or that flooding may exceed the 50-year ARI flood level and it is unsafe to remain within or access the Project Site, evacuate all personnel from the Project Site.
- Manage surface water and flood control structures (e.g. water storage cell, sediment basin, diversion drains, etc.) in accordance with the SWMP (**Appendix 2**).
- Undertake controlled discharge from the Project Site only when monitoring confirms that water quality is within the target discharge water quality value range as specified in the SWMP (see **Table 3.3** and **Appendix 2**).
- Ensure that water stored in the water storage cell is preferentially used in the production of concrete, with any excess to be allowed to evaporate.
- Ensure that water stored in sediment basins is preferentially used for appropriate on-site activities (e.g. dust suppression, vehicle washdown).
- Ensure that product stockpiles are located away from concentrated flow paths and diversion drains, as far as practicable.
- Regularly inspect water management and flood control structures and undertake repairs as soon as practicable following identification of any issues.



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- Maintain an adequate supply of flocculant on site to permit the treatment of water stored in sediment basins.

**Table 3.3**  
**Target Discharge Water Quality**

Parameter	Target	
	Percentile	Value
Turbidity	90 <sup>th</sup>	<100 NTU
Total Suspended Solids	90 <sup>th</sup>	<50mg/L
pH	100 <sup>th</sup>	6.5 – 8.5
Oil and Grease	100 <sup>th</sup>	None Visible
Salinity	90 <sup>th</sup>	<340mg/L

Source: SEEC (2023) – After Table 4.

### 3.2.4 Surface Water Impacts

Surface water control structures, including stabilised earth bunds, water diversion structures and sediment basins, would be designed to prevent the discharge of sediment-laden and contaminated water from the Project Site while minimising impacts on flood water entry and exit. The designs for these structures and their relative impacts on flood waters are detailed in the SWMP for the Project Site (**Appendix 2**).

Runoff from the Landscaping Materials Yard (i.e. dirty water) would be generated in response to incident rainfall and would potentially contain sediment. No toxicants or heavy metals would be present, and the runoff would have an almost neutral pH (SEEC, 2023). Dirty water would be captured by a sediment basin constructed in accordance with Landcom (2004) to contain runoff up to the relevant design rainfall event (5-day, 95<sup>th</sup> percentile storm event of 44.9mm).

Controlled discharges from the sediment basin would only occur following confirmation that water quality parameters are in accordance with those identified in **Table 3.3**. Uncontrolled discharges would occur where rainfall exceeds the design rainfall event (see Section 2.2.4.2), with water from the sediment basin being discharged to either diversion ditches or existing drainage lines via stabilised spillways and entering the Lachlan River.

Runoff from the Concrete-sealed Work Area (i.e. contaminated water) would be generated in response to incident rainfall and vehicle washout activities. This water would contain sediment and may have an elevated pH (SEEC, 2023). Contaminated water would be captured by the water storage cell constructed to cater for the 72-hour, 5-year storm event of 96.5mm. If rainfall exceeds the design rainfall event, overflow from the water storage cell would flow into the sediment basin which would dilute the high pH water prior to any uncontrolled discharge to the Lachlan River via stabilised spillways.

Potential impacts on water quality associated with the Proposal were modelled by SEEC (2023) using MUSIC stormwater modelling software. The following assumptions were incorporated into modelling undertaken by SEEC (2023).

- Water management and mitigation measures outlined in Sections 2.2.4 and the SWMP (**Appendix 2**) would be implemented at the Project Site.

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- The Landscaping Materials Yard was conservatively assumed to be 100% impervious and was assumed to have a rainfall threshold of 6mm (i.e. earthen base).
- Treatment of sediment basins with flocculant reduces TSS in discharge to 50mg/L, reduces phosphorous concentrations to the same degree as it does sediment load (i.e. 75%), and does not affect nitrogen concentrations.

The results of MUSIC modelling are presented in **Table 3.4**. In summary, the proposed water management measures including clean, dirty and contaminated water catchment separation, water storage and treatment would result in an approximate flow reduction of 10% and a reduction in sediment (and associated phosphorous) leaving the Project Site in runoff of over 90%.

**Table 3.4**  
**Water Quality Management and Treatment Effectiveness**

Parameter	Sources	Residual Load	% Reduction
Flow (ML/yr)	5.59	5.15	7.8
TSS (kg/yr)	7,200	253	96.5
Total Phosphorous (kg/yr)	3.23	0.256	92.1
Total Nitrogen (kg/yr)	13.3	8.82	33.9
Gross Pollutants (kg/yr)	174	0	100
Source: SEEC (2023) – After Table 5			

While nitrogen and phosphorous concentrations would remain above the water quality objectives for the Lachlan River, SEEC (2023) note that the relatively small contribution from the Project Site combined with the mixing effect of the river would mean that actual impacts are likely to be negligible. Furthermore, the proposed water management infrastructure and treatment system would result in reductions of 92.1% and 33.9% for total phosphorous and total nitrogen respectively compared to runoff from the existing Project Site.

### 3.2.5 Flood Impacts

Clause 1.8(iv) of the Cowra DCP requires that “buildings are sited at the optimum position to avoid flood waters and allow safe flood access for evacuation.” Sections of the Project Site are within the Flood Planning Area. The Applicant contends that structures and activities within these areas would not impact on flood behaviour or be inconsistent with the Cowra LEP or DCP for the following reasons.

- All structures have been designed to minimise impacts on flood behaviour, including the following.
  - The existing material bunkers have been constructed in the most elevated section of the Landscaping Material Yard, with the openings of these bunkers on the downslope side, permitting entry and exit of flood waters with minimal obstruction.

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- The concrete wash out bays and water storage cell would be recessed into the ground and lined with concrete, permitting the free passage of flood waters over the tops of these structures and not obstructing flood waters.
- All structures extending above the ground surface within the Flood Planning Area would be earth bunds or would be constructed using concrete blocks. In the event that these structures are subjected to high velocity flood waters, the concrete blocks may be displaced short distances, but would not form debris that would result in damage downstream of the Project Site.
- The Applicant would relocate as much landscaping materials from lower sections of the Project Site to higher sections in advance of potential flooding. This would limit the potential for that material to be entrained in flood waters.

SEEC (2023) utilised a flood model for the Lachlan River developed by Lyall & Macoun Consulting Engineers in 1999 to assess potential flooding-related impacts associated with the Proposal. **Table 3.5** presents the results of flood modelling undertaken by SEEC (2023).

**Table 3.5**  
**Flood Modelling Results**

Average Recurrence Interval	Cross Section <sup>1</sup> Flood Level		Average Flood Level (m AHD)
	XS 7.166	XS 7.72	
1:20 year	287.75	287.34	287.55
1:50 year	288.59	288.18	288.39
1:100 year	289.39	288.97	289.18
Note 1: Cross section location as identified by the Mike-11 flood model developed by Lyall & Macoun Consulting Engineers in 1999. Cross sections occur every 300m to 500m along the Lachlan River channel, with the Project Site situated approximately halfway between cross sections XS 7.166 and XS 7.72.			
Source: SEEC (2023) – After Table 7			

Flood modelling indicates that the 1:100 year Annual Recurrence Interval (ARI) flood level would be approximately 289.18mAHD in the vicinity of the Project Site, with a peak channel flow of 4 200m<sup>3</sup>/s and a velocity of approximately 2.2m/s (SEEC, 2023). At the 1:100 year ARI flood level, sections of the Landscaping Materials Yard would be inundated by up to 1.2m.

To provide flood immunity from flood events up to the 1:100 year ARI flood level, a stabilised perimeter bund would need to be constructed to a maximum height of between 1m and 1.68m (i.e. up to the 1:100 year ARI flood level plus 0.5m freeboard) along sections of the western and southwestern Project Site boundary.

Assuming that the stabilised bund was constructed to the 1:100 year ARI flood level to provide flood immunity for the Project Site, the total area lost for flood conveyance would be approximately 11.5m<sup>2</sup> or <0.3% of the total channel cross section of 3 922m<sup>2</sup> (SEEC, 2023). The associated increase in flood levels in the vicinity of the Project Site would be approximately 10mm, an increase which is not expected to have a significant adverse impact on neighbouring properties (SEEC, 2023). The proposed stabilised bund would have no impact at flood levels consistent with the 1:20 year ARI flood event (SEEC, 2023).

Proposal-related impacts on flooding would therefore be negligible and the development would be consistent with the requirements of Clause 7.2(3) of the Cowra LEP (see Section 1.7.4).



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### 3.3 Noise

#### 3.3.1 Introduction

As the Proposal does not propose any activities that are not already undertaken at the Project Site, Spectrum Acoustics Pty Limited (Spectrum) undertook operational noise monitoring at the Project Site (including the Applicant's adjacent concrete batching plant) rather than modelling of theoretical impacts. The resulting report, hereafter referred to as Spectrum (2019), is presented as **Appendix 5**. This subsection provides an overview of the operational noise setting at the Project Site and describes the management and mitigation measures to be implemented by the Applicant.

#### 3.3.2 Local Setting and Relevant Noise Criteria

The Proposal represents an existing landscaping materials sales yard situated in close proximity to areas zoned for light industrial, primary production, recreational waterway, infrastructure (rail), general residential, and business development land uses. The closest residential receivers to the Project Site, located on Kite Street opposite the Project Site, are located approximately 25m from the Project Site boundary.

The nominated Project Noise Trigger Levels (PNTLs) for the Proposal, as determined by Spectrum (2019) based on the relevant guidelines outlined in the *Noise Policy for Industry* (EPA 2017), are presented in **Table 3.6**. The Proposal PNTLs reflect the Project Amenity Noise Level (PANL) for an industrial development in a suburban area plus and additional 3dB to standardise time periods for intrusiveness and amenity noise levels. See **Appendix 5** for further detail surrounding the determination of relevant noise criteria for the Proposal.

**Table 3.6**  
**Proposal Noise Level Criteria**

Period	PANL dB(A) <sub>Leq</sub>	PNTL dB(A) <sub>Leq</sub> (15 min)
Day <sup>1</sup>	50	53
Night <sup>2</sup>	35	38
Note 1: Day: 7:00am to 6:00pm, Monday to Saturday, 8:00am to 6:00pm Sundays.		
Note 2: Night: 10:00pm to 7:00am, Monday to Saturday, 10:00pm to 8:00am Sundays.		
Source: Spectrum (2019)		

#### 3.3.3 Changes to Noise Generating Activities and Potential Constraints

The Proposal, as it represents an existing noise source and does not include changes to activities within the Project Site, would not introduce any additional noise sources to the local setting. Additionally, the Proposal would not involve any changes to hours of operation or to the volume of traffic generated.

Key existing noise generating activities associated with the Proposal include the following.

- Loading and unloading of trucks at the Project Site.
- Operation of the sprinkler system used to wet raw material stockpiles.
- Movement of laden trucks on public roads.

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### 3.3.4 Existing Noise Levels

Operational noise monitoring was undertaken at five locations surrounding the Project Site on 21 February and 22 February 2019 (see **Figure 3.7**). Noise levels were measured using a Brüel & Kjær Type 2250 Precision Sound Analyser and were analysed using Brüel & Kjær "Evaluator" software. Atmospheric conditions were acceptable for noise monitoring during both survey days. Spectrum (2019) noted that for logistical reasons, some noise measurements were made over relatively short periods to ensure that infrequent noise events, such as delivery of raw materials, were captured across a number of representative locations.

Results of the operational noise monitoring undertaken at the Project Site are presented in **Table 3.7**. In summary, the following activities exceeded the relevant PNTL at Monitoring Location 1.

- Operation of the sprinkler system used to wet material stockpiles in the Raw Materials Stockpile Yard (47 dB(A)<sub>Leq(15 min)</sub>) exceeded the night time PNTL (38 dB(A)<sub>Leq(15 min)</sub>) when operating before 7:00am.

**Table 3.7**  
**Project Site Noise Monitoring Results**

Noise Source	Assumed Duration (mins)	Monitoring Location	dB(A) <sub>Leq (Duration)</sub>	dB(A) <sub>Leq (15 min)</sub>	Relevant PNTL dB(A) <sub>Leq (15 min)</sub>
Sprinkler system <sup>1</sup>	15	1	47	47	38
Red = exceedance of PNTL.					
Note 1: Sprinkler wetting down stockpiles prior to 7:00am.					
Source: Spectrum (2019)					

### 3.3.5 Management and Control Measures

The Applicant would implement the following noise management and mitigation measures throughout the life of the Proposal.

- Ensure that the operation of the sprinkler system is restricted to daytime periods (i.e. 7:00am to 6:00pm, Monday to Saturday).
- Comply with the hours of operation outlined in Section 2.3.9.
- Actively engage with the surrounding community and neighbours to ensure any concerns over noise or vibration are identified and addressed.

### 3.3.6 Assessment of Impacts

The Proposal represents an existing noise source which has been operating at the Project Site since the early 1970s. No additional noise sources or changes to exiting hours of operations would be introduced as a result of the Proposal, with the exception of ensuring that the sprinkler system is not operated prior to 7:00am.

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Providing that the management and mitigation measures outlined in Section 3.3.5 are implemented, it is anticipated that the Proposal would result in reduced noise levels compared to those generated by existing operations by minimising overlap of noise generating activities. Additionally, by limiting the operation of the sprinkler system to daytime periods only, noise associated with sprinkler system operation would not exceed the relevant PNTL.

Finally, it is noted that the Applicant has not received a noise-related complaint since they assumed control of the Project Site in 2007. Furthermore, no noise-related issues were raised by surrounding residents following the distribution of a community consultation newsletter which specifically requested feedback with regards to noise generated by existing operations at the Project Site.

## **3.4 Transportation and Traffic**

### **3.4.1 Introduction**

This subsection has been prepared by RWC and considers the existing traffic and transportation at the Project Site and the proposed management and mitigation measures targeting traffic and transportation-related impacts.

### **3.4.2 Existing Road Network and Use**

The Project Site is located on the western side of Kite Street and at the western end of River Street, both sealed two-lane two-way roads with no road markings. Site Access is via a concrete driveway located at the corner of Kite Street and River Street. Traffic associated with the Project Site (see Section 2.3.7) typically exits via River Street before entering Redfern Street. Depending on the destination of products being delivered, deliver vehicles turn left or right at the T intersection of River Street and Redfern Street.

Aggregates and raw materials are typically sourced from Forbes and Berrima and approach the Project Site via Lachlan Valley Way, Mid-Western Highway, Redfern Street, and River Street (**Figure 2.3**).

The existing landscaping materials yard at the Project Site typically requires two material delivery trucks to access the Project Site per week. Delivery trucks are typically truck and dog vehicle configurations and provide an average load of between 26t and 32t of product.

### **3.4.3 Proposed Changes to Traffic Environment**

The Proposal does not include any changes to the existing traffic environment or to transport routes associated with the Project Site.



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### 3.4.4 Design Features, Operational Safeguards and Controls

The following management measures would be implemented to ensure that adverse impacts upon the local road network would not be experienced as a result of the Proposal.

- Ensure that delivery truck drivers and agitator truck drivers regularly accessing the Project Site are briefed regarding the updated layout of the Project Site.
- Ensure that delivery truck drivers and agitator truck drivers are instructed on the proper use of the concrete sealed work area and truck washout bays.

### 3.4.5 Assessment of Impacts

Potential traffic and transportation-related impacts include the following:

- *Inadequate road conditions result in increased risk of traffic-related accident, injury or fatality.*

The Applicant has been operating the Landscaping Materials Yard at its existing location for 13 years, with its associated traffic without issue. Levels of such traffic would not increase under the Proposal. As a result, this issue is likely to pose a negligible constraint.

- *Poor driver fatigue management results in increased risk of traffic-related accident, injury or fatality.*

Driver fatigue associated with employee access to site, and with raw material and product deliveries, would need to be actively managed. As a result, this issue is likely to pose a minor constraint.

- *Increased road traffic levels result in increased road maintenance costs.*

The Proposal would not result in road traffic levels additional to those associated with the historical operation of the existing landscaping materials supply business. As such, this issue is likely to pose a negligible constraint.

Overall, the Applicant contends that the Proposal would not result in additional adverse traffic-related impacts.

## 3.5 Air Quality

### 3.5.1 Introduction

This subsection has been prepared by RWC and considers the existing air quality environment and the proposed management and mitigation measures targeting air quality-related impacts.

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### 3.5.2 Local Setting and Existing Air Quality

Sources of particulate matter within the area surrounding the Project Site include:

- the adjacent concrete batching plant;
- other industrial and commercial operations;
- local building and construction activities; and
- traffic on local roads.

In addition to these industrial and commercial emission sources, other emission sources which contribute to existing ambient dust concentrations in the Cowra area include:

- dust emissions from agricultural activities;
- wind generated dust from exposed areas within the surrounding region;
- dust entrainment due to vehicle movements along unsealed and sealed town and rural roads;
- seasonal emissions from household wood burning; and
- episodic emissions from vegetation fires.

### 3.5.3 Potential Changes to Particulate Emission Generating Activities and Constraints

As the Proposal represents an existing landscaping materials supply yard, it is not anticipated that there would be any changes to particulate emissions or particulate emission generating activities during regular operations.

Key existing particulate emission generating activities associated with the Proposal include the following.

- Dust from dry product stockpiles.
- Dust generated by delivery vehicles unloading raw materials.
- Dust from hardstand areas due to sediment tracked by delivery vehicles and agitator trucks.

Whilst the Proposal would not result in long term increases in particulate matter emissions, proposed upgrades to Project Site infrastructure including the construction of water diversion structures and a concrete sealed wash out area would result in temporary increases to particulate matter emissions during the 6 month construction period.

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### **3.5.4 Air Quality Control Measures**

The Applicant would implement a dust control strategy throughout the life of the Proposal incorporating the following components.

- Conduct routine sweeping and housekeeping practices to minimise wind-blown dust and particulate emissions on site that would otherwise occur from hardstand areas.
- Raw materials would be regularly watered through a series of fixed sprays to maintain a moisture content prior to transfer and loading to the concrete batching plant.
- Monitor dust generation at the Project Site visually and implement a corrective action protocol to report and action upon any identified issues relating to air emissions.
- Ensure that site activities are adjusted, and the source of any dust is investigated and addressed, in response to any complaints received regarding air quality.

It is predicted that implementing the above control measures would limit the potential for deposited dust to be created and in turn, limit the potential for PM<sub>10</sub> particulates to also be created. In addition to the above the following mitigation measures would be implemented during construction activities required for upgrades to Project Site infrastructure.

- Wet surfaces and material stockpiles during construction to minimise the generation of dust.
- Ensure that construction activities are not undertaken during windy conditions, where practicable.
- Apply native seed mix and/or hydromulch to areas which are to be revegetated (i.e. earth bunds, Vegetated Riparian Zone) as soon as possible following surface preparation.
- Apply water to revegetated areas regularly during the first two months following seed or hydromulch application to encourage the survival and development of plant cover.

### **3.5.5 Assessment of Impacts**

Potential air quality-related impacts associated with the existing Project Site include airborne and deposited dust impacts at surrounding residences.

The Applicant would implement the management and mitigation measures outlined in Section 3.5.4 to minimise the amount of dust originating from the Project Site. Assuming that these measures are implemented, this issue is likely to pose a moderate constraint due to the close proximity of surrounding residences.

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The Applicant notes that no complaints have been received with regards to dust emissions from the Project Site and that no additional dust generating activities are proposed beyond temporary emissions associated with site upgrade works.

As a result, the Applicant contends that the Proposal would not result in additional adverse air quality-related impacts.

## 3.6 Groundwater

### 3.6.1 Introduction

This subsection has been prepared by RWC and considers the groundwater environment at the Project Site and the proposed management and mitigation measures targeting potential groundwater-related impacts.

A Groundwater Contamination Assessment was undertaken at the Project Site by Ground Doctor Pty Ltd in response to a direction issued by Council on 17 August 2022. This assessment, hereafter referred to as GD (2020), is presented as **Appendix 6**.

### 3.6.2 Local Groundwater Setting

#### 3.6.2.1 Water Sharing Plan

The Project Site lies within the Lachlan Unregulated and Alluvial Water Source – Upper Lachlan Alluvial under the *Water Sharing Plan for the Lachlan Unregulated and Alluvial Water Sources 2012*. This water sharing plan identifies that domestic and stock access licences account for 2,040ML of water per year, local water utility access licences account for 13,721ML per year, unregulated river access licences account for 46,671 unit shares per year, aquifer access licences account for 169,203 unit shares per year and high security aquifer access licences account for 8,491 unit shares per year.

A search of the NSW Water Register maintained by WaterNSW indicates that a total of 396 WALs have been issued for the Upper Lachlan Alluvial Groundwater Source for a total of approximately 174,366.5 ML.

The Applicant does not hold a WAL under the Upper Lachlan Alluvial Groundwater Source.

#### 3.6.2.2 Existing Groundwater Bores

The groundwater environment surrounding the Project Site is likely to be characterised by two separate, distinct aquifers as follows.

- Fractured rock aquifer associated with more elevated land to the east of the Project Site.
  - This aquifer is likely to be characterised by relatively impermeable host rock, with water bearing fractures and fissures with limited interconnectivity.



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- The piezometric surface is likely to be a muted reflection of the surface topography.
- Permeability and porosity is likely to be limited.
- Alluvial aquifer associated with the Lachlan River.
  - This aquifer is likely to be characterised by high permeability and porosity, with the groundwater intimately associated with water within the Lachlan River.

**Figure 1.1** displays groundwater bores within a 1km radius of the Project Site. As the Project Site occupies the north-eastern bank of the Lachlan River, it is not anticipated that activities associated with the Proposal would have any impact on groundwater bores located to the south-west of the Project Site on the other side of the Lachlan River. Groundwater bores located to the northwest of the Project Site are detailed in **Table 3.8**.

**Table 3.8**  
**Local Groundwater Bores**

Bore ID	Drill Date	Depth (m)	Standing Water Level (m)	Yield (L/s)	Purpose	Comments
GW092102	20/02/1997	5.85	-	-	Monitoring	Proposed Drill log: 0-6m sandy clay loam
GW059491	01/02/1983	17.4	-	-	Irrigation	Drill log: 0-13.71m clay, 13.71-17.38m sand/gravel
GW704612	20/03/2013	19	11	0.126	Household Water Supply	Drill log: 0-1m topsoil, 1-2m clay, 2-19m granite (decomposed)
GW092101	20/02/1997	8.6	8.2	-	Monitoring	Proposed Drill log: 0-2m loam, 2-3m sandy clay loam, 3-7m sandy clay
GW047956	01/03/1983	20.1	7.3	-	Water Supply	Proposed Drill log: 0-4.3m soil, 4.3-18m clay, 18-19.5m gravel, 19.5-20.1m granite (decomposed)
GW092103	21/02/1997	5.5	-	-	Monitoring	Proposed Drill log: 0-1m clay loam, 1-6m sandy clay loam
Source: Bureau of Meteorology - Australian Groundwater Explorer & WaterNSW (realtime.data.water.nsw.com.au/water.stm)						

### 3.6.2.3 Groundwater Dependent Ecosystems

The Bureau of Meteorology Groundwater Dependent Ecosystem Atlas identifies the following Groundwater Dependent Ecosystems (GDEs) in the vicinity of the Project Site.

- Riparian Blakely's Red Gum – box – shrub – sedge – grass tall open forest of the central NSW South Western Slopes Bioregion.
  - Low potential GDE associated with the North Western Unregulated and Fractured Rock groundwater management area.

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- River Red Gum riparian tall woodland / open forest wetland in the Nandewar Bioregion and Brigalow Belt South Bioregion.
  - High potential GDE associated with the North Western Unregulated and Fractured Rock groundwater management area.

These GDEs are associated with riparian vegetation which occupies the banks of the Lachlan River.

### 3.6.2.4 Groundwater Contamination

An assessment of contamination was undertaken by GD (2020) to determine whether existing activities at the Project Site had resulted in local contamination of groundwater, surface water and soils. Key outcomes of the groundwater contamination assessment include the following.

- Analysis of groundwater samples indicated that concentrations of copper (location MW4), zinc (locations MW1 – MW4), nitrate (N) (locations MW1 – MW4) and nitrite (NO<sub>2</sub>) (locations MW2 and MW4) exceeded the relevant groundwater investigation levels (GD, 2020).
- As all exceedances were identified to occur in an upgradient groundwater monitoring bore (MW4) which is considered to be indicative of background conditions, it is considered that the above exceedances are associated with background sources rather than operations on site (GD, 2020).
- The results of groundwater sample analysis indicate that the suspected pollution incident has not resulted in unacceptable impacts to groundwater quality (GD, 2020).

In addition to the above, analysis of water samples collected from the Lachlan River in the vicinity of the Project Site indicated that existing activities were not contributing to identifiable deterioration of water quality downstream of the Project Site (GD, 2020).

### 3.6.3 Potential Changes to Groundwater and Constraints

Whilst the Proposal does not involve the extraction of groundwater for any purposes, minor interactions with the underlying groundwater table could occur due to the construction of an in-ground sediment basin and wash out bays.

No groundwater bores occur within 200m of the Project Site and the shallowest depth to standing water level in those bores is 7.3m. Additionally, excavations within the Project Site would remain significantly above the elevation of the Lachlan River channel. As the in-ground depth of water management structures associated with the Proposal would not exceed 2m, the Applicant does not anticipate that groundwater will be intercepted.

The primary issue requiring management would be ensuring that water containing cementitious particles and therefore with a potentially high pH is contained within water management structures and does not contaminate groundwater.

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### 3.6.4 Environmental Groundwater Goals

The environmental goals of this Proposal associated with groundwater align with the following objectives, as outlined in Clause 7.6 of the Cowra LEP (see Section 1.6.4.1).

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

### 3.6.5 Assessment of Impacts

Potential groundwater-related impacts and constraints include the following.

- *Interception or extraction of groundwater from an aquifer.*  
No groundwater would be extracted or intercepted and therefore no aquifer interference or other groundwater approval or licence is required. As a result, this issue poses a negligible constraint.
- *Contamination of groundwater through the discharge of high pH or contaminated water.*  
Truck wash out activities would be undertaken in areas of the Project Site which are concrete sealed to prevent infiltration of potentially contaminated water. The Applicant would ensure that potentially contaminated water would drain to the concrete-lined water storage cell which would be constructed to ensure that contaminated water does not seep through to reach the water table. Assuming that these measures are implemented, this issue is likely to pose a minor constraint.
- *Contamination of groundwater from hydrocarbon leaks or spills.*  
The Applicant would implement appropriate hydrocarbon management procedures. As a result, this issue is likely to pose a negligible constraint.
- *Impacts on groundwater dependent ecosystems.*  
On the basis that groundwater would not be affected by the Proposal, groundwater dependent ecosystems would not be impacted, and so this issue is likely to pose a negligible constraint.

Assuming that water management measures outlined in Section 2.2.4 and **Appendix 2** are implemented, it is not anticipated that the Proposal would have any impact on groundwater resources and is therefore consistent with the objectives of the Cowra LEP.

## 3.7 Waste Management

### 3.7.1 Introduction

This subsection has been prepared by RWC and considers waste management at the Project Site and the proposed waste management measures to be implemented by the Applicant.

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### 3.7.2 Waste Management Measures

#### 3.7.2.1 General Waste

General solid waste would be deposited in covered bins within the Project Site, with the bins being collected regularly and the contents disposed of at a licenced waste disposal facility.

#### 3.7.2.2 Production Waste

As the Applicant does not produce anything in the Project Site, no production related wastes would be directly generated by the Proposal. Any concrete waste received on site would be a by-product of the Applicant's operations from the adjacent concrete batching plant.

Residual raw materials in delivery trucks and concrete within agitator trucks would be washed out into the wash out bays, with water used for this process collecting in the adjacent water storage cell. Accumulated water within the water storage cell containing cementitious particles would either be allowed to evaporate or would be transferred to the adjacent concrete batching plant for use in concrete production. Accumulated material within the wash out bays would be regularly mucked out and reused.

### 3.7.3 Assessment of Impacts

**Table 3.9** considers the Proposal against the targets outlined in the NSW Waste Avoidance and Resource Recovery Strategy 2014-21 (EPA 2014).

**Table 3.9**  
**NSW Waste Avoidance and Resource Recovery Targets**

Key Result Area	Proposal Impacts
Avoid and reduce waste generation. Target: <i>By 2021-22, reduce the rate of waste generation per capita.</i>	Minimal waste will be produced at the Project Site and some waste will be reused.
Increase recycling. Target: <i>By 2021-22, increase recycling rates for: municipal solid waste from 52% (in 2010-11) to 70%; commercial and industrial waste from 57% (in 2010-11) to 70%; and construction and demolition waste from 75% (in 2010-11) to 80%.</i>	The Applicant would reuse or recycle all waste returned to the Project Site.
Divert more waste from landfill. Target: <i>By 2021-22, increase the waste diverted from landfill from 63% (in 2010-11) to 75%.</i>	The Proposal would reuse or recycle all returned waste as well as waste cementitious material which accumulates in wash out bays.
Manage problem wastes better. Target: <i>By 2021-22, establish or upgrade 86 drop-off facilities or services for managing household problem wastes state-wide.</i>	This target has no relevance to the Proposal.
Reduce litter. Target: <i>By 2016-2017, reduce the number of litter items by 40% compared with 2011-12 levels and then continue to reduce litter items to 2021-22.</i>	The Applicant has acknowledged that the Proposal would generate general solid wastes and would provide for appropriate methods of managing waste to prevent litter.
Reduce illegal dumping. Target: <i>From 2013-14, implement the NSW Illegal Dumping Strategy 2014-16 to reduce incidence of illegal dumping state-wide.</i>	The Applicant would require the return of any unused material to the Project Site for reuse or recycling.
Source: EPA 2014	



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On the basis that the Applicant would reuse or recycle all returned material and that general solid waste would be disposed of at a licenced waste disposal facility, the Proposal would not generate significant waste-related impacts.

### **3.8 Hazard Management**

#### **3.8.1 Introduction**

This subsection has been prepared by RWC and considers potential hazards and risks associated with the Proposal and the proposed management and mitigation measures aimed at minimising impacts on hazards and risk.

Section 1.6.3.2 provides a justification that the Proposal is not classified as either potentially hazardous or offensive development under the Resilience and Hazards SEPP.

#### **3.8.2 Handling, Storage and Disposal of Hydrocarbons and Chemicals**

Limited volumes of hydrocarbons would be required for the Proposal to permit fuelling of water pumps required for the management of water volumes stored in sediment basins and water storage cells. These hydrocarbons would be stored outside of the project Site at the Applicant's adjacent concrete batching plant.

All hydrocarbons and chemicals stored for use at the Project Site would be stored in a bunded area or within self-bunded containers, undercover and within concrete-sealed areas within the existing concrete batching plant site office area. The handling, storage and disposal of chemicals would be undertaken in accordance with manufacturer instructions and the relevant chemical safety data sheets. The handling and storage of hydrocarbons would be undertaken in accordance with the relevant Australian Standard (*AS1940 – The Storage and Handling of Flammable and Combustible Liquids*).

#### **3.8.3 Bush Fire Hazard**

The Project Site is bordered to the southwest by a strip of riparian vegetation which occupies the bank of the Lachlan River. The Project Site has largely been cleared of vegetation and no additional buildings would be constructed as part of the Proposal.

As such, bush fires are considered to pose a negligible risk to the Proposal. The Applicant does not anticipate that the Proposal would increase the risk of fire at the Project Site.

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## 3.9 Biodiversity

### 3.9.1 Introduction

This subsection has been prepared by RWC and considers the biodiversity environment at the Project Site and the proposed management and mitigation measures targeting potential biodiversity-related impacts.

### 3.9.2 Local Setting

The Project Site, occupied by the existing landscaping materials sales yard, has been subject to extensive vegetation clearing and surface disturbance. As a result, no native vegetation or habitat remains within the Project Site with the exception of a single tree located on the south-eastern boundary of the site.

The Project Site is bordered on the south-eastern side by a strip of riparian vegetation which occupies the bank of the Lachlan River. This habitat is identified in the Cowra LEP as having biodiversity value and is shown on **Figure 1.2** as 'Biodiversity Area'.

### 3.9.3 Operational Safeguards, Controls and Management Measures

The Applicant would adopt the following operational controls and management measures to avoid, minimise, and mitigate impacts on local biodiversity.

- No clearing of native vegetation would be undertaken as part of the proposed upgrades to the Project Site.
- All personnel would be made aware that disturbance to native vegetation outside of the Project Site is prohibited.
- Establish a 10m wide Vegetated Riparian Zone, delineated by a fence, along the southern boundary of the Project Site (see **Figure 2.1**).
- Plant species associated with PCT 278 and PCT 266 to form the Vegetated Riparian Zone.
- Apply water regularly to revegetated areas including the Vegetated Riparian Zone for at the least the first two months following establishment.

### 3.9.4 Assessment of Impacts

In accordance with Section 7.3 of the BC Act, the Proposal is not likely to significantly affect any threatened species, endangered ecological communities or their habitats as the Proposal would not involve clearing of native vegetation and would not increase the existing disturbance footprint of the development within the Project Site. Consequently, the Applicant does not anticipate that the Proposal would have any adverse impacts upon biodiversity.

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In response to consultation with the Natural Resources Access Regulator, the Applicant has committed to the establishment of a 10M wide Vegetated Riparian Zone along the southern boundary of the Project Site (**Figure 2.1**). This area would be revegetated through the application of hydromulch containing a native seed mix, with regular watering to be undertaken during the first two months following establishment to encourage seedling germination and survival.

The vegetation community to be established in this zone would reflect remnant native vegetation communities present on the banks of the Lachlan River in the vicinity of the Project Site. Indicatively, vegetation assemblages would be consistent with those species associated with the following Plant Community Type.

- PCT 278 – Riparian Blakey's Red Gum – box – shrub – sedge – grass tall open forest of the central NSW South Western Slopes Bioregion.
- PCT 266 – White Box grassy woodland in the upper slopes sub-region of the NSW South Western Slopes Bioregion.

As no vegetation would be removed and a Vegetated Riparian Zone would be established, the Proposal would result in a positive outcome for local biodiversity.

### **3.10 Aboriginal and Non-Aboriginal Heritage**

#### **3.10.1 Introduction**

This subsection has been prepared by RWC and considers potential heritage-related impacts associated with the proposal and the proposed management and mitigation measures to be implemented.

#### **3.10.2 Local Setting**

The Project Site has been subject to extensive disturbance and is currently occupied by an existing landscaping materials sales operation.

The Cowra Showground grand stand, located to the southwest of the Project Site within Lot 400, DP 40191 on the opposite side of the Lachlan River, is identified as a heritage item under the Cowra LEP.

A search of the Aboriginal Heritage Information Management System (AHIMS) database, completed on 3 June 2020, confirmed that no Aboriginal sites or places have been recorded within or in the immediate vicinity of the Project Site.

#### **3.10.3 Management and Mitigation Measures**

As no Aboriginal sites, cultural heritage values, or historic heritage items are known to occur within the Project Site, the only potential impacts associated with the Proposal include impacts to unknown sites or objects of Aboriginal or historic heritage value.

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In the event that unanticipated Aboriginal objects are discovered as a result of construction or operations, all ground-disturbing activities in the area of discovery would be postponed pending advice from the relevant authority.

### 3.10.4 Assessment of Impacts

As there are no known Aboriginal sites, cultural heritage values, or historic heritage items within the Project Site, there would be no impact to these sites or values from the Proposal.

On the basis of the above, the impact of the Proposal on Aboriginal and historic heritage is assessed to be negligible.

## 3.11 Socio-economic Profile

### 3.11.1 Local Setting

Cowra Shire Local Government Area (LGA) is located in central New South Wales, approximately 230km west of the Sydney CBD and 160km north-north-west of Canberra. The LGA is bounded by Cabonne Shire to the north, Blayney Shire to the north-east, Bathurst Region to the east, Upper Lachlan Shire to the south-east, Hilltops Council to the south, Weddin Shire to the west, and Forbes Shire to the northwest.

Cowra Shire LGA is predominately rural, with the major centre being Cowra in which approximately 81% of the LGA's 12,460 inhabitants reside. Between 2011 and 2016, the population of the LGA increased by 2.6% (12 147 to 12 460), while median weekly household income has increased by approximately 18.1% (\$785 to \$959).

**Table 3.10** presents the 2021 Census results for the Cowra Local Government Area. For the purpose of comparison, data from NSW as a whole is also presented. The percentage of people engaged in full-time employment in Cowra Shire LGA and the percentage of people engaged in part-time employment was higher than NSW as a whole. Additionally, the personal median weekly income in Cowra Shire LGA (\$606) is significantly lower than that of NSW as a whole (\$813).

The Project Site represents an existing source of employment within the main population centre of Cowra Shire LGA.

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**Table 3.10**  
**2021 Census results: Cowra Local Government Area**

	<b>Cowra Local Government Area</b>	<b>NSW</b>
<b>Population</b>		
Males	6,316 (49.6%)	3,984,166 (49.4%)
Females	6,409 (50.4%)	4,087,995 (50.6%)
Total	12,724	8,072,161
<b>Employment</b>		
Employed – Full-time	3,060 (56.2%)	2,136,610 (55.2%)
Employed – Part-time	1,764 (32.4%)	1,151,660 (29.7%)
Unemployed	277 (5.1%)	189,852 (4.9%)
<b>Median weekly income</b>		
Personal	\$606	\$813
Family	\$1,447	\$2,185
Household	\$1,112	\$1,829
Source: ABS – 2021 Census		

### 3.11.2 Assessment of Impacts

The Applicant anticipates that the Proposal would continue to employ five full-time employees to manage activities within the Project Site. Additionally, the Proposal would continue to provide opportunities for contractors and product truck drivers who are typically employed either directly, by contract transportation companies, or by the Company's customers.

Given that the Landscaping Materials Yard represents an existing operation with established ties to the local community and businesses, failure to obtain development consent would result in moderate adverse impacts upon the local socio-economic climate.

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## 4. Evaluation of the Proposal

### 4.1 Introduction

This section concludes the *Statement of Environmental Effects*. The Proposal, including the ongoing operation of the Landscaping Materials Yard and changes to site infrastructure, is evaluated and justified through consideration of its potential impacts on the environment and potential benefits to the local and broader community.

The evaluation of the Proposal is undertaken firstly by considering the relevant biophysical and socio-economic issues applicable to the proposed activities. The Proposal has also been evaluated against the principles of Ecologically Sustainable Development (ESD) in order to provide further guidance as to the acceptability of the Proposal.

Section 4.3, which represents the justification of the Proposal, considers the Objects of the *Environmental Planning and Assessment Act 1979* and assesses the consequences of not proceeding with the Proposal.

### 4.2 Evaluation of the Proposal

#### 4.2.1 Biophysical Considerations

The Proposal has been designed in a manner that would:

- utilise the existing layout and associated disturbance footprint of the existing operations within the Project Site, to the greatest extent practicable;
- rehabilitate disturbed areas of the rail corridor which would be excluded from the Project Site;
- minimise the potential for activities to result in adverse impacts on surface water, groundwater and receiving water quality; and
- minimise impacts on flood waters at modelled the 1:100 year ARI flood level.

Inevitably, despite the proposed operational controls and safeguards to be implemented by the Applicant, there remains the potential for some residual impacts on the biophysical environment to occur. The assessed biophysical impacts that the Proposal would have on the local environment are set out below.

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### Soil and Water Resources

It has been assessed that the Proposal, including the ongoing operation of the existing landscaping materials sales business, could be undertaken without any significant adverse impact on soil and water resources. Assuming the implementation of the proposed design features, operational safeguards, controls and management measures, including the implementation of the SWMP presented as **Appendix 2**, the Proposal would:

- provide for erosion and sediment control during operation;
- effectively categorise and separate clean, dirty and potentially contaminated water;
- provide for appropriate controls to ensure runoff on the Project Site is captured and delivered to appropriate water management structures;
- treat stored water to achieve target water quality values prior to discharge from the Project Site;
- avoid uncontrolled discharge of dirty or contaminated water from the Project Site, as far as practicable; and
- maximise the reuse of water harvested on the Project Site, thereby reducing to the greatest extent possible reliance on town water supply.

### Flooding

The Project Site is located within the 1:100 year ARI flood level area, with sections of the Landscaping Materials Yard modelled to be subject to inundation during these events. Based on the proposed design and management of the Proposal, the only materials exposed to flood waters would be the inert aggregates and landscaping materials stored in the landscaping materials stockpile yard.

The proposed 1.68m to 1m high stabilised earth bund along the western and southwestern borders of the Project Site would permit the capture and redirection of potentially sediment laden water to sediment basins and provide immunity from flooding impacts up to the 1:100 year ARI flood level (plus 0.5m freeboard). Flood modelling which considered a bund capable of providing immunity from the 1:100 year ARI flood event indicated that the impact of the Proposal would be equivalent to a 10mm rise in flood waters for neighbouring properties.

Based on the results of flood modelling, it is assessed that the Proposal would not have a significant adverse impact on the environment or community as a result of impacts to flood waters.

### Noise

The Proposal would not introduce additional noise sources within the local setting. Based on the implementation of the proposed noise management and mitigation measures, it is anticipated that the Proposal would result in reduced noise levels at nearby residential receivers compared to existing operations.

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### Air Quality

The Proposal would not result in additional dust generation within the local setting. Based on the implementation of dust mitigation measures, it is not anticipated that dust levels associated with the Proposal would have an unacceptable impact on local air quality.

### Transportation and Traffic

The Proposal would not generate additional traffic or alter the established hours of operation at the Project Site.

### Other Impacts

Impacts on biodiversity values would be positive as a result of the establishment of a 10m wide Vegetated Riparian Zone.

Impacts upon Aboriginal heritage, historic heritage, waste and other hazards associated with the Proposal would be negligible.

#### 4.2.1.1 Socio-Economic Considerations

As the Proposal represents an existing Landscaping Materials Yard, it is not anticipated that any additional negative impacts on the socio-economic local or regional setting would eventuate.

The Proposal would, however, have the following ongoing benefits.

- Ongoing employment for five staff at the Project Site, in addition to the ongoing provision of employment opportunities to contract agitator truck drivers.
- Ongoing impacts on the existing level of competition in the landscaping materials supply market, maintaining competitive prices for local construction projects.
- Ongoing indirect flow-on benefits to the local and regional economy through the expenditure of wages paid to employees, and through the purchase of goods and services for the operation of the Proposal.

Considering the potential direct and indirect socio-economic benefits against existing adverse impacts, it is assessed that failure to approve the Proposal would result in a net loss of socio-economic benefits.

#### 4.2.2 Section 4.15 Considerations

Section 4.15 of the *Environmental Planning and Assessment Act 1979* requires the consent authority, when determining a development application, to take into consideration the following matters:

a) the provision of:

- i. any environment planning instrument;

The relevant environmental planning instruments being:

- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*





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- *State Environmental Planning Policy (Primary Production) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021; and*
- *Cowra Local Environmental Plan 2012.*

Each of these instruments are addressed in full in Section 1.6 of this document.

- ii. *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved); and*

The Applicant is not aware of any proposed instruments that are relevant to the Proposal.

- iii. *any development control plan; and*

The relevant Development Control Plan is the *Cowra Shire Council Development Control Plan 2014*. This plan is discussed in Section 1.6.4.2 of this document.

- iii. *a) any planning agreement that has been entered into under Section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4; and*

The Applicant is not aware of any planning agreements relevant to the Proposal.

- iv. *the regulations (to the extent that they prescribe matters for the purposes of this paragraph); and*

The Proposal is not classified as Designated Development under the EP&A Regulation.

- b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality; and*

The likely impacts of the Proposal, including environmental impacts on both the natural and built environments and social and economic impacts, are assessed in Section 3 of this document.

- c) *the suitability of the site for the development; and*

The suitability of the Project Site for the Proposal, including a description of surrounding lands and land uses, is discussed in Section 1.6.3.2 and Section 3.

- d) *any submissions made in accordance with this Act or the regulations; and*

The Applicant anticipates that submissions related to the Proposal will be provided following completion of the neighbour notification or public exhibition period and that it will be provided with an opportunity to respond to those submissions at that time.

- e) *the public interest.*

Information relating to community and socioeconomic setting of the Proposal and the Proposal-related contributions to the local and regional economies is presented in Section 3.11 within this document. Overall, the Applicant contends that the Proposal would satisfy public interest.

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### 4.2.3 Consequences of Not Carrying out the Development

The consequences of not proceeding with the Proposal include the following.

- The opportunity to maintain five employee positions at the existing Landscaping Materials Yard, in addition to employment opportunities for contract delivery drivers, would be forgone.
- Competition in the local and regional landscaping material supply industry would be reduced, potentially resulting in price increases for these products.
- Existing environmental issues at the Project Site, including inadequate water management measures, would not be rectified.

It is considered that the benefits of proceeding with the Proposal therefore far outweigh the impacts on the environment that would result. The nominated consequences of not proceeding with the Proposal also weigh heavily in favour of proceeding with the Proposal.

## 4.3 Justification of the Proposal

In assessing whether the Proposal is justified, consideration has been given to potential adverse impacts and benefits, and the consequences of not proceeding with the Proposal.

The Proposal is assessed to be justified as:

- the location of the existing Landscaping Materials Yard is adjacent to existing industrial areas and is proximal to established markets;
- it would be operated in accordance with the identified principles of Ecologically Sustainable Development;
- it would satisfy matters for consideration outlined in Section 4.15 of the EP&A Act;
- it would involve the management and mitigation of existing adverse impacts upon the local environment; and
- the consequences of not proceeding weigh heavily in favour of proceeding with the Proposal.

## 4.4 Conclusion

The Proposal as presented in this document has been designed to provide for the supply of landscaping materials to the local area and surrounding region in an efficient and environmentally responsible manner. It has been assessed that the Proposal would provide for landscaping materials to the local market with managed adverse impacts on the surrounding environment.

**BUZZREE PTY LIMITED***Bryant's Landscaping Materials Yard***STATEMENT OF ENVIRONMENTAL EFFECTS***Report No. 983/06*

On the basis of this assessment, it has been concluded that the Proposal is consistent with the features which distinguish an ecologically sustainable approach to development.

Overall, the socio-economic benefits of the Proposal, through the provision of employment and flow-on economic effects, outweigh the identified residual impacts that would occur.

STATEMENT OF ENVIRONMENTAL EFFECTS  
Report No. 983/06

BUZZREE PTY LIMITED  
Bryant's Landscaping Materials Yard

## 5. References

- Cowra Shire Council (2021)** *Cowra Shire Council Development Control Plan 2021.*
- Department of Planning and Environment (DPE) (2021)** *Planning for a more resilient NSW - A strategic guide to planning for natural hazards*
- Department of Planning (DoP) (2011)** *Multi-Level Risk Assessment.*
- Environment Protection Authority (EPA) (2009)** *Waste Classification Guideline 2009.*
- Environment Protection Authority (EPA) (2014)** *NSW Waste Avoidance and Resource Recovery Strategy 2014-21.*
- Environment Protection Authority (EPA) (2017)** *Noise Policy for Industry.*
- IGAE (1992)** *Intergovernmental Agreement on the Environment.*
- Landcom (2004)** *Managing Urban Stormwater: Soils and Construction – Volume 1.*
- National Transport Commission (2011)** *Australian Code for Transportation of Dangerous Goods by Road and Rail (Dangerous Goods Code).*
- Natural Resources Access Regulator (NRAR) (2017).** *Guidelines for Controlled Activities on Waterfront Land – Riparian Corridors.*
- Spectrum Acoustics Pty Limited (2019)** *Noise and Vibration Impact Assessment* Prepared for Buzzree Pty Ltd.
- Strategic Environmental and Engineering Consulting Pty Ltd (SEEC) (2023)** *Soil and Water Management Plan* Prepared for Buzzree Pty Limited.
- Water Resource Commission Flood Plain Atlas (WRC) (1978)** *Flood Inundation Map for Cowra 1978.*

STATEMENT OF ENVIRONMENTAL EFFECTS  
Report No. 983/06

BUZZREE PTY LIMITED  
Bryant's Landscaping Materials Yard

# Appendices

- Appendix 1 Extract of Transport for NSW Licence Agreement
- Appendix 2 Soil and Water Management Plan prepared by Strategic Environmental and Engineering Consulting Pty Limited
- Appendix 3 Natural Resources Access Regulator Consultation
- Appendix 4 Community Consultation Sheet No. 1
- Appendix 5 Noise and Vibration Impact Assessment prepared by Spectrum Acoustics Pty Limited
- Appendix 6 Groundwater Contamination Assessment prepared by Ground Doctor Pty Ltd

STATEMENT OF ENVIRONMENTAL EFFECTS  
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BUZZREE PTY LIMITED  
*Bryant's Landscaping Materials Yard*

# Appendix 1

## Extract of Transport for NSW Licence Agreement

(Total No. of pages including blank pages = 5)

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AGR - 13294

## CRN Basic Property Licence

---

**Dated** 17 FEBRUARY 2020

### Parties

**Rail Corporation New South Wales**  
ABN 59 325 778 353

and

**Buzzree Pty Ltd trading as Byrant's Concrete**  
86 125 534 367

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## Reference Schedule

## LICENCE INFORMATION

ITEM 1 <b>Licensee</b>	Buzzree Pty Ltd trading as Bryant's Concrete 86 125 534 367  C/ Tester Porter Services Pty Ltd  24 Cloete Street  Young NSW 2594
ITEM 2 <b>Contractor</b>	John Holland Rail Pty Ltd ABN 61 009 252 653 Level 1 20 Smith Street Parramatta NSW 2150
ITEM 3A <b>Land</b>	<i>Part Lot 3905 DP 1200283 off the corner of Kite Street and River Street, Cowra.</i>
ITEM 3B <b>Licensed Area</b>	That part of the Land outlined in red on the plan annexed at Schedule 3, approximately 9,681m <sup>2</sup> , Being part lot 3905 DP 1200283, off Kite and River Street, Cowra.  •
ITEM 4 <b>Commencement Date</b>	1 <sup>st</sup> December 2019
ITEM 5 <b>Expiry Date</b>	30 <sup>th</sup> November 2024
<b>Option</b>	5 year Option commencing 1 <sup>st</sup> December 2024, ending 30 <sup>th</sup> November 2029
ITEM 6 <b>Licence Fee</b>	██████████ cl. GST) per annum (subject to review pursuant to <b>clause 4.</b> )
ITEM 6A <b>Payment Date</b>	The Commencement Date and each anniversary of the Commencement Date.
ITEM 7A	Not applicable

AGR-13294 – Buzzree Pty Ltd trading as Bryant's Concrete – Off Kite and River Street, Cowra



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**DATED** 17 FEBRUARY 2020

**Signed** for and on behalf of **Rail Corporation New South Wales** by the authorised delegate for Transport for NSW as agent for Rail Corporation New South Wales in the presence of:

Signature of Witness

NATALIE WILD

Name of Witness

Signature of Delegate

LYNELLE WHITCOMBE

Name of Delegate

**Signed** for and on behalf of **Buzzree Pty Ltd trading as Bryant's Concrete** in accordance with Section 127 of the *Corporations Act 2001*

Signature of Director

CARRY BRYANT

Signature of Director/Secretary

Name of Sole Director

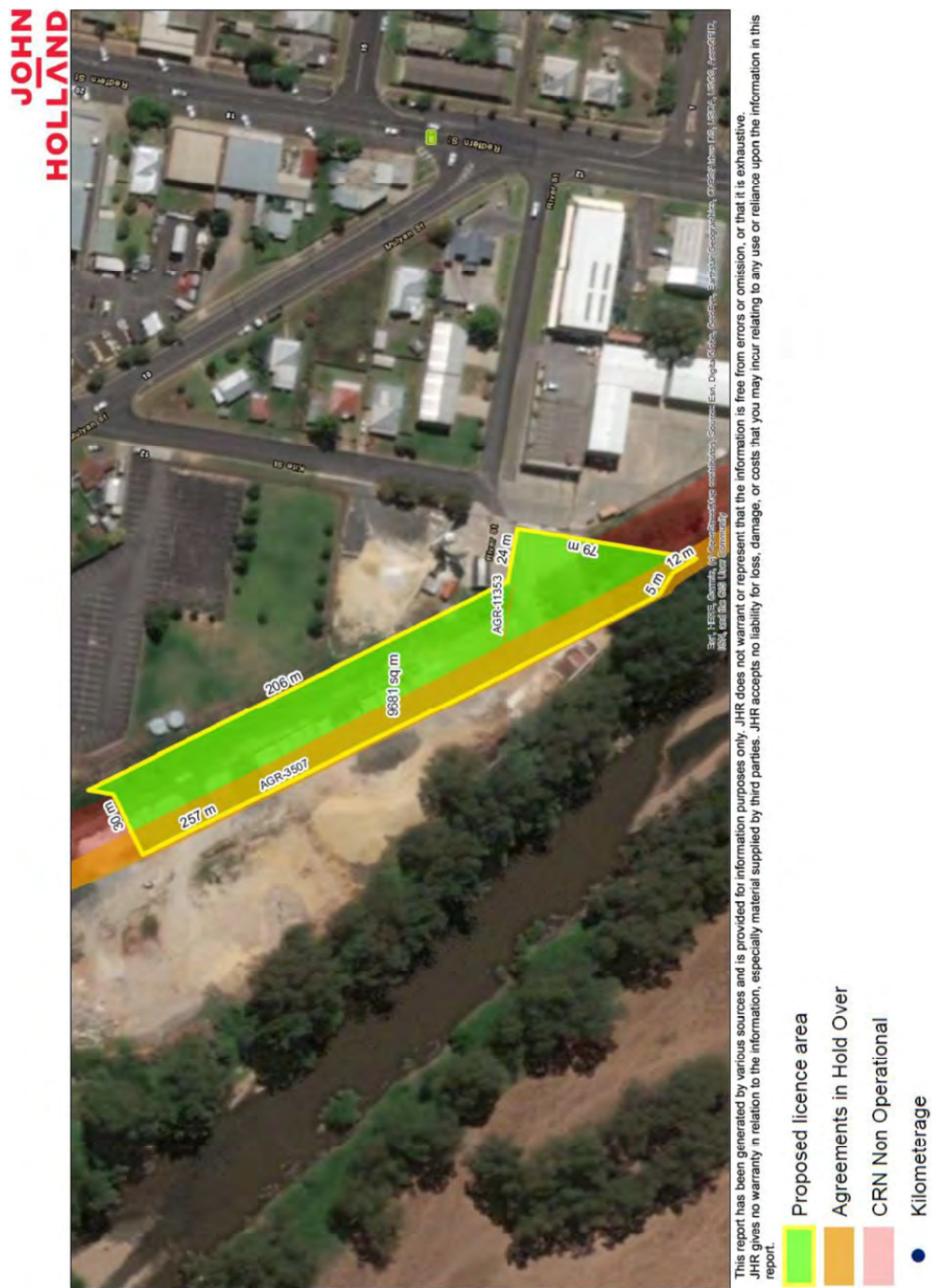
Name of Director (print)

Name of Director/Secretary (print)

AGR-13294 – Buzzree Pty Ltd trading as Bryant's Concrete – Off Kite and River Street, Cowra

## Schedule 3

## Plan of Licensed Area



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STATEMENT OF ENVIRONMENTAL EFFECTS  
*Report No. 983/06*

BUZZREE PTY LIMITED  
*Bryant's Landscaping Materials Yard*

# Appendix 2

## Soil and Water Management Plan

prepared by  
Strategic Environmental and  
Engineering Consulting Pty Limited

(Total No. of pages including blank pages = 48)

A2

Buzzree Pty Ltd

ABN: 86 125 534 367

# Bryant's Landscaping and Materials Yard

## Soil and Water Management

Prepared by

**Strategic Environmental & Engineering  
Consulting (SEEC) Pty Ltd**

**February 2023**

**Specialist Consultant Studies  
Appendix 2**

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**Buzzree Pty Ltd**

ABN: 86 125 534 367

**Soil and Water Management**

**Prepared for:** R.W. Corkery & Co. Pty Limited  
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**On behalf of:** Buzree Pty Limited  
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**Prepared by:** SEEC Pty Ltd  
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**February 2023**

Strategic Environmental and Engineering Consulting (SEEC)

**Buzree Pty Ltd**  
*2 Kite Street, Cowra, NSW 2794*

**SPECIALIST CONSULTANT STUDIES**  
*Appendix 2*

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SPECIALIST CONSULTANT STUDIES  
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Buzree Pty Ltd  
2 Kite Street, Cowra, NSW 2794

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## EXECUTIVE SUMMARY

SEEC have been commissioned by Buzzree Pty Limited, owners of Bryant's Landscaping Materials Yard, Cowra, to prepare this Soil and Water Management Plan. The Plan will describe how surface water runoff from the continued operation of, and proposed upgrades to, the yard will be managed to mitigate any impact on the nearby Lachlan River. It also discusses the impact the modified development could have on major flood conditions.

A "Type D" sediment basin will receive runoff from the Landscape Materials Yard. The basin would drain to an existing drainage easement along the north-western boundary of the Project Site.

Discharges from the sediment basin will be monitored for sediment (turbidity), salinity (electrical conductivity), pH. Surface films and debris such as oil and grease will be visually monitored and identified if detectable by odour. Modelling using MUSIC stormwater quality software shows that, if adequate flocculation is achieved, concentrations of sediment and associated phosphorous and nitrogen should be reduced in discharged water to levels that are not expected to have a significant impact on the Lachlan River, considering the water quality in it would be affected by the same rainfall events. Salinity is not expected to be an issue, as only non-saline materials are stockpiled on site.

The Project Site is subject to potential flooding from local and regional sources. Local flows from upstream catchments to the north east are to be managed by intercepting flows and directing them north and south to existing channels/gullies around the project site.

The Project Site is within the Cowra Shire Council Flood Planning Area and is subject to regional flooding from the Lachlan River. The lower portion of the Project Site is expected to be inundated during large events with the 1:100 year ARI flood level reaching an estimated height of 289.18m AHD. A small bund will provide immunity from large flood events up to the 1:100 year ARI flood level for the Project Site. This will result in the loss of a small cross sectional area (<0.3%) which is estimated to result in a potential negligible increase of around 10mm in flood water from the Lachlan River and floodplain adjacent to the Project Site. It is anticipated that such a small increase in flood level would be dissipated within a short distance from the Project Site.

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Appendix 5

## 1. INTRODUCTION

SEEC have been commissioned by Buzzree Pty Limited, owners of Bryant's Concrete Products, Cowra, to prepare this Soil and Water Management Plan which will accompany an application for development consent to Cowra Shire Council (Council) to operate an existing landscape supplies business at 2 Kite Street, Cowra, NSW ("the Proposal"). The Plan will describe how surface water runoff from the continued operation of, and proposed upgrades to the yard will be managed to mitigate any impact on the nearby Lachlan River. It also discusses the impact the modified development could have on major flood conditions.

## 2. THE DEVELOPMENT

The Project Site is located on land zoned as follows under the *Cowra Local Environmental Plan 2012* (Cowra LEP).

- RU1 – Primary Production.
- SP2 – Infrastructure.

The Proposal is classified as:

- "Non-Designated, Local Development" as it does not meet the relevant thresholds for Designated or State Significant Development; and
- "Integrated Development" under the *Environmental Planning and Assessment Act 1979* as it would require a Controlled Activity Approval under the *Water Management Act 2000*.

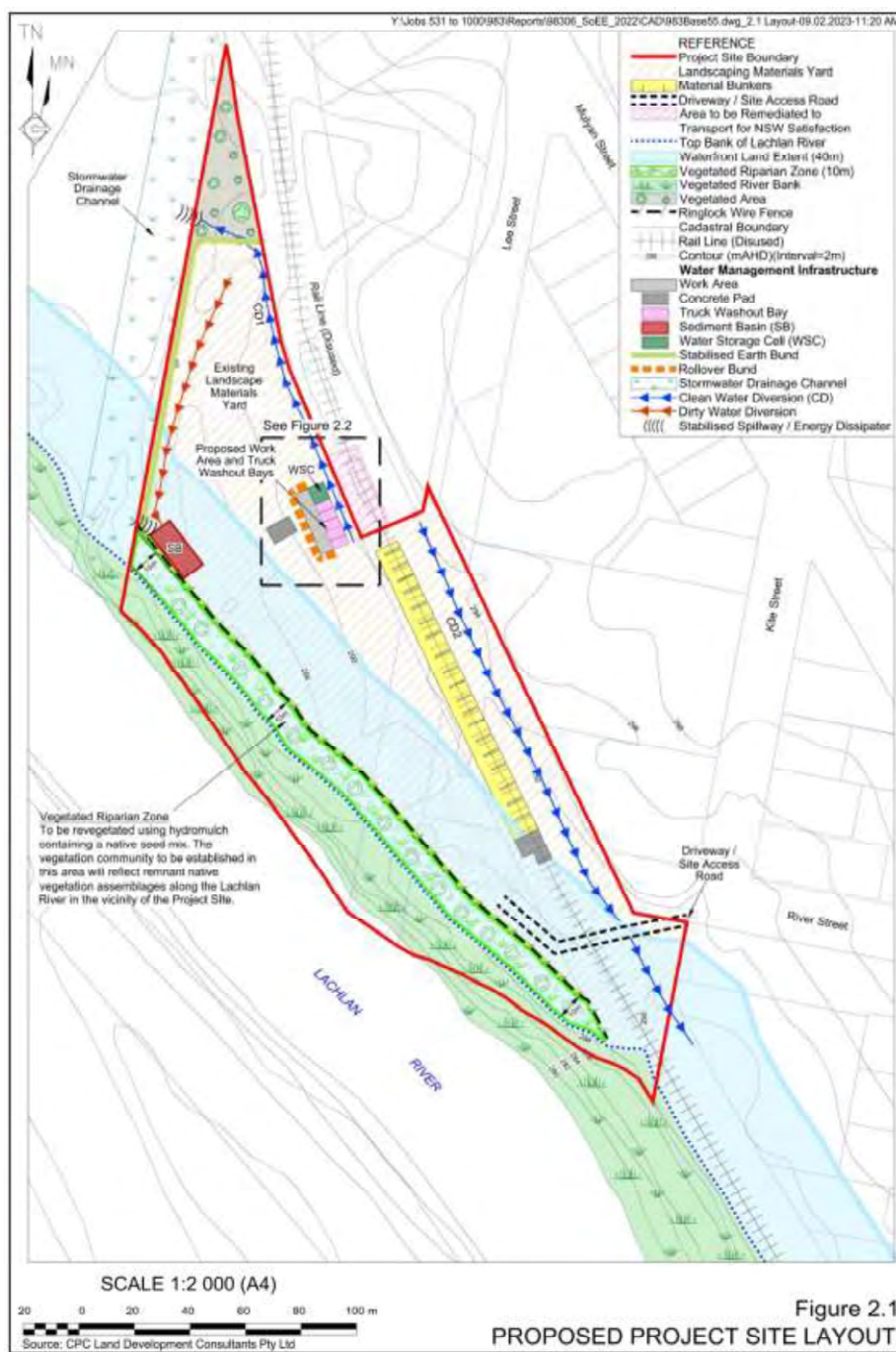
The Proposal therefore requires development consent to be issued by Council.

The Proposal would include the following activities.

- Modifications to the Project Site layout, including establishment of a range of surface water management infrastructure to ensure improved environmental management of the Project Site.
- Sale of small quantities of landscaping and other materials to the general public and small business.
- Recycling of limited quantities of returned concrete material from the Applicant's adjacent concrete batching operations.
- Ancillary activities, including management of surface water and storage of equipment.

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2 Kite Street, Cowra, NSW 2794



**Figure 1 –Proposed Site Plan**

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### 3. THE PROJECT SITE'S ENVIRONMENT

#### 3.1 GENERAL DESCRIPTION

The Project Site covers an area of approximately 2.9ha on the eastern bank of the Lachlan River, just west of the main bridge into Cowra and near to its central business district (Figure 2). A landscape materials yard has been operating at the Project Site since the early 1970's. Prior to this, the Project Site formed part of a gravel extraction operation involving the extraction of gravel from the bed and banks of the adjacent Lachlan River.

Features adjacent to the Project Site include the Lachlan River to the south and west, agricultural land to the west and northwest, and light industrial, residential, and business zones to the north, northeast, and east.

The Project Site slopes from a maximum elevation of 298m AHD in the northeast corner of the Project Site to a minimum elevation of 278m AHD at the southwest boundary of the Project Site. The majority of the Project Site occupies elevations between 296m AHD and 288m AHD. The southwest margin of the Project Site encompasses the steep slope of the bank of the Lachlan River.

The Lachlan River represents the primary drainage line associated with the Project Site, with the channel passing parallel to the Project Site's southwestern border. An ephemeral drainage channel is located immediately west of the Project Site and drains directly into the Lachlan River. An existing culvert passes under the railway immediately to the southeast of the Project Site.

The Project Site is occupied by a Landscaping Materials Yard adjacent to the upper bank of the Lachlan River, with the southwestern and western boundaries defined by a combination of concrete block walls and an earth bund. Infrastructure which forms part of the existing Landscaping Material Yard includes the following.

- Two concrete pad work areas, including one with an adjacent unlined sump used for truck washout and water storage.
- Material bunkers constructed using concrete blocks and panels.
- Various material stockpiles.
- Surface water management infrastructure including earth bunds and concrete block walls along the southern and western perimeter of the Project Site.
- A concrete-sealed driveway and level crossing.

The Applicant's principal activity within the Project Site is the sale of small quantities of sand, gravel, aggregate and other landscaping products to retail and small business customers, within Cowra and the surrounding areas. In summary, existing activities include the following.

- Receipt of raw materials deliveries within the Landscaping Materials Yard.
  - Typically, two material delivery trucks would access the Project Site per week.
- Washout of product trucks and agitator trucks.
- Recycling of waste concrete (i.e. stockpiling and crushing on a campaign basis) sourced from adjacent concrete batching operations.

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- Sale of small quantities of landscaping and other materials to the general public and small businesses.
- Ancillary activities, including stockpile watering to minimise dust, storage of equipment, and management of surface water.

No mulch or compost is processed or stored on site. All materials for sale are kept in the open.

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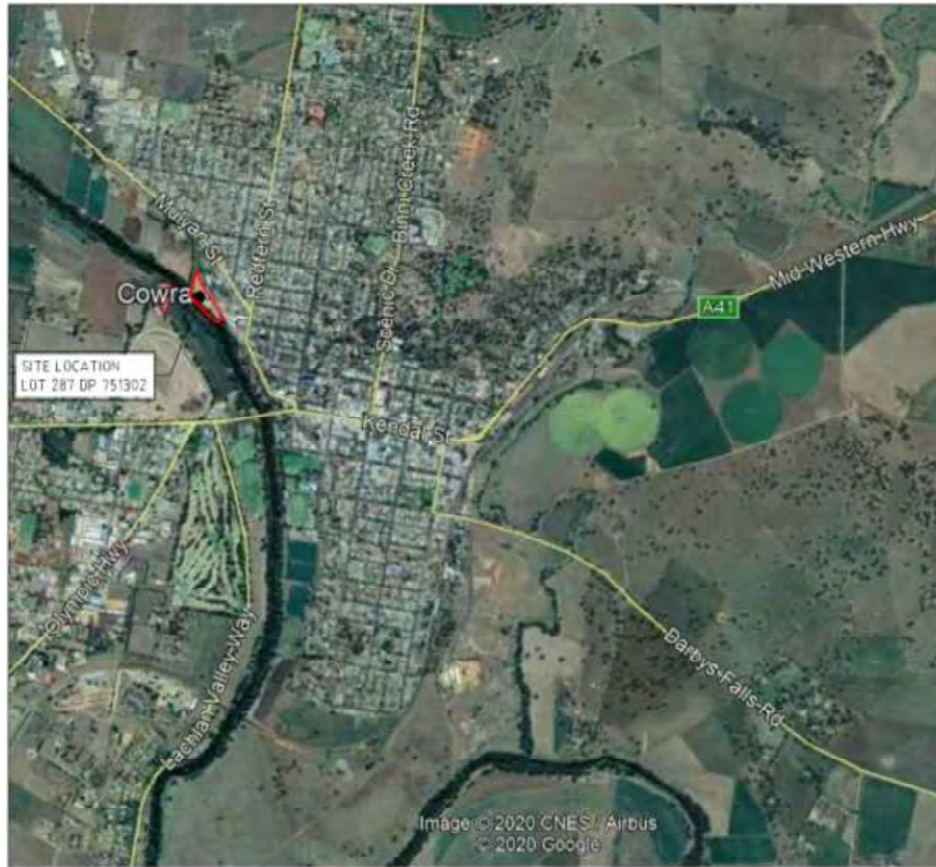


Figure 2 – Site Location

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2 Kite Street, Cowra, NSW 2794

### 3.2 OFF SITE RUN-ON

The Project Site is subject to significant run-on. At the time of inspection surface water derived from the junction of River Road and Kite Street was observed entering the Project Site entrance; the owner advises this is a frequent occurrence (**Figure 3**). The owner advises that water also enters the Project Site from:

- The railway easement in the vicinity of a building located at the end of Lee Street. It is probably derived from the stormwater system in Lee Street and from the building itself; and
- A large sealed area just east of the Materials Yard.

Run-on will be prevented from entering the Project Site by installing diversion drains within the disused railway easement (CD1 & CD2). CD2 will divert upslope flows to the southeast and into an existing stormwater culvert located under the rail line, while CD1 will divert upslope flows northwest into an existing drainage easement (Refer to Appendix 1 SEEC drawing 19000032\_P01\_SWMP01).



Figure 3 – Significant run-on occurs from the street junction onto the Project Site entrance

### 3.3 RECEIVING WATERS, WATER QUALITY OBJECTIVES

The Project Site drains to the Lachlan River which lies immediately to the west. The Lachlan River is classified as a major regulated lowland river within the Murray-Darling Basin by the

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NSW Water Quality Objectives (WQOs). The WQOs and trigger values that apply to it are summarised in Table 1. These triggers apply in the receiving waters, they are not applied to runoff from the Project Site. Further, it is likely these trigger values would be exceeded in the river under conditions of moderate to high flow after rainfall.

**Table 1 – Water Quality Objectives in the Lachlan River**

Objective	Aim	Water Quality Triggers <sup>1</sup>	
<b>Aquatic Ecosystems</b>	Maintaining or improving the ecological condition of waterbodies and their riparian zones over the long term.	Total Phosphorous (TP) = 50µg/L Total Nitrogen (TN) = 500µg/L Turbidity = 50NTU Salinity = 340 µS/cm <sup>2</sup> Diss. Oxygen = 85-110% pH = 6.5 – 8.5 Chemical contaminants - See ANZECC 2000 Guidelines, chapter 3.4 and table 3.4.1.	
<b>Visual Amenity</b>	Aesthetic qualities of waters	Natural visual clarity should not be reduced by more than 20%. Natural hue of the water should not be changed by more than 10 points on the Munsell Scale. The natural reflectance of the water should not be changed by more than 50%. Oils and petrochemicals should not be noticeable as a visible film on the water, nor should they be detectable by odour. Waters should be free from floating debris and litter.	
<b>Secondary contact recreation</b>	Maintaining or improving water quality for activities such as boating and wading, where there is a low probability of water being swallowed	Chemical contaminants	Waters containing chemicals that are either toxic or irritating to the skin or mucous membranes are unsuitable for recreation. Toxic substances should not exceed values in tables 5.2.3 and 5.2.4 of the ANZECC 2000

<sup>1</sup> Given no organic materials are processed or stored on site only those triggers that relate to inert substances are listed.

<sup>2</sup> Based on the mean salinity measured at the nearby WaterNSW gauging station. Salinity in the Lachlan River is reasonably consistent; the 10<sup>th</sup> percentile is 210 µS/cm and the 90<sup>th</sup> percentile is 514 µS/cm (online WaterNSW river data).

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2 Kite Street, Cowra, NSW 2794

Objective	Aim	Water Quality Triggers <sup>1</sup>	
			Guidelines.
		Visual clarity and colour	Use visual amenity guidelines.
		Surface films	Use visual amenity guidelines
<b>Primary contact recreation</b>	Maintaining or improving water quality for activities such as swimming in which there is a high probability of water being swallowed	See secondary contact recreation triggers Turbidity = approx. 6NTU	
<b>Livestock water supply</b>	Protecting water quality to maximise the production of healthy livestock	Salinity (electrical conductivity)	Recommended concentrations of total dissolved solids in drinking water for livestock are given in table 4.3.1 (ANZECC 2000 Guidelines).
		Chemical contaminants	Refer to Table 4.3.2 (ANZECC 2000 Guidelines) for heavy metals and metalloids in livestock drinking water.  Refer to Australian Drinking Water Guidelines (NHMRC and NRMCC 2004) for information regarding pesticides and other organic contaminants, using criteria for raw drinking water.
<b>Irrigation water supply</b>	Protecting the quality of waters applied to crops and pasture.	Salinity (electrical conductivity)	To assess the salinity and sodicity of water for irrigation use, a number of interactive factors must be considered including irrigation water quality, soil properties, plant salt tolerance, climate, landscape and water and soil management. For more information, refer to Chapter 4.2.4 of ANZECC 2000 Guidelines.

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Objective	Aim	Water Quality Triggers <sup>1</sup>	
		Heavy metals and metalloids	Long term trigger values (LTV) and short-term trigger values (STV) for heavy metals and metalloids in irrigation water are presented in table 4.2.10 of the ANZECC 2000 Guidelines.
Drinking water	Refers to the quality of drinking water drawn from the raw surface and groundwater sources before any treatment	Turbidity	Site-specific determinant.
		Salinity (electrical conductivity)	<1500 µS/cm > 800 µS/cm causes a deterioration in taste.
		Dissolved oxygen	> 6.5 mg/L (> 80% saturation)
		pH	6.5-8.5
		Chemical contaminants	See ANZECC 2000 guidelines, section 6.2.2.

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### 3.4 CLIMATE

#### 3.4.1 Rainfall

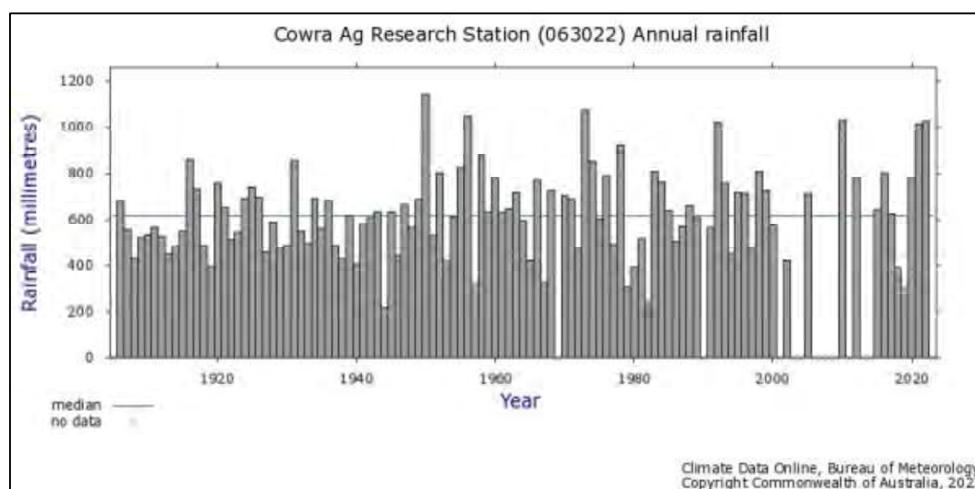
A number of rainfall stations are in the vicinity of the Project Site. Based on the BOM Cowra Ag Research Station number 63022, Cowra has a mean annual rainfall of 628.3mm and a median annual rainfall of 618.6mm (**Table 2** and **Figure 4**). The climate is generally warm to hot in summer with lower rainfall (**Figure 5**). Winters are mild to cool. Good quality daily rainfall data is also available from the period 1/5/1943 to 2/04/2019 (BOM stations 65023 (to 2011) and 65111 (2011 to 2023) (Figure 6).

**Table 2 – Cowra Rainfall Data (Ag research Station 63022)**

Summary statistics for all years

[Information about climate statistics](#)

Statistic	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Mean	58.5	47.7	49.2	43.0	46.1	52.5	51.7	52.2	51.1	57.8	56.0	57.0	628.3
Lowest	0.0	0.0	0.0	0.0	0.0	2.3	3.4	1.3	1.5	0.0	0.0	0.0	215.5
5th %ile	8.2	1.1	2.2	1.0	4.3	8.7	8.7	11.8	12.9	7.9	6.3	2.9	340.2
10th %ile	10.8	3.8	5.8	3.8	10.1	15.7	12.2	15.9	14.8	18.4	13.2	10.8	419.2
Median	50.3	33.0	35.4	30.6	37.6	47.9	48.4	49.4	46.6	50.3	42.9	45.2	618.6
90th %ile	108.0	116.8	104.5	102.1	86.4	98.3	92.9	95.8	95.4	102.1	108.6	111.5	855.1
95th %ile	167.4	147.9	124.9	130.3	109.0	122.4	95.0	108.5	113.4	120.7	136.0	138.6	1022.2
Highest	229.2	222.8	190.8	246.8	177.6	201.0	143.8	121.5	153.2	188.4	206.7	230.8	1142.5



**Figure 4 – Cowra Annual Rainfall**

Buzzree Pty Limited  
2 Kite Street, Cowra, NSW 2794

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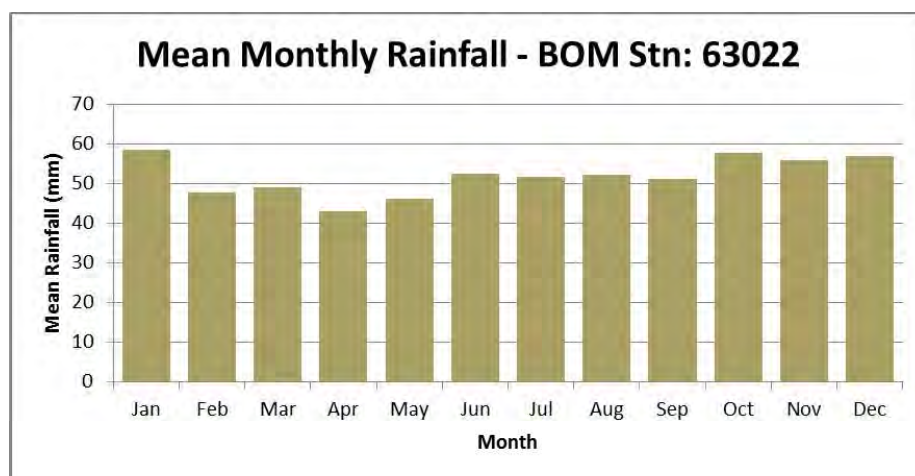


Figure 5 – Mean Monthly Rainfall

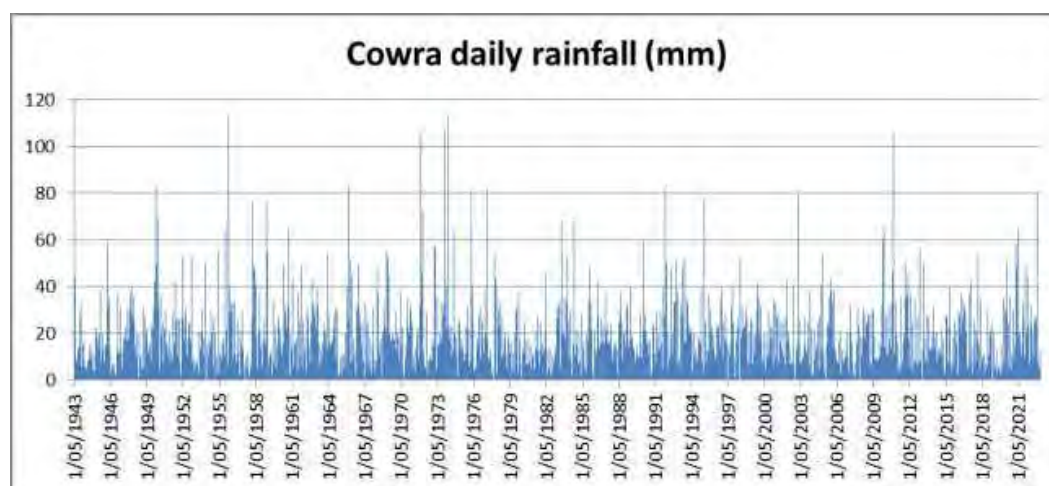
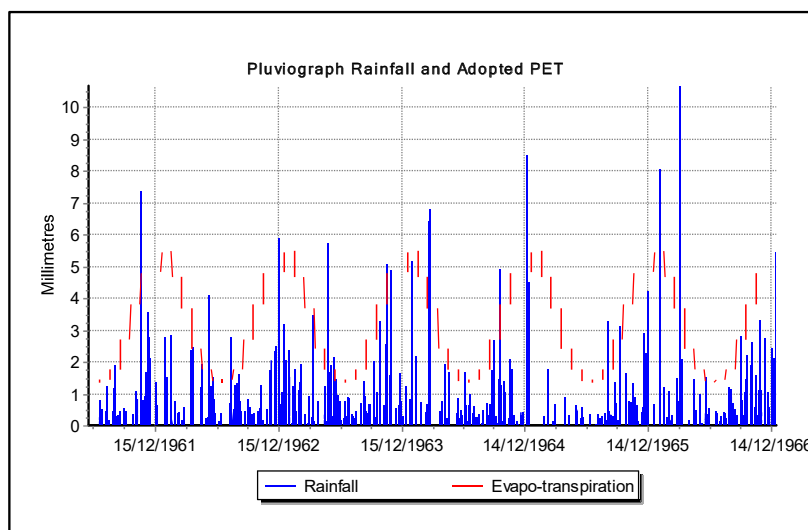


Figure 6 – Daily Rainfall Data

Six-minute time step, Pluviograph, rainfall data is also available from the same BOM rainfall station for the period 1943 to 2010. A six-year extract from this data was made from June 1961 to December 1966 and is used in the stormwater Quality Modelling in Section 6.1. This period was chosen because it has good complete data from a period of overall about average rainfall but including a significantly drier (1963, 423mm) and a significantly wetter (1966, 768mm) year. **Figure 7** gives the time series graph for the adopted period and also shows the adopted potential areal evapotranspiration which was estimated using the BOM's climate atlas data. See also **Table 3**.

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**Figure 7 – Pluviograph and PET Data Used in Water Quality Modelling**

**Table 3 - Pluviograph and PET Data Used in Water Quality Modelling**

Meteorological Data Statistics		
	Rainfall/6 Minutes	Evapo-Transpiration
mean	0.007	3.217
median	0.000	2.730
maximum	10.670	5.490
minimum	0.000	1.380
10 percentile	0.000	1.480
90 percentile	0.000	4.880
mean annual	648	1175
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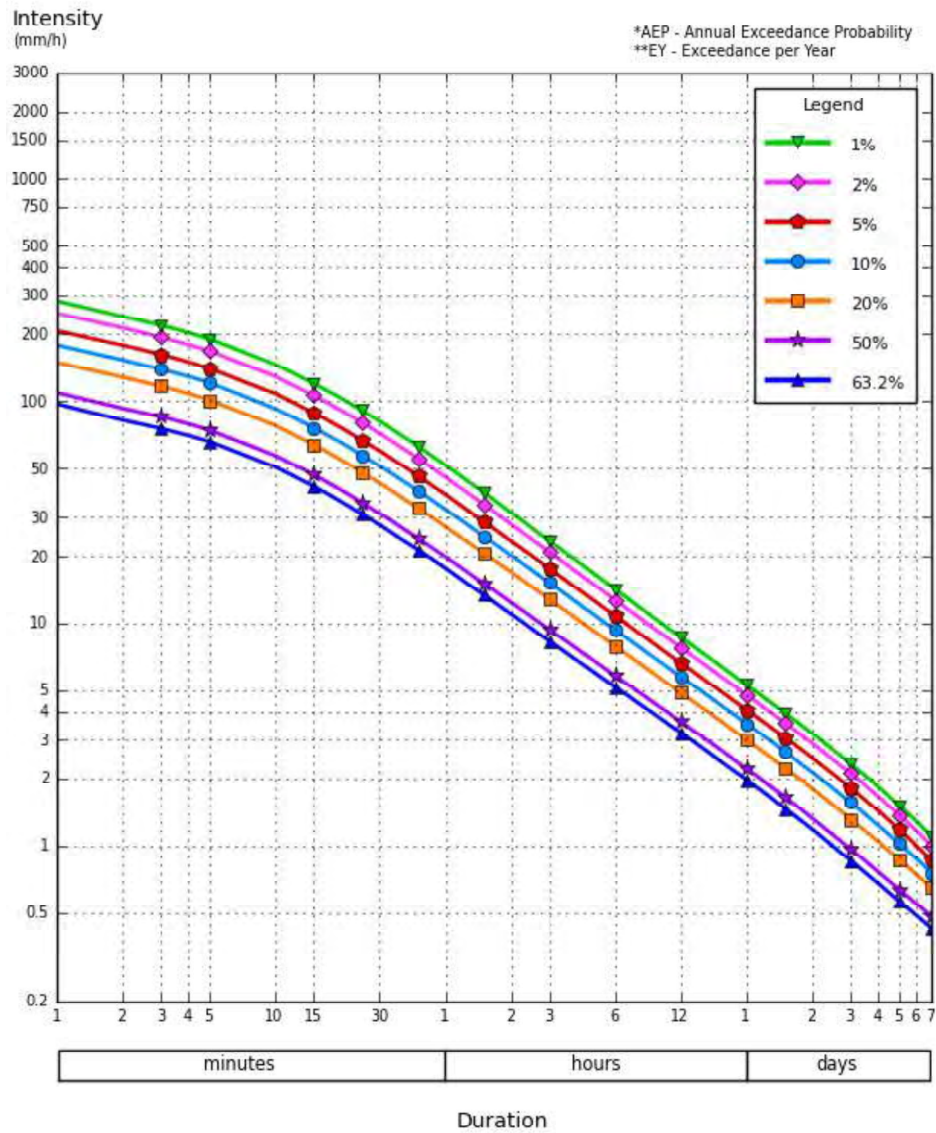
### 3.4.2 IFD Data

Intensity Frequency and Duration (IFD) for frequent and infrequent storms data was obtained from the BOM and is shown in **Figure 8**. The six-hour, 2-year storm (0.5 EY) is 6.45 mm/h which yields a rainfall erosivity R-factor of 1120 which is low.



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Figure 8 – IFD Data Graph (frequent and infrequent)

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## 4. MATERIAL AND RUNOFF CHARACTERISATION

### 4.1 RAW MATERIALS

The Project Site accepts, stores, processes, uses and sells a variety of sand, soil and gravel products. All the products are classified as one of the following:

- Excavated natural materials (ENM); or
- Recovered Aggregates

ENM materials are managed under the Excavated Natural Materials Order 2014. Where applicable recovered aggregates are managed under the Recovered Aggregate Order 2014, although some of the aggregate products are decorative landscaping gravels. All materials are inert and contain nil or minor quantities of organic material. Mulches and composts are not processed or stored onsite. Runoff derived from stockpiles of these materials is only expected to contain sediment and to have an almost neutral pH. Further, it is not expected to contain any toxicants such as heavy metals. Runoff volumes from the storage areas of these materials would be in direct response to incident rainfall.

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## 5. PROPOSED WATER MANAGEMENT

### 5.1 THE PROJECT SITE ENTRANCE

Run-on entering the Project Site from the nearby junction of River Road and Kite Street will be managed by Council who will, most likely, install a new stormwater pit in the road and provide a formalised street access.

### 5.2 LANDSCAPING MATERIALS YARD

The Landscaping Materials Yard occupies an area of about 17,250m<sup>2</sup>. It generally drains west towards a raised perimeter bund parallel to the Lachlan River. The bund will be extended to direct surface runoff north and into a sediment basin. A raised perimeter bund and dirty water diversion drain would be built along the north-western property boundary (Appendix 1 drawing referenced 19000032\_P01\_SWMP01) to direct surface runoff south and into the sediment basin.

Run-on from the east will be diverted away from the area by installing diversion drains (CD1 & CD2); these will effectively divert run-on along the former railway easement. Given the flat nature of the railway easement, some run-on would be diverted north into a drainage easement whilst some would be diverted south, to join the offsite run-on collected near the Project Site entrance (Section 5.1).

The sediment basin would be a 'Type D' basin as described in Landcom (2004). The design rainfall event for the basin is 44.9 mm (5-day, 95<sup>th</sup>ile). Therefore, it is assumed the basin will overflow in an event of more than 44.9 mm over any 5-day period. Within 5 calendar days of the conclusion of any rainfall event causing runoff, the basin must be empty, ready for the next rainfall event. If rainfall (causing runoff) occurs again within 5-days of the previous rain event, the 5-day requirement re-sets.

Flocculation can be achieved using gypsum at a rate of approximately 30 kg/100 m<sup>3</sup> of stormwater. Alternative flocculating agents can only be used by approval. Refer to manufacturers guidelines for dosage details. Ensure the flocculant/coagulant is thoroughly mixed/diluted with water prior to spreading evenly over the entire sediment basin surface for proper treatment of water.

Additional volume can be provided within the sediment basin for storing water if so desired.

The dimensions and properties of the basin are given in Appendix 1 (drawing referenced 19000032\_P01\_SWMP01). The sediment basin will discharge into the existing incised drainage easement along the north-western boundary via a spillway designed to be hydraulically stable in the 100 year time of concentration storm event.

The target discharge water quality is given in **Table 4**. All parameters (except TSS) would be measured on site using hand-held equipment and logged for submission in the annual environmental management report. TSS would initially be tested at a laboratory and a correlation between it and turbidity would be developed with the aim that turbidity could be solely used in the future (as it can be measured instantly on site).

Periodically (approximately every 6-months) or whenever sediment accumulates to more than 60% of the Sediment Storage Volume (delineated by a permanent marker stake), trapped and settled sediment would be removed from the basin, stockpiled within the Landscape Materials Yard, drained, and sold as product (after blending if necessary).

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Table 4 – Target Discharge Water Quality

Parameter	Target	
	Percentile	Value
Turbidity	90 <sup>th</sup>	<100 NTU <sup>3</sup>
Total suspended solids	90 <sup>th</sup>	< 50mg/L
pH	100 <sup>th</sup>	6.5 – 8.5
Oil and grease	100 <sup>th</sup>	None visible
Salinity	90 <sup>th</sup>	<340 µS/cm

### 5.3 WATER STORAGE CELL

Contaminated water from the truck wash bay will be directed to a water storage cell located within the proposed concrete-sealed work area. This water would be preferentially used in the manufacture of concrete in the Applicant's concrete batching plant adjacent to the Project Site.

The water storage cell is designed to contain runoff up to the 72-hour, 5-year storm event (96.5mm); the volume would be 20.7m<sup>3</sup> for the truck wash bay area. A first flush pit sized to contain the first 20mm of runoff (4.3 m<sup>3</sup>) plus 1.1 m<sup>3</sup> sediment storage volumes would be installed at the inlet to the water storage cell. Water will drain from the first flush pit to the water storage cell through concrete baffles. Overflow from the water storage cell would be diverted via the raised perimeter bund to the sediment basin where it would be mixed with a much larger volume of water.

The concrete sealed work area and washout bays would have the following design criteria

- Concrete sealed work area adequate to permit use by laden vehicles.
- Concrete lined, in-ground washout bays (maximum depth of two metres) suitable for washing out agitator trucks.
  - The washout bays would be constructed in a manner that would permit retention of aggregate within the washout bay and collection of washout water within an adjacent water storage cell for reuse.
  - The washout bays would be designed to facilitate removal of aggregate using a front-end loader.

<sup>3</sup> IECA (2008).

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- Vehicular access to the concrete sealed work area would be via rollover bunds which would ensure that surface water is not permitted to flow from unsealed work areas to the concrete sealed area or vice versa.
- Surface water within the work area would be directed to flow into the washout bays and water storage cell for reuse.
  - Accumulated water would not be permitted to flow to natural drainage or to the dirty water management system.
  - Accumulated water would preferentially be pumped to the Applicant's adjacent concrete batching plant for use in the production of concrete.
  - An automatic level controller would be installed to ensure that accumulated water is pumped to the concrete batching plant once a sufficient quantity is available.

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## 6. IMPACT ASSESSMENT

### 6.1 WATER QUALITY MODELLING

MUSIC stormwater modelling has been undertaken to estimate the impact of the development on water quality using the climate data for the Project Site (see Section 3.4). The following assumptions and model set up parameters were adopted:

- The landscape materials yard is devoid of vegetation and so was modelled as 100% impervious. The landscape materials yard is assumed to have a rainfall threshold of 6mm, as it has mostly an earthen base<sup>4</sup>.
- The stormwater concentration parameters used for the landscape materials yard are MUSIC default values for an unsealed road (to represent the loose, dusty nature).
- The water quality measures described in Sections 5.2 are included in the model.
- The performance of the flocculation system at the sediment basin is simulated with a generic treatment node that:
  - Reduces the concentration of TSS in outflows to the target 50 mg/L.
  - Reduces phosphorous to the same degree as sediment (75%, on the assumption that phosphorous would be closely associated with sediment).
  - Does not affect nitrogen.
- The water quality targets are those given in **Table 4**.

The pollutant concentration result for TSS is given in **Figure 9**, although, of course, that is a function of the generic node limiting the TSS concentration to 50mg/L as that will be the target after flocculation.

The pollutant concentrations for Total Phosphorous (TP) and Total Nitrogen (TN) are given in **Figure 10** and **Figure 11** respectively. They suggest runoff will contain concentrations of these pollutants above the WQO triggers given in **Table 1**. However, given the small contribution of this catchment to the entire Lachlan River Catchment, the mixing effect in the River would most likely ensure there would be little, if any, impact.

<sup>4</sup> This yields an overall runoff coefficient of about 50% which is reasonable for such an area that contains a significant proportion of pervious stockpiles.

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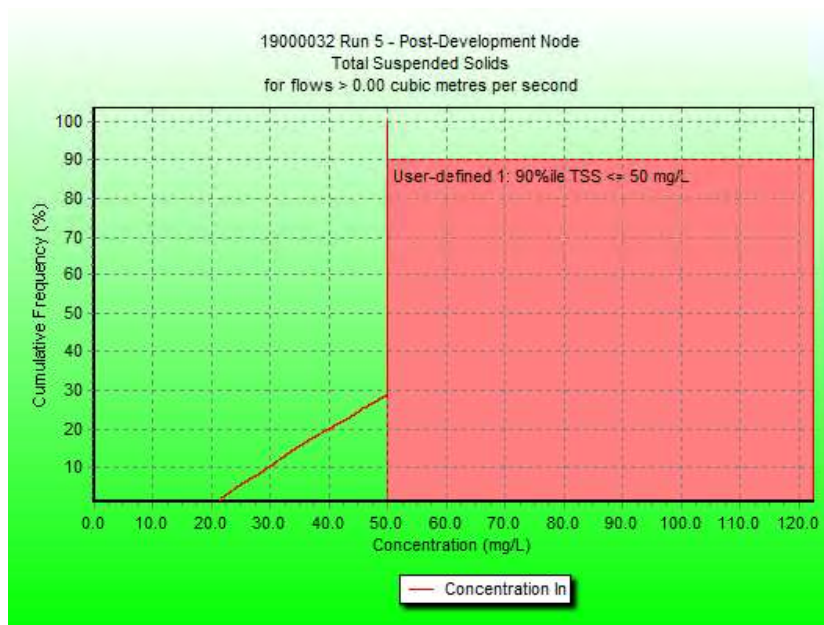


Figure 9 – Cumulative Frequency Graph for TSS



Figure 10 - Cumulative Frequency Graph for TP

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Figure 11 - Cumulative Frequency Graph for TN

## 6.2 TREATMENT TRAIN EFFECTIVENESS

The treatment train (water storage cell and sediment basin) effectiveness of the proposed measures is estimated in **Table 5**. Sediment, and therefore associated phosphorous, is expected to be reduced by more than 90%<sup>5</sup>. Flow would be reduced by 10%.

Table 5 – Treatment Train Effectiveness

	Sources	Residual Load	% Reduction
Flow (ML/yr)	5.59	5.15	7.8
Total Suspended Solids (kg/yr)	7200	253	96.5
Total Phosphorus (kg/yr)	3.23	0.256	92.1
Total Nitrogen (kg/yr)	13.3	8.82	33.9
Gross Pollutants (kg/yr)	174	0	100

<sup>5</sup> Compared to doing nothing

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### 6.3 SALINITY

The salinity in the Lachlan River is reasonably consistent (**Table 1**) with a mean value of 340  $\mu\text{S/cm}$ . Given the inert nature of the material stockpiles it is unlikely that runoff derived from them will be saline but it will be measured as part of the discharge monitoring regime at Sediment Basin 2. Saline runoff is not likely to occur and so it is unlikely there will be an impact on the Lachlan River.

### 6.4 FLOODING

The Project Site has the potential to be impacted by both local flooding and regional flooding. Local flooding could be caused by run-on flow from an external catchment or local run-off within the Project Site that has been poorly managed. Regional flooding may be caused from a major external source such as the Lachlan River overtopping its banks and flooding the Project Site. Both types of flood can occur independently or be combined/interact depending on the spatial extent, duration and intensity of the storm event

#### 6.4.1 Local Flooding

As described in Section 3.2, local runoff from the adjacent residential and light industrial areas to the north and northeast of the Project Site from Kite Street and River Street is directed towards the Project Site. It is proposed to intercept any run-on water in clean water diversion channels and redirect flows north and south to existing drainage. One channel (CD1) will collect runoff on the western side of the disused rail corridor and flow to the north. Another channel (CD2) will collect runoff on the eastern side of the rail corridor and flow to the south east corner of the project site before discharging into an existing culvert which passes under the rail line. The existing channel and culvert opening flowing south from the Project Site is shown in Figure 12.



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Figure 12 – Existing Clean Water Diversion Channel Flowing South

The channels would be designed to cater for the 1 in 20 year ARI event with the following characteristics as provided in Table 6.

Table 6 – Clean Water Channel Characteristics

	CD1	CD2
Catchment Area (ha)	0.7	8.3
Peak Flow Rate – 1 in 20 Yr ARI (m <sup>3</sup> /s)	0.24	2.7
Base Width (m)	0.5	1.5
Depth (incl. freeboard) (m)	0.5	0.9
Side Slopes (1 in x)	2	2
Lining	Vegetation	Vegetation
Mannings Roughness Co-efficient	0.03-0.06	0.03-0.06
Longitudinal Gradient (%)	2	1.7
Velocity (m/s)	1.2	2.1

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Other flows generated on site will be managed via the on-site drainage system that includes open channels and perimeter bunds. The channels are to be designed to cater for the 1 in 20 year event and direct all runoff to water quality treatment devices as described in Section 5.

#### 6.4.2 Regional Flooding

The project site is located adjacent to the Lachlan River which has a catchment area at Cowra of around 11,000km<sup>2</sup>. Cowra has experienced several major floods with the highest reported flood in 1870, however the 1952 flood is the highest flood for which reliable records are available (SMEC, 2006).

The Cowra Local Environmental Plan (LEP) 2012 and associated maps identify land within a "Flood planning area" and land below the flood planning level of the 1:100 year Average Recurrence Interval (ARI) flood event plus 0.5m freeboard. A portion of the Project Site is situated within the flood planning area as shown in Figure 13.

A Mike-11 flood model was developed by Lyall & Macoun Consulting Engineers in 1999 with cross sections every 300m-500m. The Project Site is roughly halfway between the flood cross sections 7.166 and 7.720 with the results of the flood model shown in the **Table 7**.

**Table 7 – Flood Model Results**

	<b>XS 7.166</b>	<b>XS 7.72</b>	<b>Average Flood Level (m AHD)</b>
<b>1:20 year ARI</b>	287.75	287.34	287.55m
<b>1:50 year ARI</b>	288.59	288.18	288.39m
<b>1:100 year ARI</b>	289.39	288.97	289.18m

Based on the results of the flood model, the 1:100 year flood level near the Project Site is approximately 289.18m AHD (average flood level of both sections). The peak flow in the river is approximately 4200m<sup>3</sup>/s with a velocity around 2.2m/s. The 1:50 year flood level is approximately 288.39m AHD and the 1:20 year flood level is 287.55m.

The Project Site generally slopes towards the southwest with the elevation ranging from 297m AHD to around 277m AHD with the current area of the landscaping yard extending down to RL 288m AHD. This indicates that the existing landscape yard could be inundated by up to around 1.2m for a 1:100 year flood event.

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(Ref: LEP 2012 Flood Planning Map – Sheet FLD\_002)

**Figure 13 – LEP Flood Planning Area Map Extract**

It is proposed to erect a stabilised bund along the western edge of the existing landscape yard. The bund will serve two purposes, it will direct dirty water to Sediment Basin 2 and act as flood levee for large storm events in the Lachlan River. The bund will need to extend to a height of around 289.18m AHD to protect the yard from the 1:100 year ARI flood event (without any freeboard). The levee is to be approximately 1.68m tall at the lowest point of the Landscaping materials Yard to provide immunity from the 1:100 year ARI event (plus 0.5m freeboard).

The levee will partially block a small portion of the river floodplain during large flood events. Figure 14 below highlights the extent that the river cross section will be blocked. Assuming that the levee extends to the 1:100 year ARI flood level, the flood area lost for conveyance would be approximately 11.5m<sup>2</sup> out of a total cross sectional area of 3,922m<sup>2</sup> (<0.3%). As the flooded section is approximately 1200m long, the flood level would need to rise around 10mm to account for the lost area. This is not expected to be a nuisance for neighbouring properties. The proposed levee would have no impact on the 1:20 year ARI flood event.

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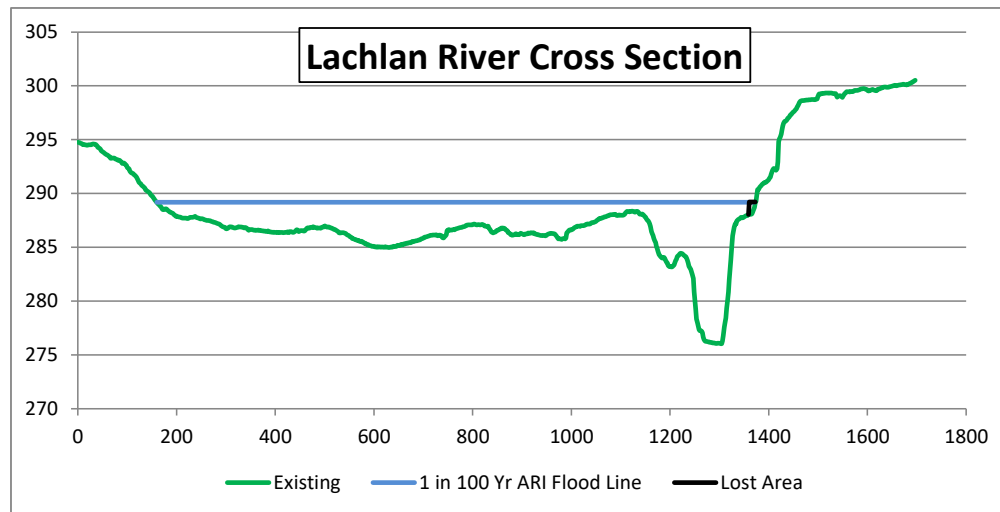


Figure 14 – Lachlan River Cross Section

Clause 7.2 of the LEP indicates that development within the Flood Planning Area must satisfy the following:

- a) is compatible with the flood hazard of the land, and
- b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
- c) incorporates appropriate measures to manage risk to life from flood, and
- d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
- e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

The proposed levee and potential impact to adjacent properties is expected to meet Clause 7.2 of the LEP as stated above.

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## 6.5 POTENTIAL IMPACT SUMMARY

Table 8 provides a summary of the potential impacts and their mitigation.

Table 8 – Summary of Potential Impacts and Their Mitigation

Water Quality Objective	Aim	Mitigation Measures	Impact Expected?
<b>Aquatic Ecosystems</b>	Maintaining or improving the ecological condition of waterbodies and their riparian zones over the long term.	Separating clean and dirty water, including upslope clean water diversion.  Separating dirty and sediment-laden water.  First Flush Pit  Water Storage Cell (90% re-use of dirty water)  Sediment Basin  Flocculation of Sediment Basin  Monitoring of discharges and reporting thereon.	No
<b>Visual Amenity</b>	Aesthetic qualities of waters		No
<b>Secondary contact recreation</b>	Maintaining or improving water quality for activities such as boating and wading, where there is a low probability of water being swallowed.		No
<b>Primary contact recreation</b>	Maintaining or improving water quality for activities such as swimming in which there is a high probability of water being swallowed		No
<b>Livestock water supply</b>	Protecting water quality to maximise the production of healthy livestock		No
<b>Irrigation water supply</b>	Protecting the quality of waters applied to crops and pasture.		No
<b>Drinking water</b>	Refers to the quality of drinking water drawn from the raw surface and groundwater sources before any treatment		No
<b>Flooding</b>	Minimise impacts to adjacent property owners. Minimise the influx of floodwater onto the Project Site.	Minimal changes to the existing flood volumes and conveyance capacity.	No

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## 7. SITE MONITORING

### 7.1 WATER QUALITY

Discharge water quality will be measured at the sediment basin for the suite of parameters given in **Table 4** prior to discharge. The Project Site manager will measure all parameters (except Total Suspended Solids (TSS)) with a calibrated water quality meter prior to dewatering. Should the water quality within the basin change between testing and discharge (e.g. additional rainfall, resuspension of settled sediment), additional samples will be needed to confirm water quality prior to discharge. Initially (the first year) a sample from each event will be sent to a NATA registered laboratory to measure TSS. Once at least 10 such samples have been tested, it should be possible to provide a correlation between TSS and NTU. The required NTU can then be adjusted to correspond to 50mg/L of TSS and used from that time forward, without the need for further TSS monitoring<sup>6</sup>.

### 7.2 GENERAL SITE MANAGEMENT

The Project Site will generally be kept in an organised well-managed condition:

- Stockpiles will be located away from concentrated flow paths.
- Raised perimeter bunds and drains (clean and dirty water) will be regularly inspected and repaired as necessary.
- Sediment basin and diversion drain outlets will be regularly inspected and repaired as necessary.
- Adequate flocculant will be stored on site and regularly replaced; flocculation tools will be regularly maintained.
- Sediment will be removed from the sediment basins and first flush pit as soon as more than 60% of their sediment storage volumes are compromised.
- Trucks will only be washed down in the truck wash bays.
- All pumps, filters etc. associated with re-using water from the water storage cell will be regularly maintained.

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<sup>6</sup> NTU can be measured instantly on site.

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**APPENDIX 1 – DRAWING 19000032\_P01\_SWMP01**

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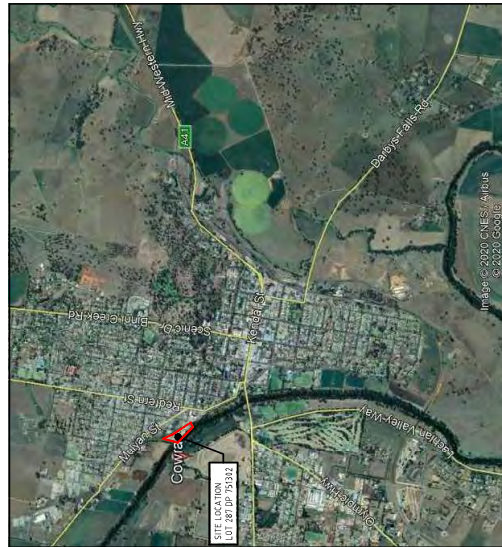
**COWRA, NSW**  
**CIVIL WORKS**

# SOIL AND SURFACE WATER MANAGEMENT PLANS

# FINAL

## DRAWING SCHEDULE

DRG. NO.	DRAWING TITLE
SWMP00	TITLE SHEET, LOCALITY PLAN AND DRAWING SCHEDULE - SHEET 1 OF 8
SWMP01	SURFACE WATER MANAGEMENT PLAN - OPERATIONAL PHASE - SHEET 2 OF 8
SWMP02	SURFACE WATER MANAGEMENT PLAN - DETAILS & SECTIONS - SHEET 3 OF 8
SWMP03	SOIL AND WATER MANAGEMENT PLAN - DETAILS & SECTIONS - SHEET 4 OF 8
SWMP04	SOIL AND WATER MANAGEMENT PLAN - GENERAL REQUIREMENTS & NOTES - SHEET 5 OF 8
SWMP05	SOIL AND WATER MANAGEMENT PLAN - CONSTRUCTION PHASE - SHEET 6 OF 8
SWMP06	SOIL AND WATER MANAGEMENT PLAN - STANDARD DRAWINGS - SHEET 7 OF 8
SWMP07	SOIL AND WATER MANAGEMENT PLAN - STANDARD DRAWINGS - SHEET 8 OF 8



**LOCALITY PLAN**  
NOT TO SCALE

NOT FOR CONSTRUCTION

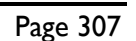
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				DESIGN BY L.O.		 <b>RWCorkery &amp; Co</b> 11000 170th Ave SE Suite 714, 98231 Pacific Meier Everett, WA 98203 Tel: (425) 462-1433 Fax: (425) 462-1433 Email: eworker@rwc.com.au WWW.SITECON.AU	<b>BRYANT'S LANDSCAPING MATERIALS YARD, COMBRA</b>	<b>TITLE SHEET, LOCALITY PLAN AND DRAWING SCHEDULE SUB-APR. NO. 1 SHEET NO. 8</b>
			DRAWN BY L.O.					
			CHECKED BY L.O.					
			SCALE N.T.S. (on A3 Original)					
02	17/02/23	L.O.	B.A.	FINAL ISSUE - AMENDED TO REFLECT CLIENT COMMENT				
01	16/02/23	L.O.	B.A.	UPDATED TO REMOVE CONCRETE BRACING PLAN				
03	19/05/20	L.O.	B.A.	FINAL ISSUE				
04								

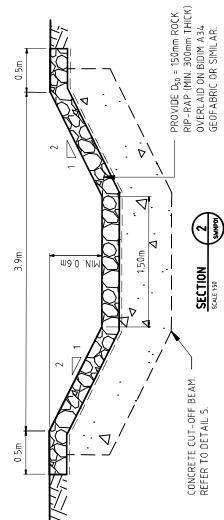
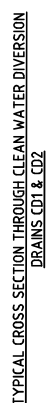
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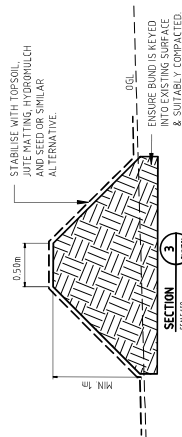




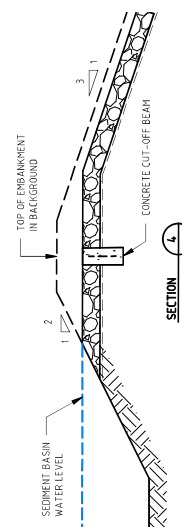




**TYPICAL CROSS SECTION THROUGH SB1 SPILLWAY**



**TYPICAL CROSS SECTION RAISED PERIMETER BUND**



### LONG SECTION THROUGH SB1 SPILLWAY

TABLE 1 – TEMPORARY DIVERSION DRAIN/BUND SIZING

DRAIN SIZING	Refer to 'Detail 1' above		
	Structure Name	CD1	CD2
Area (ha)		0.7	8.3
Channel/bund depth, D (m)		0.5	0.9
Channel base width, B (m)		0.5	1.5
Channel base slope (H:V)		2	2
Channel top width, (m)		2.5	4.7
Flow depth (m)		0.24	0.6
Grade (%)		2	1.7
Velocity (m/s)		1.2	2.1
1 in 20 Discharge (m <sup>3</sup> /s)		0.24	2.7
Using (see below for further details)		Vegetated	Vegetated
Ensure drains grade at no less than 1%.			

## DRAIN/BUND STABILISATION AND LINING

## Soil preparation prior to lining

- Place topsoil over entire drain surface to a minimum depth of 75mm.

**Drain lining:**

- Seeding + biodegradable soil polymer (i.e. Viral Stonewall or similar) + Jute matting.
- Viral Stonewall to be applied at a maximum dilution of 1:10.
- Seeding to be a combination of a cover crop (e.g. Rye grass for winter months/Japanese Millet for summer months) and a suitable perennial (long term) local native grass mix.

### Watering

- Watering** Regular watering required where rainfall is insufficient; and Ensure water is applied gently (not with a pressure spray).



PHOTO 1 - EXISTING CD2 OUTLET INTO EXISTING CULVERT

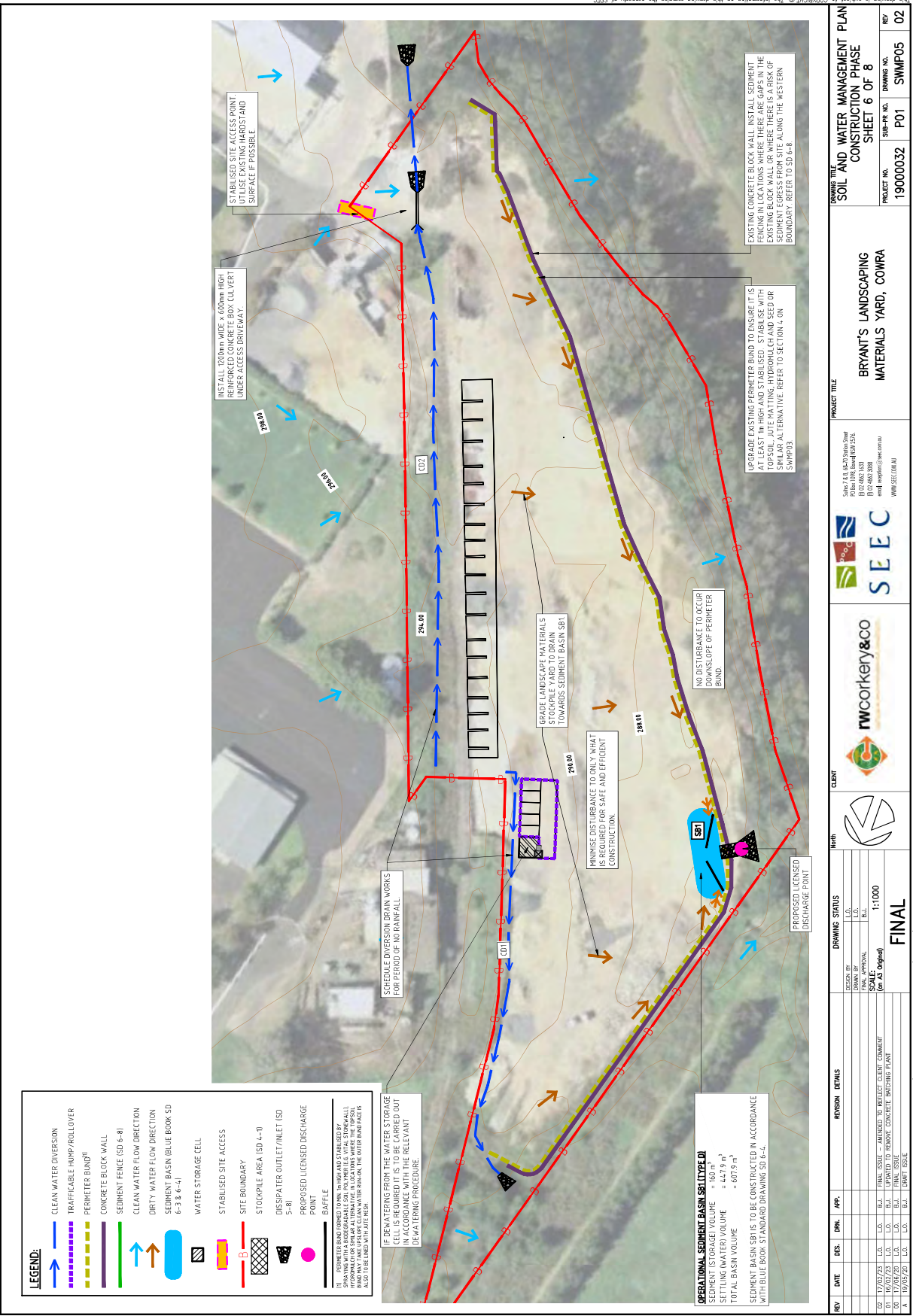
**NOTE - THIS A CONCEPTUAL DESIGN ONLY AND STRUCTURAL DETAILS OF SPILLWAYS, CHUTES ETC. WILL NEED TO BE CHECKED AND FINALISED DURING DETAILED DESIGN PRIOR TO CONSTRUCTION.**

[illegible]

Plot Date: Friday, 17 February 2023 9:46:47 AM CAD File Name: T:\19000032 Bryant's Concrete Cowra\Drawings\19000032\_P01\_SWMP\_REV02.dwg

GENERAL REQUIREMENTS									
EROSION AND SEDIMENT CONTROL DESIGN									
This Soil and Water Management Plan (SWMP) has been prepared in accordance with the Blue Book Volume 1 (Landcom, 2004).									
The predicted soil loss has been determined in accordance with the following:									
<b>A = R x K x L x S x C x P</b>									
The following values have been used:									
R = 1120 (Based on IFD data)									
K = 0.05 (Assumed)									
L = 3.33 (1m, 50%)									
S = 1.0 (Construction stage - i.e. no soil surface protection or ground cover applied)									
C = 1.3 (For general construction areas)									
Based on the above data, the potential soil loss is up to 242 t/ha/yr (Soil Loss Class 3: Low to Moderate).									
Under Blue Book standards, sediment basins are required if the soil loss in any catchment is > 200 t/yr. The site comprises of a single disturbed catchment of 1.7 ha, with the potential soil loss being 4114 t/yr. Therefore, a sediment basin is required as the potential catchment soil loss is > 200 t/yr.									
The Sediment Basin (SB1) is located in the Landscaping Materials Yard, where sand and gravel are to be stored. Therefore SB1 has been designed for Sediment Type C.									
<b>Rainfall</b>									
1. 10D 2-year, short storm intensity = 6.5mm/hr									
2. 10D 2-year, long storm intensity = 1.5mm/hr									
3. Volumetric runoff coefficient (CV) = 0.5 (assuming hydrologic group D runoff coefficient - low infiltration, high runoff)									
<b>EROSION AND SEDIMENT CONTROL INSTRUCTIONS - STAGING</b>									
Before the commencement of earthworks, the site is to be secured and the following erosion and sediment control measures are to be implemented:									
1. Barrier (flags) (or alternative measures) are to be installed around the edge of the clearing limits and in any additional locations as required to restrict access and to minimise unnecessary disturbance. Refer to the 'Access Control' notes.									
2. Ensure site access points are stable. If not already sealed, install stabilised construction exits wherever work vehicles leave site in accordance with Standard Drawing SD 0-1-1, and the 'Access Control' notes.									
3. Install prepared culvert under access driveway as early works and complete as soon as possible.									
4. Install clean water diversions (SWMP05) in accordance with Table 1 (SWMP013) or to final design and where indicated on Drawing SWMP05.									
5. Install sediment fencing in locations where there are gaps in the existing block wall or where there is a risk of sediment egress from site along the western boundary. Refer to Standard Drawing SD 0-4-8.									
6. Install sediment basin SB1 where shown and to the required sizing shown on SWMP05. Refer to Standard Drawing SD 0-3-1.									
7. Construct/upgrade perimeter bund where shown on SWMP05 and to the Typical Detail (Section 4) on SWMP03.									
8. Stabilise and rehabilitate any disturbance downslope of perimeter bunds. Achieve 70% cover (minimum) within 10 days. Refer to 'Stabilisation' notes.									
<b>INSTRUCTIONS FOR STOPPING AND EARTHWORKS</b>									
1. Ensure all clear and dirty water diversions, sediment basins, sediment fencing and perimeter bunds are in place as per instructions 3 to 7, above.									
2. Commence clearing and stripping. Refer to 'Soil Management and Stockpiling' notes.									
3. Undertake dust suppression as required in accordance with the 'Dust Suppression' notes.									
4. Undertake progressive stabilisation of cleared areas as required, as per instructions 3 to 7, above.									
5. Undertake progressive stabilisation of lands as final earthworks are completed in each area (rather than waiting until the completion of works). Refer to the 'Stabilisation' notes.									
As areas that are to be vegetated or stabilised as final works are completed (i.e. at least 70% final cover over the catchment), temporary sediment and drainage controls can be decommissioned and removed.									
<b>ACCESS CONTROL</b>									
1. Install barrier fences or suitable administrative controls to define the project works and clearing limits.									
2. Barrier fencing can simply be made from tape wound around star pickets or stakes. Alternatively, sediment fence, site fence or chain wire fences can be used for this purpose if so desired. Existing site flagging can be used to define the project works and clearing limits.									
3. Barrier fencing to be used to ensure that all vehicles leaving the site pass over a stable access point to minimise bogginess in these areas and minimise sediment tracking onto public roads.									
<b>SOIL MANAGEMENT AND STOCKPILING</b>									
All stockpiles must be contained and maintained in accordance with the following:									
1. Stockpiles are not to be positioned within 10m of the Leachan River.									
2. Mulched vegetation, topsoil and subsoil (if applicable) are to be stockpiled separately wherever possible.									
3. Inactive stockpiles of soil are to be stabilised to achieve a C-factor of 0.1 (i.e. - equivalent to 60% grass cover) within 10 days of formation using a temporary biodegradable soil polymer (e.g. Vital Stonewall), geotextile, jute matting or equivalent.									
<b>STABILISATION</b>									
1. Undertake progressive stabilisation of disturbed ground surfaces as they are completed rather than at the end of the project.									
2. Areas to be revegetated are to be topped first. Refer to Standard Drawing SD 0-2-2.									
3. Appropriate seedbed preparation should be carried out when revegetating lands. Refer to Standard Drawing SD 0-2-1.									
4. Wherever possible, re-use cleared/mulched vegetation for either temporary or permanent stabilisation of disturbed areas. If mulch is not available or appropriate then the use of jute mesh, soil stabilisers (e.g. Vital Stonewall) or appropriate alternative should be considered for provision of ground cover.									
5. Prior to forecast rainfall (i.e. 50% chance of 5mm or more in 24 hours), high winds or site shutdown (< 3 days), barriers will be 'locked down' as much as is practicable using temporary ground covers such as soil binders (e.g. Vital Stonewall), biodegradable matting, geotextile matting, hydromulch or similar.									
<b>DUST SUPPRESSION</b>									
1. Dust suppression is to be carried out whenever necessary to minimise sediments becoming air borne due to wind erosion.									
2. An appropriate water source for dust suppression must be identified prior to earthworks.									
3. Temporary stabilisers (e.g. Vital Stonewall), geotextile, jute matting or equivalent can be used in non-tracked areas to assist with dust control.									
4. Wherever possible machinery and vehicles are to use sealed surfaces within the work area to access the site.									
<b>SEDIMENT BASIN</b>									
1. Dirty water accumulating in excavations/cut sections can be pumped or carted to the sediment basin.									
2. The sediment basin must be installed within sediment basin to achieve a minimum 31 length/width ratio.									
3. A marker peg for similar must be included in the basin showing the top level of the Sediment Storage volume.									
4. The sediment basin must be sealed whenever sediment accumulates to more than 60% of the Sediment Storage volume. Sediment removal from the basin can be taken to a stockpile area, mulched inert material as general fill. Ensure sediment removed from the basin is not placed where it could wash down at fall off-site.									
5. The design rainfall event for the sediment basin is 44.9 mm 15-day, 85th %ile. Therefore, it is assumed the basin will overflow in an event of more than 44.9 mm over any 5-day period.									
6. Additional volume can be provided in the sediment basin for storing water if so desired (i.e. it can be made bigger than is required by this SWMP).									
7. Barries must be installed within sediment basin to achieve a minimum 31 length/width ratio.									
8. A marker peg for similar must be included in the basin showing the top level of the Sediment Storage volume.									
9. The sediment basin must be de-silted whenever sediment accumulates to more than 60% of the Sediment Storage Volume. Sediment removal from the basin can be taken to a stockpile area, buried onsite or used as general fill. Ensure sediment removed from the basin is not placed where it could wash, blow or fall off-site.									
<b>DIRTY WATER TREATMENT AND DISCHARGE REQUIREMENTS</b>									
1. Any active discharge of water from the project (i.e. where water is moved offsite via direct action such as pumping rather than flowing off the project as a result of heavy rainfall) is to achieve:									
11. 50mg/L or less TSS (Total Suspended Sediment) or equivalent NTU, and									
12. pH 6.5 to 8.5, and									
13. no visible oil and grease									
14. Flocculation of the 'Type D' sediment basin (SB1) can be achieved by using gypsum at a rate of approximately 30 kg/100 m <sup>3</sup> of stormwater. Alternative flocculating agents can only be used by approval. Refer to manufacturers guidelines for dosage details.									
15. Ensure the flocculant/coagulant is thoroughly mixed/diluted with water (e.g. within the IBC) prior to spreading evenly over the entire pond surface for proper treatment of water. Dirty water from the sumps can be used for mixing the flocculant/coagulant.									
16. These de-watering requirements apply to dirty water accumulating in any sort of excavation, sump, or other ponded water body on the project.									
17. If the water is going to be used within the construction site for dust-suppression or construction purposes and will drain back into the sediment capture system it does not require treatment.									
<b>RAINFALL PREPARATION PROCEDURE</b>									
1. The weather forecast is to be monitored regularly (at least daily and hourly when rainfall is imminent) by the site environmental manager (or their representative).									
2. Prior to forecast rainfall (i.e. 50% chance of 5mm or more over 24 hours), the following will occur:									
2.1. The site environment manager (or their representative) is to inspect land record the condition of, and any action required the condition of land erosion and sediment controls;									
2.2. Diversion channels are to be installed in the locations shown on the plans to take upslope clean water flows around/through the works;									
2.3. All exposed soils within/near waterways that are not contained within appropriate sediment controls are to be stabilised with temporary ground covers (i.e. Vital P4.7/stonwall, geotextile or black plastic or equivalent).									
<b>CLIENT</b>									
Site: 1 & 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 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1681									





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DRAWING TITLE									
SOIL AND WATER MANAGEMENT PLAN - STANDARD DRAWINGS									
SHEET 7 OF 8									
BRYANT'S LANDSCAPING MATERIALS YARD, COMRA									
PROJECT NO. 19000032									
SUB-PR. NO. P01									
DRAWING NO. SWMP06									
REV. 02									
ALL STANDARD DRAWINGS ARE REPRODUCED FROM LANDCOM, 2004.									
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<small>           Client: Bryant's Landscaping            Project: Materials Yard, Comra            Drawing: SWMP06         </small>									
<small>           Drawing Status: FINAL            Scale: N.T.S.            Date: 17/02/24            Author: [blank]            Checker: [blank]            Designer: [blank]            Approver: [blank]         </small>									
<small>           Project Details: Bryant's Concrete Downs (Drawings) 19000032_P01_SWMP0602.dwg            Plot Date: Friday, 17 February 2023 9:53:33 AM         </small>									
<b>SD 4-1 STOCKPILES</b>									
<p><b>Construction Notes</b></p> <ol style="list-style-type: none"> <li>1. Place stockpiles more than 2 (preferably 5) metres from existing vegetation, concentrated water flows, roads and hazard areas.</li> <li>2. Construct on the contour as low, flat, elongated mounds.</li> <li>3. Where there is sufficient area, topsoil stockpiles shall be less than 2 metres in height.</li> <li>4. Where they are to be in place for more than 10 days, establish following the approved ESCP or SWMP to reduce the C-factor to less than 0.10.</li> <li>5. Construct earth banks (Standard Drawing 5-5) on the upslope side to divert water around stockpiles and sediment fences (Standard Drawing 5-6) 1 to 2 metres downstream.</li> </ol>									
<b>SD 4-2 REPLACING TOPSOIL</b>									
<p><b>Construction Notes</b></p> <ol style="list-style-type: none"> <li>1. Scarify the ground surface along the line of the contour to a depth of 50 mm to 100 mm to break up any hardsetting surfaces and to provide a good bond between the respread topsoil and subsoil.</li> <li>2. Add soil amendments as required by the ESCP or SWMP.</li> <li>3. Rep to a depth of 300 mm if compacted layers occur.</li> <li>4. Where possible, replace topsoil to a depth of 40 to 60 mm on lands where the slope exceeds 40% (1V:1H) and to at least 75 mm on lower gradients.</li> </ol>									
<b>SD 5-8 ENERGY DISSIPATER</b>									
<p><b>Construction Notes</b></p> <ol style="list-style-type: none"> <li>1. Compact the subgrade to the density of the surrounding undisturbed material.</li> <li>2. Prepare a smooth, even foundation for the structure that will ensure that the structure does not sustain serious damage when covered with rock.</li> <li>3. Should any minor damage to the dissipater occur, repair it before spreading any aggregate. For repairs, make one piece or block over the damaged area, making sure that all joints and patches overlap more than 300 mm.</li> <li>4. Lay rock following the drawing, according to Table 5.2 of Landcom (2004) and with a minimum diameter of 75 mm.</li> <li>5. Ensure that any concrete or rock used for the energy dissipater or the outlet protection conforms to the grading limits specified on the SWMP.</li> </ol>									
<b>SD 6-3 EARTH BASIN - DRY</b>									
<p><b>Construction Notes</b></p> <ol style="list-style-type: none"> <li>1. Remove all vegetation and topsoil from under the dam wall and from within the storage area.</li> <li>2. Form a cut off trench under the embankment 600 mm deep and 1,200 mm wide, extending to a point on the watercourse wall above the filter sill level.</li> <li>3. Maintain the trench free of water and reconstruct the materials as specified in the SWMP to 95 per cent Standard Proctor Density.</li> <li>4. Compact the subgrade to the density of the surrounding undisturbed material.</li> <li>5. Prepare the site under the embankment by ripping to at least 100 mm to help bond the compacted fill to the existing substrate.</li> <li>6. Spread the fill in 150 mm to 150 mm layers and compact it at optimum moisture content following the SWMP.</li> <li>7. Install the pipe outlet with seepage collars as specified in the SWMP and Standard Drawing 5-3b.</li> <li>8. Form batter grades at 20% (1V:1H) upstream and 30% (1V:1H) downstream as specified in the SWMP.</li> </ol>									

This drawing is subject to copyright © the information on this drawing remains the property of SEEC.

DRAWING TITLE									
SOIL AND WATER MANAGEMENT PLAN - STANDARD DRAWINGS									
SHEET 8 OF 8									
PROJECT NO. 19000032 SUB-PR NO. P01 DRAWING NO. SWMP07 REV 02									
PRODUCT TITLE									
BRYANT'S LANDSCAPING MATERIALS YARD, COMRA									
CLIENT									
North									
DRAWING STATUS									
DESIGN BY: L.O. L.O. L.O. L.O. L.O. L.O. L.O. L.O. L.O.									
SCALE: N.T.S. (on A3 original)									
REVISION DETAILS									
REV	DATE	DES.	CHK.	APP.	DESCRIPTION	REVISION	DATE	DES.	CHK.
01	17/02/24	L.O.	L.O.	L.O.	PLAN REVISIONS SUBMITTED TO REFLECT CLIENT COMMENT				
02	17/02/24	L.O.	L.O.	L.O.	REVISIONS TO REFLECT CLIENT COMMENT				
03	17/02/24	L.O.	L.O.	L.O.	REVISIONS TO REFLECT CLIENT COMMENT				
04	19/02/24	L.O.	L.O.	L.O.	FINAL ISSUE				
05	19/02/24	L.O.	L.O.	L.O.	FINAL ISSUE				
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STATEMENT OF ENVIRONMENTAL EFFECTS  
*Report No. 983/06*

BUZZREE PTY LIMITED  
*Bryant's Landscaping Materials Yard*

# Appendix 3

## Natural Resources Access Regulator Consultation

(Total No. of pages including blank pages = 4)

A3





19 May 2021

Shavaun Tasker  
Natural Resources Access Regulator  
4 Parramatta Square, 12 Darcy Street  
PARRAMATTA NSW 2150

Originally sent by email to:  
Shavaun.tasker@nrar.nsw.gov.au

Dear Shavaun

**Re: Request for Additional Information for Proposed Development – Continued Use of an Industry at 2-4 Kite Street, Cowra NSW 2794 (DA Ref: 57/2020)**

A request for additional information was received from the Natural Resources Access Regulator (NRAR) on 28 April 2021 in response to the referral of the draft Environmental Impact Statement (EIS) prepared for the Bryant's Concrete Plant located at 2-4 Kite Street, Cowra, NSW. NRAR have requested the following.

- A plan or diagram showing the proposed riparian corridor in accordance with the NRAR guideline: *Guidelines for controlled activities on waterfront land – Riparian Corridors* (the Guideline).
- A minimum riparian corridor width of 20m is required to be provided, given the constraints of the Project Site.

A plan illustrating a proposed 20m wide Vegetated Riparian Zone (VRZ) was prepared in response to this request (**Attachment A**) and reviewed by the Applicant. The plan shows:

- a VRZ with a maximum width of 20m from the top bank of the Lachlan River;
- the Landscaping Materials Yard access road and Sediment Basin 2 (SB2) encroaching into the 20m wide VRZ;
- the 20m wide VRZ extending across the southern portion of Lot 2 DP557714 (Applicant owned), Lot 1 DP1201417 (Council owned), Lot 10 DP1107219 (Council owned), and portions of the Lee Street and River Street road reserves (Council owned); and
- the exclusion of Lot 3905 DP1200283 (railway corridor, owned by Transport for NSW) from the 20m VRZ.

Unfortunately, despite NRAR's acknowledgement of constraints at the Project Site, the Applicant believes that the establishment of a 20m VRZ at the Project Site as indicated on **Attachment A** would render existing operations within the Landscaping Material Yard unworkable.

**Brooklyn Office:**

Level 1, 12 Dangar Road, PO Box 239, BROOKLYN NSW 2083  
Telephone: (02) 9985 8511 Email: brooklyn@rwcorkery.com

**Orange Office:**

62 Hill Street, ORANGE NSW 2800  
Telephone: (02) 6362 5411 Email: orange@rwcorkery.com

**Brisbane Office:**

Level 54, 111 Eagle Street, BRISBANE QLD 4000  
Telephone: (07) 3205 5400 Email: brisbane@rwcorkery.com

19 May 2021

- 2 -

The total workable area of the existing active Landscaping Materials Yard is approximately 18,740m<sup>2</sup>, including approximately 4,780m<sup>2</sup> within the portion of the railway corridor (Lot 3905 DP1200283) currently leased by the Applicant. The exclusion of the area required to form the 20m VRZ as shown in **Attachment A** would reduce the workable area of the Landscaping Materials Yard by approximately 23% (i.e. approximately 4,400m<sup>2</sup>).

Additionally, as the railway corridor area is currently only leased until 30 November 2024, it is possible that relinquishment of the lease by the Applicant (or refusal to renew the lease by Transport for NSW) would further reduce the size of the Landscape Materials Yard by an additional 26% (i.e. approximately 4,780m<sup>2</sup>). In the event that both the 20m VRZ is established and the railway corridor lease is not renewed, the total workable area of the Landscaping Materials Yard would be reduced by approximately 49%. This reduction in area would mean that the continuation of existing activities within the Landscaping Materials Yard (i.e. landscaping material sales, agitator truck washout) would not be viable.

The Applicant proposes that the establishment of a 10m wide VRZ (figure to be provided) rather than a 20m VRZ at the Project Site would permit the continued operation of existing landscaping materials supply activities within the Landscaping Materials Yard. The proposed 10m wide VRZ would not be encroached upon by SB2 or the Landscaping Materials Yard access road.

It is suggested that a 10m VRZ would contribute towards improved bank stability and improved water quality and therefore positive environmental outcomes compare to current conditions. Additionally, the water management infrastructure (i.e. bunds, sediment basins, water storage cells and the implementation of a Soil and Water Management Plan) which is propose to be constructed at the Project Site as part of the development application would result in significant improvements to the quality of any water discharged from the Project Site.

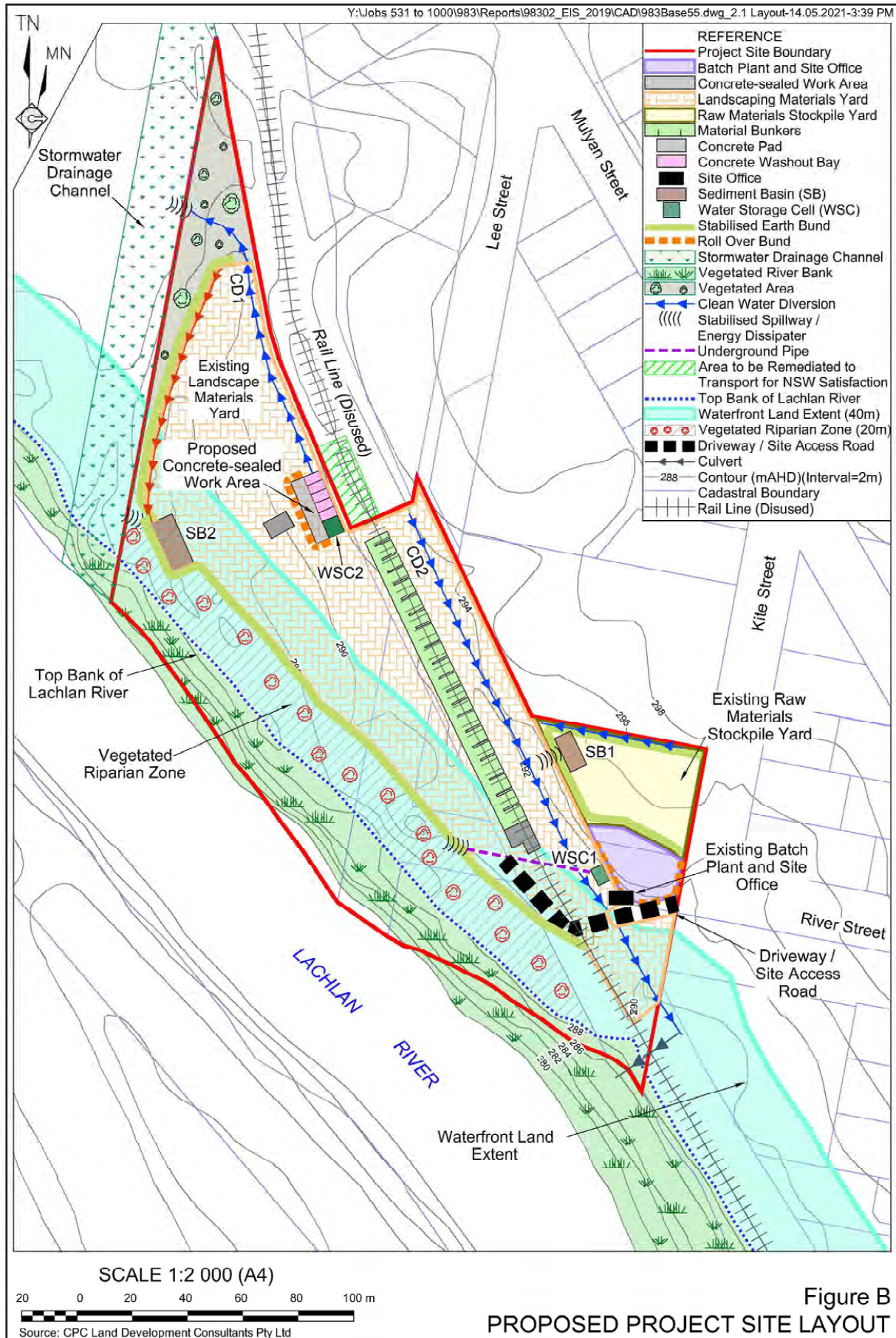
The Applicant suggests that a visit to the Project Site may be beneficial in understanding site-specific constraints. Additionally, a site visit and discussions with the Applicant may facilitate the identification of any potential options for the establishment of a VRZ which would provide positive environmental outcomes whilst permitting the continuation of existing operations.

Please don't hesitate to contact me if you would like to discuss the above response or if you require any additional information regarding this development application. A figure illustrating the proposed 10m VRZ is currently being prepared and will be provided to NRAR and uploaded to the Planning Portal as soon as it is available.

Yours sincerely



Jack Flanagan  
Environmental Consultant



STATEMENT OF ENVIRONMENTAL EFFECTS  
*Report No. 983/06*

BUZZREE PTY LIMITED  
*Bryant's Landscaping Materials Yard*

# Appendix 4

## Community Consultation Sheet No. 1

(Total No. of pages including blank pages = 2)

A4

# Proposed Bryant's Concrete Site Upgrades

## Community Consultation Sheet No. 1

April 2019

### Background

Buzzree Pty Limited (the Applicant) has owned and operated the Bryant's Concrete Batching Plant, located at 2 Kite Street, Cowra (the Project Site), since July 2007. Bryant's Concrete provides premixed and precast concrete products as well as various landscaping materials to customers within Cowra and surrounding areas.

Following discussions with Council and others, the Applicant is preparing an application for development consent for the continued operation of the batching plant.

### Site Activities

Activities at the batching plant are proposed to continue largely unchanged, including:

- continued operation of the batching plant to produce pre-mixed concrete;
- continued production of precast concrete products; and
- continued sales of landscaping and other raw materials to the public and small businesses.

The primary changes to the Project Site associated with the Proposal would include the following.

- The relocation of material storage bins and product stockpiles to ensure that they are located on land owned or leased by the Applicant.
- The construction of water management structures including sediment basins, drainage diversions, and in-ground truck wash out bays to capture surface water runoff.

As part of the Proposal, the Applicant does not anticipate any changes to:

- site operating hours;
- traffic generated by the Project Site;
- air emissions (dust, etc.); or
- noise generating activities.

### Questions for You

As part of the development application process, the Applicant is preparing an Environmental Impact Statement. Once submitted, this application will be advertised in the Cowra Guardian, providing residents with the opportunity to review the Proposal in full and formally submit any comments to Council.

Before that stage, we would appreciate feedback from you regarding existing batching plant operations.

- What has your experience been with noise from the Project Site?
- Have you ever submitted a formal complaint regarding Bryant's Concrete?
- Do you have any other comments about the Project Site or operations?

R.W. Corkery & Co. Pty Limited is currently assisting the Applicant with the development application process. Please don't hesitate to contact us with your feedback or if you would like to know more about the Proposal.

Jack Flanagan

Phone: (02) 6362 5411

Email: [jack@rwcorkery.com](mailto:jack@rwcorkery.com)

STATEMENT OF ENVIRONMENTAL EFFECTS  
*Report No. 983/06*

BUZZREE PTY LIMITED  
*Bryant's Landscaping Materials Yard*

# Appendix 5

## Noise and Vibration Impact Assessment

prepared by  
Spectrum Acoustics Pty Limited

(Total No. of pages including blank pages = 8)

A5





27 February 201977

Ref: 191765/8312

R.W. Corkery  
62 Hill Street  
ORANGE NSW 2800

**RE: OPERATIONAL NOISE MONITORING AT BRYANTS CONCRETE PLANT – COWRA**

This letter report presents the results and findings of attended noise monitoring conducted in and around the Bryants Concrete Plant (BCP), off River Street, Cowra NSW.

BCP has been operating on the current site for 11 years.

The noise monitoring was undertaken to determine the noise levels from typical operations at BCP and to compare these to an adopted noise criterion for the site. The noise measurements were made during the afternoon of 21<sup>st</sup> and morning of 22<sup>nd</sup> February, 2019.

Noise emission levels were measured over representative times during typical operation of the BCP. The noise levels were measured with a Brüel & Kjær Type 2250 Precision Sound Analyser. This instrument has Type 1 characteristics as defined in AS1259-1982 "Sound Level Meters". Calibration of the instrument was confirmed with a Brüel & Kjær Type 4231 Sound Level Calibrator prior to and at the completion of measurements.

Atmospheric conditions were acceptable for noise monitoring throughout the two surveys.

The measured noise levels, over 1 second intervals, were analysed using Brüel & Kjær "Evaluator" software. The software enables the contributions of the BCP and other significant noise sources to the overall to be quantified. Noise levels were recorded for each of the L10, Leq (15 min), Lmax, L1, L90 and Lmin percentiles.

The noise monitoring locations are shown in **Figure 1**. For logistical reasons some of the noise measurements had to be made over relatively short periods to ensure capture of various noise events at a number of representative locations.



Figure 1 – Noise Monitoring Locations

## NOISE MEASUREMENT RESULTS

The results of the on site noise measurements are presented in **Table 1**. As the noise criterion for the site is based on a 15 minute Leq noise level, the results are shown as the measured Leq noise level (over various durations) and also the calculated Leq (15 min) noise level.

Note that the calculated Leq (15min) noise levels are based on observation and some assumptions on the duration of various activities. Where more than one noise measurement was made of an activity at a monitoring location the arithmetic average of the measurements is shown in the table.

Noise not related to the operation of BCP have been excluded from the measurements during the data analysis procedure and are not included in the table.

Some photos the activities on site are attached to this report.







Table 1 BCP Noise Monitoring Results – 21/22 February 2019			
Location	dB(A) Leq duration	dB(A) Leq (15 min)	Site Noise Sources
1	58	53	Truck loading in batch plant (assumed 5 mins duration)
2	50	45	Truck loading in batch plant (assumed 5 mins duration)
3	49	44	Truck loading in batch plant (assumed 5 mins duration)
4	46	41	Truck loading in batch plant (assumed 5 mins duration)
1	52	47	Truck at slump stand (assumed 5 mins duration)
3	45	40	Truck at slump stand (assumed 5 mins duration)
1	57	50	FEL loading batch plant (assumed 3 mins duration)
2	64	57	FEL loading batch plant (assumed 3 mins duration)
5	45	38	FEL loading batch plant (assumed 3 mins duration)
1	67	61	Delivery truck unloading (assumed 4 mins duration)
2	67	61	Delivery truck unloading (assumed 4 mins duration)
3	63	57	Delivery truck unloading (assumed 4 mins duration)
1	47	47	Sprinkler system <sup>1</sup> (assumed 15 mins duration)

1. Sprinkler wetting down stockpile before 7am.

## NOISE CRITERIA

It is understood that there are no D.A. noise conditions for the operation of the BCP. In the absence of a specific noise criterion guidance has been taken from procedures detailed in the Noise Policy for Industry (NPI).

Section 6.1 of the NPI ("Applying the policy to existing premises") states (in part) that;

*Many existing industrial sources were designed for higher noise emission levels than the project noise trigger levels outlined in this policy. In other cases, industries may have been in existence before neighbouring noise-sensitive developments and even before noise-control legislation was introduced. The range of mitigation measures available for these sites can be limited or costly.*

*The following governing principles should be applied when determining the project noise trigger levels and/or assessment requirements for existing industry:*

- The project noise trigger levels should not be applied as mandatory noise limits. The project noise trigger level is the level used to assess noise impact and drive the process of assessing all feasible and reasonable control measures,*
- Where an existing industry has been in operation for more than 10 years and existing site operations exceed the project amenity noise level, the project amenity noise level may be adopted as the project noise trigger level to assess existing, and existing plus proposed site operations, as relevant.*

The Project Amenity Noise Level (PANL) for an industrial development is defined as the recommended amenity noise level for the relevant period (from Table 2.2 of the NPI) minus 5 dB(A).





For a suburban area for daytime this equates to a PANL of 50 dB(A) Leq (day). The NPI defines day time as 7am to 6pm Monday to Saturday and 8am to 6pm on Sundays and Public Holidays.

Note that for night time operations the PANL would be 35 dB(A) Leq (night).

The Leq descriptor is used for both the intrusiveness noise level and the amenity noise level. This descriptor represents the level of average noise energy over the relevant period of measurement and takes account of peak noise levels as well as the degree of noise fluctuation.

The Leq is determined over a 15-minute period for the project intrusiveness noise level over an assessment period (day, evening and night) for the project amenity noise level. This leads to the situation where, because of the different averaging periods, the same numerical value does not necessarily represent the same amount of noise heard by a person for different time periods. To standardise the time periods for the intrusiveness and amenity noise levels, the NPI assumes that the Leq (15 min) is taken to be equal to the Leq (period) + 3 dB.

This indicates that the noise criterion adopted for the operation of the site is 53 dB(A) Leq (15 min) during the day. For night time it would be 38 dB(A) Leq (15 min).

It is important to note that Section 6.1 of the NPI also states;

*Applications for extensions to existing premises often provide an opportunity to redress issues that relate to the whole site. Where noise emissions from the site exceed the project noise trigger levels, the regulatory authorities and the noise-source manager will determine achievable noise limits for the site, taking into account matters that must be considered in accordance with the relevant legislation or process, including negotiation with proponents and discussion with stakeholders as required.*

By way of explanation, if the operation of BCP was considered to be assessed against the standard noise criteria for a new industry as per the NPI the project trigger levels would be 40 dB(A) Leq (15 min) during the day and 35 dB(A) Leq (15 min) during the night.

## DISCUSSION OF RESULTS

The results shown in Table 1 show that, under the operational at the time of monitoring, and based on the assumed duration of the various noise events, the noise emissions from the FEL loading the batch plant exceeded the PANL at monitoring Location 2, which is directly across the road from the activity.

The noise from the delivery truck unloading raw materials also exceeded the PANL at Locations 1, 2 and 3. No measurement of this noise was possible at any other locations (it only went for four minutes in total).

Noise measurements made at Locations 4 and 5 showed compliance with the PANL under the conditions. The industrial site to the west of Location 5 is currently disused. A large guard dog barking prevented any valid noise measurements being made there during the morning of 22<sup>nd</sup> February.





The sprinkler system that is used to wet down the stockpile of raw materials before being fed to the plant was in use from at least 6.45am. In acoustic terms this is night time. The measured noise from this was approximately 10 dB(A) over the night time criterion when measured at Location 1.

Given the layout and topography of the site, and the mobile nature of many of the plant items, the application of noise control to reduce noise emissions from the site would be problematic. The most likely option could be to increase the height of the fence along the boundary with Kite Street and probably reconfigure the access so that the delivery trucks unload inside the yard and behind the fence relative to the receivers. There may also need to be a solid gate that can be closed when there is activity in the yard.

We trust this report fulfils your requirements at this time, however, should you require additional information or assistance please contact the undersigned on 4954 2276.

Yours faithfully,

**SPECTRUM ACOUSTICS PTY LIMITED**

**Ross Hodge**

Acoustical Consultant





## BCP Noise Monitoring – February 2019





STATEMENT OF ENVIRONMENTAL EFFECTS  
*Report No. 983/06*

BUZZREE PTY LIMITED  
*Bryant's Landscaping Materials Yard*

# Appendix 6

## Groundwater Contamination Assessment

prepared by  
Ground Doctor Pty Ltd

(Total No. of pages including blank pages = 102)

A6





# Ground Doctor Pty Ltd

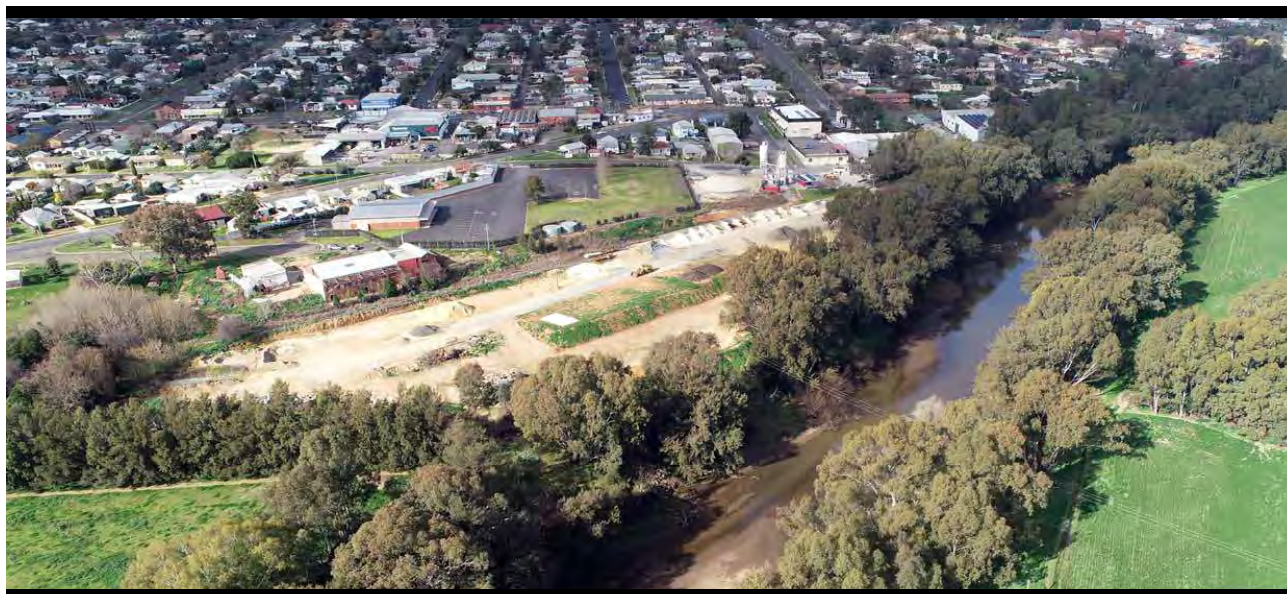
## **Environmental Site Assessment Clean-up Direction Under Section 91 of the Protection of the Environment Operations Act 1997**

~

**Bryant's Concrete Batching Plant  
2 Kite Street  
Cowra, NSW**

~

**On Behalf Of:  
Buzzree Pty Limited**






**29 September 2020  
2020-GD013-RP1-FINAL**

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Report Details	
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## 1 Introduction

Ground Doctor Pty Ltd (Ground Doctor) was engaged by Buzzree Pty Limited (trading as and referred to hereafter as Bryant's Concrete) to comply with "Clean-up Direction Under Section 91 of the Protection of the Environment Operations (POEO) Act 1997" (the Direction), issued by Cowra Council on 30 June 2020.

The Direction identified areas of concern at Bryant's Concrete batching plant, 2 Kite Street, Cowra, NSW (the Site), where a "pollution incident" was suspected to have occurred. The suspected pollution identified in the Direction related to the following activities.

- Disposal of concrete agitator wash out water in several locations, included two open excavations within rear yard of the site.
- Disposal of wash water from concrete admixture containers into an open excavation adjacent to the western boundary.
- Disposal of wash water to the ground surface at other nominated locations within the Bryant's Concrete site.

The Direction required Bryant's Concrete to engage an appropriately qualified person to:

*"determine the nature and extent of the pollution" .... "the level of environmental harm and the risk of harm associated with that pollution, and the clean-up actions required to remediate those parts of land."*

The assessment was to be completed within 4 weeks of the issue date of the Direction (30 June 2020).

This Environmental Site Assessment was conducted by Ground Doctor on behalf of Bryant's Concrete to comply with the Direction.

Ground Doctor (2020a) outlined the suggested approach to assess the areas of concern identified in the Direction. This letter outlined an alternative timeline for environmental assessment, which was agreed by Cowra Council. Environmental assessment occurred in two stages. A "Preliminary Assessment" (Ground Doctor 2020b) was conducted to better understand the suspected pollution incident and how it may impact on human health or the environment. Field sampling forming part of the "Preliminary Assessment" works outlined in the letter was undertaken on 20 July 2020 and reported in a letter to Cowra Council dated 4 August 2020 (Ground Doctor, 2020b).

The preliminary assessment found that the suspected pollution incidents had potential to impact underlying groundwater resources and water quality in the nearby Lachlan River. A groundwater assessment was undertaken in September 2020 to quantify these risks.

The results of all environmental assessment undertaken in response to the Direction are outlined in this report.

### 1.1 Assessment Objectives

The objectives of the assessment were to satisfy the requirement of the Direction. That was, to determine the nature and extent of pollution, assess risks to human health and the environment and use the results to assess whether clean-up action was required and what clean-up action may be required.

## 1.2 Scope of Work

Ground Doctor completed the following work as part of the assessment.

- Reviewed material safety datasheets (MSDS) for suspected pollutants identified in the Direction to understand the human health and environmental risks posed by the primary products and compounds that may form from degradation of those products in the environment.
- Identified compounds of concern relevant to the assessment and identified which environmental media (e.g. soil, water etc.) may be affected by the suspected pollution incident.
- Collected soil samples from the walls and base of each unlined washout pit (“Pit1” and “Pit2”).
- Collected near surface soil samples from identified concrete admixture container washout and concrete water discharge areas (referred to as “Drain3”, “Surface1” and “Surface2”).
- Excavated a test pit (referred to as “TP1”) close to the western boundary, where an open pit was used to dispose of wash water from concrete admixture chemical containers. The area was assessed for the presence of buried debris and evidence of waste disposal. Two soil samples were collected from the test pit.
- Collected water samples from two washout pits (referred to as “Pit1” and “Pit2”) and one concrete lined drain near the batching plant (referred to as “Drain1”) to assess the suspected pollutants for compounds of concern.
- Collected surface water samples from the Lachlan River, at a location upstream of the site (referred to as “River Up”) and a location in the Lachlan River downstream of the site (referred to as “River Down”).
- Installed and sampled four groundwater monitoring wells (MW1-MW4) at the Site to assess groundwater quality close to, and upgradient of, the suspected pollution incidents.
- Measured field water quality parameters (pH, EC, DO, ORP) using a water quality meter at all water sampling locations.
- Subcontracted Envirolab Services to analyse water samples for free cyanide, total cyanide, thiocyanate, ammonia, nitrate, nitrite, total kjeldahl nitrogen (TKN) and metals (arsenic, cadmium, chromium, copper, lead, mercury, nickel and zinc). Speciated chromium analysis was undertaken on some water samples.
- Subcontracted Envirolab Services was subcontracted to analyse soil samples for free cyanide, total cyanide and metals (arsenic, cadmium, chromium, copper, lead, mercury, nickel and zinc).
- Identified relevant thresholds for the contaminants of concern to assess risks to human health and/or the environment. A conceptual site model was used to select appropriate assessment criteria based on the existing Site use, use of adjacent land and the environmental setting of the Site.
- Compared analytical data for soil and water to the assessment criteria to assess whether the suspected pollution incident had resulted in unacceptable risks to human health and/or the environment.
- Prepared this report outlining the methodology and results of the assessment.

### 1.3 Limitations of this Report

The findings of this report are based on the Scope of Work outlined in *Section 1.2* and detailed in later sections of this report. Ground Doctor performed the services in a manner consistent with the normal level of care and expertise exercised by members of the environmental consulting profession. No warranties, express or implied are made.

The results of this assessment are based upon the information documented and presented in this report. All conclusions and recommendations regarding the Site are the professional opinions of Ground Doctor personnel involved with the project, subject to the qualifications made above. While normal assessments of data reliability have been made, Ground Doctor assumes no responsibility or liability for errors in any data obtained from regulatory agencies, statements from sources outside of Ground Doctor, or developments resulting from situations outside the scope of this project.

Ground Doctor assessed soil, groundwater and surface water at locations targeting specific areas of environmental concern relating to the Direction. The absence of the compounds of concern in soil and/or water samples collected at the selected investigation locations cannot be interpreted as a guarantee that such materials, or other potentially toxic or hazardous compounds, do not exist at the site in soil, water or other media.

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## 2 Site Description

### 2.1 The Site

The Site was located at 2 Kite Street, Cowra, NSW. The Direction applied to land within the lots listed in *Table 1*.

The Site was comprised of six lots, and also encompassed parts of the River Street and Lee Street road reserves. *Figure 1 of Annex A* shows the approximate location of the Site boundary.

Site details are summarised in *Table 1*.

**Table 1: Summary of Site Details**

	Description
Street Address:	2 Kite Street, Cowra, NSW 2794
Lot and DP Number:	Lot 1011 DP1124153 Lot 2 DP 1175378 Lot 2 DP 557714 Lot 3904 DP 1200282 Lot 3905 DP 1200283 Lot 10 DP 1107219
Local Government Area:	Cowra Council

### 2.2 Site Layout and Features

The Site layout is shown in *Figure 1 of Annex A*. At the time of the Assessment the Site was accessed from a concrete driveway off Kite Street. A concrete batching plant and office was situated adjacent to the Site entrance. A raw materials stockpiling area was located immediately north of the batching plant. The area surrounding the batching plant, office and Site entrance was sealed with concrete.

A complex of industrial units was located in the south east corner of the Site.

The remainder of the Site was open space used for storage of raw materials for concrete mixing as well as a range of quarry products. The open space was mostly unsealed, but was concrete sealed in parts with dedicated bins for separate product storage.

An open excavation was situated in the northern corner of the Site. The open excavation was used to contain concrete agitator was out water. A second open excavation was located approximately 50m to the west of the Site office. This excavation was used to capture secondary truck washout water.

An open drain was present on the north west side of the office and discharge to a grass lined depression on the western side of the office.

### 2.3 Adjoining Land-use

At the time of the assessment land use of adjoining properties was as follows.

- The Lachlan River was located to the south west of the Site.
- Open farmland (which appeared to be used for cropping) was located to the north west of the Site.
- Commercial / industrial units and a commercial car wash were located to the east of the Site along River Street.

- An industrial building which was believed to be used to farm maggots, and a sealed parking area were located to the north and north east of the Site.

## 2.4 Topography and Hydrology

The Site was located on the eastern bank of the Lachlan River.

A disused railway corridor traversed the Site from south east to north west and had an average elevation of approximately 285m AHD ([www.six.maps.nsw.gov.au](http://www.six.maps.nsw.gov.au), 28, September 2020). The railway line was likely to represent the upper extent of the flood zone of the Lachlan River. Land on the eastern side of the rail corridor had a general slope from east to west with an average gradient of approximately 13-17%.

In the northern portion of the Site the railway corridor had been cut up to 5m below natural ground level.

Land on the western side of the rail corridor appeared to be a flood terrace of the Lachlan River. Earthworks had been undertaken in the western portion of the site to create two distinct terraces. Surface elevation in this area of the site varied by approximately 3m. There appeared to have been some filling close to the Site boundary with the Lachlan River and along a local drainage feature which ran approximately north to south parallel to the north west Site boundary.

## 2.5 Geology, Soil and Hydrogeology

The Site is situated partly on a former floodplain of the Lachlan River and more elevated area further east of the River. The “Cowra 1:100000 Geological Series Sheet 8630 (1997)” indicates that the site is situated on quaternary alluvium.

Alluvium was encountered in the upper 5m of most investigation locations. In the eastern portion of the site weathered granite was encountered. The geological map indicates that the “Cowra Granodiorite” outcrops to the east of the Site. This unit is described as “*mafic garnet cordierite granodiorite, abundant enclaves*”. Granite boulders were identified in the Lachlan River adjacent to the southern corner of the Site.

Based on the mapped geology and observations made during borehole drilling the southern and eastern portions of the site appear to be situated above the granite unit. In these locations (MW1 and MW4) groundwater was encountered in weathered granite.

In the western and north western portions of the site depth to granite increases such that alluvium is more dominant and the Lachlan River alluvial aquifer is encountered. MW2 and MW3 encountered groundwater in alluvium.

Groundwater elevation data indicates a groundwater elevation gradient toward the Lachlan River from more elevated areas to the east of the Site. The Lachlan River flows in a north westerly direction adjacent to the site. Groundwater within the Lachlan River alluvium would also be expected to flow in a general north westerly direction, beneath the floodplain of the River.

Ground Doctor conducted a search of the NSW Water groundwater works database (<https://realtime.data.watersw.com.au>, 4 August 2020) for registered groundwater works located close to the site. *Figure 6 of Annex A* shows the location of the closest registered groundwater works to the site. Groundwater works summary forms for identified groundwater works are presented as *Annex E*.

The nearest bores are situated approximately 300-400m west of the site, on the western side of the Lachlan River. Work summary forms indicate these bores are used for stock, domestic and irrigation purposes. One of the bores is a test hole. The groundwater work most likely to be down hydraulic



gradient of the site is GW059491, which is located approximately 540m north west of the site. GW059491 is registered as an irrigation bore.

## **2.6 Sensitive Environments**

The Site adjoined the Lachlan River and the Lachlan River would be the receiving environment for any significant pollution from the Site. The Lachlan River is a major inland waterway. Water within the River and in the adjoining alluvial plains is good quality with respect to dissolved salt concentration, and is used for town water supply, commercial water supply, irrigation and recreation.

The Lachlan River is a moderately disturbed fresh water aquatic ecosystem.

### 3 Suspected Pollution Incident

The Direction identified areas of concern at Bryant's Concrete batching plant (the Site) where a "pollution incident" was suspected to have occurred. The suspected pollution identified in the Direction related to the following activities.

- Disposal of concrete agitator wash out water in several locations, included three open excavations within rear yard of the site.
- Disposal of wash water from concrete admixture containers into an open excavation adjacent to the western boundary.
- Disposal of wash water to the ground surface at other nominated locations within the Bryant's Concrete site.

#### 3.1 Concrete Wash Water

Concrete wash water is typically alkaline and may contain metals including chromium and traces of concrete admixtures.

#### 3.2 Concrete Admixtures

The Direction indicates that suspected pollution incident relates in part to the washing of concrete admixture containers with two specific product names, MasterPolyheed 8875 and MasterSet AC534.

A material safety datasheet (MSDS) for MasterPolyheed 8875 indicates that the additive is a polycarboxylate ether which contains the following "hazardous ingredients":

- 1,1,1-nitritripropan-2-ol which comprises 1-3% of the product on a weight basis.
- 2,2,2-nitritriethanol.

A material safety datasheet (MSDS) for MasterSet AC 534 indicates that the additive is a contains the following "hazardous ingredients":

- Calcium nitrate which comprises 25% - 75% on a weight basis.
- Sodium thiocyanate which comprises 5%-15% on a weight basis.
- 2,2,2-nitritriethanol.

#### 3.3 Admixtures in Concrete Wash Water

MasterPolyheed 8875 is added to concrete to increase workability (plasticity) of the concrete mix, allowing water content to be reduced, and therefore achieving a stronger product that remains workable. The volume of admixture added would typically not exceed 1L per 1000L of concrete mix. That is, would comprise less than 0.1% by volume. A large amount of the admixture becomes chemically fixed and bound in the sold concrete matrix and would be immobile.

MasterSet AC 534 adds ions to the concrete mix which increase chemical reactions which make concrete set in less time. This add mixture is typically only used in winter months as it is typically not required in warmer temperatures where concrete curing time is faster due to warm ambient temperatures. The volume of chemical added would typically not exceed 1L per 1000L of concrete mix. That is, would comprise less than 0.1% by volume, of which the majority of the admixture would react and become fixed and bound in the sold concrete matrix, and would have changed state and be immobile.

The mass of admixtures that potentially remain in agitator wash water at the completion of a delivery are likely to be low. The specific compounds listed in the MSDS only make up a portion of the admixture content.

### 3.4 Pollution Indicators and Thresholds

Based on our understanding of the concrete additives and potential contaminants associated with concrete wash water, we believed the primary contaminants of concern were:

- Thiocyanate and Cyanide (from the degradation of sodium thiocyanate in Masterset AC534).
- Nutrients (nitrates, nitrites, nitrogen, and ammonia) from the breakdown of nitrogen containing organic polymers in MasterPolyheed 8875 and Masterset AC534.
- Heavy metals that may be present in concrete wash water.
- Alkaline water from washing of concrete agitators.

The POEO Act 1997 defines a pollution incident as:

*“pollution incident means an incident or set of circumstances during or as a consequence of which there is or is likely to be a leak, spill or other escape or deposit of a substance, as a result of which pollution has occurred, is occurring or is likely to occur. It includes an incident or set of circumstances in which a substance has been placed or disposed of on premises, but it does not include an incident or set of circumstances involving only the emission of any noise.”*

The POEA Act 1997 does not provide a well bound definition of “pollution” or how it can be measured, or limits to potential clean-up action.

The Direction required Bryant’s Concrete to:

*“determine the nature and extent of the pollution” .... “the level of environmental harm and the risk of harm associated with that pollution, and the clean-up actions required to remediate those parts of land.”*

In the absence of clear guidance in the POEO Act 1997 and in the Direction, as to how the risk of harm should be assessed, Ground Doctor proposed to conduct works in accordance with guidance in the *National Environment Protection Council (NEPC) (1999) National Environment Protection (Assessment of Contamination) Measure (NEPM) (revised April 2013)*. The NEPM provides the policy framework for a nationally consistent approach to assessment of site contamination, and the recommended process to ensure this. It also sets national standards for determining the risk of contamination to human and environmental health.

This approach was submitted to Cowra Council on 16 July 2020 (Ground Doctor, 2020a). Cowra Council provided written confirmation that it agreed with Ground Doctor’s approach to assessing the suspected pollution.

### 3.5 Areas of Concern

The identified areas of concern in the Direction included:

- Two excavations used to contain agitator washout water. Bryant’s concrete indicated that the existing washout excavations have been used for several years. Concrete agitators are washed into the pits. Water is lost to infiltration or evaporates from the pits.
- An area where a trench was excavated to dispose of wash water from chemical containers.

- Several locations where chemical container wash water has been discharged to the surface.

Areas most likely to be impacted by improper wash water disposal were those which were point sources, where wash water had been disposed over a long period of time and areas that are saturated for long periods of time. These are locations where contaminants of concern (if present) had highest potential to have accumulated over time. They are also locations where water had the highest probability of recharging the underlying aquifer.

At these locations, contaminants would have highest probability of being detected at the source. That is, within washout water contained within washout pits and in soil on the walls (in the smear zone) or base of the washout pits.

Areas where relatively small volumes of wash water had been applied less often were less likely to have resulted in groundwater impacts due to the relatively small mass of potentially contaminated water. At these locations soil contaminants had the highest likelihood of detection at the ground surface.

## 4 Soil Assessment

Soil Assessment locations are shown in *Figures 2-5 of Annex A*.

Near surface soil samples were collected from identified concrete admixture container washout and concrete water discharge areas (referred to as “Drain 2”, “Drain3”, “Surface1” and “Surface2”).

Near surface soils were collected by hand. A shovel or mattock was used to loosen the surface soil. Clumps of soil that had not come into direct contact with the shovel or mattock when then collected by hand and placed into the sample containers.

A test pit (“TP1”) was excavated close to the western site boundary in an area where an open pit was used to dispose of wash water from concrete admixture chemical containers. The area was assessed for the presence of buried debris and evidence of waste disposal. Two soil samples were collected from the test pit. The test pit was excavated with a 5T excavator fitted with a 300mm wide trenching bucket. The soil profile was examined, and sampling intervals selected based on the sampling and analytical plan and on appearance of the soil.

The 5T excavator was also used to collect soil samples from the base and walls of “Pit1” and “Pit2”. A small test pit was excavated in the base of each pit to collect the “base” sample. “Wall” samples were collected at the waterline of each pit. Ground Doctor was careful to ensure soil that was collected into sample containers had not come into direct contact with the excavator bucket.

The sampler wore a new pair of disposable nitrile gloves whilst collecting each soil sample. Soil samples were collected into a 250mL laboratory supplied glass jars marked with the appropriate identification, and then placed on ice inside an esky. Additional sample was collected into a plastic snap lock bag for field screening with a photo-ionisation detector (PID).

Soil samples were placed on ice inside an esky immediately after collection.

## 5 Surface Water Assessment

Water samples were collected from two truck washout pits (“Pit1” and “Pit2”), a drain located west of the office (“Drain1”) and two locations along the Lachlan River, one upstream (“River Up”), and one downstream (“River Down”) of the Site.

Surface water sampling locations are shown in *Figures 2,3 and 5 of Annex A*.

Surface water samples were collected by hand. An unpreserved sample bottle was filled directly by partially submerging it into the water. The unpreserved container was then used to fill sample containers which contained preservative, or to fill the sample filter. Samples for dissolved metals analysis were filtered in the field using disposable (single use) 45µm filters.

The sampler wore a pair of clean disposal nitrile gloves when sampling and placed the inlet of the sample bottle away from the mouth of the bottle, to minimise potential for the sampled water to have contacted the gloves.

Water sample bottles were placed on ice inside an esky immediately after collection.

## 6 Groundwater Assessment

### 6.1 Groundwater Monitoring Well Locations

Four groundwater monitoring wells were installed at the Site. Groundwater monitoring well locations are shown in *Figure 7 of Annex A*.

Monitoring well locations were selected to characterise areas down hydraulic gradient of the identified potential sources of groundwater impact. MW1 was installed approximately 10m to the west of Truck Washout Pit 2. MW3 was located approximately 10m west of Truck Washout Pit 1. MW2 was installed in the western corner of the Site and provided coverage of the inferred down hydraulic gradient Site boundary. MW4 was positioned in the south eastern corner of the Site to assess groundwater quality up hydraulic gradient of the identified potential areas of concern. That is, to assess background concentrations of the compounds of concern in groundwater.

### 6.2 Groundwater Monitoring Well Installation

Groundwater monitoring wells were installed by Mr Georgel Ivan (Ivan Drilling), NSW Class 6 Driller's Licence No. 2199.

Boreholes were drilled using rotary methods with solid augers. At each location, the borehole was drilled until there were obvious signs of groundwater inflow. Boreholes were typically drilled 3 metres past the first signs of groundwater, which was typically approximately 12-14m below ground level.

Groundwater monitoring wells were installed in accordance with the National Uniform Drillers Licensing Committee (2012) "*Minimum Construction Requirements for Water Bores in Australia*".

Groundwater wells were constructed of screw fit 50mm ID Class 18 uPVC screen and casing. The screen was mechanically slotted. Screen and blank casing was delivered to the site in plastic wrapping to minimise potential for contaminants to come into contact with the screen during transport.

The wells were constructed using 6m of screen, which was positioned at the bottom of the borehole and adjacent to water bearing strata.

The borehole annulus was filled with 3-7mm washed river gravel to a depth at least 0.5m above the top of the screened interval. The remainder of the borehole annulus was filled with bentonite. A flush steel road box was concreted around the top of each well head to protect the casing and minimise disruption.

The monitoring wells were developed on the day of installation. Each monitoring well was surged with a bailer, bailed dry, allowed to recover, and then bailed dry a second time.

### 6.3 Groundwater Gauging

Prior to sampling Ground Doctor gauged each well with an interface meter to measure the depth to water below the top of the PVC casing. All wells were gauged in quick succession to ensure consistency.

Ground Doctor used a laser level to obtain the relative elevation of the top of the PVC casing of each monitoring well. The laser level and well gauging data was combined to calculate the relative groundwater elevation at each well. This allowed Ground Doctor assess groundwater elevation at the four monitoring wells and infer the direction of groundwater flow.

### 6.4 Groundwater Sampling Methodology

The monitoring wells were sampled approximately 13 days after installation. A low-flow air driven bladder pump was used to micro-purge and sample the wells.

Dedicated well tubing was used in each well to minimise potential cross contamination between sampling locations. The inlet of the sample tubing was placed adjacent to the lower part of the well screen, which corresponded to the part of the borehole where to best groundwater yield was obtained.

A flow cell was established at the outlet of the pump and field water quality parameters and the standing water level in the monitoring well were monitored at approximate 5 minute / 1L intervals to establish when the pumped water was representative of conditions in the aquifer adjacent to the well screen. Each well was sampled after field parameters had changed from the initial readings and then stabilised, which indicated that inflow to the well was representative of groundwater from the surrounding formation.

Groundwater samples were collected into appropriate sample bottles marked with relevant ID and sample details. The samples analysed for dissolved metals were filtered in the field using well dedicated disposable 45µm filters.

## 7 Sample Analysis

Soil and water samples were sent to Envirolab Services Sydney laboratory by overnight courier service. The samples were dispatched on the afternoon of the day of sampling and arrived at the laboratory the following morning.

Soil samples were analysed for:

- metals (arsenic, cadmium ,chromium, copper, lead, mercury, nickel and zinc)
- free cyanide and total cyanide.

Water samples were analysed for:

- Thiocyanate and Cyanide;
- Nutrients (nitrates, nitrites, nitrogen, and ammonia);
- Metals (arsenic, cadmium ,chromium III, chromium VI, copper, lead, mercury, nickel and zinc).

## 8 Assessment Criteria

Soil Investigation Levels (SILs) and Groundwater Investigation Levels (GILs) published in the National Environment Protection Council (NEPC) (1999) National Environment Protection (Assessment of Contamination) Measure (NEPM) (revised April 2013) were used to assess concentrations of chemicals of concern in soil and water.

Ground Doctor adopted health investigation level A (HILA) as a preliminary screening threshold for assessment of soil analytical data. HILA is the most conservative HIL and is appropriate for low density residential land use.

The adopted soil assessment criteria are summarised in *Table 2*.

**Table 2: Adopted NEPM (2013) Soil Investigation Levels (SILs)**

Analytes	HILA (mg/kg)
Cyanide (Free)	250
Arsenic	100
Cadmium	20
Chromium (VI)	100
Copper	6000
Lead	300
Mercury	40
Nickel	400
Zinc	7400

Ground Doctor adopted Groundwater Investigation Levels (GILs) outlined in the NEPM (2013) for assessment of impacts in water. The NEPM (2013) refers to the following relevant thresholds.

- National Health and Medical Research Council (NHMRC) (2011) *Australian Drinking Water Guidelines*; and
- Default guideline values (DGVs) specified in the Australian and New Zealand Guidelines for Fresh and Marine Water Quality (August 2018) for moderately disturbed fresh water ecosystems (95% protection).

The adopted GILs are presented in *Table 3*.

Measured electrical conductivity (EC) and pH readings for water samples were also compared to water quality within the Lachlan River adjacent to the site.

**Table 3: Adopted NEPM (2013) Groundwater Investigation Levels (GILs) µg/L**

Analytes	Drinking Water (2011)	Fresh Water Aquatic Ecosystem – DGVs (2018)
Cyanide (Free)	80	7
Nitrate (as NO <sub>3</sub> )	50000	-
Nitrate (as N)	-	2400
Nitrite (as N)	-	-
Nitrite (as NO <sub>2</sub> )	3000	-
Ammonia (as NH <sub>3</sub> )	-	900
Arsenic	10	13
Cadmium	2	0.2
Chromium (VI)	50	1
Copper	2	1.4
Lead	10	3.4
Mercury	1	0.06
Nickel	20	11
Zinc	-	8

## 9 Soil Results

### 9.1 Field Observations

Ground Doctor identified previously disturbed soil at Test Pit 1 (TP1), indicating that the test pit had been excavated in the appropriate location. The previous excavation was found to be less than 1.5m deep. Ground Doctor did not identify any waste within the test pit. A weak organic odour (alcohol like) was identified in soil within the upper 0.5m of the subsurface.

All soil samples were screened in the field for volatile organic compounds (VOCs) using a PID. PID readings were less 2ppm in all soil samples.

### 9.2 Soil Analytical Results

Soil analytical results are summarised and presented against the adopted assessment criteria in *Table B1* of *Annex B*. Laboratory certificates of analysis are presented as *Annex D*.

Reported concentrations of free cyanide and metals in all soil samples were less than the adopted assessment criteria.

## 10 Water Results

### 10.1 Soil and Hydrogeology

Borehole and monitoring well construction logs are presented as *Annex F*.

MW1 and MW4 encountered weathered granite less than 6m below ground level indicating that these monitoring wells were not within the Lachlan River alluvium. Saturated cuttings were identified in the weathered granite indicating that groundwater was present below a depth of approximately 10m. There were no obvious water cuts in these boreholes and well development indicated the formation was low yielding. It is inferred that water was seepage from weathered granite and/or seepage from fractures in the weathered granite.

Alluvium was encountered throughout MW3 (to a depth of 15.0m below ground level) and in the upper 14.2m at MW2. Groundwater was encountered in alluvium at these locations. The best yielding parts of the alluvium appeared to be sandy layers at depths between approximately 12m and 14.5m below ground level. Well development observation indicating that MW2 and MW3 were relatively low yielding.

### 10.2 Groundwater Levels

Well gauging results and relative groundwater elevation data is presented in *Table 4*.

**Table 4: Well Gauging Results and Relative Groundwater Elevations**

Well ID	Depth to Water	Relative Elevation of Top of Casing <sup>1</sup>	Relative Water Elevation (m) <sup>1</sup>	Water Elevation Relative to MW2 (m) <sup>2</sup>
MW1	10.61m	18.86m	8.25m	2.20m
MW2	10.26m	16.31m	6.05m	0.00m
MW3	9.775m	18.12m	8.34m	2.29m
MW4	10.44m	20.00m	9.56m	3.51m

<sup>1</sup> Depth to water below arbitrary reference elevation (i.e. height of level).

<sup>2</sup> Depth relative to standing water level within MW2 (the lowest measured water level).



Figure 8 of Annex A shows the relative groundwater elevation within each monitoring well and the inferred hydraulic gradient.

The relative groundwater elevation was lowest at MW2. The measured relative groundwater elevation varied by up to 3.51m across the monitoring wells and was most elevated at MW4.

Water elevation data suggests that there is a hydraulic gradient in a general east to west direction toward the Lachlan River. The hydraulic gradient is likely to be in a more north westerly direction closer to the Lachlan River, where alluvium may have higher hydraulic conductivity and flow in a direction consistent with the flow path of the River channel. Water elevation data suggests that the Lachlan River is a groundwater sink in the vicinity of the Site.

### 10.3 Water Quality Parameters

Measured water quality parameters at each water sampling location are summarised in Table 5.

**Table 5: Water Quality Field Parameters**

Sample ID	Temperature (°C)	Dissolved Oxygen (mg/L)	Electrical Conductivity (uS/cm)	pH	Field Oxygen Reduction Potential (mV)
Pit1	10.8	9.2	4650	12.5	-35
Pit2	9.7	8.5	610	11.4	+49
River Up	9.7	13.8	544	8.4	+106
River Down	10.1	13.2	554	8.4	+99
MW1	19.5	0.95	1510	6.63	+128
MW2	18.8	3.25	1388	6.82	+126
MW3	19.8	0.82	1374	6.67	+117
MW4	20.2	0.20	1533	6.82	+104

The recorded electrical conductivity (EC) and pH within Pit1 were both elevated compared to the measurements taken within the Lachlan River and underlying groundwater (at MW3). Elevated pH is associated with cement wash water. Elevated EC may be a combination of salts within concrete admixtures and accumulated salts in the pit associated with long term evaporation of wash water from the pit.

Field parameters were relatively consistent in all groundwater monitoring wells. EC was slightly elevated in monitoring wells screened within weathered granite (MW1 and MW4) compared to those screened within alluvium (MW2 and MW3). Dissolved oxygen was highest at MW2 and may indicate that water quality at MW2 is influenced by recharge from the Lachlan River.

### 10.4 Surface Water Analytical Results

Surface water analytical results are summarised and presented against the adopted assessment criteria in Table C1 of Annex C. Laboratory certificates of analysis are presented as Annex D.

Reported analyte concentrations were below the adopted GILs with the following exceptions:

- Reported chromium (VI) and copper concentrations in samples Pit1, Pit2 and Drain1 exceeded the Australian drinking water thresholds and the thresholds for protection of fresh water aquatic ecosystems.
- Reported Nitrate (as N) concentrations in samples Pit1 and Drain1 exceeded the adopted threshold for protection of fresh water aquatic ecosystems.
- Reported free cyanide concentration in sample Pit1 exceeded the un-ionised cyanide threshold for protection of fresh water aquatic ecosystems.

### 10.5 Groundwater Analytical Results

Groundwater analytical results are summarised and presented against the adopted assessment criteria in *Table C1* of *Annex C*. Laboratory certificates of analysis are presented as *Annex D*.

Reported analyte concentrations were below the adopted GILs with the following exceptions:

- The reported copper concentration in MW4 exceeded the threshold for protection of fresh water ecosystems.
- The reported zinc concentrations in groundwater sampled from all monitoring wells exceeded the threshold for protection of fresh water ecosystems.
- The reported nitrate (as N) concentrations in groundwater sampled from all wells exceeded the threshold for protection of fresh water ecosystems.
- The reported nitrite (as NO<sub>2</sub>) concentrations in groundwater sampled from MW2 and MW4 exceeded the Australian Drinking Water threshold.

## 11 Discussion of Results

### 11.1 Soil

Soil was assessed at the areas of concern identified in the Direction. Reported concentrations of analytes of concern did not exceed human health risk assessment thresholds. The results indicate that the “pollution incidents” have not resulted in unacceptable impacts to soil. With respect to potential soil contaminants assessed, the site remains suitable for continued commercial / industrial use.

### 11.2 Washout Water and Batching Plant Drainage

Reported concentrations of nitrate, free cyanide, copper and chromium (VI) in water sampled from the concrete agitator washout pit (Pit1) exceeded thresholds for the protection of fresh water ecosystems. Reported concentrations of copper and chromium (VI) also exceeded the Australian drinking water thresholds.

Reported concentrations of copper and chromium (VI) in water sampled from the concrete agitator washout pit (Pit2) exceeded thresholds for the protection of fresh water ecosystems. Reported concentrations of copper and chromium (VI) also exceeded the Australian drinking water thresholds.

Reported concentrations of copper and chromium (VI) in water sampled from the drain to the south of the batching plant (Drain1) exceeded thresholds for the protection of fresh water ecosystems. Reported concentrations of copper and chromium (VI) also exceeded the Australian drinking water thresholds.

The pH of water in washout pits (Pit1 and Pit2) was also high relative to that recorded in the Lachlan River close to the site.

The identified chromium, cyanide and nitrate in water samples can be attributed to concrete agitator wash water. As outlined in *Section 3*, the nitrate and cyanide are likely breakdown products of concrete admixtures. Chromium (VI) is associated with Portland cement in the concrete. Chromium (VI) can form in the cement making process due to oxidation of the more common chromium (III) at high temperature and alkaline conditions in cement kilns.

The source of copper in water is less obvious and may be associated with a natural source, or an input not directly related to the identified potential “pollution incident”.

The adopted GILs are not relevant to the assessment of on-site human health risks associated with continued commercial/industrial use of the site. The GILs are relevant to protection of aquatic ecosystems and protection of water supply that may be used for human consumption.

The assessed water was not discharging directly to the Lachlan River. The assessed water was contained in unsealed storages. There was potential for the stored water to infiltrate the ground and migrate to the underlying alluvial aquifer, which may interact with water in the Lachlan River. The Lachlan River alluvium groundwater unit is used for domestic use, town supply, stock watering and irrigation downstream of the site.

### **11.3 Groundwater**

#### **11.3.1 Chromium**

Hexavalent chromium was detected in truck washout water and in drainage from the batch plant at concentrations which exceeded the adopted Australian Drinking Water thresholds, and thresholds for the protection of fresh water aquatic ecosystems.

Hexavalent chromium was not detected in groundwater sampled from any well. The reported chromium VI concentrations in groundwater from each well were less than the Australian Drinking Water threshold.

The practical quantification limit (PQL) for chromium (VI) in groundwater was 5µg/L, which was higher than the threshold for protection of fresh water aquatic ecosystems. Corresponding total chromium (Chromium III and Chromium VI) in groundwater was less than 1µg/L with the exception of MW3, in which 2µg/L was detected. Chromium VI was the dominant chromium specie in samples of the washout water samples, so it is possible that the 2µg/L of chromium in groundwater sampled from MW3 was Chromium VI. In this case the concentrations of Chromium VI at MW3 would marginally exceed the threshold for protection of fresh water aquatic ecosystems.

The absence of elevated total chromium or chromium VI concentrations in groundwater samples from monitoring wells situated close to the truck washout pits (MW1 and MW3) indicates that chromium has limited mobility in the subsurface and unlikely to impact on surface water quality in the Lachlan River.

#### **11.3.2 Copper**

Copper was detected at relatively low concentrations in groundwater sampled from MW2, MW3 and MW4. MW4 (the upgradient monitoring well) was the only groundwater monitoring location where the concentrations of copper exceeded the threshold for protection of fresh water aquatic ecosystems. The presence of copper in MW4 indicates that identified copper is indicative of background or naturally occurring copper, rather than a contaminant added to the subsurface by the suspected pollution incident.

#### **11.3.3 Zinc**

Reported zinc concentrations in groundwater samples collected from all monitoring wells exceeded the adopted threshold for protection of fresh water aquatic ecosystems. Concentrations of zinc in groundwater were an order of magnitude higher than those detected in samples of truck washout water and batch plant drainage. Zinc in groundwater is most likely related to natural processes or a background source and is not related to the suspected pollution incident.

#### 11.3.4 Nutrients

Reported nitrate concentrations in groundwater samples from all monitoring wells exceeded the adopted thresholds for the protection of fresh water ecosystems. Reported nitrate (as N) ranged from 5600µg/L to 9900µg/L in groundwater.

The identified nitrate in groundwater appear largely to be associated with background sources. The reported nitrate (as N) concentrations in all wells are of the same order of magnitude. This includes groundwater sampled from the upgradient monitoring well (MW4). The reported nitrate concentrations in MW1 and MW2 are higher than those reported in surface water samples collected from the southern parts of the Site (samples Pit2 and Drain1), indicating that the identified surface sources are not the primary source of nitrate in groundwater. Similarly, the reported nitrate concentration at MW3 exceeds the reported nitrate concentrations in the sample collected from truck washout pit 1 (Pit1).

The reported nitrite concentrations at MW2 and MW4 exceed the Australian Drinking Water threshold. The presence of nitrite in the upgradient well (MW4) indicates that nitrite is associated with a background source.

Background sources of nutrients in groundwater may include, urban stormwater and sewage, use of fertilisers in nearby agriculture or other nearby commercial operations which include farming of maggots (presumably using organic feedstock) and a commercial carwash.

#### 11.3.5 Cyanide and Thiocyanate

Reported concentrations of cyanide and thiocyanate were less than the PQL and the adopted GILs in all groundwater samples.

#### 11.4 River Water Quality

Analytical data for water samples collected from the Lachlan River indicate no identifiable deterioration of water quality in the river downstream of the site.

## 12 Conclusions and Recommendations

Ground Doctor conducted an environmental site assessment to determine the nature and extent of pollution associated with a suspected pollution incident at the Site.

Soil, surface water and groundwater was assessed for identified potential contaminants of concern associated with concrete wash water and concrete admixtures.

Soil was assessed at the areas of concern identified in the Direction. Reported concentrations of analytes of concern did not exceed human health risk assessment thresholds. The results indicate that the “pollution incidents” have not resulted in unacceptable impacts to soil. With respect to potential soil contaminants assessed, the site remains suitable for continued commercial / industrial use.

Potential contaminants of concern were identified in samples of surface water collected from truck washout pits and batching plant drainage. Concentrations of some contaminants of concern exceeded thresholds for the protection of drinking water and fresh water aquatic ecosystems. Groundwater was assessed down hydraulic gradient of the identified surface sources to assess whether surface water storages had impacted underlying groundwater.

Assessment of groundwater beneath the Site and surface water in the Lachlan River indicated that the suspected pollution incidents had not resulted in unacceptable impacts to groundwater quality.

Assessment of surface water in the Lachlan River upstream and downstream of the Site, indicated that the suspected pollution incidents had not resulted in unacceptable impacts to water quality within the River.

The environmental site assessment did not identify any pollution that would warrant clean-up action.

Bryant's Concrete have submitted a development application to Cowra Council for improvements to the Site including construction of purpose designed truck wash out and wash water containment and reuse infrastructure. The proposed development would alleviate identified concerns regarding containment of truck washout water in unlined pits at the Site.

Bryants Concrete have indicated that concrete trucks have been washed to the same open pits for several year of Site operation. The absence of significant impacts to underlying groundwater indicates that the activity is unlikely to result in unacceptable impacts to the environment in the near future.

The following actions could be implemented to reduce potential for truck washout water to discharge to the environment whilst the development application is being considered.

- Truck washout water could be pumped back to the batching plant for reuse in concrete.
- Evaporation from the washout pits could be enhanced by pumping water through a fine mist sprinkler system.
- The truck wash water could be used to suppress dust on raw material stockpiles for concrete batching.
- Truck wash water could be pumped from existing washout pits into a sprinkler system and used to suppress dust on open areas of the Site.
- Truck wash water could be used to irrigate existing vegetation, or newly planted vegetation, which would use available nitrogen containing compounds.

### 13 References

- Australian and New Zealand Guidelines for Fresh and Marine Water Quality (August 2018).
- Geological Survey of NSW (1997), *Cowra 1:100000 Geological Series Sheet 8630*, First Edition.
- Ground Doctor (2020a), Letter from Ground Doctor to Cowra Council Titled “Clean-up Direction Under Section 91 of the Protection of the Environment Operations Act 1997, Bryant’s Concrete Batching Plant, 2 Kite Street, Cowra, NSW”, 16 July 2020, Reference 2020-GD013-L1.
- Ground Doctor (2020a), Letter from Ground Doctor to Cowra Council Titled “Findings of Preliminary Assessment, Clean-up Direction Under Section 91 of the Protection of the Environment Operations Act 1997, Bryant’s Concrete Batching Plant, 2 Kite Street, Cowra, NSW”, 4 August 2020, Reference 2020-GD013-L2.
- National Environment Protection Council (NEPC) (1999) *National Environment Protection (Assessment of Contamination) Measure* (NEPM) (revised April 2013).
- National Health and Medical Research Council (NHMRC) (2011) *Australian Drinking Water Guidelines*.
- NSW Government (28 September 2020), NSW Spatial Information Exchange Website, <http://www.maps.six.nsw.gov.au>.

## **Annex A**

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### **Figures**















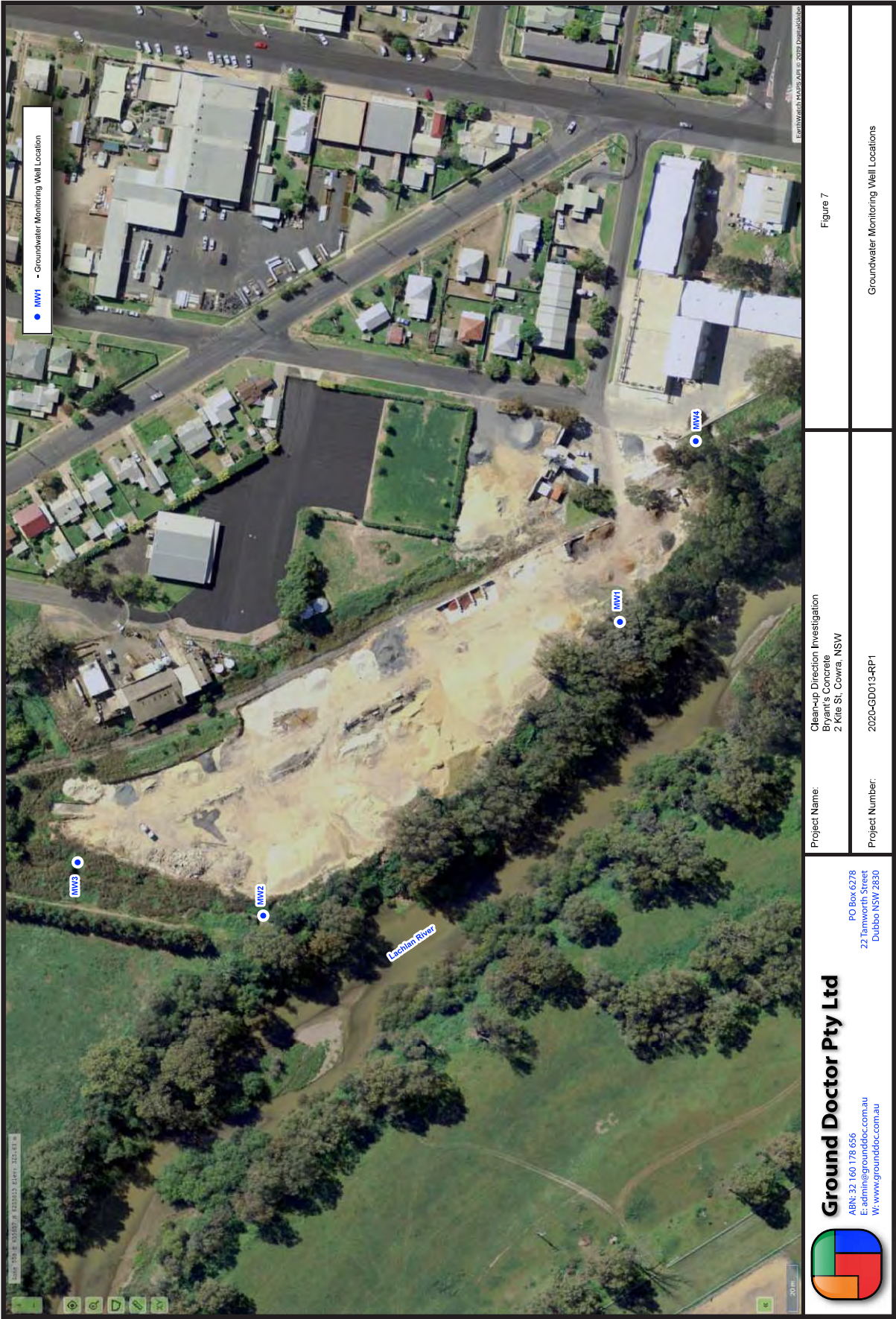




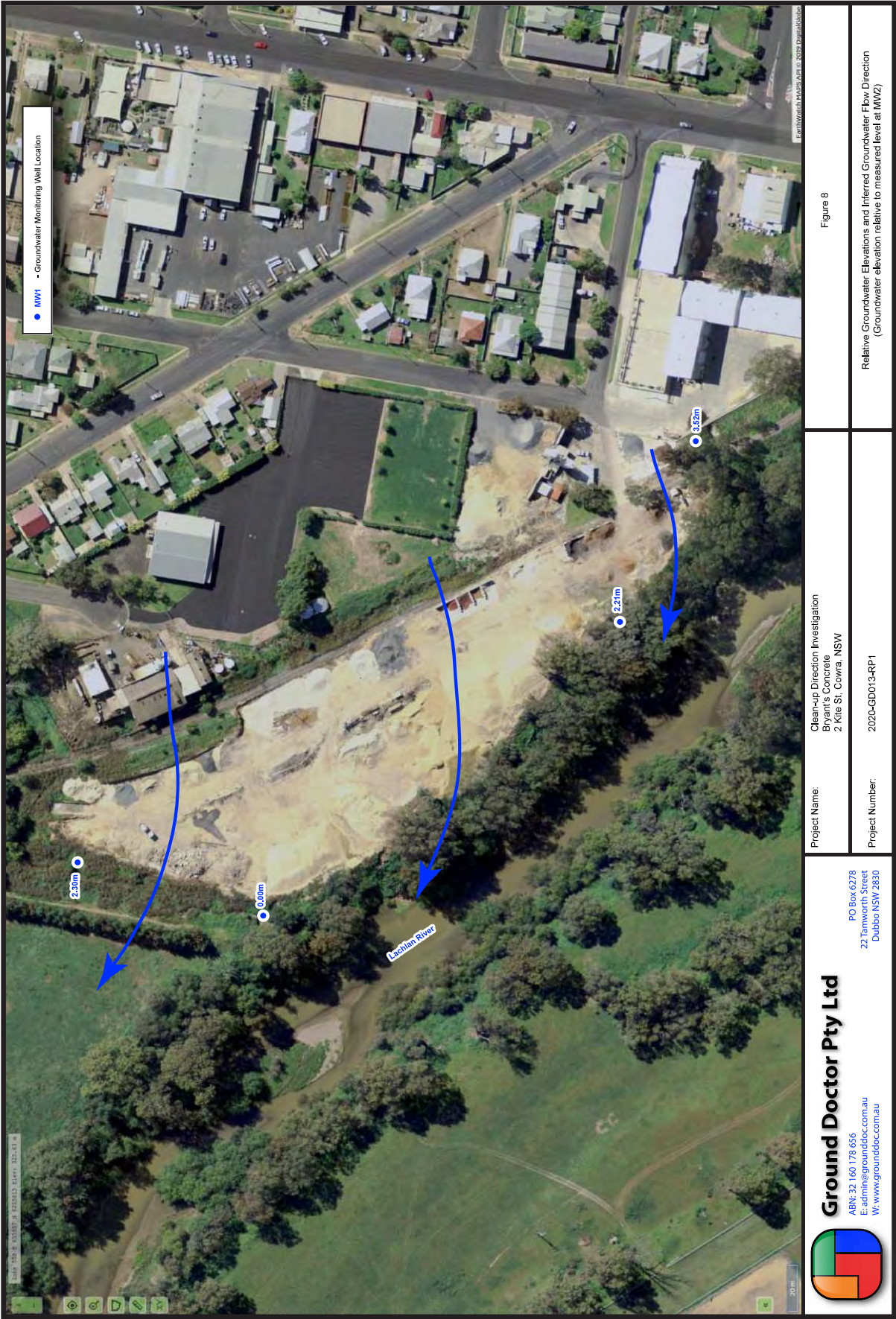












## **Annex B**

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### **Soil Analytical Results Summary Table**



Table B1  
Summary of Analytical Results for Soil - Metals and Cyanide (mg/kg)  
Preliminary Assessment for Clean-up Direction - Bryant's Concrete, 2 Kite Street, Cowra, NSW

Sample	NEPM (2013)	PQL	TP1	TP1	TP1	TP1	Pit1-Base	Pit1-Wall	Pit2-Base	Pit2-Wall	Drain2	Drain3	Surface1	Surface2
Depth	HILA		0.4-0.6m	0.4-0.6m	1.7-1.9m									
Date Sampled			20/07/20	20/07/20	20/07/20		20/07/20	20/07/20	20/07/20	20/07/20	20/07/20	20/07/20	20/07/20	20/07/20
Arsenic	100	4	<4	<4	<4	<4	<4	<4	<4	5	6	<4	<4	<4
Cadmium	20	0.4	<0.4	<0.4	<0.4	<0.4	<0.4	<0.4	<0.4	<0.4	<0.4	<0.4	<0.4	<0.4
Chromium	100	1	20	21	19	19	19	17	10	44	52	25	11	15
Copper	6000	1	11	14	10	10	11	7	9	28	24	54	2	6
Lead	300	1	8	10	9	9	9	5	4	26	15	22	3	7
Mercury	40	0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Nickel	400	1	13	14	13	16	16	5	5	15	12	13	1	4
Zinc	7400	1	32	35	29	22	22	19	16	75	120	240	6	15
Total Cyanide	-	0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5
Free Cyanide	250	0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5	<0.5

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Ground Doctor Pty Ltd

## **Annex C**

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### **Water Analytical Results Summary Table**

**Table C1**  
**Summary of Analytical Results for Water - Metals, Cyanide and Nutrients (ug/L)**  
**Preliminary Assessment for Clean-up Direction - Bryant's Concrete, 2 Kite Street, Cowra, NSW**

Sample	Drinking Water (2011)	NEPM (2013) GLs	ANZECC DGV (2018)	PQL	River Up	River Down	PH1	PH2	Drain1	MW1	MW2	MW3	MW4
Date Sampled					20/07/20	20/07/20	20/07/20	20/07/20	20/07/20	14/09/20	14/09/20	14/09/20	14/09/20
Arsenic	10	13		1	<1	<1	<1	<1	<1	<1	3	<1	<1
Cadmium	2	0.2		0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Chromium (Total)	-	-		1	<1	<1	360	58	69	<1	<1	2	<1
Chromium(III)	-	-		5	-	-	9	<5	<5	-	-	-	-
Chromium(VI)	50	1		5	-	-	340	58	75	<5	<5	<5	<5
Copper	2	1.4		1	<1	<1	5	8	4	<1	1	1	2
Lead	10	3.4		1	<1	<1	<1	<1	<1	<1	<1	<1	<1
Mercury	1	0.06		0.05	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05	<0.05
Nickel	20	11		1	1	1	<1	2	<1	2	3	3	6
Zinc	-	8		1	3	2	3	3	3	31	22	72	67
Total Cyanide	-	-		4	<4	<4	20	5	6	<4	<4	<4	<4
Free Cyanide	80	7		4	<4	<4	18	4	6	<4	<4	<4	<4
Thiocyanate*	-	-		500	<500	<500	600	<500	<500	<500	<500	<500	<500
Ammonia (as N)	-	-		5	<5	8	78	180	33	6	53	17	12
Ammonia (as NH3)	-	900		6	6	10	95	219	40	7	64	21	15
Nitrate (as N)	-	2400		5	120	130	6700	1600	2500	9100	5700	9900	5900
Nitrate (as NO3)	50000	-		-	531	576	29661	7083	11068	40286	25234	43827	26119
Nitrite (as N)	-	-		5	<5	<5	72	700	36	430	2100	210	1800
Nitrite (as NO2)	3000	-		17	<17	<17	236	2299	118	1412	5897	690	5912
TKN	-	-		100	400	400	1700	700	1200	2200	1800	2200	1800

## **Annex D**

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### **Laboratory Certificates of Analysis**



**Envirolab Services Pty Ltd**  
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### SAMPLE RECEIPT ADVICE

#### Client Details

Client	Ground Doctor Pty Ltd
Attention	James Morrow

#### Sample Login Details

Your reference	Byrants Concrete Preliminary Assessment
Envirolab Reference	247378
Date Sample Received	30/06/2020
Date Instructions Received	30/06/2020
Date Results Expected to be Reported	28/07/2020

#### Sample Condition

Samples received in appropriate condition for analysis	Yes
No. of Samples Provided	6 Water, 12 Soil
Turnaround Time Requested	Standard
Temperature on Receipt (°C)	3,8
Cooling Method	Ice
Sampling Date Provided	YES

#### Comments

Nil

Please direct any queries to:

#### Aileen Hie

Phone: 02 9910 6200  
 Fax: 02 9910 6201  
 Email: ahie@envirolab.com.au

#### Jacinta Hurst

Phone: 02 9910 6200  
 Fax: 02 9910 6201  
 Email: jhurst@envirolab.com.au

*Analysis Underway, details on the following page:*



**Envirolab Services Pty Ltd**  
 ABN 37 112 535 645  
 12 Ashley St Chatswood NSW 2067  
 ph 02 9910 6200 fax 02 9910 6201  
 customerservice@envirolab.com.au  
 www.envirolab.com.au

Sample ID	Acid Extractable metals in soil	Misc Soil - Inorg	HM in water - dissolved	Total Cyanide	Free Cyanide in Water	Thiocyanate*	Ammonia as N in water	Nitrate as N in water	Nitrite as N in water	TKN in water	On Hold
River Up			✓	✓	✓	✓	✓	✓	✓	✓	
River Down			✓	✓	✓	✓	✓	✓	✓	✓	
Pit1			✓	✓	✓	✓	✓	✓	✓	✓	
Pit2			✓	✓	✓	✓	✓	✓	✓	✓	
Drain1			✓	✓	✓	✓	✓	✓	✓	✓	
DUPC			✓	✓	✓	✓	✓	✓	✓	✓	
TP1-0.4-0.6m	✓	✓									
TP1-1.7-1.9m	✓	✓									
Pit1-Base	✓	✓									
Pit1-Wall	✓	✓									
Pit2-Base	✓	✓									
Pit2-Wall	✓	✓									
Drain2-0.0-0.2m	✓	✓									
Drain3-0.0-0.2m	✓	✓									
Surface1-0.0-0.2m	✓	✓									
Surface2-0.0-0.2m	✓	✓									
DUPA	✓	✓									
DUPB											✓

The '✓' indicates the testing you have requested. **THIS IS NOT A REPORT OF THE RESULTS.**

#### Additional Info

Sample storage - Waters are routinely disposed of approximately 1 month and soils approximately 2 months from receipt.

Requests for longer term sample storage must be received in writing.

Please contact the laboratory immediately if observed settled sediment present in water samples is to be included in the extraction and/or analysis (exceptions include certain Physical Tests (pH/EC/BOD/COD/Apparent Colour etc.), Solids testing, Total Recoverable metals and PFAS analysis where solids are included by default).

TAT for Micro is dependent on incubation. This varies from 3 to 6 days.



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### CERTIFICATE OF ANALYSIS 247378

#### Client Details

Client	Ground Doctor Pty Ltd
Attention	James Morrow
Address	PO Box 6278, Dubbo, NSW, 2830

#### Sample Details

Your Reference	<u>Byrants Concrete Preliminary Assessment</u>
Number of Samples	6 Water, 12 Soil
Date samples received	21/07/2020
Date completed instructions received	21/07/2020

#### Analysis Details

Please refer to the following pages for results, methodology summary and quality control data.  
Samples were analysed as received from the client. Results relate specifically to the samples as received.  
Results are reported on a dry weight basis for solids and on an as received basis for other matrices.  
**Please refer to the last page of this report for any comments relating to the results.**

#### Report Details

Date results requested by	28/07/2020
Date of Issue	04/08/2020
Reissue Details	This report replaces R00 due to an amendment to sampling date.
NATA Accreditation Number 2901. This document shall not be reproduced except in full.	
Accredited for compliance with ISO/IEC 17025 - Testing. <b>Tests not covered by NATA are denoted with *</b>	

#### Results Approved By

Diego Bigolin, Team Leader, Inorganics  
Jaimie Loa-Kum-Cheung, Metals Supervisor  
Manju Dewendrage, Chemist

#### Authorised By

Nancy Zhang, Laboratory Manager

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## Client Reference: Byrants Concrete Preliminary Assessment

Acid Extractable metals in soil						
Our Reference		247378-7	247378-8	247378-9	247378-10	247378-11
Your Reference	UNITS	TP1	TP1	Pit1-Base	Pit1-Wall	Pit2-Base
Depth		0.4-0.6m	1.7-1.9m	-	-	-
Date Sampled		20/07/2020	20/07/2020	20/07/2020	20/07/2020	20/07/2020
Type of sample		Soil	Soil	Soil	Soil	Soil
Date prepared	-	22/07/2020	22/07/2020	22/07/2020	22/07/2020	22/07/2020
Date analysed	-	22/07/2020	22/07/2020	22/07/2020	22/07/2020	22/07/2020
Arsenic	mg/kg	<4	<4	<4	<4	<4
Cadmium	mg/kg	<0.4	<0.4	<0.4	<0.4	<0.4
Chromium	mg/kg	20	19	19	17	10
Copper	mg/kg	11	10	11	7	9
Lead	mg/kg	8	9	9	5	4
Mercury	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Nickel	mg/kg	13	13	16	5	5
Zinc	mg/kg	32	29	22	19	16

Acid Extractable metals in soil						
Our Reference		247378-12	247378-13	247378-14	247378-15	247378-16
Your Reference	UNITS	Pit2-Wall	Drain2	Drain3	Surface1	Surface2
Depth		-	0.0-0.2m	0.0-0.2m	0.0-0.2m	0.0-0.2m
Date Sampled		20/07/2020	20/07/2020	20/07/2020	20/07/2020	20/07/2020
Type of sample		Soil	Soil	Soil	Soil	Soil
Date prepared	-	22/07/2020	22/07/2020	22/07/2020	22/07/2020	22/07/2020
Date analysed	-	22/07/2020	22/07/2020	22/07/2020	22/07/2020	22/07/2020
Arsenic	mg/kg	5	6	<4	<4	<4
Cadmium	mg/kg	<0.4	<0.4	<0.4	<0.4	<0.4
Chromium	mg/kg	44	52	25	11	15
Copper	mg/kg	28	24	54	2	6
Lead	mg/kg	26	15	22	3	7
Mercury	mg/kg	<0.1	<0.1	<0.1	<0.1	<0.1
Nickel	mg/kg	15	12	13	1	4
Zinc	mg/kg	75	120	240	6	15

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## Client Reference: Byrants Concrete Preliminary Assessment

Acid Extractable metals in soil		
Our Reference		247378-17
Your Reference	UNITS	DUPA
Depth		-
Date Sampled		20/07/2020
Type of sample		Soil
Date prepared	-	22/07/2020
Date analysed	-	22/07/2020
Arsenic	mg/kg	<4
Cadmium	mg/kg	<0.4
Chromium	mg/kg	20
Copper	mg/kg	14
Lead	mg/kg	9
Mercury	mg/kg	<0.1
Nickel	mg/kg	13
Zinc	mg/kg	33

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## Client Reference: Byrants Concrete Preliminary Assessment

Misc Soil - Inorg						
Our Reference		247378-7	247378-8	247378-9	247378-10	247378-11
Your Reference	UNITS	TP1	TP1	Pit1-Base	Pit1-Wall	Pit2-Base
Depth		0.4-0.6m	1.7-1.9m	-	-	-
Date Sampled		20/07/2020	20/07/2020	20/07/2020	20/07/2020	20/07/2020
Type of sample		Soil	Soil	Soil	Soil	Soil
Date prepared	-	22/07/2020	22/07/2020	22/07/2020	22/07/2020	22/07/2020
Date analysed	-	22/07/2020	22/07/2020	22/07/2020	22/07/2020	22/07/2020
Total Cyanide	mg/kg	<0.5	<0.5	<0.5	<0.5	<0.5
Free Cyanide in soil	mg/kg	<0.5	<0.5	<0.5	<0.5	<0.5

Misc Soil - Inorg						
Our Reference		247378-12	247378-13	247378-14	247378-15	247378-16
Your Reference	UNITS	Pit2-Wall	Drain2	Drain3	Surface1	Surface2
Depth		-	0.0-0.2m	0.0-0.2m	0.0-0.2m	0.0-0.2m
Date Sampled		20/07/2020	20/07/2020	20/07/2020	20/07/2020	20/07/2020
Type of sample		Soil	Soil	Soil	Soil	Soil
Date prepared	-	22/07/2020	22/07/2020	22/07/2020	22/07/2020	22/07/2020
Date analysed	-	22/07/2020	22/07/2020	22/07/2020	22/07/2020	22/07/2020
Total Cyanide	mg/kg	<0.5	<0.5	<0.5	<0.5	<0.5
Free Cyanide in soil	mg/kg	<0.5	<0.5	<0.5	<0.5	<0.5

Misc Soil - Inorg		
Our Reference		247378-17
Your Reference	UNITS	DUPA
Depth		-
Date Sampled		20/07/2020
Type of sample		Soil
Date prepared	-	22/07/2020
Date analysed	-	22/07/2020
Total Cyanide	mg/kg	<0.5
Free Cyanide in soil	mg/kg	<0.5

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## Client Reference: Byrants Concrete Preliminary Assessment

Moisture						
Our Reference	UNITS	247378-7	247378-8	247378-9	247378-10	247378-11
Your Reference		TP1	TP1	Pit1-Base	Pit1-Wall	Pit2-Base
Depth		0.4-0.6m	1.7-1.9m	-	-	-
Date Sampled		20/07/2020	20/07/2020	20/07/2020	20/07/2020	20/07/2020
Type of sample		Soil	Soil	Soil	Soil	Soil
Date prepared	-	22/07/2020	22/07/2020	22/07/2020	22/07/2020	22/07/2020
Date analysed	-	23/07/2020	23/07/2020	23/07/2020	23/07/2020	23/07/2020
Moisture	%	18	9.9	16	50	25

Moisture						
Our Reference	UNITS	247378-12	247378-13	247378-14	247378-15	247378-16
Your Reference		Pit2-Wall	Drain2	Drain3	Surface1	Surface2
Depth		-	0.0-0.2m	0.0-0.2m	0.0-0.2m	0.0-0.2m
Date Sampled		20/07/2020	20/07/2020	20/07/2020	20/07/2020	20/07/2020
Type of sample		Soil	Soil	Soil	Soil	Soil
Date prepared	-	22/07/2020	22/07/2020	22/07/2020	22/07/2020	22/07/2020
Date analysed	-	23/07/2020	23/07/2020	23/07/2020	23/07/2020	23/07/2020
Moisture	%	54	58	52	4.9	16

Moisture		
Our Reference	UNITS	247378-17
Your Reference		DUPA
Depth		-
Date Sampled		20/07/2020
Type of sample		Soil
Date prepared	-	22/07/2020
Date analysed	-	23/07/2020
Moisture	%	14

## Client Reference: Byrants Concrete Preliminary Assessment

HM in water - dissolved						
Our Reference		247378-1	247378-2	247378-3	247378-4	247378-5
Your Reference	UNITS	River Up	River Down	Pit1	Pit2	Drain1
Depth		-	-	-	-	-
Date Sampled		20/07/2020	20/07/2020	20/07/2020	20/07/2020	20/07/2020
Type of sample		Water	Water	Water	Water	Water
Date prepared	-	22/07/2020	22/07/2020	22/07/2020	22/07/2020	22/07/2020
Date analysed	-	22/07/2020	22/07/2020	22/07/2020	22/07/2020	22/07/2020
Arsenic-Dissolved	µg/L	<1	<1	<1	<1	<1
Cadmium-Dissolved	µg/L	<0.1	<0.1	<0.1	<0.1	<0.1
Chromium-Dissolved	µg/L	<1	<1	350	58	69
Copper-Dissolved	µg/L	<1	<1	5	8	4
Lead-Dissolved	µg/L	<1	<1	<1	<1	<1
Mercury-Dissolved	µg/L	<0.05	<0.05	<0.05	<0.05	<0.05
Nickel-Dissolved	µg/L	1	1	<1	2	<1
Zinc-Dissolved	µg/L	3	2	3	3	3

HM in water - dissolved		
Our Reference		247378-6
Your Reference	UNITS	DUPC
Depth		-
Date Sampled		20/07/2020
Type of sample		Water
Date prepared	-	22/07/2020
Date analysed	-	22/07/2020
Arsenic-Dissolved	µg/L	<1
Cadmium-Dissolved	µg/L	<0.1
Chromium-Dissolved	µg/L	<1
Copper-Dissolved	µg/L	<1
Lead-Dissolved	µg/L	<1
Mercury-Dissolved	µg/L	<0.05
Nickel-Dissolved	µg/L	1
Zinc-Dissolved	µg/L	6

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## Client Reference: Byrants Concrete Preliminary Assessment

Miscellaneous Inorganics						
Our Reference		247378-1	247378-2	247378-3	247378-4	247378-5
Your Reference	UNITS	River Up	River Down	Pit1	Pit2	Drain1
Depth		-	-	-	-	-
Date Sampled		20/07/2020	20/07/2020	20/07/2020	20/07/2020	20/07/2020
Type of sample		Water	Water	Water	Water	Water
Date prepared	-	21/07/2020	21/07/2020	21/07/2020	21/07/2020	21/07/2020
Date analysed	-	21/07/2020	21/07/2020	21/07/2020	21/07/2020	21/07/2020
Total Cyanide	mg/L	<0.004	<0.004	0.020	0.005	0.006
Free Cyanide in Water	mg/L	<0.004	<0.004	0.018	0.004	0.006
Thiocyanate*	mg/L	<0.5	<0.5	0.6	<0.5	<0.5
Ammonia as N in water	mg/L	<0.005	0.008	0.078	0.18	0.033
Nitrate as N in water	mg/L	0.12	0.13	6.7	1.6	2.5
Nitrite as N in water	mg/L	<0.005	<0.005	0.072	0.70	0.036
TKN in water	mg/L	0.4	0.4	1.7	0.7	1.2

Miscellaneous Inorganics		
Our Reference		247378-6
Your Reference	UNITS	DUPC
Depth		-
Date Sampled		20/07/2020
Type of sample		Water
Date prepared	-	21/07/2020
Date analysed	-	21/07/2020
Total Cyanide	mg/L	<0.004
Free Cyanide in Water	mg/L	<0.004
Thiocyanate*	mg/L	<0.5
Ammonia as N in water	mg/L	<0.005
Nitrate as N in water	mg/L	0.12
Nitrite as N in water	mg/L	<0.005
TKN in water	mg/L	0.4

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## Client Reference: Byrants Concrete Preliminary Assessment

Method ID	Methodology Summary
<b>Inorg-008</b>	Moisture content determined by heating at 105+/-5 °C for a minimum of 12 hours.
<b>Inorg-014</b>	Cyanide - free, total, weak acid dissociable by segmented flow analyser (in line dialysis with colourimetric finish).  Solids/Filters and sorbents are extracted in a caustic media prior to analysis. Impingers are pH adjusted as required prior to analysis.  Cyanides amenable to Chlorination - samples are analysed untreated and treated with hyperchlorite to assess the potential for chlorination of cyanide forms. Based on APHA latest edition, 4500-CN_G,H.
<b>Inorg-055</b>	Nitrate - determined colourimetrically. Waters samples are filtered on receipt prior to analysis. Soils are analysed following a water extraction.
<b>Inorg-055</b>	Nitrite - determined colourimetrically based on APHA latest edition NO2- B. Waters samples are filtered on receipt prior to analysis. Soils are analysed following a water extraction.
<b>Inorg-057</b>	Ammonia - determined colourimetrically, based on APHA latest edition 4500-NH3 F. Waters samples are filtered on receipt prior to analysis. Soils are analysed following a KCl extraction.
<b>Inorg-062</b>	TKN - determined colourimetrically based on APHA latest edition 4500 Norg. Alternatively, TKN can be derived from calculation (Total N - NOx).
<b>Inorg-089</b>	Thiocyanate - determined colourimetrically and analysed by DA.
<b>Metals-020</b>	Determination of various metals by ICP-AES.
<b>Metals-021</b>	Determination of Mercury by Cold Vapour AAS.
<b>Metals-022</b>	Determination of various metals by ICP-MS.

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## Client Reference: Byrants Concrete Preliminary Assessment

QUALITY CONTROL: Acid Extractable metals in soil					Duplicate			Spike Recovery %		
Test Description	Units	PQL	Method	Blank	#	Base	Dup.	RPD	LCS-1	247378-8
Date prepared	-			22/07/2020	7	22/07/2020	22/07/2020		22/07/2020	22/07/2020
Date analysed	-			22/07/2020	7	22/07/2020	22/07/2020		22/07/2020	22/07/2020
Arsenic	mg/kg	4	Metals-020	<4	7	<4	<4	0	96	84
Cadmium	mg/kg	0.4	Metals-020	<0.4	7	<0.4	<0.4	0	99	88
Chromium	mg/kg	1	Metals-020	<1	7	20	21	5	96	88
Copper	mg/kg	1	Metals-020	<1	7	11	14	24	91	92
Lead	mg/kg	1	Metals-020	<1	7	8	10	22	94	85
Mercury	mg/kg	0.1	Metals-021	<0.1	7	<0.1	<0.1	0	89	90
Nickel	mg/kg	1	Metals-020	<1	7	13	14	7	98	89
Zinc	mg/kg	1	Metals-020	<1	7	32	35	9	96	85

QUALITY CONTROL: Acid Extractable metals in soil					Duplicate			Spike Recovery %		
Test Description	Units	PQL	Method	Blank	#	Base	Dup.	RPD	[NT]	[NT]
Date prepared	-			[NT]	17	22/07/2020	22/07/2020		[NT]	[NT]
Date analysed	-			[NT]	17	22/07/2020	22/07/2020		[NT]	[NT]
Arsenic	mg/kg	4	Metals-020	[NT]	17	<4	<4	0	[NT]	[NT]
Cadmium	mg/kg	0.4	Metals-020	[NT]	17	<0.4	<0.4	0	[NT]	[NT]
Chromium	mg/kg	1	Metals-020	[NT]	17	20	22	10	[NT]	[NT]
Copper	mg/kg	1	Metals-020	[NT]	17	14	14	0	[NT]	[NT]
Lead	mg/kg	1	Metals-020	[NT]	17	9	9	0	[NT]	[NT]
Mercury	mg/kg	0.1	Metals-021	[NT]	17	<0.1	<0.1	0	[NT]	[NT]
Nickel	mg/kg	1	Metals-020	[NT]	17	13	13	0	[NT]	[NT]
Zinc	mg/kg	1	Metals-020	[NT]	17	33	35	6	[NT]	[NT]

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## Client Reference: Byrants Concrete Preliminary Assessment

QUALITY CONTROL: Misc Soil - Inorg						Duplicate			Spike Recovery %	
Test Description	Units	PQL	Method	Blank	#	Base	Dup.	RPD	LCS-1	247378-8
Date prepared	-			22/07/2020	7	22/07/2020	22/07/2020		22/07/2020	22/07/2020
Date analysed	-			22/07/2020	7	22/07/2020	22/07/2020		22/07/2020	22/07/2020
Total Cyanide	mg/kg	0.5	Inorg-014	<0.5	7	<0.5	<0.5	0	94	94
Free Cyanide in soil	mg/kg	0.5	Inorg-014	<0.5	7	<0.5	<0.5	0	93	96

QUALITY CONTROL: Misc Soil - Inorg						Duplicate			Spike Recovery %	
Test Description	Units	PQL	Method	Blank	#	Base	Dup.	RPD	[NT]	[NT]
Date prepared	-			[NT]	17	22/07/2020	22/07/2020		[NT]	[NT]
Date analysed	-			[NT]	17	22/07/2020	22/07/2020		[NT]	[NT]
Total Cyanide	mg/kg	0.5	Inorg-014	[NT]	17	<0.5	<0.5	0	[NT]	[NT]
Free Cyanide in soil	mg/kg	0.5	Inorg-014	[NT]	17	<0.5	<0.5	0	[NT]	[NT]

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## Client Reference: Byrants Concrete Preliminary Assessment

QUALITY CONTROL: HM in water - dissolved						Duplicate			Spike Recovery %	
Test Description	Units	PQL	Method	Blank	#	Base	Dup.	RPD	LCS-W1	[NT]
Date prepared	-			22/07/2020	1	22/07/2020	22/07/2020		22/07/2020	[NT]
Date analysed	-			22/07/2020	1	22/07/2020	22/07/2020		22/07/2020	[NT]
Arsenic-Dissolved	µg/L	1	Metals-022	<1	1	<1	<1	0	93	[NT]
Cadmium-Dissolved	µg/L	0.1	Metals-022	<0.1	1	<0.1	<0.1	0	94	[NT]
Chromium-Dissolved	µg/L	1	Metals-022	<1	1	<1	<1	0	97	[NT]
Copper-Dissolved	µg/L	1	Metals-022	<1	1	<1	<1	0	102	[NT]
Lead-Dissolved	µg/L	1	Metals-022	<1	1	<1	<1	0	101	[NT]
Mercury-Dissolved	µg/L	0.05	Metals-021	<0.05	1	<0.05	<0.05	0	97	[NT]
Nickel-Dissolved	µg/L	1	Metals-022	<1	1	1	1	0	95	[NT]
Zinc-Dissolved	µg/L	1	Metals-022	<1	1	3	2	40	96	[NT]

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## Client Reference: Byrants Concrete Preliminary Assessment

QUALITY CONTROL: Miscellaneous Inorganics						Duplicate			Spike Recovery %	
Test Description	Units	PQL	Method	Blank	#	Base	Dup.	RPD	LCS-W1	247378-2
Date prepared	-			21/07/2020	1	21/07/2020	21/07/2020		21/07/2020	21/07/2020
Date analysed	-			21/07/2020	1	21/07/2020	21/07/2020		21/07/2020	21/07/2020
Total Cyanide	mg/L	0.004	Inorg-014	<0.004	1	<0.004	<0.004	0	108	98
Free Cyanide in Water	mg/L	0.004	Inorg-014	<0.004	1	<0.004	<0.004	0	97	98
Thiocyanate*	mg/L	0.5	Inorg-089	<0.5	1	<0.5	<0.5	0	99	[NT]
Ammonia as N in water	mg/L	0.005	Inorg-057	<0.005	1	<0.005	<0.005	0	99	98
Nitrate as N in water	mg/L	0.005	Inorg-055	<0.005	1	0.12	0.12	0	104	98
Nitrite as N in water	mg/L	0.005	Inorg-055	<0.005	1	<0.005	<0.005	0	94	113
TKN in water	mg/L	0.1	Inorg-062	<0.1	1	0.4	0.4	0	103	87

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## Client Reference: Byrants Concrete Preliminary Assessment

Result Definitions	
NT	Not tested
NA	Test not required
INS	Insufficient sample for this test
PQL	Practical Quantitation Limit
<	Less than
>	Greater than
RPD	Relative Percent Difference
LCS	Laboratory Control Sample
NS	Not specified
NEPM	National Environmental Protection Measure
NR	Not Reported

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## Client Reference: Byrants Concrete Preliminary Assessment

## Quality Control Definitions

<b>Blank</b>	This is the component of the analytical signal which is not derived from the sample but from reagents, glassware etc, can be determined by processing solvents and reagents in exactly the same manner as for samples.
<b>Duplicate</b>	This is the complete duplicate analysis of a sample from the process batch. If possible, the sample selected should be one where the analyte concentration is easily measurable.
<b>Matrix Spike</b>	A portion of the sample is spiked with a known concentration of target analyte. The purpose of the matrix spike is to monitor the performance of the analytical method used and to determine whether matrix interferences exist.
<b>LCS (Laboratory Control Sample)</b>	This comprises either a standard reference material or a control matrix (such as a blank sand or water) fortified with analytes representative of the analyte class. It is simply a check sample.
<b>Surrogate Spike</b>	Surrogates are known additions to each sample, blank, matrix spike and LCS in a batch, of compounds which are similar to the analyte of interest, however are not expected to be found in real samples.
Australian Drinking Water Guidelines recommend that Thermotolerant Coliform, Faecal Enterococci, & E.Coli levels are less than 1cfu/100mL. The recommended maximums are taken from "Australian Drinking Water Guidelines", published by NHMRC & ARMC 2011.	
The recommended maximums for analytes in urine are taken from "2018 TLVs and BEIs", as published by ACGIH (where available). Limit provided for Nickel is a precautionary guideline as per Position Paper prepared by AIOH Exposure Standards Committee, 2016.	
Guideline limits for Rinse Water Quality reported as per analytical requirements and specifications of AS 4187, Amdt 2 2019, Table 7.2	

## Laboratory Acceptance Criteria

Duplicate sample and matrix spike recoveries may not be reported on smaller jobs, however, were analysed at a frequency to meet or exceed NEPM requirements. All samples are tested in batches of 20. The duplicate sample RPD and matrix spike recoveries for the batch were within the laboratory acceptance criteria.

Filters, swabs, wipes, tubes and badges will not have duplicate data as the whole sample is generally extracted during sample extraction.

Spikes for Physical and Aggregate Tests are not applicable.

For VOCs in water samples, three vials are required for duplicate or spike analysis.

Duplicates: >10xPQL - RPD acceptance criteria will vary depending on the analytes and the analytical techniques but is typically in the range 20%-50% – see ELN-P05 QA/QC tables for details; <10xPQL - RPD are higher as the results approach PQL and the estimated measurement uncertainty will statistically increase.

Matrix Spikes, LCS and Surrogate recoveries: Generally 70-130% for inorganics/metals (not SPOCAS); 60-140% for organics/SPOCAS (+/-50% surrogates) and 10-140% for labile SVOCs (including labile surrogates), ultra trace organics and speciated phenols is acceptable.

In circumstances where no duplicate and/or sample spike has been reported at 1 in 10 and/or 1 in 20 samples respectively, the sample volume submitted was insufficient in order to satisfy laboratory QA/QC protocols.

When samples are received where certain analytes are outside of recommended technical holding times (THTs), the analysis has proceeded. Where analytes are on the verge of breaching THTs, every effort will be made to analyse within the THT or as soon as practicable.

Where sampling dates are not provided, Envirolab are not in a position to comment on the validity of the analysis where recommended technical holding times may have been breached.

Measurement Uncertainty estimates are available for most tests upon request.

Analysis of aqueous samples typically involves the extraction/digestion and/or analysis of the liquid phase only (i.e. NOT any settled sediment phase but inclusive of suspended particles if present), unless stipulated on the Envirolab COC and/or by correspondence. Notable exceptions include certain Physical Tests (pH/EC/BOD/COD/Apparent Colour etc.), Solids testing, total recoverable metals and PFAS where solids are included by default.

Samples for Microbiological analysis (not Amoeba forms) received outside of the 2-8°C temperature range do not meet the ideal cooling conditions as stated in AS2031-2012.

Envirolab Reference: 247378

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Client Reference: Byrants Concrete Preliminary Assessment

**Report Comments**

Samples were out of the recommended holding time for this analysis nutrients (NO<sub>2</sub>+NO<sub>3</sub> and NH<sub>4</sub>) in water.

EnviroLab Reference: 247378  
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**Envirolab Services Pty Ltd**  
 ABN 37 112 535 645  
 12 Ashley St Chatswood NSW 2067  
 ph 02 9910 6200 fax 02 9910 6201  
 customerservice@envirolab.com.au  
 www.envirolab.com.au

### **CERTIFICATE OF ANALYSIS 247378-A**

#### **Client Details**

<b>Client</b>	Ground Doctor Pty Ltd
<b>Attention</b>	James Morrow
<b>Address</b>	PO Box 6278, Dubbo, NSW, 2830

#### **Sample Details**

<b>Your Reference</b>	<b><u>Byrants Concrete Preliminary Assessment</u></b>
<b>Number of Samples</b>	Additional Testing on 3 Waters
<b>Date samples received</b>	21/07/2020
<b>Date completed instructions received</b>	24/07/2020

#### **Analysis Details**

Please refer to the following pages for results, methodology summary and quality control data.  
 Samples were analysed as received from the client. Results relate specifically to the samples as received.  
 Results are reported on a dry weight basis for solids and on an as received basis for other matrices.  
**Please refer to the last page of this report for any comments relating to the results.**

#### **Report Details**

<b>Date results requested by</b>	31/07/2020
<b>Date of Issue</b>	04/08/2020
<b>Reissue Details</b>	This report replaces R00 due to an amendment to sampling date
NATA Accreditation Number 2901. This document shall not be reproduced except in full.	
Accredited for compliance with ISO/IEC 17025 - Testing. <b>Tests not covered by NATA are denoted with *</b>	

#### **Results Approved By**

Hannah Nguyen, Senior Chemist  
 Priya Samarawickrama, Senior Chemist

#### **Authorised By**

Nancy Zhang, Laboratory Manager

Envirolab Reference: 247378-A  
 Revision No: R01



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## Client Reference: Byrants Concrete Preliminary Assessment

Miscellaneous Inorganics				
Our Reference		247378-A-3	247378-A-4	247378-A-5
Your Reference	UNITS	Pit1	Pit2	Drain1
Depth		-	-	-
Date Sampled		20/07/2020	20/07/2020	20/07/2020
Type of sample		Water	Water	Water
Date prepared	-	24/07/2020	24/07/2020	24/07/2020
Date analysed	-	24/07/2020	24/07/2020	24/07/2020
Hexavalent Chromium, Cr <sup>6+</sup>	mg/L	0.34	0.058	0.075
Trivalent Chromium, Cr <sup>3+</sup>	mg/L	0.009	<0.005	<0.005

EnviroLab Reference: 247378-A  
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## Client Reference: Byrants Concrete Preliminary Assessment

Cations in water Dissolved				
Our Reference		247378-A-3	247378-A-4	247378-A-5
Your Reference	UNITS	Pit1	Pit2	Drain1
Depth		-	-	-
Date Sampled		20/07/2020	20/07/2020	20/07/2020
Type of sample		Water	Water	Water
Date digested	-	27/07/2020	27/07/2020	27/07/2020
Date analysed	-	27/07/2020	27/07/2020	27/07/2020
Calcium - Dissolved	mg/L	370	53	47
Magnesium - Dissolved	mg/L	<0.5	4.3	21
Hardness	mgCaCO <sub>3</sub> /L	930	150	200

EnviroLab Reference: 247378-A  
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## Client Reference: Byrants Concrete Preliminary Assessment

Method ID	Methodology Summary
Inorg-024	Hexavalent Chromium (Cr6+) - determined colourimetrically. Waters samples are filtered on receipt prior to analysis.
Metals-020	Determination of various metals by ICP-AES.

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## Client Reference: Byrants Concrete Preliminary Assessment

QUALITY CONTROL: Miscellaneous Inorganics					Duplicate				Spike Recovery %	
Test Description	Units	PQL	Method	Blank	#	Base	Dup.	RPD	LCS-W1	[NT]
Date prepared	-			24/07/2020	[NT]	[NT]	[NT]	[NT]	24/07/2020	[NT]
Date analysed	-			24/07/2020	[NT]	[NT]	[NT]	[NT]	24/07/2020	[NT]
Hexavalent Chromium, Cr <sup>6+</sup>	mg/L	0.005	Inorg-024	<0.005	[NT]	[NT]	[NT]	[NT]	103	[NT]
Trivalent Chromium, Cr <sup>3+</sup>	mg/L	0.005	Inorg-024	<0.005	[NT]	[NT]	[NT]	[NT]	[NT]	[NT]

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## Client Reference: Byrants Concrete Preliminary Assessment

QUALITY CONTROL: Cations in water Dissolved					Duplicate				Spike Recovery %	
Test Description	Units	PQL	Method	Blank	#	Base	Dup.	RPD	LCS-W1	[NT]
Date digested	-			27/07/2020	[NT]	[NT]	[NT]	[NT]	27/07/2020	[NT]
Date analysed	-			27/07/2020	[NT]	[NT]	[NT]	[NT]	27/07/2020	[NT]
Calcium - Dissolved	mg/L	0.5	Metals-020	<0.5	[NT]	[NT]	[NT]	[NT]	97	[NT]
Magnesium - Dissolved	mg/L	0.5	Metals-020	<0.5	[NT]	[NT]	[NT]	[NT]	100	[NT]

Envirolab Reference: 247378-A  
Revision No: R01

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## Client Reference: Byrants Concrete Preliminary Assessment

Result Definitions	
NT	Not tested
NA	Test not required
INS	Insufficient sample for this test
PQL	Practical Quantitation Limit
<	Less than
>	Greater than
RPD	Relative Percent Difference
LCS	Laboratory Control Sample
NS	Not specified
NEPM	National Environmental Protection Measure
NR	Not Reported

Envirolab Reference: 247378-A  
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## Client Reference: Byrants Concrete Preliminary Assessment

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<b>LCS (Laboratory Control Sample)</b>	This comprises either a standard reference material or a control matrix (such as a blank sand or water) fortified with analytes representative of the analyte class. It is simply a check sample.
<b>Surrogate Spike</b>	Surrogates are known additions to each sample, blank, matrix spike and LCS in a batch, of compounds which are similar to the analyte of interest, however are not expected to be found in real samples.
Australian Drinking Water Guidelines recommend that Thermotolerant Coliform, Faecal Enterococci, & E.Coli levels are less than 1cfu/100mL. The recommended maximums are taken from "Australian Drinking Water Guidelines", published by NHMRC & ARMC 2011.	
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Samples for Microbiological analysis (not Amoeba forms) received outside of the 2-8°C temperature range do not meet the ideal cooling conditions as stated in AS2031-2012.

Client Reference: Byrants Concrete Preliminary Assessment

**Report Comments**

sample #5 Cr6+ value is slightly higher than total Chromium value but results are within the uncertainty of the two methods.

Envirolab Reference: 247378-A  
Revision No: R01

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CHAIN OF CUSTODY - Client									
ENVIROLAB GROUP									
Client: Ground Doctor Pty Ltd			Client Project Name / Number / Site etc (ie report title):			Envirolab Services			
Contact person: James Morrow			Bryants Concrete Preliminary Assessment			12 Ashley St, Chatswood, NSW 2067			
Project Mgr: James Morrow			PO No.: 2020-GD013-1			Phone: 02 9910 6200 Fax: 02 9910 6201			
Sampler: James Morrow			Envirolab Quote No.:			E-mail: ahie@envirolabservices.com.au			
Address: PO Box 6278, DUBBO, NSW 2830			Date results required: Standard			Contact: Aileen Hie			
Phone: ---			Or choose: standard / same day / 1 day / 2 day / 3 day			Envirolab Services WA t/a MPL			
Fax: ---			Note: Inform lab in advance if urgent turnaround is required - surcharge applies			16-18 Hayden Crt, Myaree WA 6154			
Email: james.morrow@grounddoc.com.au			Lab comments:			Phone: 08 9317 2505 Fax: 08 9317 4163			
						E-mail: lab@mpl.com.au			
						Contact: Joshua Lim			
Sample Information				Tests Required				Comments	
Envirolab Sample ID	Client Sample ID or Information	Depth	Date sampled	Type of sample	M8 Metals, Free Cyanide, Total	M8 Metals (dissoved), Free Cyanide, Total	Thiocyanate, Cyanide, Nutrients (NH3, NO2, NO3, TKN)	Hold	Provide as much information about the sample as you can
1	River Up	-	17-Jul-20	Water			x		
2	River Down	-	17-Jul-20	Water			x		
3	PI1	-	17-Jul-20	Water			x		
4	PI2	-	17-Jul-20	Water			x		
5	Drain1	-	17-Jul-20	Water			x		
6	DUPC	-	17-Jul-20	Water			x		
7	TP1	0.4-0.6m	17-Jul-20	Soil	x				
8	TP1	1.7-1.9m	17-Jul-20	Soil	x				
9	PI1-Base	-	17-Jul-20	Soil	x				
10	PI1-Wall	-	17-Jul-20	Soil	x				
11	PI2-Base	-	17-Jul-20	Soil	x				
12	PI2-Wall	-	17-Jul-20	Soil	x				
13	Drain2	0.0-0.2m	17-Jul-20	Soil	x				
14	Drain3	0.0-0.2m	17-Jul-20	Soil	x				
15	Surface1	0.0-0.2m	17-Jul-20	Soil	x				
16	Surface2	0.0-0.2m	17-Jul-20	Soil	x				
17	DUPA	-		Soil	x				
18	DUPB	-		Soil	x				
Relinquished by (company):					Received by (company):				
Ground Doctor Pty Ltd					Eus Gydner				
Print Name: James Morrow					Print Name: Ming Yan To				
Date & Time: 20/7/20 1500					Date & Time: 21/07/2020 08:44				
Signature: JRM					Signature: M1				
Lab use only:					Lab use only:				
Samples Received: (and by Ambient (circle one))					Samples Received: (and by Ambient (circle one))				
Temperature Received at: 38 (if applicable)					Temperature Received at: 38 (if applicable)				
Transported by: Hand delivered / courier					Transported by: Hand delivered / courier				

Page No: 1 of 1

White - Lab copy / Blue - Client copy / Pink - Retain in Book

Form: 302 - Chain of Custody-Client, Issued 16/03/10, Version 4, Page 1 of 1.

**Aileen Hie**

**From:** James Morrow <james.morrow@grounddoc.com.au>  
**Sent:** Friday, 24 July 2020 5:59 PM  
**To:** Ken Nguyen  
**Cc:** Nick Sarlamis; Aileen Hie  
**Subject:** RE: Results for Registration 247378 Byrants Concrete Preliminary Assessment

CAUTION: This email originated from outside of the organisation. Do not act on instructions, click links or open attachments unless you recognise the sender and know the content is authentic and safe.

Hi Ken,

Could you please provide speciated chromium split for samples 3,4 and 5. Those are samples labelled "Pit1", "Pit2", and "Drain1". Can you also please analyse hardness (as CaCO<sub>3</sub>) for these samples. Let me know if you don't have sample for this.

I note guidance for cyanide in water talks about "unionised cyanide". Any suggestions on how we get this from the free and total cyanide numbers reported? Does the "free" cyanide represent ionised cyanide?

If you could give me a call on Monday to discuss that would be appreciated.

Kind Regards,  
James Morrow  
Environmental Engineer (Hydrogeologist)  
Certified Environmental Practitioner No.: 1194  
Site Contamination Specialist No.: SC41087



**Ground Doctor Pty Ltd**

Ground Doctor Pty Ltd  
22 Tamworth Street  
PO Box 6278  
DUBBO NSW 2830

Ph: 0407 875 302  
[www.grounddoc.com.au](http://www.grounddoc.com.au)

Envirolab Ref: 247378A  
Due: 31/7/20  
std TIA.

Disclaimer: Any comments or statements made herein do not necessarily reflect those of Ground Doctor Pty Ltd and the information provided in this communication is for general informational purposes only. Prior to making any commercial or personal decisions based on the data herein, you should seek direct advice from Ground Doctor Pty Ltd to ensure this information is relevant to your individual situation. This communication is confidential and is intended only for the addressee. If you are not the addressee you must not disseminate, forward, copy or take any action on it and please notify Ground Doctor Pty Ltd immediately.

**From:** Ken Nguyen <KNguyen@envirolab.com.au>  
**Sent:** Friday, 24 July 2020 4:09 PM



**Envirolab Services Pty Ltd**  
 ABN 37 112 535 645  
 12 Ashley St Chatswood NSW 2067  
 ph 02 9910 6200 fax 02 9910 6201  
 customerservice@envirolab.com.au  
 www.envirolab.com.au

### SAMPLE RECEIPT ADVICE

#### Client Details

Client	Ground Doctor Pty Ltd
Attention	James Morrow

#### Sample Login Details

Your reference	Byrants Concrete Groundwater Assessment
Envirolab Reference	251219
Date Sample Received	15/09/2020
Date Instructions Received	15/09/2020
Date Results Expected to be Reported	22/09/2020

#### Sample Condition

Samples received in appropriate condition for analysis	Yes
No. of Samples Provided	5 Water
Turnaround Time Requested	Standard
Temperature on Receipt (°C)	6.2
Cooling Method	Ice
Sampling Date Provided	YES

#### Comments

Nil

Please direct any queries to:

#### Aileen Hie

Phone: 02 9910 6200  
 Fax: 02 9910 6201  
 Email: ahie@envirolab.com.au

#### Jacinta Hurst

Phone: 02 9910 6200  
 Fax: 02 9910 6201  
 Email: jhurst@envirolab.com.au

*Analysis Underway, details on the following page:*



**Envirolab Services Pty Ltd**

ABN 37 112 535 645

12 Ashley St Chatswood NSW 2067

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Sample ID	HM in water - dissolved	Total Cyanide	Free Cyanide in Water	Thiocyanate*	Ammonia as N in water	Nitrate as N in water	Nitrite as N in water	TKN in water	Hexavalent Chromium, Cr6+
MW1	✓	✓	✓	✓	✓	✓	✓	✓	✓
MW2	✓	✓	✓	✓	✓	✓	✓	✓	✓
MW3	✓	✓	✓	✓	✓	✓	✓	✓	✓
MW4	✓	✓	✓	✓	✓	✓	✓	✓	✓
MW5	✓	✓	✓	✓	✓	✓	✓	✓	✓

The '✓' indicates the testing you have requested. **THIS IS NOT A REPORT OF THE RESULTS.**

#### Additional Info

Sample storage - Waters are routinely disposed of approximately 1 month and soils approximately 2 months from receipt.

Requests for longer term sample storage must be received in writing.

Please contact the laboratory immediately if observed settled sediment present in water samples is to be included in the extraction and/or analysis (exceptions include certain Physical Tests (pH/EC/BOD/COD/Apparent Colour etc.), Solids testing, Total Recoverable metals and PFAS analysis where solids are included by default).

TAT for Micro is dependent on incubation. This varies from 3 to 6 days.



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ph 02 9910 6200 fax 02 9910 6201  
customerservice@envirolab.com.au  
www.envirolab.com.au

### CERTIFICATE OF ANALYSIS 251219

#### Client Details

Client	Ground Doctor Pty Ltd
Attention	James Morrow
Address	PO Box 6278, Dubbo, NSW, 2830

#### Sample Details

Your Reference	<u>Byrants Concrete Groundwater Assessment</u>
Number of Samples	5 Water
Date samples received	15/09/2020
Date completed instructions received	15/09/2020

#### Analysis Details

Please refer to the following pages for results, methodology summary and quality control data.  
Samples were analysed as received from the client. Results relate specifically to the samples as received.  
Results are reported on a dry weight basis for solids and on an as received basis for other matrices.  
**Please refer to the last page of this report for any comments relating to the results.**

#### Report Details

Date results requested by	22/09/2020
Date of Issue	22/09/2020
NATA Accreditation Number 2901. This document shall not be reproduced except in full.	
Accredited for compliance with ISO/IEC 17025 - Testing. Tests not covered by NATA are denoted with *	

#### Results Approved By

Diego Bigolin, Team Leader, Inorganics  
Jaimie Loa-Kum-Cheung, Metals Supervisor

#### Authorised By

Nancy Zhang, Laboratory Manager

Envirolab Reference: 251219  
Revision No: R00



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## Client Reference: Byrants Concrete Groundwater Assessment

HM in water - dissolved						
Our Reference		251219-1	251219-2	251219-3	251219-4	251219-5
Your Reference	UNITS	MW1	MW2	MW3	MW4	MW5
Date Sampled		14/09/2020	14/09/2020	14/09/2020	14/09/2020	14/09/2020
Type of sample		Water	Water	Water	Water	Water
Date prepared	-	16/09/2020	16/09/2020	16/09/2020	16/09/2020	16/09/2020
Date analysed	-	16/09/2020	16/09/2020	16/09/2020	16/09/2020	16/09/2020
Arsenic-Dissolved	µg/L	<1	3	<1	<1	3
Cadmium-Dissolved	µg/L	<0.1	<0.1	<0.1	<0.1	<0.1
Chromium-Dissolved	µg/L	<1	<1	2	<1	<1
Copper-Dissolved	µg/L	<1	1	1	2	1
Lead-Dissolved	µg/L	<1	<1	<1	<1	<1
Mercury-Dissolved	µg/L	<0.05	<0.05	<0.05	<0.05	<0.05
Nickel-Dissolved	µg/L	2	3	3	6	3
Zinc-Dissolved	µg/L	31	22	72	67	22

Envirolab Reference: 251219  
Revision No: R00

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## Client Reference: Byrants Concrete Groundwater Assessment

Miscellaneous Inorganics						
Our Reference		251219-1	251219-2	251219-3	251219-4	251219-5
Your Reference	UNITS	MW1	MW2	MW3	MW4	MW5
Date Sampled		14/09/2020	14/09/2020	14/09/2020	14/09/2020	14/09/2020
Type of sample		Water	Water	Water	Water	Water
Date prepared	-	15/09/2020	15/09/2020	15/09/2020	15/09/2020	15/09/2020
Date analysed	-	15/09/2020	15/09/2020	15/09/2020	15/09/2020	15/09/2020
Total Cyanide	mg/L	<0.004	<0.004	<0.004	<0.004	<0.004
Free Cyanide in Water	mg/L	<0.004	<0.004	<0.004	<0.004	<0.004
Thiocyanate*	mg/L	<0.5	<0.5	<0.5	<0.5	<0.5
Ammonia as N in water	mg/L	0.006	0.053	0.017	0.012	0.044
Nitrate as N in water	mg/L	9.1	5.7	9.9	5.9	5.6
Nitrite as N in water	mg/L	0.43	2.1	0.21	1.8	2.1
TKN in water	mg/L	2.2	1.8	2.2	1.6	1.9
Hexavalent Chromium, Cr <sup>6+</sup>	mg/L	<0.005	<0.005	<0.005	<0.005	<0.005

EnviroLab Reference: 251219  
Revision No: R00

Page | 3 of 9

## Client Reference: Byrants Concrete Groundwater Assessment

Method ID	Methodology Summary
<b>Inorg-014</b>	Cyanide - free, total, weak acid dissociable by segmented flow analyser (in line dialysis with colourimetric finish).  Solids/Filters and sorbents are extracted in a caustic media prior to analysis. Impingers are pH adjusted as required prior to analysis.  Cyanides amenable to Chlorination - samples are analysed untreated and treated with hyperchlorite to assess the potential for chlorination of cyanide forms. Based on APHA latest edition, 4500-CN_G,H.
<b>Inorg-024</b>	Hexavalent Chromium (Cr6+) - determined colourimetrically. Waters samples are filtered on receipt prior to analysis.
<b>Inorg-055</b>	Nitrate - determined colourimetrically. Waters samples are filtered on receipt prior to analysis. Soils are analysed following a water extraction.
<b>Inorg-055</b>	Nitrite - determined colourimetrically based on APHA latest edition NO2- B. Waters samples are filtered on receipt prior to analysis. Soils are analysed following a water extraction.
<b>Inorg-057</b>	Ammonia - determined colourimetrically, based on APHA latest edition 4500-NH3 F. Waters samples are filtered on receipt prior to analysis. Soils are analysed following a KCl extraction.
<b>Inorg-062</b>	TKN - determined colourimetrically based on APHA latest edition 4500 Norg. Alternatively, TKN can be derived from calculation (Total N - NOx).
<b>Inorg-089</b>	Thiocyanate - determined colourimetrically and analysed by DA.
<b>Metals-021</b>	Determination of Mercury by Cold Vapour AAS.
<b>Metals-022</b>	Determination of various metals by ICP-MS.

Envirolab Reference: 251219  
Revision No: R00

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## Client Reference: Byrants Concrete Groundwater Assessment

QUALITY CONTROL: HM in water - dissolved					Duplicate			Spike Recovery %	
Test Description	Units	PQL	Method	Blank	#	Base	Dup.	RPD	LCS-W5
Date prepared	-			16/09/2020	[NT]	[NT]	[NT]	[NT]	16/09/2020
Date analysed	-			16/09/2020	[NT]	[NT]	[NT]	[NT]	16/09/2020
Arsenic-Dissolved	µg/L	1	Metals-022	<1	[NT]	[NT]	[NT]	[NT]	109
Cadmium-Dissolved	µg/L	0.1	Metals-022	<0.1	[NT]	[NT]	[NT]	[NT]	109
Chromium-Dissolved	µg/L	1	Metals-022	<1	[NT]	[NT]	[NT]	[NT]	103
Copper-Dissolved	µg/L	1	Metals-022	<1	[NT]	[NT]	[NT]	[NT]	106
Lead-Dissolved	µg/L	1	Metals-022	<1	[NT]	[NT]	[NT]	[NT]	97
Mercury-Dissolved	µg/L	0.05	Metals-021	<0.05	[NT]	[NT]	[NT]	[NT]	105
Nickel-Dissolved	µg/L	1	Metals-022	<1	[NT]	[NT]	[NT]	[NT]	108
Zinc-Dissolved	µg/L	1	Metals-022	<1	[NT]	[NT]	[NT]	[NT]	109

Envirolab Reference: 251219  
Revision No: R00

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## Client Reference: Byrants Concrete Groundwater Assessment

QUALITY CONTROL: Miscellaneous Inorganics						Duplicate			Spike Recovery %	
Test Description	Units	PQL	Method	Blank	#	Base	Dup.	RPD	LCS-W1	251219-2
Date prepared	-			15/09/2020	1	15/09/2020	15/09/2020		15/09/2020	15/09/2020
Date analysed	-			15/09/2020	1	15/09/2020	15/09/2020		15/09/2020	15/09/2020
Total Cyanide	mg/L	0.004	Inorg-014	<0.004	1	<0.004	<0.004	0	101	70
Free Cyanide in Water	mg/L	0.004	Inorg-014	<0.004	1	<0.004	<0.004	0	99	92
Thiocyanate*	mg/L	0.5	Inorg-089	<0.5	1	<0.5	<0.5	0	106	85
Ammonia as N in water	mg/L	0.005	Inorg-057	<0.005	1	0.006	0.006	0	97	93
Nitrate as N in water	mg/L	0.005	Inorg-055	<0.005	1	9.1	9.1	0	102	76
Nitrite as N in water	mg/L	0.005	Inorg-055	<0.005	1	0.43	0.43	0	99	#
TKN in water	mg/L	0.1	Inorg-062	<0.1	1	2.2	2.1	5	102	[NT]
Hexavalent Chromium, Cr <sup>6+</sup>	mg/L	0.005	Inorg-024	<0.005	1	<0.005	<0.005	0	107	105

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Client Reference: Byrants Concrete Groundwater Assessment

Result Definitions	
NT	Not tested
NA	Test not required
INS	Insufficient sample for this test
PQL	Practical Quantitation Limit
<	Less than
>	Greater than
RPD	Relative Percent Difference
LCS	Laboratory Control Sample
NS	Not specified
NEPM	National Environmental Protection Measure
NR	Not Reported

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## Client Reference: Byrants Concrete Groundwater Assessment

## Quality Control Definitions

<b>Blank</b>	This is the component of the analytical signal which is not derived from the sample but from reagents, glassware etc, can be determined by processing solvents and reagents in exactly the same manner as for samples.
<b>Duplicate</b>	This is the complete duplicate analysis of a sample from the process batch. If possible, the sample selected should be one where the analyte concentration is easily measurable.
<b>Matrix Spike</b>	A portion of the sample is spiked with a known concentration of target analyte. The purpose of the matrix spike is to monitor the performance of the analytical method used and to determine whether matrix interferences exist.
<b>LCS (Laboratory Control Sample)</b>	This comprises either a standard reference material or a control matrix (such as a blank sand or water) fortified with analytes representative of the analyte class. It is simply a check sample.
<b>Surrogate Spike</b>	Surrogates are known additions to each sample, blank, matrix spike and LCS in a batch, of compounds which are similar to the analyte of interest, however are not expected to be found in real samples.
Australian Drinking Water Guidelines recommend that Thermotolerant Coliform, Faecal Enterococci, & E.Coli levels are less than 1cfu/100mL. The recommended maximums are taken from "Australian Drinking Water Guidelines", published by NHMRC & ARMC 2011.	
The recommended maximums for analytes in urine are taken from "2018 TLVs and BEIs", as published by ACGIH (where available). Limit provided for Nickel is a precautionary guideline as per Position Paper prepared by AIOH Exposure Standards Committee, 2016.	
Guideline limits for Rinse Water Quality reported as per analytical requirements and specifications of AS 4187, Amdt 2 2019, Table 7.2	

## Laboratory Acceptance Criteria

Duplicate sample and matrix spike recoveries may not be reported on smaller jobs, however, were analysed at a frequency to meet or exceed NEPM requirements. All samples are tested in batches of 20. The duplicate sample RPD and matrix spike recoveries for the batch were within the laboratory acceptance criteria.

Filters, swabs, wipes, tubes and badges will not have duplicate data as the whole sample is generally extracted during sample extraction.

Spikes for Physical and Aggregate Tests are not applicable.

For VOCs in water samples, three vials are required for duplicate or spike analysis.

Duplicates: >10xPQL - RPD acceptance criteria will vary depending on the analytes and the analytical techniques but is typically in the range 20%-50% – see ELN-P05 QA/QC tables for details; <10xPQL - RPD are higher as the results approach PQL and the estimated measurement uncertainty will statistically increase.

Matrix Spikes, LCS and Surrogate recoveries: Generally 70-130% for inorganics/metals (not SPOCAS); 60-140% for organics/SPOCAS (+/-50% surrogates) and 10-140% for labile SVOCs (including labile surrogates), ultra trace organics and speciated phenols is acceptable.

In circumstances where no duplicate and/or sample spike has been reported at 1 in 10 and/or 1 in 20 samples respectively, the sample volume submitted was insufficient in order to satisfy laboratory QA/QC protocols.

When samples are received where certain analytes are outside of recommended technical holding times (THTs), the analysis has proceeded. Where analytes are on the verge of breaching THTs, every effort will be made to analyse within the THT or as soon as practicable.

Where sampling dates are not provided, Envirolab are not in a position to comment on the validity of the analysis where recommended technical holding times may have been breached.

Measurement Uncertainty estimates are available for most tests upon request.

Analysis of aqueous samples typically involves the extraction/digestion and/or analysis of the liquid phase only (i.e. NOT any settled sediment phase but inclusive of suspended particles if present), unless stipulated on the Envirolab COC and/or by correspondence. Notable exceptions include certain Physical Tests (pH/EC/BOD/COD/Apparent Colour etc.), Solids testing, total recoverable metals and PFAS where solids are included by default.

Samples for Microbiological analysis (not Amoeba forms) received outside of the 2-8°C temperature range do not meet the ideal cooling conditions as stated in AS2031-2012.



Client Reference: Byrants Concrete Groundwater Assessment

**Report Comments**

MISC\_INORG: Nitrite as N # Percent recovery not reported due to the high concentration of the analyte/s in the sample/s. However an acceptable recovery was obtained for the LCS.

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CHAIN OF CUSTODY - Client										
ENVIROLAB GROUP										
<b>Client:</b> Ground Doctor Pty Ltd <b>Contact person:</b> James Morrow <b>Project Mgr:</b> James Morrow			<b>Client Project Name / Number / Site etc (ie report title):</b> Bryants Concrete Groundwater Assessment			<b>Envirolab Services</b> 12 Ashley St, Chatswood, NSW 2067 Phone: 02 9910 6200 Fax: 02 9910 6201 E-mail: ahie@envirolabservices.com.au Contact: Aileen Hie				
<b>Sampler:</b> James Morrow <b>Address:</b> PO Box 6278, DUBBO, NSW 2830			<b>PO No.:</b> 2020-GD013-2 <b>Envirolab Quote No.:</b> : <b>Date results required:</b> Standard			<b>Envirolab Services WA t/a MPL</b> 16-18 Hayden Crt, Myaree WA 6154 Phone: 08 9317 2505 Fax: 08 9317 4163 E-mail: lab@mpl.com.au Contact: Joshua Lim				
<b>Phone:</b> -- <b>Fax:</b> -- <b>Email:</b> james.morrow@grounddoc.com.au			<b>Or choose: standard / same day / 1 day / 2 day / 3 day</b> <i>Note: Inform lab in advance if urgent turnaround is required - surcharge applies</i>			<b>Lab comments:</b>				
Sample information			Tests Required				Comments			
Envirolab Sample ID	Client Sample ID or information	Depth	Date sampled	Type of sample	M8 Metals, Free Cyanide, Total	M8 Metals (dissolved), Free Cyanide, Total	Cyanide, Thiocyanate, Nutrients (NH3, NO2, NO3, TKN)	Hexavalent Chromium	Job No.	Provide as much information about the sample as you can
1	MW1	-	14-Sep-20	Water			x	x	251219	Provide as much information about the sample as you can
2	MW2	-	14-Sep-20	Water			x	x	251219	Provide as much information about the sample as you can
3	MW3	-	14-Sep-20	Water			x	x	251219	Provide as much information about the sample as you can
4	MW4	-	14-Sep-20	Water			x	x	251219	Provide as much information about the sample as you can
5	MW5	-	14-Sep-20	Water			x	x	251219	Provide as much information about the sample as you can
<b>Relinquished by (company):</b> Ground Doctor Pty Ltd <b>Print Name:</b> James Morrow <b>Date &amp; Time:</b> 14/09/20 1530 <b>Signature:</b> JRM					<b>Received by (company):</b> AS JUL <b>Print Name:</b> JULIA MULLIN <b>Date &amp; Time:</b> 14/09/20 1530 <b>Signature:</b> JRM					
<b>Lab use only:</b> Samples Received: Cool or Ambient (circle one) Temperature Received at: 6.2 (if applicable) Transported by: Hand delivered X courier					White - Lab copy / Blue - Client copy / Pink - Retain in Book					

001: 1135.

## **Annex E**

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### **Groundwater Works Summary Forms**

04/08/2020

[https://realtime.data.waternsw.com.au/wgen/users/3f95333b7a574761aad0f5655ebb978f/gw047952.agagpf\\_org.wsr.htm?15964968477...](https://realtime.data.waternsw.com.au/wgen/users/3f95333b7a574761aad0f5655ebb978f/gw047952.agagpf_org.wsr.htm?15964968477...)

## WaterNSW Work Summary

**GW047952****Licence:****Licence Status:****Authorised Purpose(s):****Intended Purpose(s):** PUBLIC/MUNICIPAL**Work Type:** Bore**Work Status:** Test Hole**Construct.Method:** Cable Tool**Owner Type:** Local Govt**Commenced Date:****Completion Date:** 01/03/1983**Final Depth:** 20.40 m**Drilled Depth:** 20.40 m**Contractor Name:** (None)**Driller:** Richard Murney**Assistant Driller:****Property:****Standing Water Level****(m):****GWMA:****Salinity Description:****GW Zone:****Yield (L/s):**

### Site Details

**Site Chosen By:****Form A:** FORBES  
**Licensed:****County**  
MULYAN**Parish**  
RES 99999**Region:** 70 - Lachlan**CMA Map:** 8630-S**River Basin:** 412 - LACHLAN RIVER**Grid Zone:****Scale:****Area/District:****Elevation:** 0.00 m (A.H.D.)  
**Elevation Source:** (Unknown)**Northing:** 6255135.000  
**Easting:** 655413.000**Latitude:** 33°49'57.4"S  
**Longitude:** 148°40'46.3"E**GS Map:** -**MGA Zone:** 55**Coordinate Source:** GD.,ACC.MAP

### Construction

Negative depths indicate Above Ground Level; C-Cemented; SL-Slot Length; A-Aperture; GS-Grain Size; Q-Quantity; PL-Placement of Gravel Pack;  
PC-Pressure Cemented; S-Sump; CE-Centralisers

Hole	Pipe	Component	Type	From (m)	To (m)	Outside Diameter (mm)	Inside Diameter (mm)	Interval	Details
1	1	Casing	Withdrawn	0.00	0.00				

### Water Bearing Zones

From (m)	To (m)	Thickness (m)	WBZ Type	S.W.L. (m)	D.D.L. (m)	Yield (L/s)	Hole Depth (m)	Duration (hr)	Salinity (mg/L)
17.40	20.10	2.70	Unconsolidated	12.30		1.20			

### Drillers Log

From (m)	To (m)	Thickness (m)	Drillers Description	Geological Material	Comments
0.00	1.20	1.20	Soil	Soil	
1.20	11.00	9.80	Clay	Clay	

[https://realtime.data.waternsw.com.au/wgen/users/3f95333b7a574761aad0f5655ebb978f/gw047952.agagpf\\_org.wsr.htm?1596496847738&159649685...](https://realtime.data.waternsw.com.au/wgen/users/3f95333b7a574761aad0f5655ebb978f/gw047952.agagpf_org.wsr.htm?1596496847738&159649685...) 1/2

04/08/2020 [https://realtime.data.waternsw.com.au/wgen/users/3f95333b7a574761aad0f5655ebb978f/gw047952.agagpf\\_org.wsr.htm?15964968477...](https://realtime.data.waternsw.com.au/wgen/users/3f95333b7a574761aad0f5655ebb978f/gw047952.agagpf_org.wsr.htm?15964968477...)

11.00	17.40	6.40	Clay Silty	Clay	
17.40	20.10	2.70	Gravel Silty Sand Water Supply	Gravel	
20.10	20.40	0.30	Granite Decomposed	Granite	

Remarks

01/11/1983: COWRA SHOWGROUND  
01/11/1983: COWRA TWS TEST HOLE

\*\*\* End of GW047952 \*\*\*

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## WaterNSW Work Summary

GW047953

Licence:

Licence Status:

Authorised Purpose(s):

Intended Purpose(s): PUBLIC/MUNICIPAL

Work Type: Bore

Work Status: Test Hole

Construct.Method: Cable Tool

Owner Type: Local Govt

Commenced Date:

Completion Date: 01/03/1983

Final Depth: 19.80 m

Drilled Depth: 19.80 m

Contractor Name: (None)

Driller: Richard Murney

Assistant Driller:

Property:

Standing Water Level  
(m):

GWMA:

Salinity Description:

GW Zone:

Yield (L/s):

### Site Details

Site Chosen By:

County  
Form A: FORBES  
Licensed:Parish  
MULYANCadastre  
RES 99999

Region: 70 - Lachlan

CMA Map: 8630-S

River Basin: 412 - LACHLAN RIVER

Grid Zone:

Scale:

Area/District:

Elevation: 0.00 m (A.H.D.)  
Elevation Source: (Unknown)Northing: 6255225.000  
Easting: 655569.000Latitude: 33°49'54.4"S  
Longitude: 148°40'52.3"E

GS Map: -

MGA Zone: 55

Coordinate Source: GD.,ACC.MAP

### Construction

Negative depths indicate Above Ground Level; C-Cemented; SL-Slot Length; A-Aperture; GS-Grain Size; Q-Quantity; PL-Placement of Gravel Pack;  
PC-Pressure Cemented; S-Sump; CE-Centralisers

Hole	Pipe	Component	Type	From (m)	To (m)	Outside Diameter (mm)	Inside Diameter (mm)	Interval	Details
1	1	Casing	Withdrawn	0.00	0.00				
1	1	Opening	Withdrawn	15.20	18.30	127		1	Stainless Steel, A: 1.60mm

### Water Bearing Zones

From (m)	To (m)	Thickness (m)	WBZ Type	S.W.L. (m)	D.D.L. (m)	Yield (L/s)	Hole Depth (m)	Duration (hr)	Salinity (mg/L)
14.90	19.20	4.30	Unconsolidated	7.60		1.26			

### Drillers Log

From (m)	To (m)	Thickness (m)	Drillers Description	Geological Material	Comments
0.00	4.60	4.60	Soil	Soil	

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4.60	15.00	10.40	Clay Grey Water Supply	Clay	
15.00	19.20	4.20	Sand Grey Silty Gravel Water Supply	Sand	
19.20	19.80	0.60	Granite Decomposed	Granite	

## Remarks

01/11/1983: COWRA SHOWGROUND  
01/11/1983: COWRA TWS TEST HOLE

\*\*\* End of GW047953 \*\*\*

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04/08/2020

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## WaterNSW Work Summary

**GW047954****Licence:****Licence Status:****Authorised Purpose(s):****Intended Purpose(s):** PUBLIC/MUNICIPAL**Work Type:** Bore**Work Status:** Test Hole**Construct.Method:** Cable Tool**Owner Type:** Local Govt**Commenced Date:****Completion Date:** 01/03/1983**Final Depth:** 14.90 m**Drilled Depth:** 14.90 m**Contractor Name:** (None)**Driller:** Richard Murney**Assistant Driller:****Property:****Standing Water Level****(m):****GWMA:****Salinity Description:****GW Zone:****Yield (L/s):**

### Site Details

**Site Chosen By:****Form A:** FORBES  
**Licensed:****County**  
MULYAN**Parish**  
RES 99999**Region:** 70 - Lachlan**CMA Map:** 8630-S**River Basin:** 412 - LACHLAN RIVER  
**Area/District:****Grid Zone:****Scale:****Elevation:** 0.00 m (A.H.D.)  
**Elevation Source:** (Unknown)**Northing:** 6255725.000  
**Easting:** 655165.000**Latitude:** 33°49'38.4"S  
**Longitude:** 148°40'36.3"E**GS Map:** -**MGA Zone:** 55**Coordinate Source:** GD.,ACC.MAP

### Construction

Negative depths indicate Above Ground Level; C-Cemented; SL-Slot Length; A-Aperture; GS-Grain Size; Q-Quantity; PL-Placement of Gravel Pack; PC-Pressure Cemented; S-Sump; CE-Centralisers

Hole	Pipe	Component	Type	From (m)	To (m)	Outside Diameter (mm)	Inside Diameter (mm)	Interval	Details
1	1	Casing	Withdrawn	0.00	0.00				

### Water Bearing Zones

From (m)	To (m)	Thickness (m)	WBZ Type	S.W.L. (m)	D.D.L. (m)	Yield (L/s)	Hole Depth (m)	Duration (hr)	Salinity (mg/L)
14.00	14.60	0.60	Unconsolidated	7.00					

### Drillers Log

From (m)	To (m)	Thickness (m)	Drillers Description	Geological Material	Comments
0.00	5.50	5.50	Soil	Soil	
5.50	14.00	8.50	Clay Grey Sandy	Clay	

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14.00	14.60	0.60	Sand Grey Silty Gravel Water Bearing	Sand	
14.60	14.90	0.30	Granite Decomposed	Granite	

Remarks

01/11/1983: COWRA SHOWGROUND  
01/11/1983: COWRA TWS TEST HOLE

\*\*\* End of GW047954 \*\*\*

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04/08/2020 [https://realtimedata.waternsw.com.au/wgen/users/3f95333b7a574761aad0f5655ebb978f/gw047956.agagpf\\_org.wsr.htm?15965025499...](https://realtimedata.waternsw.com.au/wgen/users/3f95333b7a574761aad0f5655ebb978f/gw047956.agagpf_org.wsr.htm?15965025499...)

## WaterNSW Work Summary

**GW047956**

<b>Licence:</b>	<b>Licence Status:</b>
	<b>Authorised Purpose(s):</b> <b>Intended Purpose(s):</b> PUBLIC/MUNICIPAL
<b>Work Type:</b> Bore	
<b>Work Status:</b> Test Hole	
<b>Construct.Method:</b> Cable Tool	
<b>Owner Type:</b> Local Govt	
<b>Commenced Date:</b>	<b>Final Depth:</b> 20.10 m
<b>Completion Date:</b> 01/03/1983	<b>Drilled Depth:</b> 20.10 m
<b>Contractor Name:</b> (None)	
<b>Driller:</b> Richard Murney	
<b>Assistant Driller:</b>	
<b>Property:</b>	<b>Standing Water Level</b> (m):
<b>GWMA:</b>	<b>Salinity Description:</b>
<b>GW Zone:</b>	<b>Yield (L/s):</b>

### Site Details

**Site Chosen By:**

<b>County</b> <b>Form A:</b> BATHURST <b>Licensed:</b>	<b>Parish</b> COWRA	<b>Cadastre</b> RES 99999
<b>Region:</b> 70 - Lachlan	<b>CMA Map:</b> 8630-S	
<b>River Basin:</b> 412 - LACHLAN RIVER <b>Area/District:</b>	<b>Grid Zone:</b>	<b>Scale:</b>
<b>Elevation:</b> 0.00 m (A.H.D.) <b>Elevation Source:</b> (Unknown)	<b>Northing:</b> 6255496.000 <b>Easting:</b> 655984.000	<b>Latitude:</b> 33°49'45.4"S <b>Longitude:</b> 148°41'08.3"E
<b>GS Map:</b> -	<b>MGA Zone:</b> 55	<b>Coordinate Source:</b> GD.,ACC.MAP

### Construction

Negative depths indicate Above Ground Level; C-Cemented; SL-Slot Length; A-Aperture; GS-Grain Size; Q-Quantity; PL-Placement of Gravel Pack; PC-Pressure Cemented; S-Sump; CE-Centralisers

Hole	Pipe	Component	Type	From (m)	To (m)	Outside Diameter (mm)	Inside Diameter (mm)	Interval	Details
1	1	Casing	Withdrawn	0.00	0.00				

### Water Bearing Zones

From (m)	To (m)	Thickness (m)	WBZ Type	S.W.L. (m)	D.D.L. (m)	Yield (L/s)	Hole Depth (m)	Duration (hr)	Salinity (mg/L)
18.00	19.50	1.50	Unconsolidated	7.30					

### Drillers Log

From (m)	To (m)	Thickness (m)	Drillers Description	Geological Material	Comments
0.00	4.30	4.30	Soil	Soil	
4.30	11.60	7.30	Clay Sandy	Clay	

[https://realtimedata.waternsw.com.au/wgen/users/3f95333b7a574761aad0f5655ebb978f/gw047956.agagpf\\_org.wsr.htm?1596502549961&159650258...](https://realtimedata.waternsw.com.au/wgen/users/3f95333b7a574761aad0f5655ebb978f/gw047956.agagpf_org.wsr.htm?1596502549961&159650258...) 1/2

04/08/2020 [https://realtime.data.waternsw.com.au/wgen/users/3f95333b7a574761aad0f5655ebb978f/gw047956.agagpf\\_org.wsr.htm?15965025499...](https://realtime.data.waternsw.com.au/wgen/users/3f95333b7a574761aad0f5655ebb978f/gw047956.agagpf_org.wsr.htm?15965025499...)

11.60	18.00	6.40	Clay Grey Silty	Clay	
18.00	19.50	1.50	Gravel Grey Silty Sand Water Supply	Gravel	
19.50	20.10	0.60	Granite Decomposed	Granite	

Remarks

01/11/1983: RIVER PARK ADJACENT OLYMPIC POOL  
01/11/1983: COWRA TWS TEST HOLE

\*\*\* End of GW047956 \*\*\*

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04/08/2020

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## WaterNSW Work Summary

GW053835

<b>Licence:</b>	<b>Licence Status:</b>
	<b>Authorised Purpose(s):</b> <b>Intended Purpose(s):</b> IRRIGATION
<b>Work Type:</b> Bore	
<b>Work Status:</b>	
<b>Construct.Method:</b> Cable Tool	
<b>Owner Type:</b> Private	
<b>Commenced Date:</b>	<b>Final Depth:</b> 18.60 m
<b>Completion Date:</b> 01/05/1983	<b>Drilled Depth:</b> 18.60 m
<b>Contractor Name:</b> (None)	
<b>Driller:</b>	
<b>Assistant Driller:</b>	
<b>Property:</b>	<b>Standing Water Level (m):</b>
<b>GWMA:</b>	<b>Salinity Description:</b>
<b>GW Zone:</b>	<b>Yield (L/s):</b>

### Site Details

<b>Site Chosen By:</b>			
<b>Form A:</b> FORBES	<b>County</b>	<b>Parish</b>	<b>Cadastre</b>
<b>Licensed:</b>	MULYAN	L2 DP592116 (62)	
<b>Region:</b> 70 - Lachlan	<b>CMA Map:</b> 8630-S		
<b>River Basin:</b> 412 - LACHLAN RIVER	<b>Grid Zone:</b>	<b>Scale:</b>	
<b>Area/District:</b>			
<b>Elevation:</b> 0.00 m (A.H.D.)	<b>Northing:</b> 6255729.000	<b>Latitude:</b> 33°49'38.4"S	
<b>Elevation Source:</b> (Unknown)	<b>Easting:</b> 654934.000	<b>Longitude:</b> 148°40'27.3"E	
<b>GS Map:</b> -	<b>MGA Zone:</b> 55	<b>Coordinate Source:</b> GPS - Global	

### Construction

Negative depths indicate Above Ground Level; C-Cemented; SL-Slot Length; A-Aperture; GS-Grain Size; Q-Quantity; PL-Placement of Gravel Pack; PC-Pressure Cemented; S-Sump; CE-Centralisers

Hole	Pipe	Component	Type	From (m)	To (m)	Outside Diameter (mm)	Inside Diameter (mm)	Interval	Details
1	1	Casing	Threaded Steel	-1.00	16.80	152			
1	1	Opening	Screen	16.80	18.60	127		1	Stainless Steel, A: 1.60mm

### Water Bearing Zones

From (m)	To (m)	Thickness (m)	WBZ Type	S.W.L. (m)	D.D.L. (m)	Yield (L/s)	Hole Depth (m)	Duration (hr)	Salinity (mg/L)
16.80	18.60	1.80	Unconsolidated	9.80		16.40			

### Drillers Log

From (m)	To (m)	Thickness (m)	Drillers Description	Geological Material	Comments
0.00	1.80	1.80	Soil	Soil	

[https://realtime.data.watarnsw.com.au/wgen/users/3f95333b7a574761aad0f5655ebb978f/gw053835.agagpf\\_org.wsr.htm?1596496660529&159649666...](https://realtime.data.watarnsw.com.au/wgen/users/3f95333b7a574761aad0f5655ebb978f/gw053835.agagpf_org.wsr.htm?1596496660529&159649666...) 1/2

04/08/2020 [https://realtime.data.watarnsw.com.au/wgen/users/3f95333b7a574761aad0f5655ebb978f/gw053835.agagpf\\_org.wsr.htm?15964966605...](https://realtime.data.watarnsw.com.au/wgen/users/3f95333b7a574761aad0f5655ebb978f/gw053835.agagpf_org.wsr.htm?15964966605...)

1.80	9.50	7.70	Clay Grey Sandy	Clay	
9.50	16.80	7.30	Clay Silty	Clay	
16.80	18.60	1.80	Sand Gravel Water Supply	Sand	
18.60	18.61	0.01	Granite	Granite	

\*\*\* End of GW053835 \*\*\*

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04/08/2020 [https://realtime.data.waternsw.com.au/wgen/users/3f95333b7a574761aad0f5655ebb978f/gw059443.agagpf\\_org.wsr.htm?15964965755...](https://realtime.data.waternsw.com.au/wgen/users/3f95333b7a574761aad0f5655ebb978f/gw059443.agagpf_org.wsr.htm?15964965755...)

## WaterNSW Work Summary

**GW059443**

**Licence:** 70WA612584

**Licence Status:** CURRENT

**Authorised Purpose(s):** STOCK,DOMESTIC  
**Intended Purpose(s):** IRRIGATION

**Work Type:** Bore

**Work Status:**

**Construct.Method:**

**Owner Type:** Private

**Commenced Date:**

**Completion Date:**

**Final Depth:** 20.00 m

**Drilled Depth:**

**Contractor Name:** (None)

**Driller:**

**Assistant Driller:**

**Property:** N/A NSW

**Standing Water Level**

(m):

**GWMA:** 011 - UPPER LACHLAN (U/S LAKE  
CARGELLIGO)

**Salinity Description:**

**GW Zone:** 002 - ZONE 2 NORTH OF THE  
WESTERN HWY COWRA TO  
GOOLOOGONG

**Yield (L/s):**

### Site Details

**Site Chosen By:**

**County**  
**Form A:** FORBES  
**Licensed:** FORBES

**Parish**  
MULYAN  
MULYAN

**Cadastre**  
371  
Whole Lot //

**Region:** 70 - Lachlan

**CMA Map:** 8630-S

**River Basin:** 412 - LACHLAN RIVER  
**Area/District:**

**Grid Zone:**

**Scale:**

**Elevation:** 0.00 m (A.H.D.)  
**Elevation Source:** (Unknown)

**Northing:** 6255664.000  
**Easting:** 655087.000

**Latitude:** 33°49'40.4"S  
**Longitude:** 148°40'33.3"E

**GS Map:** -

**MGA Zone:** 55

**Coordinate Source:** GD.,ACC.MAP

### Construction

Negative depths indicate Above Ground Level; C-Cemented; SL-Slot Length; A-Aperture; GS-Grain Size; Q-Quantity; PL-Placement of Gravel Pack; PC-Pressure Cemented; S-Sump; CE-Centralisers

Hole	Pipe	Component	Type	From (m)	To (m)	Outside Diameter (mm)	Inside Diameter (mm)	Interval	Details
1	1	Casing	Threaded Steel	0.00	20.00	150			Seated on Bottom

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\*\*\* End of GW059443 \*\*\*

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04/08/2020 [https://realtime.data.waterrnsw.com.au/wgen/users/3f95333b7a574761aad0f5655ebb978f/gw059491.agagpf\\_org.wsr.htm?15964962529...](https://realtime.data.waterrnsw.com.au/wgen/users/3f95333b7a574761aad0f5655ebb978f/gw059491.agagpf_org.wsr.htm?15964962529...)

## WaterNSW Work Summary

**GW059491**

<b>Licence:</b>	<b>Licence Status:</b>
<b>Authorised Purpose(s):</b>	
<b>Intended Purpose(s):</b> IRRIGATION	
<b>Work Type:</b> Bore	
<b>Work Status:</b>	
<b>Construct.Method:</b> Rotary Air	
<b>Owner Type:</b> Private	
<b>Commenced Date:</b>	
<b>Completion Date:</b> 01/02/1983	<b>Final Depth:</b> 17.40 m
	<b>Drilled Depth:</b> 17.40 m
<b>Contractor Name:</b> (None)	
<b>Driller:</b>	
<b>Assistant Driller:</b>	
<b>Property:</b>	<b>Standing Water Level (m):</b>
<b>GWMA:</b>	<b>Salinity Description:</b> Fair
<b>GW Zone:</b>	<b>Yield (L/s):</b>

### Site Details

<b>Site Chosen By:</b>	<b>County</b>	<b>Parish</b>	<b>Cadastre</b>
	<b>Form A:</b> BATHURST	COWRA	L5 (24)
	<b>Licensed:</b>		
<b>Region:</b> 70 - Lachlan	<b>CMA Map:</b> 8630-S		
<b>River Basin:</b> 412 - LACHLAN RIVER	<b>Grid Zone:</b>	<b>Scale:</b>	
<b>Area/District:</b>			
<b>Elevation:</b> 0.00 m (A.H.D.)	<b>Northing:</b> 6256069.000	<b>Latitude:</b> 33°49'27.3"S	
<b>Elevation Source:</b> (Unknown)	<b>Easting:</b> 655022.000	<b>Longitude:</b> 148°40'30.5"E	
<b>GS Map:</b> -	<b>MGA Zone:</b> 55	<b>Coordinate Source:</b> GIS - Geogra	

### Construction

Negative depths indicate Above Ground Level; C-Cemented; SL-Slot Length; A-Aperture; GS-Grain Size; Q-Quantity; PL-Placement of Gravel Pack; PC-Pressure Cemented; S-Sump; CE-Centralisers

Hole	Pipe	Component	Type	From (m)	To (m)	Outside Diameter (mm)	Inside Diameter (mm)	Interval	Details
1	1	Casing	Welded Steel	-0.50	14.40	210			Suspended in Clamps
1	1	Opening	Screen	14.40	17.40	210		1	Stainless Steel, A: 2.03mm

### Water Bearing Zones

From (m)	To (m)	Thickness (m)	WBZ Type	S.W.L. (m)	D.D.L. (m)	Yield (L/s)	Hole Depth (m)	Duration (hr)	Salinity (mg/L)
13.70	17.40	3.70	Unconsolidated	3.00		9.37			

### Drillers Log

From (m)	To (m)	Thickness (m)	Drillers Description	Geological Material	Comments
0.00	13.71	13.71	Clay	Clay	

[https://realtime.data.waterrnsw.com.au/wgen/users/3f95333b7a574761aad0f5655ebb978f/gw059491.agagpf\\_org.wsr.htm?1596496252947&159649626...](https://realtime.data.waterrnsw.com.au/wgen/users/3f95333b7a574761aad0f5655ebb978f/gw059491.agagpf_org.wsr.htm?1596496252947&159649626...) 1/2



04/08/2020 [https://realtime.data.waternsw.com.au/wgen/users/3f95333b7a574761aad0f5655ebb978f/gw059491.agagpf\\_org.wsr.htm?15964962529...](https://realtime.data.waternsw.com.au/wgen/users/3f95333b7a574761aad0f5655ebb978f/gw059491.agagpf_org.wsr.htm?15964962529...)  
13.71 | 17.38 | 3.67 | Sand Gravel Water Supply | Sand |

\*\*\* End of GW059491 \*\*\*

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## WaterNSW Work Summary

GW062044

Licence: 70CA613944

Licence Status: CURRENT

Authorised Purpose(s): IRRIGATION  
Intended Purpose(s): IRRIGATION

Work Type: Bore

Work Status:

Construct.Method: Cable Tool

Owner Type: Private

Commenced Date:

Completion Date: 01/01/1985

Final Depth: 19.20 m

Drilled Depth: 19.20 m

Contractor Name: (None)

Driller:

Assistant Driller:

Property: GLENBROOK COWRA 2794 NSW

Standing Water Level  
(m):

GWMA: 011 - UPPER LACHLAN (U/S LAKE  
CARGELLIGO)

Salinity Description:

GW Zone: 002 - ZONE 2 NORTH OF THE  
WESTERN HWY COWRA TO  
GOOLOOGONG

Yield (L/s):

### Site Details

Site Chosen By:

County  
Form A: FORBES  
Licensed: FORBES

Parish  
MULYAN  
MULYAN

Cadastre  
371  
Whole Lot 371//752948

Region: 70 - Lachlan

CMA Map: 8630-S

River Basin: 412 - LACHLAN RIVER  
Area/District:

Grid Zone:

Scale:

Elevation: 0.00 m (A.H.D.)  
Elevation Source: (Unknown)

Northing: 6255696.000  
Easting: 655062.000

Latitude: 33°49'39.4"S  
Longitude: 148°40'32.3"E

GS Map: -

MGA Zone: 55

Coordinate Source: GPS - Global

### Construction

Negative depths indicate Above Ground Level; C-Cemented; SL-Slot Length; A-Aperture; GS-Grain Size; Q-Quantity; PL-Placement of Gravel Pack; PC-Pressure Cemented; S-Sump; CE-Centralisers

Hole	Pipe	Component	Type	From (m)	To (m)	Outside Diameter (mm)	Inside Diameter (mm)	Interval	Details
1	1	Casing	Threaded Steel	-0.30	17.70	152			Seated
1	1	Opening	Screen	17.70	19.20	127		1	Stainless Steel, A: 1.60mm

### Water Bearing Zones

From (m)	To (m)	Thickness (m)	WBZ Type	S.W.L. (m)	D.D.L. (m)	Yield (L/s)	Hole Depth (m)	Duration (hr)	Salinity (mg/L)
16.80	19.20	2.40	Unconsolidated	13.40		14.80			

### Drillers Log

From	To	Thickness	Drillers Description	Geological Material	Comments
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[https://realtimedata.watarnsw.com.au/wgen/users/3f95333b7a574761aad0f5655ebb978f/gw062044.agagpf\\_org.wsr.htm?1596496416556&159649644...](https://realtimedata.watarnsw.com.au/wgen/users/3f95333b7a574761aad0f5655ebb978f/gw062044.agagpf_org.wsr.htm?1596496416556&159649644...) 1/2

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(m)	(m)	(m)			
0.00	1.80	1.80	Soil	Soil	
1.80	14.30	12.50	Clay Sandy	Clay	
14.30	16.80	2.50	Clay Silty	Clay	
16.80	19.20	2.40	Sand Gravel Water Supply	Sand	

\*\*\* End of GW062044 \*\*\*

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## **Annex F**

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### **Borehole and Monitoring Well Construction Logs**

**Borehole ID: MW1****Project No.:** 2020-GD013**Project Name:** Bryants Concrete Cleanup Direction ESA**Client:** Buzzree Pty Limited**Site Address:** 2 Kite Street, Cowra, NSW**Ground Doctor Pty Ltd**22 Tamworth Street  
PO Box 6278  
DUBBO NSW 2830ph: 0407 875 302  
fx: (02) 8607 8122  
admin@grounddoc.com.au

SUBSURFACE PROFILE				SAMPLE		CONSTRUCTION	
Depth (m)	Symbol	Description	Depth/Elev.	Sample ID	PID / Odour	Well Diagram	Materials Used
-2							
-1							
0		Ground Surface	0,0				Stickup steel monument concreted at surface
1		<b>Sandy Clay:</b> Brown, moist, medium plasticity, medium to coarse sand.	1,2				
2		<b>Silty Sand:</b> Grey-brown, moist, fine grained, some clay.	2,3				
3		<b>Clayey Gravelly Sand:</b> Light brown, fine to coarse grained sand and fine to coarse gravel, rounded, moist.	3,5				
4		<b>Silty Clay:</b> Red-brown, moist, low plasticity.	4,3				Annulus filled with bentonite (0,2-8,0m)
5		<b>Clayey Sand:</b> Light brown, medium to coarse sand and fine gravel, hard (cemented), moist.	6,0				
6		<b>Weathered Granite:</b> Light brown, texture of clayey sand and gravel, fine to coarse sand and fine gravel, dry, hard.					50mm ID Class 18 Threaded Blank Casing (-0,6-10,5m)
7		Moist to wet cuttings at 10m.					
8		Saturated 12m+.					
9		Hard layers encountered regularly between 12 and 15m below ground level.					
10							
11							
12							Annulus filled with 3-7mm washed river gravel (8,0-16,5m)
13							
14							50mm ID Class 18 Threaded PVC Screen (10,5-16,5m)
15							
16			16,5				PVC End Cap (16,5m)
17		End of Hole at 16,5m in Weathered Granite					
18							

**Drilled By:** Ivan Drilling**Drill Method:** Rotary with Solid Auger**Drill Date:** 1 September 2020**Hole Size:** 100mm**Datum:****Sheet:** 1 of 1

**Borehole ID: MW2****Project No.:** 2020-GD013**Project Name:** Bryants Concrete Cleanup Direction ESA**Client:** Buzzree Pty Limited**Site Address:** 2 Kite Street, Cowra, NSW**Ground Doctor Pty Ltd**22 Tamworth Street  
PO Box 6278  
DUBBO NSW 2830ph: 0407 875 302  
fx: (02) 8607 8122  
admin@grounddoc.com.au

SUBSURFACE PROFILE				SAMPLE		CONSTRUCTION	
Depth (m)	Symbol	Description	Depth/Elev.	Sample ID	PID / Odour	Well Diagram	Materials Used
-2							
-1							
0		Ground Surface	0.0				
0.3		Fill: Clayey Sand and Gravel, orange brown, fine to coarse gravel, rounded.	0.3				Stickup steel monument concreted at surface
1.0		Clayey Sandy Silt: Dark brown, moist, fine to medium sand, some clay.	1.0				
2		Clayey Silty Sand: Brown, moist, fine sand.					Annulus filled with bentonite (0.2-5.0m)
3							
4							
5			5.5				
6		Clayey Silt: Dark brown, moist.					
7			7.5				50mm ID Class 18 Threaded Blank Casing (-0.6-8.8m)
8		Silty Clay: Brown, moist to wet, medium plasticity, low plasticity.					
9		Wet to saturated from 10m+					
10							
11							
12			12.5				50mm ID Class 18 Threaded PVC Screen (8.8-14.8m)
13		Sand and Gravel: Brown, fine to coarse sand and fine to coarse gravel, rounded, some clay.					Annulus filled with 3-7mm washed river gravel (5.0-14.8m)
14			14.2				
15		Weathered Granite: Light brown, texture of clayey sand and gravel, fine to coarse sand and fine gravel, saturated, hard.	15.0				PVC End Cap (14.8m)
15		End of Hole at 15.0m in Weathered Granite					
16							
17							
18							

**Drilled By:** Ivan Drilling**Drill Method:** Rotary with Solid Auger**Drill Date:** 2 September 2020**Hole Size:** 100mm**Datum:****Sheet:** 1 of 1

**Borehole ID: MW3****Project No.:** 2020-GD013**Project Name:** Bryants Concrete Cleanup Direction ESA**Client:** Buzzree Pty Limited**Site Address:** 2 Kite Street, Cowra, NSW**Ground Doctor Pty Ltd**22 Tamworth Street  
PO Box 6278  
DUBBO NSW 2830ph: 0407 875 302  
fx: (02) 8607 8122  
admin@grounddoc.com.au

SUBSURFACE PROFILE				SAMPLE		CONSTRUCTION	
Depth (m)	Symbol	Description	Depth/Elev.	Sample ID	PID / Odour	Well Diagram	Materials Used
-2							
-1							
0		Ground Surface	0,0				Stickup steel monument concreted at surface
0		Fill: Clayey Sand and Gravel, orange brown, fine to coarse gravel, rounded.	0,4				
1		Clayey Silty Sand: Grey-brown, moist, fine to medium sand, some clay, dry to moist.					
2							
3							Annulus filled with bentonite (0,2-4,0m)
4		Silty Clay: Brown with light grey mottling, moist, low plasticity.	3,7				
5							
6		Sandy Clay: Brown, moist to wet, medium plasticity, fine to medium sand (including mica).	6,0				
7							50mm ID Class 18 Threaded Blank Casing (-0,6-8,9m)
8							
9							
10		Clayey Sand: Brown, fine to coarse grained, saturated.	10,0				
11		Very soft 10-11m.					
12							50mm ID Class 18 Threaded PVC Screen (8,9-14,9m)
13							Annulus filled with 3-7mm washed river gravel (4,0-14,9m)
14							
14		Clay: Light grey, high plasticity, saturated.	14,3				
15		End of Hole at 15,0m in Clay	15,0				PVC End Cap (14,9m)
16							
17							
18							

**Drilled By:** Ivan Drilling**Drill Method:** Rotary with Solid Auger**Drill Date:** 1 September 2020**Hole Size:** 100mm**Datum:****Sheet:** 1 of 1

**Borehole ID: MW4****Project No.:** 2020-GD013**Project Name:** Bryants Concrete Cleanup Direction ESA**Client:** Buzzree Pty Limited**Site Address:** 2 Kite Street, Cowra, NSW**Ground Doctor Pty Ltd**22 Tamworth Street  
PO Box 6278  
DUBBO NSW 2830ph: 0407 875 302  
fx: (02) 8607 8122  
admin@grounddoc.com.au

SUBSURFACE PROFILE				SAMPLE		CONSTRUCTION	
Depth (m)	Symbol	Description	Depth/Elev.	Sample ID	PID / Odour	Well Diagram	Materials Used
-2							
-1							
0		Ground Surface	0,0				Stickup steel monument concreted at surface
1		<b>Fill:</b> Silty Sand, brown, dry, fine to medium sand, some fine to medium gravel and clay.	1,8				
2		<b>Clayey Sand:</b> Dark brown, fine to medium sand, dry to moist.	2,7				
3		<b>Weathered Granite:</b> Light brown, texture of clayey sand and gravel, fine to coarse sand and fine gravel, dry, hard.	3,5				
4		<b>Clayey Gravel:</b> Brown, coarse gravel suspended in clay, sub-rounded.					Annulus filled with bentonite (0,2-5,0m)
5			5,5				
6		<b>Weathered Granite:</b> Light brown, texture of clayey sand and gravel, fine to coarse sand and fine gravel, dry, hard.					
7		Hard at 10,0m layer of moisture on top.					50mm ID Class 18 Threaded Blank Casing (-0,6-5,0m)
8		Mixed of hard and soft rock between 10m and 16,5m.					
9		Saturated cuttings 14m+					
10							
11							
12							Annulus filled with 3-7mm washed river gravel (6,0-16,3m)
13							
14							50mm ID Class 18 Threaded PVC Screen (10,3-16,3m)
15							
16			16,5				PVC End Cap (16,3m)
17		End of Hole at 16,5m in Weathered Granite					
18							

**Drilled By:** Ivan Drilling**Drill Method:** Rotary with Solid Auger**Drill Date:** 2 September 2020**Hole Size:** 100mm**Datum:****Sheet:** 1 of 1



## **Annex G**

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### **Monitoring Well Purging Records**

Site Name:	ESA - Bryant's Concrete Clean-up Directive
Project Number:	2020-GD013-RP1
Sampling Dates:	14-Sep-20

**MW1**

Purge Volume (L)	Time	DTW (mbtoc)	Temp (oC)	DO (ppm)	EC (uS/cm)	pH	Redox (mV)
0	1341	10.64	20.4	3.31	1540	6.28	144
1	1345	10.7	19.6	0.51	1529	6.48	136
2	1350	10.68	19.5	0.47	1526	6.60	131
3	1355	10.78	19.5	0.58	1522	6.63	129
4	1400	10.77	19.5	0.72	1519	6.64	129
5	1405	10.77	19.5	0.87	1516	6.64	129
6	1410	10.77	19.5	0.98	1513	6.64	129
7	1415	10.77	19.5	0.95	1510	6.63	128
.							
<b>Comments / Observations:</b>							
Purged water was clear and colourless.							
No unusual odour.							

**MW2**

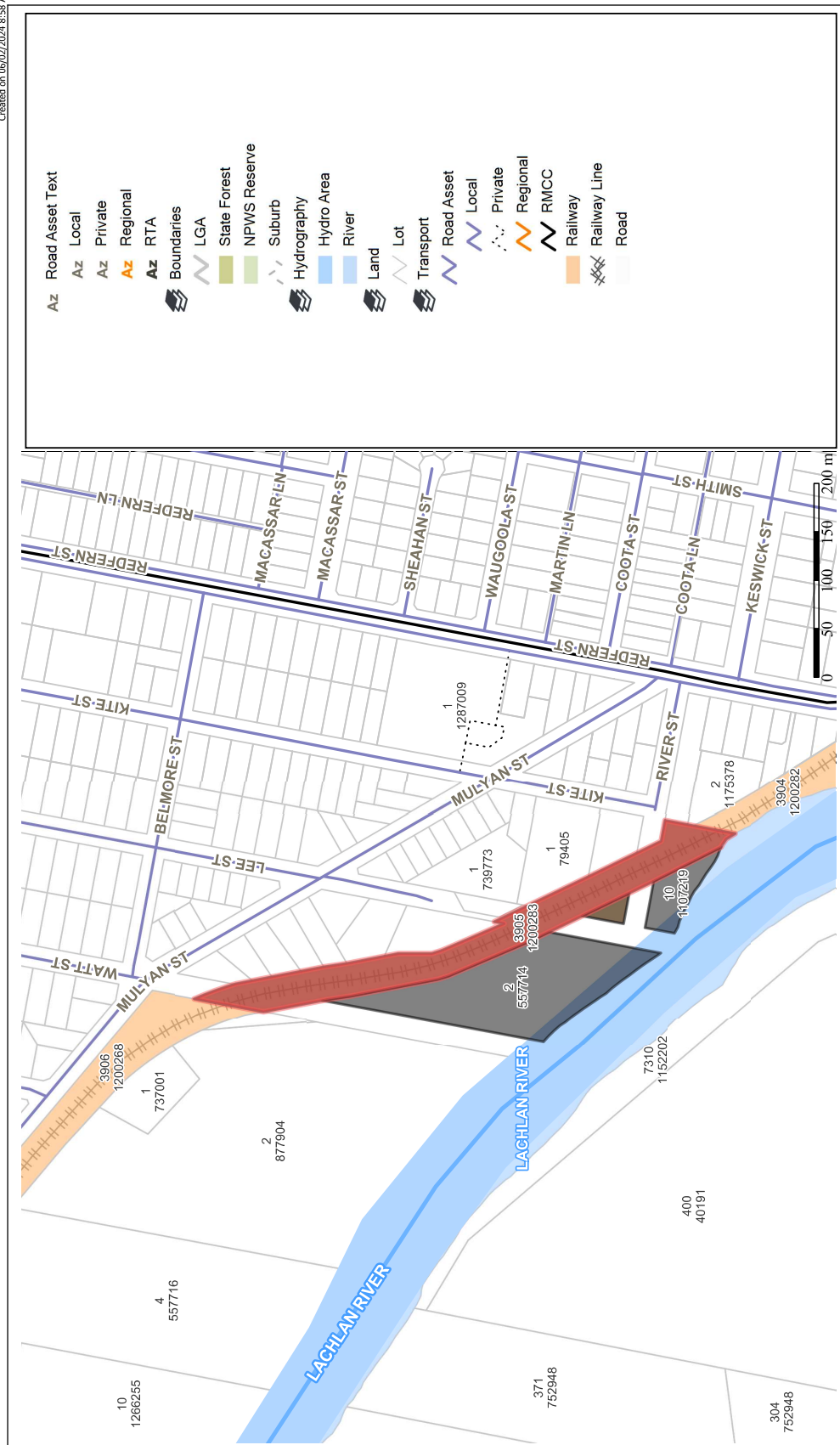
Purge Volume (L)	Time	DTW (mbtoc)	Temp (oC)	DO (ppm)	EC (uS/cm)	pH	Redox (mV)
0	1220	13.32	21.6	3.33	1554	6.82	122
1	1225	10.51	18.8	0.42	1459	6.65	123
2	1230	10.61	18.9	0.4	1470	6.74	122
3,5	1238	10.69	18.9	0.85	1447	6.77	121
5	1245	10.8	18.5	1.66	1435	6.81	122
6	1250	10.84	18.5	2.17	1421	6.82	122
7	1255	10.88	18.6	2.48	1405	6.83	123
8	1300	11.03	18.6	2.58	1396	6.82	124
9	1305	11.1	18.6	3.24	1390	6.83	125
10	1310	11.15	18.7	3.24	1384	6.83	125
11	1315	11.18	18.8	3.25	1388	6.82	126
.							
<b>Comments / Observations:</b>							
Minor light brown silt in sample.							
No unusual odour.							

**MW3**

Purge Volume (L)	Time	DTW (mbtoc)	Temp (oC)	DO (ppm)	EC (uS/cm)	pH	Redox (mV)
0	1432	9.8	20.5	6.33	1403	6.58	128
1	1435	10.05	19.4	0.67	1455	6.54	125
2	1440	10.48	19.2	0.5	1425	6.64	122
3	1445	10.9	19.5	0.63	1403	6.67	120
4	1450	11.28	19.3	0.69	1380	6.66	119
5	1455	11.51	19.6	0.82	1380	6.69	118
6	1500	11.75	19.7	0.84	1379	6.66	118
7	1505	12.02	19.7	0.82	1374	6.66	117
8	1510	12.22	19.8	0.82	1374	6.67	117
.							
<b>Comments / Observations:</b>							
Purged water was clear and colourless.							
No unusual odour.							

**MW4**

Purge Volume (L)	Time	DTW (mbtoc)	Temp (oC)	DO (ppm)	EC (uS/cm)	pH	Redox (mV)
0	1102	10.68	19.5	3.77	1526	6.82	150
1	1105	11.23	20.2	0.95	1557	6.91	111
2	1110	11.38	20.2	0.61	1551	6.89	100
3	1115	11.87	20.2	0.41	1547	6.87	99
4	1120	12.13	20.2	0.33	1547	6.86	100
5	1125	12.36	20.2	0.29	1541	6.84	102
6	1130	12.75	20.2	0.23	1541	6.83	103
7	1135	13.08	20.2	0.19	1535	6.83	104
8	1140	13.32	20.2	0.19	1531	6.82	104
9	1145	13.48	20.2	0.20	1533	6.82	104
.							
<b>Comments / Observations:</b>							
Minor light brown silt in sample.							
No unusual odour.							



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**Important Notice!**  
This map is not a precise survey document. **Accurate locations can only be determined by a survey on the ground.**



**Projection:** # GDA2020 / MGA zone 55

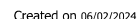
**Date:** 06/02/2024


**Drawn By:** Cassandra Gailley

**DA 57/2020 - 2-4 Kite Street Cowra**

Map Scale: 1:4826 at A4







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## Important Notice!

**This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground.**


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Drawn By: Cassandra Galey

Projection: # GDA2020 / MGA zone 55

Date: 06/02/2024 9:03 AM



# DA 57/2020 - 2-4 Kite Street Cowra

**Map Scale: 1:1977 at A4**

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

File Number: D24/95

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 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	Vision Town	Received 30 November

Dwg. No. UD001 C	Planning Consultants 22/11/23	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 <sup>3</sup>	Rate <sup>1</sup>	Rate Amount	No. of Lots <sup>2</sup>	Total Contribution	Rate remains current until
Open Space Recreational Sporting Facilities	Lot	\$814.36	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					
<sup>1</sup> Per Lot					
<sup>2</sup> No. of additional lots created. The original lot is discounted from the calculations.					
<sup>3</sup> Council's Section 94 Contributions Plan 2016 may be viewed during office hours at Council's Customer					



- 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.

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## Introduction

Development Application No. 70/2023 proposes a 9-lot community title subdivision on Lot 74 DP 752948, 77-81 Grenfell Road, Cowra. The application was lodged with Council by P Hurrell on 15 August 2023.

The application is being reported to Council because three submissions were received either expressing concerns or objecting to the development following Council's neighbour notification process.

A copy of the subdivision plans is 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 74 DP 752948, 77-81 Grenfell Road Cowra is a rectangular allotment of approximately 3.56ha fronting Grenfell Road and adjoining River Park Road to the west and Cowra Road to the north. The lot is located in the R5 Large Lot Residential zone under Cowra Local Environmental Plan (LEP) 2012.

The site generally slopes slightly towards the middle of the allotment from the north and south. It is currently undeveloped. There are 7 mature eucalypt trees in the central area of the lot and a dam in the south western corner.

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 subdivide the allotment into 9 lots consisting of 8 residential lots and one community association property that will contain the sewerage infrastructure that services each allotment. The type of subdivision therefore represents Community Title which is a subdivision with multiple landowners holding Torrens Title that allow them to share a particular area. The Community Title owner also has to pay quarterly or annual fees to help pay for the maintenance and repairs on the shared space(s).

The development includes connections to reticulated water, the construction of sealed access crossings, fencing, drainage works and infrastructure to accommodate a low-pressure sewerage system that will connect to Council's existing sewerage system. The proposal includes filling in the existing dam on the property and constructing swale drains to direct stormwater to the central area of the site. The existing trees are proposed to be retained.

### **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 70/2023:

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

##### Local 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 subdivision 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 land is unencumbered by easements and there are no covenants or agreements known to affect the property.

## 2.1 Land use zones

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

### Cowra LEP – Zoning Map



## 2.3 Zone objectives

Council must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

**Zone R5 Large Lot Residential****I Objectives of zone**

<b>Objective</b>	<b>Comment</b>
• To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.	Complies. The proposed development will facilitate additional housing provision without any unsatisfactory environmental or scenic impacts.
• To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.	Complies. No anticipated adverse impacts on future urban development.
• To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.	Complies. The site is located within an established residential area with ready access to urban services, infrastructure and facilities.
• To minimise conflict between land uses within this zone and land uses within adjoining zones.	Complies. Proposed lot sizes and the use of the land for large lot residential purposes is consistent with surrounding land-uses.

**2.6 - Subdivision Consent Requirements**

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

**4.1AA Minimum subdivision lot size for community title schemes**

(1) The objectives of this clause are as follows—

- (a) to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.

The proposed subdivision design complies with the minimum lot size applicable to the land (see below) and therefore is consistent with the above objective.

(2) This clause applies to a subdivision (being a subdivision that requires development consent) under the [Community Land Development Act 2021](#) of land in any of the following zones—

- (a) Zone RUI Primary Production,
- (b) Zone RU4 Primary Production Small Lots,
- (c) (Repealed)
- (d) Zone R5 Large Lot Residential,

(e) Zone C3 Environmental Management,

but does not apply to a subdivision by the registration of a strata plan.

The subject land is zoned R5 Large Lot Residential and therefore Clause 4.1AA applies.

- (3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the [Community Land Development Act 2021](#)) is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.

The minimum size shown on the lot size map is 2ha, which may be reduced to 4,000m<sup>2</sup> under Clause 4.1(3B)(a) if the consent authority is satisfied that each lot is, or will be, serviced by a sewage reticulation system.

The proposed lots are to be connected to Council's reticulated sewerage system via a low-pressure sewerage system. Proposed lot sizes are as below. The proposed development is consistent with the minimum lot size specified in Clause 4.1AA.

Lot No.	Area
1	5,029m <sup>2</sup>
2	5,028m <sup>2</sup>
3	4,117m <sup>2</sup>
4	4,176m <sup>2</sup>
5	4,058m <sup>2</sup>
6	4,059m <sup>2</sup>
7	4,059m <sup>2</sup>
8	4,075m <sup>2</sup>
9 (Association property)	912m <sup>2</sup>

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

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

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

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

### Comments

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

### 5.21 Flood planning

The 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

Earthworks will be primarily associated with the construction of access, drainage and sewer infrastructure. Council's standard conditions of consent 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.

### 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.

### 7.6 Groundwater vulnerability

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

- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following:
  - (a) the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),
  - (b) any adverse impacts the development may have on groundwater dependent ecosystems,

- (c) the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),
  - (d) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
  - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
  - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

The proposed development will be connected to reticulated water and sewer and does not involve major excavation works or potentially contaminating works. It is assessed that the proposed development 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	The applicant proposes connection of all lots to Council's reticulated water supply.
Electricity	The proposed development will be connected to electricity supply to the requirements of the relevant energy provider.
Sewage	<p>The applicant proposes connection of all lots to Council's reticulated sewerage service in accordance with the proposed low-pressure sewerage scheme. The scheme will connect to Council's main located on Lot 11 DP 1072191, 75 Grenfell Road (Country Gardens Motor Inn).</p> <p>According to the Applicant, the owners of Lot 11 are amenable to an easement for this purpose, subject to an assurance by Council that the proposal will not adversely affect the Motel's sewer service. Council's Infrastructure &amp; Operations Department have indicated to Environmental Services that the service will not be adversely affected and have been asked by the Applicant to provide the owners with this advice.</p>



	In the interim, it is recommended that a “deferred commencement” condition be applied to the development consent. This will ensure that the consent cannot be enacted until such time as the Applicant has obtained the written agreement of the owners of Lot 11 for the required easement and provided evidence of this to Council.
Stormwater	The existing dam is proposed to be filled in with stormwater directed to the central portion of the site which will be used as a ‘ponding area’. A stormwater management plan is conditioned for approval which will detail the infrastructure required. Future dwellings can be accommodated on each allotment with roof water directed to the street system or on-site disposal.
Access	All lots will have frontage and access constructed to the existing road systems on River Park Road (Lots 1 & 2), Cowra Road (Lots 5 to 8) and Grenfell Road (Lots 3 & 4).

#### 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**

<b>SEPP</b>	<b>COMMENTS</b>
SEPP (Housing) 2021	Not applicable
SEPP (Primary Production) 2021	Not applicable
SEPP (Resources and Energy) 2021	Not applicable
SEPP (Resilience and Hazards) 2021	Includes the former SEPP 55 – Remediation of Land. See comment below.
SEPP (Industry and Employment) 2021	Not applicable
SEPP (Transport and Infrastructure) 2021	See comment below.
SEPP (Biodiversity and Conservation) 2021	Not applicable
SEPP (Planning Systems) 2021	Not applicable
SEPP (Precincts – Eastern Harbour City) 2021	Not applicable
SEPP (Precincts – Central River City) 2021	Not applicable
SEPP (Precincts – Western Parkland City) 2021	Not applicable

SEPP (Precincts - Regional) 2021	Not applicable
SEPP (Building Sustainability Index: BASIX)	Not applicable
SEPP 65—Design Quality of Residential Apartment Development	Not applicable
SEPP (Exempt and Complying Development Codes) 2008	Not applicable

## SEPP (TRANSPORT & INFRASTRUCTURE) 2021

### 2.119 Development with frontage to classified road

(1) The objectives of this section are—

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and
- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—
  - (i) the design of the vehicular access to the land, or
  - (ii) the emission of smoke or dust from the development, or
  - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

Comments: Where possible, access is provided from River Park Road and Cowra Road which are local sealed roads. This is not practicable from two allotments which will require access from Grenfell Road which is a classified road. The access crossings can be satisfactorily located and future traffic moments associated with a dwelling on each allotment will not adversely affect the safety and ongoing operation of the classified road.

## 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

Comments: There are no known prior land-uses on the site that are likely to have resulted in the contamination of the land. Site inspection carried out did not reveal any evidence of contamination of the site. The proposal does not involve any demolition or works likely to result in contamination of the site. The SEE submitted with the application does not mention any previous land use that likely to have resulted in contamination of the site. No further investigation is warranted in this instance.

#### **S 4.15(1)(a)(ii) provisions of any draft Environmental Planning Instrument(s)**

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

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

#### **Cowra Shire Council Development Control Plan 2021**

### **PART A – PLAN INTRODUCTION**

Consent is required for the proposed subdivision.

### **PART B – LAND MANAGEMENT**

Appropriate erosion and sediment controls to be implemented prior to the commencement of works. The soil disturbance area is relatively minor (access, drainage and infrastructure construction).

### **PART C – BIODIVERSITY MANAGEMENT**

The subject land is primarily grassed but contains 7 mature eucalypt trees. They are proposed to be retained. The trees have been assessed by a landscape designer & consultant and have been identified as *Eucalyptus mannifera* 'Brittle Gum'. The assessment states that "The existing 7 trees on site are healthy advanced specimens already growing well within a low-lying area". Further, "As *Eucalyptus mannifera* are an adaptable species & tolerant of deeper soils, in my opinion they would generally not be impacted adversely by exposure to prolonged periods of ponding in the area of the site as proposed".

Accordingly, it is assessed that the proposed development is unlikely to impact adversely on the existing trees and therefore on any fauna that currently utilises the trees for food or habitat.

### **PART D – SUBDIVISION DEVELOPMENT**

Section	Comments
---------	----------

D.4.1 Application of this part	The land is zoned R5 Large Lot Residential under the LEP, so Part D.4 is applicable to the proposed development.
D.4.2 Objectives	The proposed residential subdivision within the R5 Large Lot Residential zone is consistent with the objectives contained in this section.
D.4.3. Lot Size	The subject land is located in West Cowra and is proposed to be connected to Council's reticulated sewer. Accordingly, the minimum lot size for a subdivision is 4,000 square metres for all proposed lots. The proposed development is consistent with Section D.4.3.
D.4.4. Lot Layout and Dimensions	<p>The proposed lots are of sufficient area and shape to enable the future siting of dwellings and ancillary outbuildings without adverse impacts on adjoining land-use. Future dwellings and ancillary outbuildings can be designed in accordance with Section G.1.4. Siting Controls of Part G of the DCP.</p> <p>There are no "right of carriageway" or "battle-axe" access proposed as part of this application. The development is consistent with Section D.4.4</p>
D.4.5. Street Design	N/A – No new public roads are proposed.
D.4.6. Access	Access to all proposed lots can be obtained from the surrounding road network.
D.4.7. Water Supply	All new lots are proposed to be connected to Council's reticulated water supply.
D.4.8. Effluent Management	A geotechnical report is not necessary. All lots are proposed to be connected to Council's reticulated sewer supply via a low pressure sewage scheme.
D.4.9. Utilities	All necessary utilities are available for connection.
D.4.10 Naming of new roads	N/A.
D.4.11 Fencing Requirements	The new proposed boundaries can be fenced as conditioned in accordance with the minimum standard and completed prior to the issue of the Subdivision Certificate for the subdivision.
D.8.1 Strata and Community Title Subdivision	The application complies generally with the provisions of this clause. It is assessed as acceptable for a copy of the management statement for the community scheme to be submitted with the Subdivision Certificate application as conditioned.

## PART K – LAND USE BUFFERS

**Cowra Airport Obstacle Limitation Surface**

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

**PART O – ENVIRONMENTAL HAZARD MANAGEMENT**

The subject land is not mapped as flood prone.

The subject land is not mapped as bushfire prone.

There is no identified contamination on the subject land.

**PART P – CPTED PRINCIPLES**

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

**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**

CLAUSE	COMMENT
<b>61 Additional matters that consent authority must consider</b>	No demolition is proposed.  No subdivision orders are applicable.  Dark Sky Planning Guideline does not need to be addressed for this proposal.  The proposal does not include a manor house or multi dwelling housing (terraces),
<b>62 Consideration of fire safety</b>	The proposal does not propose a change of building use for an existing building.
<b>63 Considerations for erection of temporary structures</b>	The proposal does not include a temporary structure.
<b>64 Consent authority may require upgrade of buildings</b>	The proposal does not involve the rebuilding or alteration of an existing building.
<b>65 Consideration of conservation plan for development at Sydney Opera House</b>	Not applicable.
<b>66 Contributions plans for certain areas in Sydney—the Act, s 4.16(1)</b>	Not applicable.
<b>67 Modification or surrender of development consent or existing use right—the Act, s 4.17(5)</b>	There is no proposal to modify or surrender a development consent or existing use right.

<b>68 Voluntary surrender of development consent—the Act, s 4.63</b>	There is no proposal to voluntarily surrender a development consent.
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### **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 surrounding area is generally characterised by large lot residential development and ancillary buildings. There is a motel fronting Grenfell Road adjacent to the southern portion of the eastern boundary. The proposal is considered compatible with the surrounding area and will have minimal impact in regards to:

- Impacts on adjacent properties and land uses; and
- Interruptions of important views and vistas.

The proposal is within the context of the locality and Council's current planning provisions.

#### Access, Transport and Traffic

As previously discussed, the proposed lots will be accessed from River Park Road, Cowra Road and Grenfell Road. The lots will be utilised for low density residential use. No adverse impacts on the road network are anticipated. Each lot will have ample room for car parking.

#### Public Domain

It is considered that the development will have a negligible impact on the public domain in terms of:

- Public recreational opportunities in the locality;
- Amount, location, design, use and management of public spaces in and around the development; and
- Pedestrian linkages and access between the development and public areas.

#### Utilities & Services

All necessary utilities and services are available for connection.

#### Water, Sewer & Stormwater

Reticulated water is available to the site. A low-pressure sewerage system is proposed to manage sewage as previously discussed. Stormwater can be managed on site in accordance with the stormwater management plan.

#### Heritage

There are no Aboriginal or European heritage items on the subject land or adjoining lands.

#### Flora and Fauna

There are no identified significant impacts associated with this proposal. The proposal is unlikely to impact on existing vegetation as discussed previously. The site does not contain any threatened species or critical habitat.

#### Energy

N/A – for subdivision.

#### Noise and Vibration

No impacts identified.

#### Natural Hazards

The land is not affected by bushfire, flooding, subsidence or any other known hazard.

#### Potential Contamination

See comments under SEPP (Resilience and Hazards) 2021.

#### Safety, Security & Crime Prevention

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

#### Social & Economic Impacts In The Locality

There will be negligible social and economic impact as a result of the proposed subdivision.

#### Construction

The proposed development does not involve any construction other than construction of access driveways, drainage and sewer systems and fencing of boundaries. Future dwellings can be constructed in accordance with the Building Code of Australia.

#### Cumulative Impacts

It is considered there will be no negative cumulative impacts as a result of the proposed development.

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

The development is consistent with the zone objectives and consideration has been given to the impacts the development will have within the locality. It is considered that the proposed development will not create adverse impacts within its local setting. Appropriate services for water, waste disposal and other utilities are available to the site. It is assessed that the development will not impact upon any existing services. The development site is not identified as bushfire or flood prone, or otherwise unsatisfactorily constrained by natural features. The site is considered suitable for the development subject to the imposition of appropriate conditions of consent.

**S4.15(1)(d) Any Submissions Received**Public Consultation

The subject Development Application was notified to adjoining owners in writing from 17 August 2023 to 31 August 2023, in accordance with Cowra Community Participation Plan 2020. Three submissions were received in relation to the proposed development and are included in Attachment '5' to this report and the applicant's response to the submissions is included in Attachment '6'. The submissions expressed concerns or objections to the proposed development which are summarised as follows:

## Objection/Concern:

- To ensure privacy and security a Colorbond fence should be erected on the boundary adjoining the Country Gardens Motor Inn.

Assessment comments:

This is viewed as a reasonable request which the Applicant has agreed to. A recommended condition of consent requires the installation of a Colorbond fence on the eastern boundary of proposed Lot 4 for the length of the adjoining motel boundary.

## Objection/Concern:

- To ensure that the existing sewer service associated with the Country Gardens Motel will not be adversely affected by the proposal.

Assessment comments:

Council's Infrastructure & Operations Department have advised that the proposed low-pressure sewerage scheme can connect to Council's reticulated sewerage system without impacting adversely on the connection or service to the motel.

## Objection/Concern:

- Filling in the dam may cause downstream stormwater issues for nearby properties.

Assessment comments:

The water that previously filled the dam will be redirected to the proposed ponding area on the site which can accommodate the same volume of water without impacting on adjoining properties.

## Objection/Concern:

- Where will the ducks that utilise the dam go?

Assessment comments:

We hope that the ducks will find another farm dam, of which there are many in the locality, or they may utilise the proposed ponding area. It is noted that the site is not identified as biodiversity land on the *Terrestrial Biodiversity Map* contained in Cowra LEP 2012.



Objection/Concern:

- The additional access crossings will cause road safety issues.

Assessment comments:

It is assessed that there are suitable access crossing locations that will not jeopardise road safety.

Objection/Concern:

- The site is subject to flooding.

Assessment comments:

The site is not mapped as flood prone, however it is recognised that the central lower parts of the site are within a natural drainage depression. It is assessed that there are sufficient elevated areas on each allotment to build on and avoid any likely flooding risk.

Objection/Concern:

- The additional water will kill the existing gum trees.

Assessment comments:

This issue has been assessed by a landscape consultant as discussed previously in this report. It is assessed that the trees are unlikely to be adversely affected by more prolonged periods of ponding.

Objection/Concern:

- The pump station might break down and result in sewage overflow.

Assessment comments:

The original subdivision design consisted of a pump station which has now been amended to consist of a low-pressure sewerage scheme. Each property will have an individual pump/macerator connected to the system and will incorporate back flow prevention valves to prevent tank overflow. Property owners are responsible for the maintenance of the system just as they would be for individual on-site sewage management systems.

Public Authority Consultation:

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

#### **S4.15(1)(d) The Public Interest**

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 land is within a growth area (Area 5) in Council's s94 Contributions Plan 2016, therefore development contributions apply to the 7 additional residential lots as per the recommended condition of consent. Contributions are payable prior to the issue of the Subdivision Certificate.

**Conclusion**

Development Application No. 70/2023 proposes a 9 lot community title subdivision on Lot 74 DP 752948, 77-81 Grenfell Road, Cowra. The application was lodged with Council by P Hurrell on 15 August 2023. The application was supported by a Statement of Environmental Effects and development plans prepared by the applicant, which provide sufficient information to allow assessment of the proposal.

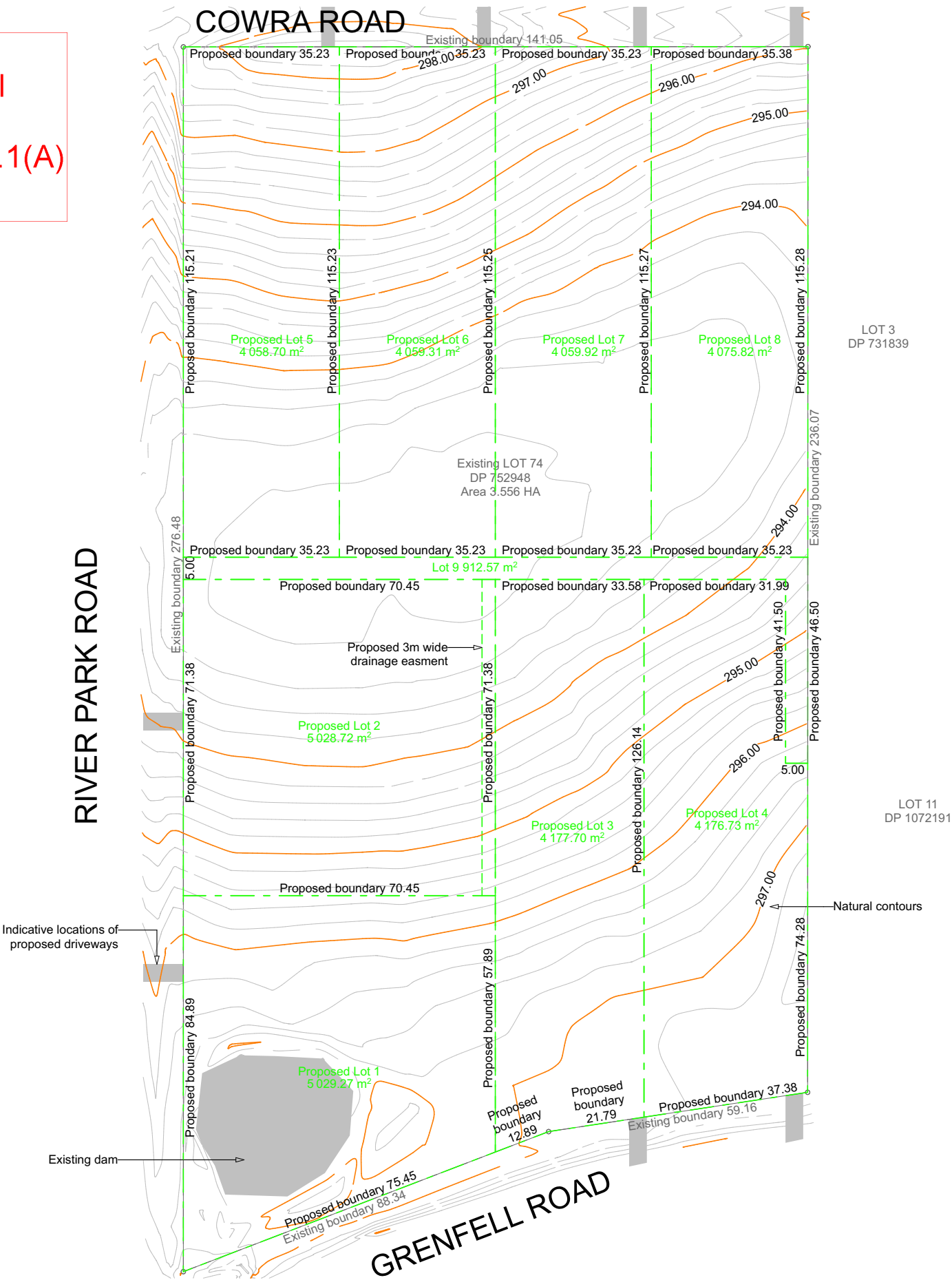
The proposed development has been assessed to be consistent with the requirements of Cowra Local Environmental Plan 2012, relating to development in the R5 Large Lot Residential zone and is consistent Cowra Council Development Control Plan 2021 and with existing land-use activities in the locality. The development application was notified in accordance with Cowra Community Participation Plan 2020. Three submissions were received following the consultation process and are addressed in this report.

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

**ATTACHMENTS**

1. DA 70/2023 - Development Plans [↓](#)
2. DA 70/2023 - Statement of Environmental Effects [↓](#)
3. DA 70/2023 - Location map [↓](#)
4. DA 70/2023 - Aerial view [↓](#)
5. DA 70/2023 - copies of submissions [↓](#)
6. DA 70/2023 - Applicants response to submissions [↓](#)

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Cowra Shire Council  
30 November 2023  
Plan No. DA 10.2023.70.1(A)



GENERAL NOTES  
Do not scale from drawings. Use figured dimensions only.

All existing conditions, dimensions and levels are approximate only and are to be checked & verified by contractor prior to the commencement of work or the manufacture of any item.

All items not shown in the scope of works or drawings, but necessary for the proper completion of the works are deemed to be included.

All work will be carried out in accordance with the NCC, EP&A Act 1979 (as amended), Local Government Act 1993, Regulations under the Acts, relevant Australian Standards, and local authority conditions.

All work to be carried out by qualified and licensed tradespeople.

ISSUE  
For Approval

Revision	Changes	Date
A	Contours added and boundaries adjusted to survey, Proposed lots adjusted	26-07-2022
B	Lot numbers added, Driveway locations added	20-06-2023
C	Amendments requested by council	01-08-2023
D	Public reserve deleted, Lot 9 added, Lots 1, 2, 3, 4 adjusted	22-11-2023

PROJECT  
Proposed Community Title Sub-Division

CLIENT  
Phillip Hurrell

LOCATION  
77-81 Grenfell Rd Cowra NSW

DATE SCALE

19 Apr 2022 1:1000

Sheet size: A3  
Drawings to be read at the intended print scale

PO Box 852,  
53 Redfern Street,  
Cowra NSW 2794  
p: 1300 240 827  
e: office@visiontpc.com.au  
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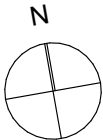


JOB NUMBER

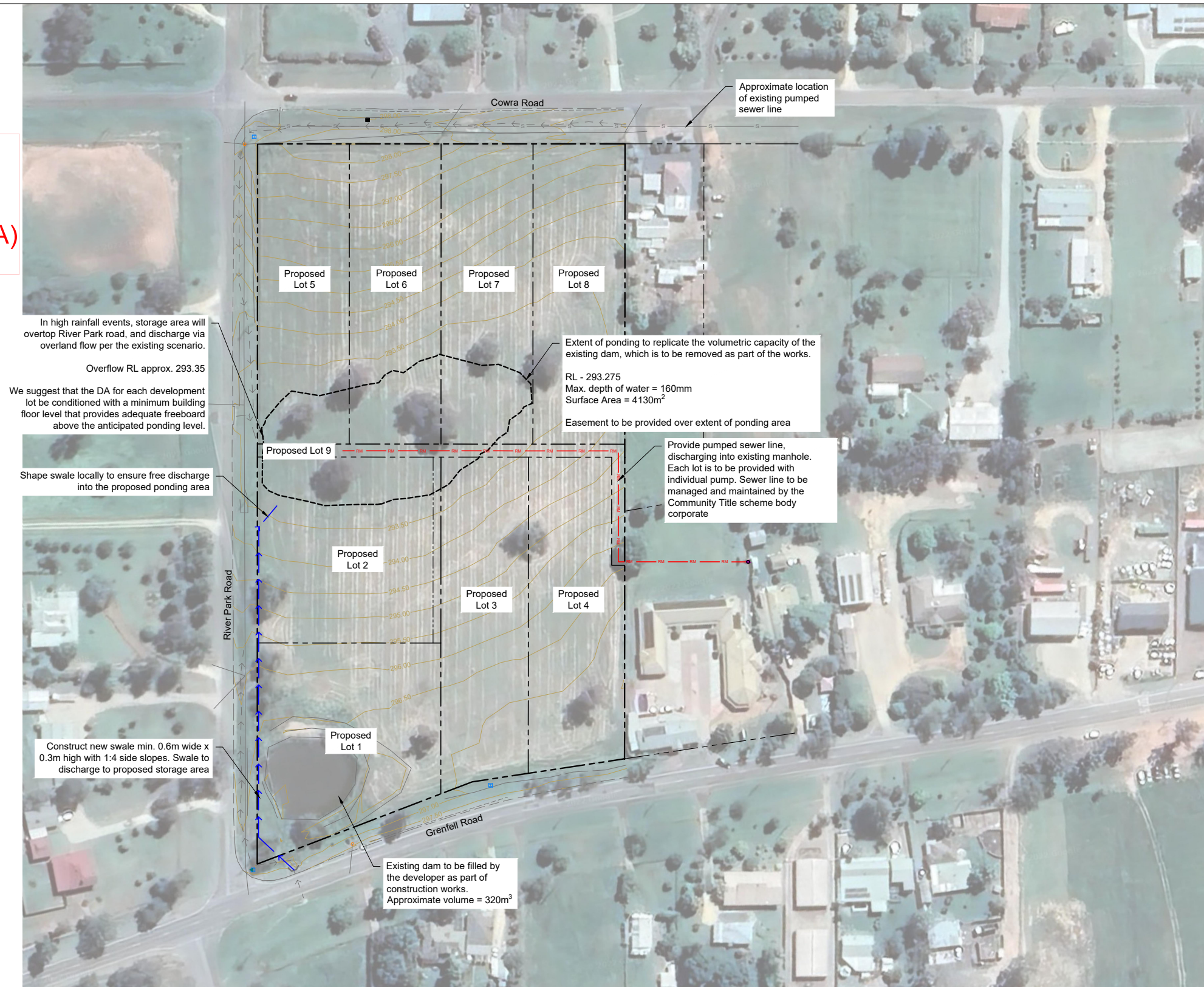
77/22

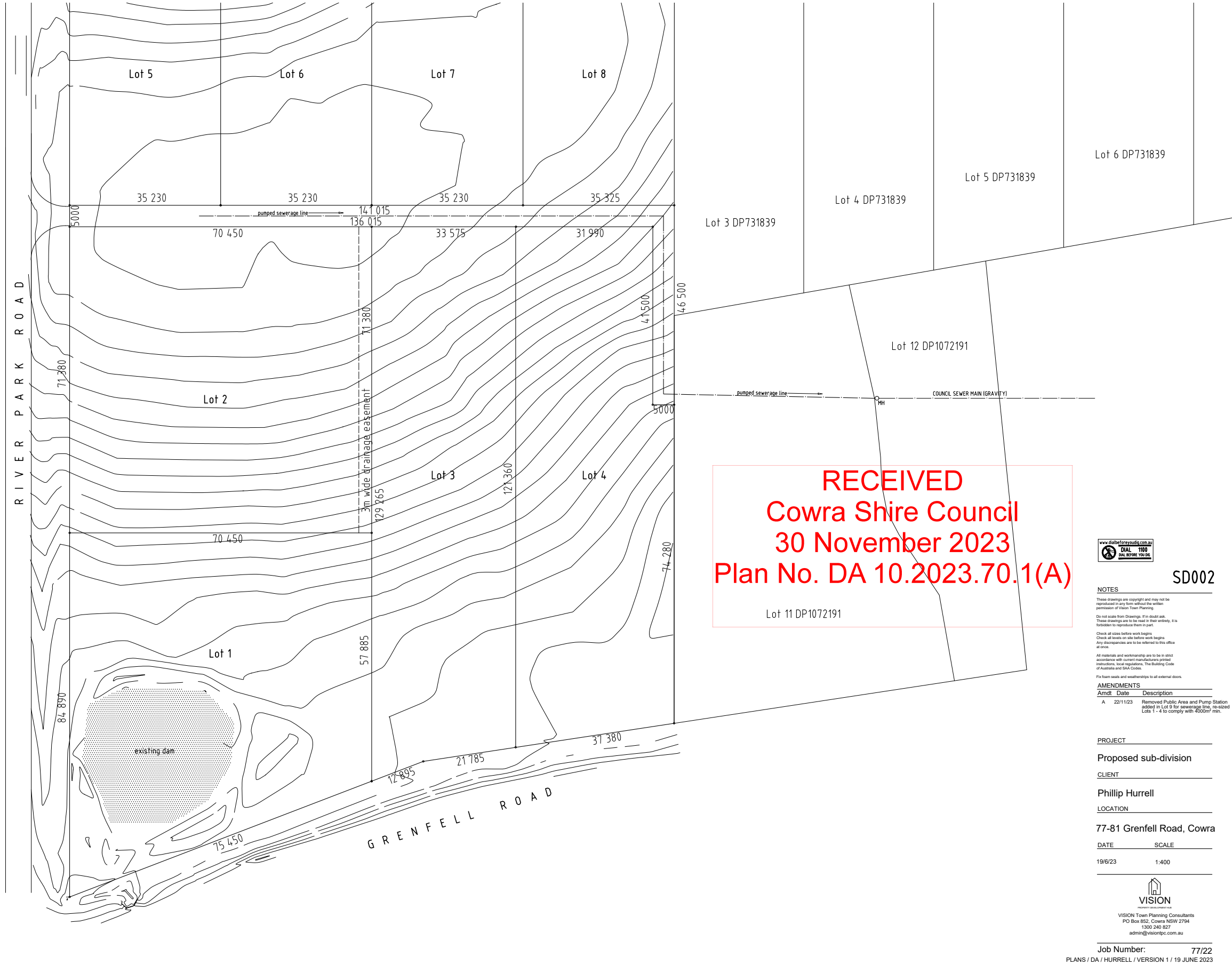
DRAWING  
Site Diagram

SD001 D





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Plan No. DA 10.2023.70.1(A)

## Development Application

## Statement of Environmental Effects





53 Redfern Street  
COWRA NSW 2794  
PO Box 852  
1300 240 827  
ABN: 95 614 159 698  
<https://visionpdhub.au>

## Statement of Environmental Effects

**Proposed Development: Large Lot Residential subdivision**  
**Subject Land: Lot 74 DP 752948, 77-81 Grenfell Road, Cowra**  
**Client: Phillip Hurrell**

Version	Date	Changes
Version 1	26/07/2023	Superseded
Version 2	23/11/2023	Amended design and sewer detail

This Statement of Environmental Effects (SEE) was prepared based on the following plan and document versions:

Author	Plan	Page	Date	Job
Vision Property Development Hub	Utilities Plan	UD001 C	20/06/23	77/22
Vision Property Development Hub	Site Diagram	SD001 D	20/06/23	77/22
Vision Property Development Hub	Easement detail	SD002 A	24/07/23	77/22
Calare Civil	General Arrangement Plan	C01 E	24/11/23	2022.1086

Prepared by:

Patrick Fitzsimmons  
**Town Planner, Managing Director**  
**VISION Town Planning Consultants Pty Ltd**

## Statement of Environmental Effects

### Abbreviations

The Act – Environmental Planning and Assessment Act 1979

EPI – Environmental Planning Instrument

SEE - Statement of Environmental Effects

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## 1. Executive Summary

The land owners have commissioned Vision Town Planning Consultants to prepare this Statement of Environmental Effects (SEE) to consider the design of the proposed large lot residential subdivision against the applicable planning controls and environmental context.

The proposed development is consistent with all applicable planning controls without variation and consideration of the residential context confirms the development is consistent in the residential setting without any identified negative impact.

Through the process of assessing the development application for the subdivision as originally submitted, Council's engineering staff have written to Vision and requested that the development be updated so that the sewerage system operating within the land is maintained and owned by the owners of the subdivision. Council also requested that the area of public open space be resumed within the privately owned allotments. Vision have redesigned the subdivision to be a Community Title subdivision incorporating one allotment that will be owned and maintained under the Community Title Scheme and will contain the sewage pipework that will connect to Council's existing gravity sewerage system located in an adjacent allotment to the east. The design has also been changed to incorporate the area of public open space to be allocated to proposed Lots 1 and 2.

It is considered the proposed development can be approved by Council without alteration to the proposed design.

## 2. Proposed Development

The land owner is seeking Council approval to subdivide their land under Community Title subdivision into 9 allotments, including 8 proposed residential allotments and one allotment containing the sewer pipework that will be owned and maintained under the Community Title Scheme and will contain the sewage pipework. The development includes the connections to reticulated water, construction of sealed vehicle access crossings, fencing and installation of low pressure sewer scheme that connects to Council's existing sewer network located in Lot 11 DP 1072191 fronting Grenfell Road adjoining the eastern boundary of the site. An extract of a map of the existing sewer layout provided by Council is included in the image below.



Image 1: Extract of Cowra Shire Council asset map, dated 17/11/2021.

### 3. Site Description and Surrounding Land Use

The site is located on the corners of Grenfell, River Park and Cowra Roads on the western edge of the township of Cowra. The land is currently vacant and contains an existing farm dam. The land adjoining the eastern boundary contains a residential dwelling and a motel. The surrounding land use consists mainly of residential dwellings in a large lot setting. The proposed development is consistent with the surrounding subdivision pattern.

#### 4. Section 1.7 of the Act - Part 7 of the Biodiversity Conservation Act 2016

The Act gives effect to the consideration of part 7 of the *NSW Biodiversity Conservation Act 2016*. Accordingly, consideration of part 7 of the *NSW Biodiversity Conservation Act 2016* and associated regulation is required and is provided below:

The land is not mapped as containing any sensitive native environments. The development does not involve the removal of native vegetation that would exceed the thresholds defined under Section 7 of the *NSW Biodiversity Conservation Act 2016* and associated Regulation. No specific Biodiversity Assessment Report or biodiversity Development Assessment Report is required.

## 5. Consideration of Environmental Planning Instruments & Environment

### Section 4.15 Evaluation

#### Matters for consideration—general

##### (a) the provisions of:

- (i) any environmental planning instrument, and

### 5.1 Cowra Local Environmental Plan 2012 (LEP)

*Section 2.3(2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.*

The land is zoned R5 Large Lot Residential under the LEP. The development of a large lot residential subdivision is a permissible form of development consistent with the zone objectives.

#### **Clause 4.1 Minimum subdivision lot size**

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

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

*(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.*

*(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.*

*(3A) Despite subclause (3), if the consent authority is satisfied that each lot is, or will be, serviced by a water reticulation system—*

- (a) land identified as “Area A” on the Lot Size Map may be subdivided to create lots of at least 2 hectares, and*
- (b) land identified as “Area D” on the Lot Size Map may be subdivided to create lots of at least 5 hectares.*

*(3B) Despite subclause (3), if the consent authority is satisfied that each lot is, or will be, serviced by a sewage reticulation system—*

- (a) land identified as “Area B” on the Lot Size Map may be subdivided to create lots of at least 4,000 square metres, and*

*(b) land identified as "Area C" on the Lot Size Map may be subdivided to create lots of at least 1,000 square metres.*

*(4) This clause does not apply in relation to the subdivision of any land—*

*(a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or*

*(b) by any kind of subdivision under the Community Land Development Act 2021.*

**Comments:**

The land is to be subdivided as a Community Title subdivision, therefore clause 4.1 does not apply.

**Clause 4.1AA Minimum subdivision lot size for community title schemes**

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

*(a) to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.*

*(2) This clause applies to a subdivision (being a subdivision that requires development consent) under the Community Land Development Act 2021 of land in any of the following zones—*

*(a) Zone RU1 Primary Production,*

*(b) Zone RU4 Primary Production Small Lots,*

*(c) (Repealed)*

*(d) Zone R5 Large Lot Residential,*

*(e) Zone C3 Environmental Management,*

*but does not apply to a subdivision by the registration of a strata plan.*

*(3) The size of any lot resulting from a subdivision of land to which this clause applies (other than any lot comprising association property within the meaning of the Community Land Development Act 2021) is not to be less than the minimum size shown on the Lot Size Map in relation to that land.*

*(4) This clause applies despite clause 4.1.*

**Comments:**

The subject land is identified as Area B on Lot Size Map - Sheet LSZ\_002C. Accordingly, clause 4.1(3B) applies to the subdivision which allows land that is serviced by a sewage reticulation system to be subdivided into allotments of at least 4,000 square metres. As displayed on the development plans submitted with this application, the minimum proposed lot size of each allotment is 4,000 square metres. The developer proposes to install a low pressure sewer scheme that connects to Council's existing network, satisfying the requirements of sub clause 4.1(3B)(a). The development is consistent with Clause 4.1AA.

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

*(1) 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).*

*(2) This clause applies to land in the following zones—*

- (a) Zone RU1 Primary Production,*
- (b) Zone RU2 Rural Landscape,*
- (c) Zone RU3 Forestry,*
- (d) Zone RU4 Primary Production Small Lots,*
- (e) Zone RU6 Transition,*
- (f) Zone R5 Large Lot Residential,*
- (g) Zone C2 Environmental Conservation,*
- (h) Zone C3 Environmental Management,*
- (i) Zone C4 Environmental Living.*

*(3) A consent authority must take into account the matters specified in subclause (4) in determining whether to grant development consent to development on land to which this clause applies for either of the following purposes—*

- (a) subdivision of land proposed to be used for the purposes of a dwelling,*
- (b) erection of a dwelling.*

*(4) 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),*
- (d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).*

**Comments:**

The surrounding land uses consist primarily of residential development. There are no existing uses of the land that would be incompatible with the proposed residential subdivision. The development

is consistent with Clause 5.16.

**Clause 7.8 Essential services**

*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 are 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 vehicular access.*

**Comments:**

The development will be connected to the Council's reticulated water supply network. Connection to the supply of electricity is readily available for each lot. Each allotment can be connected to Council's reticulated sewer system through the installation of a low pressure sewer scheme that connects to Council's existing sewer network. Future residential dwellings on the site can install rainwater harvesting tanks to retain stormwater onsite. In high rainfall events, the portions at the rear of some of the proposed allotments will store rainwater which will be then discharged via overland flow as presently occurs following the natural topography of the land. The development also proposes the construction of a new swale which will direct stormwater to the proposed storage area. The design of the stormwater catchment area is displayed on the plans prepared by Calare Civil and submitted with the development application. Each allotment will provide lawful access from either Grenfell Road, River Park Road or Cowra Road. The development is consistent with Clause 7.8.

No other special clauses of the LEP are applicable to the development.

## 5.2 State Environmental Planning Policies

### 5.2.1 State Environmental Planning Policy (Resilience and Hazards) 2021

#### *Chapter 4 Remediation of land*

#### ***Section 4.6 Contamination and remediation to be considered in determining development application***

*(1) 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.*

#### **Comments:**

The author is not aware of any other prior land-uses on the site that are likely to have resulted in the contamination of the land. The site is presently used for non-intensive stock grazing and is proposed to be used for residential purposes. Therefore no remediation is required. No further investigation is required in accordance with the NSW Managing Land Contamination Planning Guidelines.



**5.2.1. State Environmental Planning Policy (Transport and Infrastructure) 2021****Chapter 2, Part 2.3, Division 17, Subdivision 2 Development in or adjacent to road corridors and road reservations****2.119 Development with frontage to classified road**

(1) *The objectives of this section are—*

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

(2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—*

- (a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
  - (i) the design of the vehicular access to the land, or*
  - (ii) the emission of smoke or dust from the development, or*
  - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

**Comments:**

The development includes two allotments that front Grenfell Road which is a classified road. The future design of vehicular access to the land, as well as the nature, volume and frequency of vehicles using this future access for a residential development will not affect the safe, efficient and ongoing operation of the classified road or cause any adverse effects on this road. This section of Grenfell Road already contains many driveways that directly access this road, allowing it to operate like a local street. There is no other option for access for two of the allotments in the subdivision but direct access onto Grenfell Road, all other allotments are accessed via River Park Road or Cowra Road. The development is consistent with Clause 2.119.

(ii) any proposed instrument that is or has been the subject of public consultation under this Act.

There are no Draft Environmental Planning Instruments on public exhibition at the date the Development application is lodged.

(iii) any Development Control Plan (DCP)

### 5.3 Cowra Shire Council Development Control Plan 2021

D.4 Large Lot Residential Subdivision	Applies	Consistent	Variation Proposed
<i>D.4.1. Application of this part</i>	Y	Y	N
<i>D.4.2. Objectives</i>	Y	Y	N
<i>D.4.3. Lot Size</i>	Y	Y	N
<i>D.4.4. Lot Layout and Dimensions</i>	Y	Y	N
<i>D.4.5. Street Design</i>	N		
<i>D.4.6. Access</i>	Y	Y	N
<i>D.4.7. Water Supply</i>	Y	Y	N
<i>D.4.8. Effluent Management</i>	Y	Y	N
<i>D.4.9. Utilities</i>	Y	Y	N
<i>D.4.10. Naming of new roads</i>	N		
<i>D.4.11. Fencing Requirements</i>	Y	Y	N

#### *D.4.1. Application of this part*

The subject land is zoned R5 Large Lot Residential. Part D.4.1 applies to the development.

#### *D.4.2. Objectives*

The proposed development has been designed to accommodate a range of housing opportunities that meet community and economic needs. Through appropriate design, the development can ensure environmental and social values are safeguarded. The development is consistent with the objectives of Part D.4.

*D.4.3. Lot Size*

The land has been identified as “Area B” on the lot size map, with connection possible to Council’s reticulated sewer and water. The applicable minimum lot size for the land is 4,000 square metres. All proposed residential allotments have been designed with a minimum of 4,000 square metres. The development is consistent with D.4.3.

*D.4.4. Lot Layout and Dimensions*

The development has been designed to ensure sufficient area and shape has been provided to enable the efficient siting of a dwelling and ancillary outbuildings. The development has been designed with consideration to existing contours, drainage lines and dams as shown on the development plans submitted with this application. All lots have been designed to have access to a public road and no “right of carriageway” or “battle-axe” provisions are required. The development is consistent with D.4.4.

*D.4.5. Street Design*

The development does not require the construction of any new access roads, as all lots front existing public roads.

*D.4.6. Access*

As shown on the development plans submitted with the application, all proposed allotments can be accessed from Grenfell Road, River Park Road or Cowra Road. New vehicle access points will be required from Grenfell Road, but these can be designed in accordance with the relevant roads authority requirements. The development can be considered consistent with D.4.6.

*D.4.7. Water Supply*

Each new subdivision allotment can be connected to Council’s reticulated water supply. The development is consistent with D.4.7.

*D.4.8. Effluent Management*

Through the process of assessing the development application for the subdivision as originally submitted, Council’s engineering staff have written to Vision and requested that the development be updated so that the sewerage system operating within the land is maintained and owned by the owners of the subdivision. Vision have redesigned the subdivision to be a Community Title subdivision incorporating one allotment that will be owned and maintained under the Community Title Scheme Body Corporate and will contain the sewage pipework that will connect to Council’s existing gravity sewerage system located in an adjacent allotment to the east. Each future dwelling will contain a pump that will disperse waste into the low pressure sewer scheme pipework contained within its own proposed allotment as shown on the development plans. The sewage pumping systems will be installed with future dwellings. This will be a requirement of the community title scheme.

*D.4.9. Utilities*

All proposed allotments are capable of having appropriate utility connections to service future dwellings, including sewer, water, power and telecommunications. The development can be considered consistent with D.4.9.

*D.4.10. Naming of new roads*

No new roads are proposed as part of this application.

*D.4.11. Fencing Requirements*

New fencing can be constructed in accordance with Council's minimum standards. The development can be considered consistent with D.4.1.

The development is consistent with the provisions of Part D of the DCP.

The development is consistent with the remaining provisions of the DCP without variation.

(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F.

The applicant has not entered into any planning agreement or draft planning agreement.

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and

#### **5.4 Environmental Planning and Assessment Regulation 2021**

##### ***Part 4 - Division 1 Determination of development applications—the Act, s 4.15(1)(a)(iv)***

##### ***61 Additional matters that consent authority must consider***

(1) *In determining a development application for the demolition of a building, the consent authority must consider the Australian Standard AS 2601—2001: The Demolition of Structures.*

(2) *In determining a development application for the carrying out of development on land that is subject to a subdivision order under the Act, Schedule 7, the consent authority must consider—*

*(a) the subdivision order, and*

*(b) any development plan prepared for the land by a relevant authority under that Schedule.*

(3) *In determining a development application for development on the following land, the consent authority must consider the Dark Sky Planning Guideline—*

*(a) land in the local government area of Coonamble, Gilgandra or Warrumbungle Shire or in the part of the local government area of Dubbo Regional that was formerly in the City of Dubbo,*

*(b) land less than 200 kilometres from the Siding Spring Observatory, if the development is—*

*(i) State significant development, or*

*(ii) designated development, or*

*(iii) development specified in State Environmental Planning Policy (Planning Systems) 2021, Schedule 6.*

(4) *In determining a development application for development for the purposes of a manor house or multi dwelling housing (terraces), the consent authority must consider the Low Rise Housing Diversity Design Guide for Development Applications published by the Department in July 2020.*

(5) *Subsection (4) applies only if the consent authority is satisfied there is not a development control plan that adequately addresses the development.*

(6) *In determining a development application for development for the erection of a building for residential purposes on land in Penrith City Centre, within the meaning of Penrith Local Environmental Plan 2010, the consent authority must consider the Development Assessment Guideline: An Adaptive Response to Flood Risk Management for Residential Development in the Penrith City Centre published by the Department on 28 June 2019.*

*(7) In determining a development application for development on land to which Wagga Wagga Local Environmental Plan 2010 applies, the consent authority must consider whether the development is consistent with the Wagga Wagga Special Activation Precinct Master Plan published by the Department in May 2021.*

*(7A) In determining a development application for development on land to which Moree Plains Local Environmental Plan 2011 applies, the consent authority must consider whether the development is consistent with the Moree Plains Special Activation Precinct Master Plan published by the Department in January 2022.*

*(8) Subsections (7) and (7A) do not apply to a development application made on or after 31 March 2022.*

**Comments:**

The proposal does not involve demolition of a building and therefore the requirements of AS 2601 do not need to be considered in accordance with Clause 61(1).

The subject land is not subject to a subdivision order under the Act, Schedule 7, therefore Clause 61(2) is not applicable.

The *Dark Sky Planning Guideline* does not apply to Cowra Shire and therefore Clause 61(3)(a) and (b) are not applicable.

The development does not include a manor house or multi dwelling housing, therefore Clause 61(4) is not applicable (subject to subclause 5).

The development is not within the Penrith City Centre or the Wagga Wagga or Moree Plains Special activation Precincts.

**62 Consideration of fire safety**

*(1) This section applies to the determination of a development application for a change of building use for an existing building if the applicant does not seek the rebuilding or alteration of the building.*

*(2) The consent authority must—*

*(a) consider whether the fire protection and structural capacity of the building will be appropriate to the building's proposed use, and*

*(b) not grant consent to the change of building use unless the consent authority is satisfied that the building complies, or will, when the development is completed, comply, with the Category 1 fire safety provisions that are applicable to the building's proposed use.*

*(3) Subsection (2)(b) does not apply to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.*

**Comments:**

The proposal does not involve the change of a building use for an existing building and therefore the requirement to consider fire safety and structural adequacy of buildings in accordance with Clause 62 is unnecessary.

**63 Considerations for erection of temporary structures**

*In determining a development application for the erection of a temporary structure, the consent authority must consider whether—*

*(a) the fire protection and structural capacity of the structure will be appropriate to the proposed use of the structure, and*

*(b) the ground or other surface on which the structure will be erected will be sufficiently firm and level to sustain the structure while in use.*

**Comments:**

The proposal does not involve the erection of a temporary structure and therefore the requirements to consider fire safety and structural adequacy is unnecessary.



**64 Consent authority may require upgrade of buildings**

(1) *This section applies to the determination of a development application that involves the rebuilding or alteration of an existing building if—*

*(a) the proposed building work and previous building work together represent more than half of the total volume of the building, or*

*(b) the measures contained in the building are inadequate—*

*(i) to protect persons using the building, if there is a fire, or*

*(ii) to facilitate the safe egress of persons using the building from the building, if there is a fire, or*

*(iii) to restrict the spread of fire from the building to other buildings nearby.*

(2) *The consent authority must consider whether it is appropriate to require the existing building to be brought into total or partial conformity with the Building Code of Australia.*

(3) *In this section—*

***previous building work*** means building work completed or authorised within the previous 3 years.

***total volume of a building*** means the volume of the building before the previous building work commenced and measured over the building's roof and external walls.

**Comments:**

The proposal does not involve the rebuilding, alteration, enlargement or extension of an existing building that represents more than half the total volume of the building and therefore the requirement to consider the upgrading of buildings into total or partial conformity with the Building Code of Australia.

**67 Modification or surrender of development consent or existing use right**

Not applicable.

**75 Fulfilment of BASIX commitments**

Not applicable.

**76 Deferred commencement consent**

Not applicable.

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

#### Context and Setting

The site is located on the corners of Grenfell, River Park and Cowra Roads in West Cowra. The land is currently vacant and contains an existing farm dam. The land adjoining the eastern boundary contains a residential dwelling and a motel. The surrounding land use consists mainly of residential dwellings in a large lot setting. The proposed development is consistent with the surrounding land use.

#### Access, Transport and Traffic

Vehicle access to the development will be gained by new vehicle crossings from Cowra Road, River Park Road and Grenfell Road as shown on the development plans submitted with the application.

#### 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 future permissible land-uses.

#### Heritage

There are no items listed in schedule 5 of the LEP as present on the land. An AHIMS search did not reveal any recorded items of Aboriginal Heritage Significance on the land or adjacent road reserve.

AHIMS Web Service search for the following area at Lot : 74, DP:DP752948, Section :- with a Buffer of 50 meters, conducted by Beth Johnstone on 06 April 2022.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location.*

**Water**

Connection is available to Council's reticulated water system. Future residential dwellings on the site can install rainwater harvesting tanks to retain stormwater onsite. In high rainfall events, the portions at the rear of some of the proposed allotments will store rainwater which will be then discharged via overland flow as presently occurs following the natural topography of the land. The development also proposes the construction of a new swale which will direct stormwater to the proposed storage area. The design of the stormwater catchment area is displayed on the plans prepared by Calare Civil and submitted with the development application.

**Soils**

The development will not have a negative impact on soils.

**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. The ongoing use of the development will not negatively impact air quality.

**Flora and Fauna**

The proposal does not require the removal of any trees. The development is designed so that the existing trees can remain on the land.

**Waste**

Provision will be made for installation of low pressure sewer scheme that connects to Council's existing gravity sewer network located in allotments fronting Grenfell Road and adjoining the eastern boundary of the site. Any future domestic waste will be removed from the site and appropriately recycled or catered for at a licensed waste management facility.

**Energy**

Each proposed allotment has sufficient area and layout to cater for future dwellings that can comply with BASIX requirements.

**Noise and Vibration**

No impacts identified.

**Natural Hazards**

Inspection of the site and mapping associated with the LEP did not identify the subject land as being subject to flooding or bushfire or any other potential hazards.

**Technological Hazards**

No impacts as previously discussed in this report.

**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. The proposed allotments will be connected to all utilities necessary for future residential

land use. The subdivision design will facilitate the effective construction of future residential dwellings.

**Construction**

The proposed development will involve construction of the subdivision which involves utility connections and construction of driveways, however this will not have a negative impact on the surrounding land uses.

**Cumulative impacts**

The proposal is not expected to generate any ongoing negative cumulative impacts.

**(c) the suitability of the site for the development**

The site has appropriate area, dimensions and topography to facilitate construction of the proposed development.

**(d) any submissions made in accordance with this Act or the regulations,**

Council will exhibit the development in accordance with the Community Consultation Policy.

**(e) the public interest**

No aspect of the proposed development will overburden any facility operating in the public interest through connection to the utilities network. The development, which will provide appropriate residential allotments, contributes positively to the public interest.

## 6. Conclusion

The proposed development is consistent with all applicable planning controls without variation and consideration of the residential context confirms the development is consistent in the residential setting without any identified negative impact.

It is considered the proposed development can be approved by Council without alteration to the proposed design.

**Appendix A - Requirements of the Approved Form Guide****a. The environmental impacts of the development**

The development is being completed on a large lot residential site and no negative environmental impact will be incurred.

**b. How the environmental impacts of the development have been identified**

The site was inspected as part of the preparation of the development application and confirmed that no environmental impacts that could be avoided have been identified.

**c. The steps to be taken to protect the environment or to lessen the expected harm to the environment**

As per a. and b., no specific measures are required other than to construct the development as proposed.

**d. Any matters required to be indicated by any guidelines issued by the Planning Secretary**

No specific guidelines relevant to the application have been issued by the planning secretary.

**e. Drawings of the proposed development in the context of surrounding development, including the streetscape**

The proposed development is consistent with the character of the large lot residential area in the surrounding context. The documents submitted are adequate to allow for comprehensive assessment of the proposal.

**f. Development compliance with building heights, building height planes, setbacks and building envelope controls (if applicable) marked on plans, sections and elevations**

The plans submitted with the application are sufficient to allow for comprehensive assessment of the proposal.

**g. Drawings of the proposed landscape area, including species selected and materials to be used, presented in the context of the proposed building or buildings, and the surrounding development and its context**

The plans submitted with the application are sufficient to allow for comprehensive assessment of the proposal which is of a design and scale appropriate to the residential area.

**h. If the proposed development is within an area in which the built form is changing, statements of the existing and likely future contexts**

The area is characterised by residential land use and the proposed development is consistent with the existing character and the proposed surrounding character which is also residential.

**i. Photomontages of the proposed development in the context of surrounding development**

Photomontages are not necessary in this instance.

**j. A sample board of the proposed materials and colours of the facade**

Sample boards are not necessary in this instance.

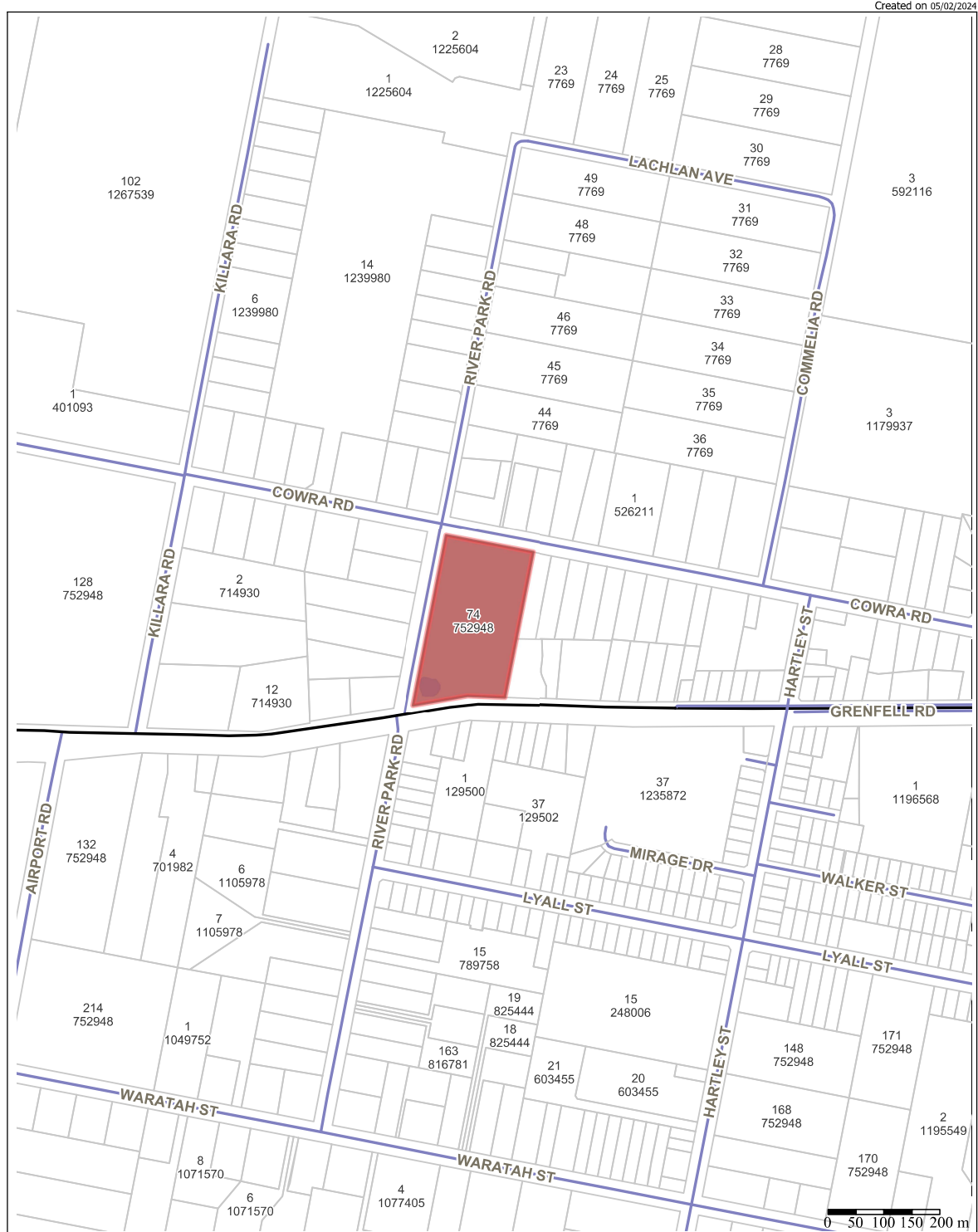
**k. Detailed sections of proposed facades**

The plans submitted are adequate for comprehensive assessment of the development without submitting section plans for a development application.

**l. If appropriate, a model that includes the context.**

A model is not necessary in this instance.





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Drawn By: Cassandra Galley

Projection: # GDA2020 / MGA zone 55

Date: 05/02/2024 1:43 PM

## 77-81 Grenfell Road Cowra

Map Scale: 1:8179 at A4

Created on 05/02/2024



Cowra Council  
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Drawn By: Cassandra Galley

Projection: # GDA2020 / MGA zone 55

Date: 05/02/2024 1:49 PM

**77-81 Grenfell Road,  
Cowra**

Map Scale: 1:2680 at A4

**From:** [Country Gardens Motor Inn](#)  
**To:** [Cowra Council](#)  
**Subject:** Development Proposal -DA 70/2023  
**Date:** Wednesday, 30 August 2023 2:38:37 PM

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

Good afternoon,

**Attention: Anthony Daintith**

**In reference to Notice Of Development Proposal-DA 70/7023 - Dated 17th August 2023**

The owners of the Country Gardens Motor Inn located at 75 Grenfell road, [REDACTED] wish

to ensure the development of the block next door - LOT 74 DP 752948,77- 81 Grenfell Road, in no way hinders the operation of the motel or detracts from our guests stay. It is therefore proposed that at the developers cost, a a six foot high colourbond fence be installed the full length of the boundary dividing the motel and LOT 74 DP 752948,77 -81 Grenfell Road.This will ensure privacy and security for both the residents of the proposed new development and the motel guests.We do not want to be in a position where we have two different fence styles, or two different coloured colourbond fences installed on the boundary to the motel, which would visually detract from the property.

We also wish to note that the current sewerage set up at the motel is adequate.We don't want a situation where adding extra flow to the current piping without actually increasing the capacity of the current pipe will cause the motel sewerage issues in the future.This may not occur but needs to be raised in this forum.

Best Regards

Matt

***Country Gardens Motor Inn***

75 Grenfell Road, Cowra NSW 2794

P: (02) 6341 1100 or 0491 059 199

E: [cg@motorinn.net.au](mailto:cg@motorinn.net.au)

W: [www.motorinn.net.au](http://www.motorinn.net.au)



**From:** [melissa.flannery](#)  
**To:** [Cowra Council](#)  
**Subject:** DA number 70/2023  
**Date:** Wednesday, 30 August 2023 7:41:38 PM

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To whom it may concern,

Letter is dated 17/8/2023 however we didn't receive the letter until Friday 25/8/23, giving us 6 days to be able to respond, I believe we should have more time to discuss and have our concerns heard in future. I called through and was advised this is an AUS POST issue with mailing – if you are aware of the long time frames, I think you should allow additional time for the post to arrive when sending these communications out.

I am writing to you in regards to the letter received in regards to the proposal of the subdivision on lot 74 DP 752948 77-81 Grenfell Rd. I reside at [REDACTED] and don't have an issue with the subdivision going ahead, the issue I have is with the dam being filled in when we get storms - where will the water run? We already suffer from the overflow of the dam which causes flooding to our driveway which gets washed out when we storm. This effects not only us but the neighboring properties also. I am concerned this is going to be an even bigger issue for us if the dam is filled in and any excess water will just run into our properties. We were advised 20 years ago when we moved into our property that there would never be a subdivision at the mentioned property because it was a natural water cause.

The property already has major bogging issues which go out onto the side of the road, with a horse being bogged only a few weeks ago when going past the property.

Can you please advise steps that would be put in place to avoid these issues before the subdivision goes ahead.

I look forward to your prompt response.

Kind Regards

Justin Flannery

**From:** [Nanette Pauline](#)  
**To:** [Cowra Council](#)  
**Subject:** Fw: Objection :Development Proposal - DA 70/2023  
**Date:** Wednesday, 30 August 2023 9:22:16 PM

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**From:** [REDACTED]  
**Sent:** Wednesday, August 30, 2023 11:09 AM  
**To:** council@cowra.nsw <council@cowra.nsw>  
**Subject:** Objection :Development Proposal - DA 70/2023

Dear Sir

Please note

1/ Why is there such a short period for comment ?

2/ We feel there are problems with this plan. (a) there is no flooding ?? funny we have seen approx. 1 meter of water over much of this site. (b) Access to sites will be a problem with safety to roads. (c) What will happen to the Ducks that use the dam to raise their young . (d) Extra flooding in the gully will kill the large gum trees located there. (e) What will happen when the pump out station floods or breaks down as there is a number of homes that maybe affected with raw sewerage. (f) the public land will be a sewerage tank and pump and the rest will mostly be affected by water and unusable.

Regards

Gordon and Nanette PAULINE



Sent from [Mail](#) for Windows

24 JAN 2024

Glenn Oakley  
Cowra Shire Council  
Submitted via NSW Planning Portal

**Development: 9 Lot Subdivision**  
**Development Application No: 10.2023.70.10**  
**Property: Lot 74 DP 752948, 77-81 Grenfell Road, Cowra**

We are happy to construct a solid panel boundary fence along the full length of the boundary of the allotment containing the motel to provide the security and privacy requested by Country Gardens Motor Inn. We have made inquiries with Council's engineering department who confirmed that Council's sewer main present within the land containing the Country Gardens Motor Inn has sufficient capacity to cater for the additional eight allotments proposed as part of our development without any negative impact.

#### **Stormwater**

The existing dam located in the corner of the subject land does not provide any stormwater retention if it is already full, overflowing any stormwater straight back into the table drain. To improve the situation, the designs prepared by Calare Civil consulting engineers divert stormwater into the low area within the property, providing stormwater retention capacity as displayed on the development plans without infringing on area for the future construction of residential dwellings outside of these wet areas. It is anticipated this will improve the stormwater situation mentioned by the objector.

#### **Tree Vegetation**

A report has been prepared and submitted by a landscape architect confirming the species of gum tree mentioned by the objector and that this type of gum tree can continue to thrive in its location as they have done for many years.

#### **Fauna**

We are informed by our Town Planner that the site is not identified on the NSW Biodiversity Values Map so no further reporting is required.

Yours faithfully,



Philip Hurrell  
Cleancote Industries



Anthony Hurrell  
Cleancote Industries

**7 LATE REPORTS****8 NOTICES OF MOTIONS**

Nil

**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 DIRECTOR-INFRASTRUCTURE & OPERATIONS****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.