



AGENDA

Ordinary Council Meeting

Date: 25 March 2024

Time: 5 pm

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

**Paul Devery
General Manager**

Order Of Business

1	Introduction.....	4
1.1	Recording & Publishing.....	4
1.2	Acknowledgement of Country.....	4
1.3	Apologies and Applications for Leave of Absence by Councillors.....	4
1.4	Disclosures of Interest.....	4
1.5	Presentations.....	4
1.6	Public Forum	4
2	Confirmation of Minutes.....	4
	Confirmation of Minutes of Ordinary Council Meeting held on 26 February 2024	
	Confirmation of Minutes of Extraordinary Council Meeting held on 11 March 2024	
	Confirmation of Minutes of Extraordinary Council Meeting held on 18 March 2024	
3	Mayoral Minutes.....	54
3.1	Mayoral Minute - Central NSW Joint Organisation Board Meeting 29 February 2024.....	54
4	General Committee Recommendations - Monday, 11 March 2024	73
4.1	Donation - Wyangala Fireworks Committee - Commercial Waste Event Bin Hire charges	73
4.2	Investments.....	73
4.3	Section 355 Committee Draft Minutes - Cowra Regional Art Gallery Advisory Committee.....	73
4.4	Committee Minutes - Traffic Committee.....	73
4.5	Section 355 Committee Minutes - Saleyards Committee.....	74
4.6	Development Application No. 137/2021, Lot 1 DP 519943, Campbell Street Cowra, general industry (continued use of existing buildings & site to manufacture precast concrete & steel construction products), lodged by Westcast Pty Ltd.....	74
5	General Manager	86
5.1	Acting General Manager	86
5.2	Section 355 Committee Draft Minutes - CBD Committee	87
5.3	Recycling Service	96
6	Director-Corporate Services.....	99
6.1	Section 355 Committee Draft Minutes - Audit, Risk & Improvement Committee - 7 March 2024	99
7	Director-Infrastructure & Operations.....	108
7.1	Section 355 Committee Minutes - Tidy Towns Committee.....	108
8	Director-Environmental Services	113

8.1 Section 355 Committee Draft minutes - Access Committee meeting held 26 February 2024..... 113

8.2 Section 355 Committee Draft minutes - Cowra Natural Resource Management Advisory Committee meetings held 13 December 2023 and 21 February 2024..... 117

9 Late Reports..... 122

10 Confidential Matters..... 123

11 Confidential General Committee Recommendations - Monday, 11 March 2024 123

11.1 Carpark Lease - 74 Kendal Street Cowra..... 123

I INTRODUCTION

I.1 Recording & Publishing

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

I.2 Acknowledgement of Country

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

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

List of apologies for the meeting.

I.4 Disclosures of Interest

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

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

I.5 Presentations

I.6 Public Forum

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

2 CONFIRMATION OF MINUTES

Confirmation of Minutes of Ordinary Council Meeting held on 26 February 2024

Confirmation of Minutes of Extraordinary Council Meeting held on 11 March 2024

Confirmation of Minutes of Extraordinary Council Meeting held on 18 March 2024



MINUTES

**Ordinary Council Meeting
Monday, 26 February 2024**

Order Of Business

1	Introduction.....	4
1.1	Recording & publishing.....	4
1.2	Acknowledgement of Country.....	4
1.3	Apologies and Applications for Leave of Absence by Councillors.....	4
1.4	Disclosures of Interest.....	4
1.5	Presentations.....	4
1.6	Public Forum	5
2	Confirmation of Minutes.....	5
3	General Committee Recommendations - Monday, 12 February 2024.....	5
3.1	Section 355 Committee Draft Minutes - CBD Committee	5
3.2	Sculpture Park Master Plan	5
3.3	Investments.....	6
3.4	Cowra Waste and Resource Recovery Strategy 2023-2032	6
3.5	Cowra Material Recycling Facility - Proposal to Extend Sorting Lines Storage Area.....	6
3.6	Development Application No. 118/2023, Lot 2 DP 1166678, 506 Binni Creek Road Cowra, two general industrial sheds, lodged by M J Croker	7
3.7	Development Application No. 57/2020, Lot 2 DP 557714, Lot 1 DP 1201417, Lot 10 DP 1107219 & Lot 3905 DP 1200283, 2-4 Kite Street Cowra, continued use of, and proposed upgrades to landscaping material supplies, lodged by Buzzree Pty Ltd.....	14
3.8	Development Application No. 70/2023, Lot 74 DP 752948, 77-81 Grenfell Road Cowra, 9 Lot Community Title subdivision, lodged by P Hurrell.....	20
4	General Manager	26
4.1	2024 Meeting Dates.....	26
4.2	Delivery Program 2022-2023 to 2025-2026 Operational Plan 2023-2024 Six-Month Review to 31 December 2023.....	27
5	Director-Corporate Services.....	28
5.1	Quarterly Budget Review Statement - December 2023	28
6	Director-Infrastructure & Operations.....	28
6.1	Proposed Pipes Along and Across Roads - Water Drainage and Irrigation Policy	28
6.2	West Cowra Channel Update Report	28
6.3	Review of Cowra Development Control Plan Requirements Glenlogan Industrial Release Area	29
7	Director-Environmental Services	29
7.1	Development Application No. 84/2023, Lot 311 DP 255021, 11 Rothbury Road Cowra, dwelling, lodged by Currajong Pty Ltd	29
8	Late Reports.....	35

8.1 IPART Review of Council Financial Model 35

9 Confidential Matters.....36

**10 Confidential General Committee Recommendations - Monday, 12 February
202436**

10.1 Request for Tender 17/2023 - Tree Trimming and Removal Services Within
Cowra Shire 2023-2026 36

11 Confidential Director-Infrastructure & Operations36

11.1 Request for Tender 18/2023 - Cabin Replacement - Cowra Van Park..... 36

11.2 Crown Land Management of Part Crown Reserve 703 - Lot 7301 DP 1149856
and the Aboriginal Land Claim 37042 36

**MINUTES OF COWRA COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COWRA COUNCIL CHAMBERS, 116 KENDAL STREET, COWRA
ON MONDAY, 26 FEBRUARY 2024 AT 5 PM**

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

RESOLUTION 14/24

Moved: Cr Cheryl Downing

Seconded: Cr Erin Watt

That apologies from Cr Nikki Kiss OAM be received and accepted.

CARRIED

1.4 Disclosures of Interest

Cr Erin Watt declared a non-pecuniary interest in relation to item 3.6 Development Application No. 118/2023, Lot 2 DP 1166678, 506 Binni Creek Road Cowra, two general industrial sheds, lodged by M J Croker 3.8 Development Application No. 70/2023, Lot 74 DP 752948, 77-81 Grenfell Road Cowra, 9 Lot Community Title subdivision, lodged by P Hurrell and 7.1 Development Application No. 84/2023, Lot 311 DP 255021, 11 Rothbury Road Cowra, dwelling, lodged by Currajong Pty Ltd due to family's involvement with the Development Application and will leave the Chambers during consideration of these items.

Cr Ruth Fagan declared a non-pecuniary interest in relation to item 7.1 Development Application No. 84/2023, Lot 311 DP 255021, 11 Rothbury Road Cowra, dwelling, lodged by Currajong Pty Ltd due to the applicant being a neighbour.

1.5 Presentations

Nil

1.6 Public Forum

Nil

2 CONFIRMATION OF MINUTES**RESOLUTION 15/24**

Moved: Cr Judi Smith

Seconded: Cr Peter Wright

That the minutes of Ordinary Council Meeting held on 22 January 2024 be confirmed.

CARRIED

3 GENERAL COMMITTEE RECOMMENDATIONS - MONDAY, 12 FEBRUARY 2024**GENERAL MANAGERS REPORT**3.1 Section 355 Committee Draft Minutes - CBD Committee

1.

RESOLUTION 16/24

Moved: Cr Sharon D'Elboux

Seconded: Cr Cheryl Downing

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

CARRIED

DIRECTOR-CORPORATE SERVICES REPORT3.2 Sculpture Park Master Plan

2.

RESOLUTION 17/24

Moved: Cr Sharon D'Elboux

Seconded: Cr Judi Smith

- 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.**

CARRIED

3.3 Investments

3.

RESOLUTION 18/24

Moved: Cr Bill West

Seconded: Cr Paul Smith

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

CARRIED

DIRECTOR-INFRASTRUCTURE & OPERATIONS REPORT3.4 Cowra Waste and Resource Recovery Strategy 2023-2032

4.

RESOLUTION 19/24

Moved: Cr Judi Smith

Seconded: Cr Erin Watt

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.**

CARRIED

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

5.

RESOLUTION 20/24

Moved: Cr Paul Smith

Seconded: Cr Erin Watt

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.

CARRIED

At 5:27 pm, Cr Erin Watt left the meeting.

DIRECTOR-ENVIRONMENTAL SERVICES REPORT

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

6.

RESOLUTION 21/24

Moved: Cr Bill West

Seconded: Cr Judi Smith

- 1. That Council notes that the reason for the decision is that the proposal largely complies with Section 4.15 of the Environmental Planning and Assessment Act 1979. The variations to Section 1.1.8 of Part 1 of Council's Development Control Plan 2021 is sufficiently justified and the application was publicly notified and no submissions were received; and**
- 2. That Council approves a variation to Section 1.1.8 of Part 1 of Council's Development Control Plan 2021 for this development to allow industrial development without reticulated water and sewer connections; and**
- 3. That Development Application No. 118/2023, for the construction of two general industrial sheds on Lot 2 DP 1166678, 506 Binni Creek Road Cowra be approved subject to the following conditions:**

GENERAL CONDITIONS

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

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

Plan No./ Supporting Document	Prepared by/Reference Details	Cowra Shire Council Reference
Existing Site Plan Drawing 1	Vision Property Development Hub 31/8/2023	Received 14 November 2023 Stamped No. 10.2023.118.1
Proposed Site Plan Drawing 2B	Vision Property Development Hub 31/8/2023	Received 14 November 2023 Stamped No. 10.2023.118.1
Shed Layout Drawing 3B	Vision Property Development Hub 31/8/2023	Received 14 November 2023 Stamped No. 10.2023.118.1
Shed Layout & Truck Turnpath Drawing 4A	Vision Property Development Hub 31/8/2023	Received 14 November 2023 Stamped No. 10.2023.118.1

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

		No. 10.2023.118.1
--	--	-------------------

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

2. The applicant shall comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the Environmental Planning and Assessment Regulation 2021 (see attached Advisory Note).
3. Any cutting and filling on the site shall be either battered at a maximum slope of one vertical to two horizontal (1V:2H) and revegetated or suitably retained by a retaining structure, designed and constructed to appropriate engineering standards. A retaining wall that does not comply with State Environmental Planning Policy (Exempt & Complying Development Codes) 2008 will require the prior consent of Council. The erection of retaining walls may require the approval and certification of a suitably qualified structural engineer. All works are to be carried out within the boundaries of the property and without affecting the structural integrity of boundary fencing or neighbouring structures.
4. Provide on-site parking for a minimum of 10 car parking spaces in accordance with the submitted plans. Car parking and trafficable areas shall be designed and maintained in accordance with Cowra Council Development Control Plan 2021.
5. Car parking facilities, including all internal parking and manoeuvring areas are to be constructed and sealed in accordance with Australian Standard 2890.1 Off-Street Car Parking and Australian Standard 2890.2 Commercial Vehicle Facilities and are to include all necessary line marking, directional arrows and signage to delineate parking spaces, traffic flow and traffic priority. All costs associated with the construction of the parking area shall be borne by the Applicant.
6. Parking for disabled persons is to be provided and signposted in accordance with the approved plans and the requirements of Australian Standard 2890.1. The access linking such parking areas to their associated developments shall generally not have gradients steeper than 1:14.
7. Any excess clean fill (inert clean waste) removed from the site is to be taken to either:
 - (a) a public waste disposal facility; or
 - (b) a site authorised for the fill under a State Environmental Planning Policy or by separate development consent by Council.
8. Business operations, including the use of noise generating equipment within the factory/warehouse buildings, loading/unloading operations and truck deliveries shall be restricted to day time hours only, being from 7.00am to 6.00pm, unless it can be proven by actual noise testing and further noise assessment reporting that such operations do not cause excessive noise impacts on nearby residences in accordance with the noise

goals set out in the NSW EPA's Noise Policy for Industry (2017).

The noise assessment report would need to be prepared by a suitably qualified acoustic engineer and submitted to Cowra Council for verification of compliance with the Noise Policy for Industry (2017) before any loading/unloading activities could be carried out between 7.00pm and 6.00am.

9. The land-use of the development is to comply with the definition of general industry under the Cowra Local Environmental Plan 2012. A separate DA to be lodged for the future use of the buildings should a different land use be proposed.
10. The primary entrances and pathways to the building are to comply with the requirements of the Disability (Access to Premises – Buildings) Standards 2010 and Australian Standard 1428.1-2009 Design for Access and mobility.

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

11. Pursuant to Section 7.12 (formerly Section 94A) of the Environmental Planning & Assessment Act 1979, the monetary contribution set out in the following table is to be paid to Council prior to the issue of a Construction Certificate. The contribution is current as at the date of this consent and is levied in accordance with the Cowra Section 94A Contributions Plan 2016 adopted on 26 April 2016. The contribution payable will be calculated in accordance with the contributions plan current at the time of payment, and will be adjusted at the time of payment in accordance with the Consumer Price Index (CPI) (All Groups Index for Sydney) published by the Australian Bureau of Statistic (ABS). Contribution amounts will be adjusted by Council each financial year.

Contribution Type	Proposed Cost of Development¹	Levy Percentage	Total Contribution	Contribution Rate Remains Current Until
Section 94A Contribution²	\$324,190.00	1%	\$3,241.90	30 June 2024

Notes

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

² Council's Section 94A Contributions Plan 2016 may be viewed during office hours at Council's Customer Service Centre, 116 Kendal Street Cowra, or on Council's website www.cowracouncil.com.au

12. Prior to the issue of a Construction Certificate, the Applicant must submit to Cowra Shire Council an application to Install and Operate an On-Site Sewage Management System under Section 68 of the Local Government Act 1993. The application must be accompanied by a report prepared by a suitably qualified professional including a geotechnical

report to confirm that an On-Site Sewage Management System can operate in the proposed area.

13. Prior to the issue of a Construction Certificate, the Applicant must obtain consent from the roads authority pursuant to Section 138 of the *Roads Act 1993* for the carrying out of works in a road reserve.
14. Prior to the issue of a Construction Certificate, a Soil and Water Management Plan shall be submitted to the Principal Certifier for approval. The plan is to be prepared in accordance with Part B.1.6. of the DCP and demonstrate that adequate provision will be made for the estimated potential stormwater runoff from the development to the satisfaction of the Principal Certifier.

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE COMMENCEMENT OF WORKS

15. The Applicant is to obtain a Construction Certificate from either Council or an Accredited Certifier, certifying that the proposed works are in accordance with the Building Code of Australia and applicable Council Engineering Standards prior to any building and or subdivision works commencing. No building, engineering or excavation work is to be carried out in relation to this development until the necessary construction certificates have been obtained. It is the responsibility of the Applicant to ensure that the development complies with the Building Code of Australia and applicable engineering standards in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.
16. It is the responsibility of the Applicant to ensure that the development complies with the Building Code of Australia and applicable engineering standards in the case of building work.
17. The Applicant is to submit to Cowra Shire Council, at least two days prior to the commencement of any works, a 'Notice of Commencement of Building or Subdivision Works' and 'Appointment of Principal Certifier'.
18. Prior to the commencement of work on the site, all erosion and sediment control measures shall be implemented and maintained prior to, during and after the construction phase of the development. The erosion and sediment control measures are to comply with Part B of Cowra Shire Council Development Control Plan 2021 at all times.
19. The Applicant is to obtain all relevant approvals to Install and Operate an On-Site Sewage Management System from Cowra Shire Council prior to commencing works to install the system and comply with any conditions of that approval. The works must be inspected by Council at the times specified below:
 - a) Tank Installation: When the tank is installed and prior to backfilling.
 - b) Absorption Trench: When void arching and stone void fill is in place

prior to covering.

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

CONDITIONS TO BE COMPLIED WITH DURING CONSTRUCTION

20. While building work is being carried out, any such work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.
21. Any damage caused to footpaths, roadways, utility installations and the like by reason of construction operations shall be made good and repaired to a standard equivalent to that existing prior to commencement of construction. The full cost of restoration/repairs of property or services damaged during the works shall be met by the Applicant.
22. All storage of goods and building materials and the carrying out of building operations related to the development proposal shall be carried out within the confines of the property. All vehicles must be parked legally and no vehicles are permitted to be parked over the public footpath. The unloading of building materials over any part of a public road by means of a lift, hoist or tackle projecting over the footway will require separate approval under Section 68 of the *Local Government Act 1993*.
23. Building activities and excavation work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 6.00 pm on weekdays and 8.00 am and 1.00 pm on Saturdays. No work on Sundays or Public Holidays is permitted.
24. All building rubbish and debris, including that which can be windblown, shall be contained on site in a suitable container for disposal at an approved Waste Landfill Depot. The container shall be erected on the building site prior to work commencing and shall be maintained for the term of the construction to the completion of the project. No building rubbish or debris shall be placed or permitted to be placed on any adjoining public reserve, footway or road. The waste container shall be regularly cleaned to ensure proper containment of the building wastes generated on the construction site.
25. All roofed and paved areas are to be properly drained in accordance with the Plumbing Code of Australia and discharged three metres clear of any building/structure in a manner that does not cause soil erosion or nuisance to adjoining properties.
26. All plumbing work shall be carried out by a licensed plumber and drainer and to the requirements of the Plumbing Code of Australia. The licensed plumber or drainer must submit a Notice of Works form to Council prior

to the commencement of any plumbing and drainage works and a Certificate of Compliance at the completion of the works. The plumbing and drainage works must be inspected by Council at the time specified below:

- (a) **Internal Drainage:** When all internal drainage work is installed and prior to concealment. Pipes should be under water test.
- (b) **External Drainage:** When all external drainage work is installed and prior to concealment. Pipes should be under water test.
- (c) **Water Supply:** Hot and cold water supply pipework, when the pipework is installed and prior to concealment. Pipes should be under pressure test.
- (d) **Stormwater:** When the stormwater and roof water drainage system has been completed.

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

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

Water tanks are not to be constructed of plastic if they are to be exposed to medium to high level bushfire risk. Further information relating to the location and design of water tanks and emergency firefighting requirements for water tanks and connections can be downloaded from the NSW Rural Fire Service website, www.rfs.nsw.gov.au.

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

ADVICE

If, during work, an Aboriginal object is uncovered then **WORK IS TO CEASE IMMEDIATELY** and the Office of Environment & Heritage is to be contacted urgently on (02) 6883 5300. Under the National Parks and Wildlife Act 1974 it

is an offence to harm an Aboriginal object or place without an 'Aboriginal heritage impact permit' (AHIP). Before making an application for an AHIP, the applicant must undertake Aboriginal community consultation in accordance with clause 80C of the NPW Regulation.

AMENDMENT

Moved Cr Peter Wright:

That the matter be deferred to the next meeting so more information can be obtained.

LAPSED FOR THE WANT OF A SECONDER

THE ORIGINAL MOTION WAS PUT AND CARRIED.

In Favour: Crs Ruth Fagan, Paul Smith, Sharon D'Elboux, Cheryl Downing, Judi Smith and Bill West

Against: Cr Peter Wright

CARRIED 6/1

At 5.45 pm, Cr Erin Watt returned to the meeting.

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

Moved: Cr Sharon D'Elboux

Seconded: Cr Paul Smith

1. That Council notes that the reason for the decision is that the proposal largely complies with Section 4.15 of the Environmental Planning and Assessment Act 1979. The application was publicly notified and no submissions were received; and
2. That Development Application No. 57/2020, for the continued use of, and proposed upgrades to landscaping material supplies on Lot 2 DP 557714, Lot 1 DP 1201417, Lot 10 DP 1107219 & Lot 3905 DP 1200283, 2-4 Kite Street Cowra be approved subject to the following conditions:

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

3. Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Department of Planning and Environment-Water, and obtained, for a controlled activity approval under the Water Management Act 2000.
4. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule I, relating

to Development Application DA 57/2020 provided by Council to Department of Planning and Environment-Water.

5. A. The application for a controlled activity approval must include the following plan(s):
 - a) Site plans
 - b) Soil and water management plan
 - c) Erosion and sediment control plans
 - d) Construction stormwater drainage outlet plan
 - e) Vegetation management plan
 - f) Construction detailed basin design plans
- B. The plan(s) must be prepared in accordance with Department of Planning and Environment-Water's guidelines located on the website <https://www.dpie.nsw.gov.au/water/licensing-and-trade/approvals/controlled-activity-approvals/what/guidelines>

CONDITIONS OF CONSENT – TRANSPORT FOR NSW

6. The applicant must comply with the requirements of T HR CI 12090 ST Airspace and External Developments (Link: <https://www.transport.nsw.gov.au/industry/asset-standards-authority/finda-standard/airspace-and-external-developments-1>) and Development Near Rail Corridors and Busy Roads- Interim Guidelines (Link [development-near-rail-corridors-and-busy-roads-interimguideline-2008.ashx](https://www.nsw.gov.au/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 for more information.
12. Prior to the commencement of any work – cranes and equipment:
 1. If required, the applicant must submit an application to UGLRL for approval of TAHE prior to any use of cranes and equipment (Equipment) in the air space over the rail corridor.
 2. If required, the applicant is required to provide a safety assessment of the works necessary for the development assessing any potential impact or intrusion on the Danger Zone (as defined in the UGLRL Network Rules and Procedures and that any works are undertaken by a qualified Protection Officer.
 3. The use of Equipment must be in accordance with the AS 2550 series of Australian Standards, Cranes, Hoist and Winches, including AS2550 15-1994 Cranes – Safe Use - Concrete Placing Equipment.

GENERAL CONDITIONS

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

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

Plan No./ Supporting Document	Prepared by/Reference Details	Cowra Shire Council Reference
Existing Project Site Layout Figure A	RW Corkery & Co December 2023	Received 21 December 2023 Stamped No. 57/2020(A)
Proposed Project Site Layout Figure 2.1	RW Corkery & Co December 2023	Received 21 December 2023 Stamped No. 57/2020(A)
Statement of Environmental Effects Ref 983/06	RW Corkery & Co December 2023	Received 21 December 2023 Stamped No. 57/2020(A)

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

14. The applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Environmental Planning and Assessment Regulation 2021 (see attached Advisory Note).
15. The applicant shall obtain the written agreement (and any associated permits, leases

or purchases required) from Cowra Council for the use of road reserves within the existing project site and two Council owned lots within the site, being Lot 1 DP 1201417 and Lot 10 DP 1107219.

16. Approved hours of operation are as follows:

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

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

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE COMMENCEMENT OF WORKS

20. The Applicant is to submit to Cowra Shire Council, at least two days prior to the commencement of any works, a 'Notice of Commencement of Building or Subdivision Works' and 'Appointment of Principal Certifier'.
21. Prior to the commencement of works, the applicant shall provide to the Principal Certifier evidence of the agreement reached with Cowra Council referenced in condition 13.
22. Prior to the commencement of works, a car parking plan is to be provided for the approval of the Principal Certifier that includes the provision of one disabled parking space at the office to be constructed and/or line-marked in accordance with AS2890.6 – Off-street parking for people with disabilities.
23. Prior to the commencement of work on the site, all erosion and sediment control measures shall be implemented and maintained prior to, during and after the construction phase of the development. The erosion and sediment control measures are to comply with the Soil and Water Management Plan prepared by Strategic Environmental and Engineering Consulting Pty Ltd and Part B of Cowra Shire Council Development Control Plan 2021 at all times.
24. Prior to the construction of the footings a 'peg-out' survey plan is to be submitted to the Principal Certifier which establishes the position of the property boundary and demonstrates that the development will be constructed entirely within the boundaries of the property.

CONDITIONS TO BE COMPLIED WITH DURING CONSTRUCTION

25. Any damage caused to footpaths, roadways, utility installations and the like by reason

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

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

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

30. The Applicant must not continue the occupation or use of the landscaping materials supplies until a Whole or Partial Occupation Certificate has been issued from the Principal Certifier appointed for the subject development. An Occupation Certificate Application must be submitted to the Principal Certifier accompanied by the relevant fee prior to arranging an inspection. If Cowra Council is the Principal Certifier appointed for the subject development an inspection for the Occupation Certificate can be arranged by contacting Environmental Services on (02) 6340 2040.
31. Prior to the issue of any Occupation Certificate, evidence is to be provided to the Principal Certifier that the disturbed areas encroaching on land controlled by Transport for NSW (on Lot 3905 DP 1200283) not covered by the licence agreement has been remediated to the satisfaction of TfNSW.
32. Prior to the issue of any Occupation Certificate, the 10m wide Vegetated Riparian Zone is to be established along the southern boundary of the site in accordance with the species mix and methodology outlined in the Statement of Environmental Effects. Ringlock wire fencing is to be erected to delineate the revegetated area and to prevent accidental access to the revegetated area by site personnel and customers. Regular watering is to be undertaken for a minimum of 2 months following establishment.
33. Prior to the issue of any Occupation Certificate, stormwater infrastructure is to be

completed in accordance with the Soil and Water Management Plan prepared by Strategic Environmental and Engineering Consulting Pty Ltd.

34. Prior to the issue of any Occupation Certificate, carparking is to be constructed and/or line-marked in accordance with the approved plan.

ADVICE

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

AMENDMENT

Moved: Cr Bill West
Seconded: Cr Erin Watt

That the matter 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, for the continued use of, and proposed upgrades to landscaping material supplies, lodged by Buzzree Pty Ltd be deferred to the next meeting.

THE AMENDMENT WAS PUT AND CARRIED

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

Against: Nil

RESOLUTION 22/24

Moved: Cr Bill West
Seconded: Cr Erin Watt

That the matter 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, for the continued use of, and proposed upgrades to landscaping material supplies, lodged by Buzzree Pty Ltd be deferred to the next meeting.

CARRIED

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

Against: Nil

CARRIED 8/0

At 5:55 pm, Cr Erin Watt left the meeting.

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

7.

RESOLUTION 23/24

Moved: Cr Bill West

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

GENERAL CONDITIONS

1. Pursuant to Section 4.16 (3) of the Environmental Planning and Assessment Act 1979 this is a "deferred commencement" consent and as such this consent is not to be enacted until such time as Condition 2 is satisfactorily complied with.
2. Provide written evidence to Council that the owners of Lot 11 DP 1072191 agree to the installation of sewer infrastructure and the creation of an associated easement for the purpose of connecting the proposed subdivision to Council's reticulated sewer main on Lot 11 DP 1072191.
3. Development is to be in accordance with approved plans.

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

Plan No./ Supporting Document	Prepared by/Reference Details	Cowra Shire Council Reference
General Arrangement Plan Dwg. No. C01 Issue E	Calare Civil Consulting Engineers 24/11/23	Received 30 November 2023 Stamped No. DA 10.2023.70.1(A)
Site Diagram Dwg. No. SD001 D	Vision Town Planning Consultants 22/11/23	Received 30 November 2023 Stamped No. DA 10.2023.70.1(A)
Sewer Diagram Dwg. No. SD002 A	Vision Town Planning Consultants 22/11/23	Received 30 November 2023 Stamped No. DA 10.2023.70.1(A)
Utilities Diagram Dwg. No. UD001 C	Vision Town Planning	Received 30 November 2023

	Consultants 22/11/23	Stamped No. DA 10.2023.70.1(A)
Statement of Environmental Effects Version 2	Vision Town Planning Consultants 23/11/23	Received 30 November 2023 Stamped No. DA 10.2023.70.1(A)

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

4. The applicant shall comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the Environmental Planning and Assessment Regulation 2021 (see attached Advisory Note).
5. Any landscaping, signage and fencing is not to impede sight lines of traffic and/or pedestrians within the development or when entering and leaving the development. Safe intersection sight distances are to be maintained for the development.

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

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

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

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

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

9. Prior to the issue of a Subdivision Works Certificate, the Applicant must obtain consent from Council pursuant to Section 138 of the Roads Act 1993 for carrying out of works in the road reserve. Details of the proposed

driveway crossings to each proposed lot in the development site from the new road are to be identified on engineering drawings. The maximum gradient of the associated access driveways across a property line or building alignment shall be 1 in 20 (5%) in accordance with AS/NZS 2890.1:2004- 2.6 Design of domestic driveways.

10. Prior to the issue of a Subdivision Works Certificate, the applicant must demonstrate that the development complies with firefighting capabilities in accordance with AS 2419.1:2021, Fire Hydrant Installations, and Fire and Rescue NSW (FRNSW) guidelines. Any costs associated with the augmentation of water reticulation relating to the development shall be borne by the Applicant and at no cost to Council.
11. Prior to the issue of a Subdivision Works Certificate, a Stormwater Management Plan shall be submitted and approved by Council's Director - Infrastructure & Operations, demonstrating that adequate provision will be made for the estimated potential stormwater runoff from the development to the satisfaction of Council. Plans should also detail measures for erosion and sedimentation control.
12. Prior to the issue of a Subdivision Works Certificate, a fencing plan shall be submitted and approved by Council's Director – Environmental Services with details of a proposed Colorbond fence on the boundary with Lot 11 DP 1072191. The plan is to be signed by the owners of Lot 11.
13. Prior to the issue of a Subdivision Works Certificate an approval under Section 68 of the Local Government Act 1993 to carry out water supply works, sewerage works and stormwater drainage works and to connect to the existing water supply and sewerage system network must be obtained.

CONDITIONS TO BE COMPLIED WITH DURING CONSTRUCTION WORKS

14. All construction work shall be carried out within the confines of the property unless separate written permission is obtained from the relevant landowner and/or authority in control of the land. A copy of any written notices authorising off-site construction operations shall be submitted to Council prior to any operations commencing on the affected land.
15. Any damage caused to footpaths, roadways, utility installations and the like by reason of construction operations shall be made good and repaired to a standard equivalent to that existing prior to commencement of construction. The full cost of restoration/repairs of property or services damaged during the works shall be met by the Applicant.
16. Construction activities and excavation work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 6.00 pm on weekdays and 8.00 am and 1.00 pm on Saturdays. No work on Sundays or Public Holidays is permitted.
17. The Applicant shall connect all new lots in the subdivision to a new Low-Pressure Sewerage System connected to Council's Gravity Sewer Reticulation system in Lot 11 DP 1072191. All work shall be carried out by a licensed plumber and drainer and to the requirements of NSW Environment and Health Protection Guidelines and Australian Standard/

New Zealand Standard 1547:2000 On-Site Domestic Wastewater Management, Australian Standard 3500, 'National Plumbing and Drainage' and the 'New South Wales Code of Practice; Plumbing and Drainage'.

The applicant is to obtain a Certificate from Council certifying compliance with the conditions of any relevant approval to carry out plumbing and drainage work. For the purpose of obtaining a certificate the works must be inspected by the Council at the time specified below:

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

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

18. Pursuant to Section 7.11 (formerly Section 94) of the Environmental Planning & Assessment Act 1979, the monetary contributions set out in the following table are to be paid to Council prior to the issue of a Subdivision Certificate. The contributions are current as at the date of this consent and are levied in accordance with the Cowra Section 94 Contributions Plan 2016, adopted on 26 April 2016. The contributions payable will be calculated in accordance with the contributions plan current at the time of payment, and will be adjusted at the time of payment in accordance with the Consumer Price Index (CPI) (All Groups Index for Sydney) published by the Australian Bureau of Statistic (ABS). Contribution amounts will be adjusted by Council each financial year.

Contribution Type ³	Rate ¹	Rate Amount	No. of Lots ²	Total Contribution	Rate remains current until
Open Space Recreational Sporting Facilities	Lot	\$814.36	7	\$5,700.52	30 June 2024
Civic & Community Facilities	Lot	\$1,316.06	7	\$9,212.42	30 June 2024
Transport Infrastructure	Lot	\$0.00	7	\$0.00	30 June 2024
Plan Management Administration	Lot	\$152.87	7	\$1,070.09	30 June 2024
Total Contribution Payable				\$15,983.03	30 June 2024
Per Lot Contribution Payable				\$2,283.29	30 June 2024
Notes					
¹ Per Lot					
² No. of additional lots created. The original lot is discounted from the calculations.					
³ Council’s Section 94 Contributions Plan 2016 may be viewed during office hours at Council’s					

Customer Service Centre, 116 Kendal Street Cowra, or on Council's website www.cowracouncil.com.au

19. Prior to the issue of the Subdivision Certificate, the Colorbond fence approved in accordance with Condition 12 is to be constructed and all other lot boundaries are to be fenced in accordance with Section D.4.11 of Part D of Cowra Council Development Control Plan 2021.
20. Prior to the issue of the Subdivision Certificate, the existing dam is to be filled and compacted in accordance with AS3798-2007 Guidelines on earthworks for commercial and residential developments. A geotechnical report is to be submitted to Council confirming that the works comply with the above guidelines. Testing for the report is to be conducted in accordance with AS1289-2021 Methods of testing soils for engineering purposes.
21. Prior to the issue of the Subdivision Certificate, the applicant must construct the access driveways from the new road to all lots in the subdivision in accordance with consent from the roads authority pursuant to Section 138 of the Roads Act 1993 for the carrying out of works in a road reserve. All costs associated with the construction of the new access driveway(s) shall be borne by the Applicant and at no cost to Council.
22. Prior to issue of the Subdivision Certificate, the applicant shall connect all new lots in the plan of subdivision to Council's Reticulated Water Supply System and to the satisfaction of the relevant service provider, being Cowra Shire Council
23. Prior to issue of the Subdivision Certificate, the applicant shall connect all new lots in the plan of subdivision to Council's Reticulated Sewer Supply System and to the satisfaction of the relevant service provider, being Cowra Shire Council.
24. Prior to the issue of the Subdivision Certificate, the applicant shall construct all stormwater drainage facilities necessary to service the proposed allotments in accordance with the approved plans.
25. Prior to the issue of a Subdivision Certificate, the applicant must provide to Council a Notification of Arrangement from Essential Energy confirming that satisfactory arrangements have been made for the provision of power with respect to all lots in the subdivision. It is the applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions.
26. Prior to the issue of the Subdivision Certificate, the applicant is to provide evidence to Council that arrangements have been made for:
 - (a) The installation of fibre-ready facilities (or equivalent) to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose, and

- (b) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.
27. The Applicant is to lodge with Cowra Shire Council a Subdivision Certificate Application together with the final subdivision plan and a minimum of four copies for signature. All necessary information to support the certificate release and the necessary fee is required to be included with the Subdivision Certificate Application.
28. Prior to issue of the Subdivision Certificate, a copy of the Management Statement for the Community Scheme is to be submitted for the approval of Council.
29. The Applicant shall include on the final plan of subdivision any and all necessary easements required over access, water, sewer, stormwater, building envelopes electricity and telecommunications mains as required by this consent. Three metre wide easements are required to be centrally located over all sewerage mains for purposes of providing access to the mains system and for maintenance purposes. This includes an easement over the proposed sewer on Lot 11 DP 1072191.
30. The Applicant is required to obtain a Certificate of Compliance pursuant to Section 64 of the Local Government Act 1993 certifying that all works, fees and charges required in connection with the provision of water and sewer supply to the development have been undertaken and complied with in full. The certificate shall include all relevant works verified by appropriate inspections, fees and charges that are currently being applied at the time of the issue of the Subdivision Certificate. Separate water and sewer reticulation mains and metered services must be physically provided to the development in accordance with Cowra Council Development Control Plan 2021 and Cowra Infrastructure and Operations Engineering Standards.

Council will not issue the Subdivision Certificate until a Compliance Certificate has been issued, verifying that all works have been satisfactorily completed. All monetary contributions in relation to the augmentation of reticulated water and sewerage must be paid in full to Cowra Shire Council before the Subdivision Certificate will be issued. Necessary inspections must be arranged at least 48 hours in advance. Contact Cowra Infrastructure and Operations on (02) 6340 2070.

ADVICE

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

CARRIED

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

Against: Nil

CARRIED 7/0

At 5:59 pm, Cr Erin Watt returned to the meeting.

4 GENERAL MANAGER

4.1 2024 Meeting Dates

8. RESOLUTION 24/24

Moved: Cr Judi Smith
 Seconded: Cr Cheryl Downing

- I. That Council rescind Resolution 232/23 from November 2023:**
That Council adopt the following Council meeting dates for 2024:

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

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

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

CARRIED

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

9.

RESOLUTION 25/24

Moved: Cr Bill West
 Seconded: Cr Judi Smith

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

CARRIED

5 DIRECTOR-CORPORATE SERVICES**5.1 Quarterly Budget Review Statement - December 2023****10. RESOLUTION 26/24**

Moved: Cr Erin Watt
Seconded: Cr Paul Smith

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

CARRIED

6 DIRECTOR-INFRASTRUCTURE & OPERATIONS**6.1 Proposed Pipes Along and Across Roads - Water Drainage and Irrigation Policy****11. RESOLUTION 27/24**

Moved: Cr Judi Smith
Seconded: Cr Erin Watt

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

CARRIED

6.2 West Cowra Channel Update Report**12. RESOLUTION 28/24**

Moved: Cr Paul Smith
Seconded: Cr Erin Watt

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

CARRIED

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

13.

RESOLUTION 29/24

Moved: Cr Paul Smith

Seconded: Cr Bill West

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

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

2. That Council amend Development Control Plan ‘Section 1.3 Glenlogan Industrial Release Area, Section 1.3.3.2. Street Design’ as part of the current Development Control Plan review.

CARRIED

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

Against: Nil

CARRIED 8/0

At 6:20 pm, Cr Erin Watt and Cr Ruth Fagan left the meeting.

Cr Paul Smith assumed the position of Chair

7 DIRECTOR-ENVIRONMENTAL SERVICES

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

14.

RESOLUTION 30/24

Moved: Cr Judi Smith

Seconded: Cr Bill West

1. That Council notes that the reason for the decision is that the proposal largely complies with Section 4.15 of the Environmental Planning and

Assessment Act 1979. The variation to Clause 4.2B(3)(a) of Cowra Local Environmental Plan 2012 is sufficiently justified and the concurrence of the NSW Department of Planning, Housing and Infrastructure has been received. The application was publicly notified and no submissions were received; and

2. That Development Application No. 84/2023, for the construction of a dwelling on Lot 311 DP 255021, 11 Rothbury Road, Cowra be approved subject to the following conditions:

15. GENERAL CONDITIONS

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

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

Plan No./ Supporting Document	Prepared by/Reference Details	Cowra Shire Council Reference
Site Plan Sheet 01 Issue A	Currajong 18/04/2023	Received 7 September 2023 Stamped No. DA 10.2023.84.1
Site Plan with Contours Sheet 02 Issue A	Currajong 18/04/2023	Received 7 September 2023 Stamped No. DA 10.2023.84.1
Basix Compliance Schedule Sheet D5-1 Version 1	Vision Town Planning Consultants 20/03/2023	Received 7 September 2023 Stamped No. DA 10.2023.84.1
Floor Plan Sheet D5-2 Version 1	Vision Town Planning Consultants 22/03/2023	Received 7 September 2023 Stamped No. DA 10.2023.84.1
East & South Elevations Sheet D5-3 Version 1	Vision Town Planning Consultants 22/03/2023	Received 7 September 2023 Stamped No. DA 10.2023.84.1
West & North Elevations Sheet D5-4 Version 1	Vision Town Planning Consultants 22/03/2023	Received 7 September 2023 Stamped No. DA 10.2023.84.1
Statement of Environmental Effects	Currajong	Received

Revision A	18/08/2023	7 September 2023 Stamped No. DA 10.2023.84.1
BASIX Certificate No. 1382162S_02	Vision Town Planning Consultants Issued: 21 August 2023	Received 7 September 2023 Stamped No. DA 10.2023.84.1
Preliminary contamination investigation Report Number R15816- 311c	Envirowest Consulting 09/08/2023	Received 7 September 2023 Stamped No. DA 10.2023.84.1

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

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).

16. 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.
4. Prior to the issue of a Construction Certificate, the applicant is to prepare an unidentified finds procedure for site development works due to the potential for asbestos containing pipe material under the surface. The procedure is to be submitted for the approval of the Principal Certifier.
5. Prior to the issue of a Construction Certificate, the Applicant must submit to Cowra Shire Council an application to Install and Operate an On-Site Sewage Management System. The application must be accompanied by a report prepared by a suitably qualified professional including a geotechnical report to confirm that an On-Site Sewage Management System in compliance with ASI547:2012 can operate in the proposed area.
6. Pursuant to Section 7.12 (formerly Section 94A) of the Environmental Planning & Assessment Act 1979, the monetary contribution set out in the following table is to be paid to Council prior to the issue of a Construction Certificate. The contribution is current as at the date of this consent and is levied in accordance with the Cowra Section 94A Contributions Plan 2016 adopted on 26 April 2016. The contribution payable will be calculated in accordance with the contributions plan current at the time of payment, and will be adjusted at the time of

payment in accordance with the Consumer Price Index (CPI) (All Groups Index for Sydney) published by the Australian Bureau of Statistic (ABS). Contribution amounts will be adjusted by Council each financial year.

Contribution Type	Proposed Cost of Development ¹	Levy Percentage	Total Contribution	Contribution Rate Remains Current Until
Section 94A Contribution ²	\$910,859.00	1%	\$9,108.59	30 June 2024

Notes

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

² Council's Section 94A Contributions Plan 2016 may be viewed during office hours at Council's Customer Service Centre, 116 Kendal Street Cowra, or on Council's website www.cowracouncil.com.au

17. CONDITIONS TO BE COMPLIED WITH PRIOR TO THE COMMENCEMENT OF WORKS

7. The Applicant is to obtain a Construction Certificate from either Council or an Accredited Certifier, certifying that the proposed works are in accordance with the Building Code of Australia and applicable Council Engineering Standards prior to any building and or subdivision works commencing. No building, engineering or excavation work is to be carried out in relation to this development until the necessary construction certificates have been obtained. It is the responsibility of the Applicant to ensure that the development complies with the Building Code of Australia and applicable engineering standards in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.
8. No building, engineering or excavation work is to be carried out in relation to this development until the necessary Certificates have been obtained. It is the responsibility of the Applicant to ensure that the development complies with the applicable Council Engineering Standards. This may entail alterations to the proposal so that it complies with these standards.
9. It is the responsibility of the Applicant to ensure that the development complies with the Building Code of Australia and applicable engineering standards in the case of building work.
10. The Applicant is to submit to Cowra Shire Council, at least two days prior to the commencement of any works, a 'Notice of Commencement of Building or Subdivision Works' and 'Appointment of Principal Certifier'.
11. Prior to the commencement of work on the site, all erosion and sediment control measures shall be implemented and maintained prior to, during and after the construction phase of the development. The

erosion and sediment control measures are to comply with Part B of Cowra Shire Council Development Control Plan 2021 at all times.

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

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

18. CONDITIONS TO BE COMPLIED WITH DURING CONSTRUCTION

13. While building work is being carried out, any such work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.
14. Any damage caused to footpaths, roadways, utility installations and the like by reason of construction operations shall be made good and repaired to a standard equivalent to that existing prior to commencement of construction. The full cost of restoration/repairs of property or services damaged during the works shall be met by the Applicant.
15. All storage of goods and building materials and the carrying out of building operations related to the development proposal shall be carried out within the confines of the property. All vehicles must be parked legally and no vehicles are permitted to be parked over the public footpath. The unloading of building materials over any part of a public road by means of a lift, hoist or tackle projecting over the footway will require separate approval under Section 68 of the Local Government Act 1993.
16. Building activities and excavation work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 6.00 pm on weekdays and 8.00 am and 1.00 pm on Saturdays. No work on Sundays or Public Holidays is permitted.
17. All building rubbish and debris, including that which can be windblown, shall be contained on site in a suitable container for disposal at an approved Waste Landfill Depot. The container shall be erected on the

building site prior to work commencing and shall be maintained for the term of the construction to the completion of the project. No building rubbish or debris shall be placed or permitted to be placed on any adjoining public reserve, footway or road. The waste container shall be regularly cleaned to ensure proper containment of the building wastes generated on the construction site.

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

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

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

Rothbury Road in accordance with consent from the road's authority pursuant to Section 138 of the Roads Act 1993 for the carrying out of works in a road reserve. The driveway is to be constructed in accordance with the Section 138 Permit. All costs associated with the construction of the access driveway(s) shall be borne by the Applicant.

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

ADVICE

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

CARRIED

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

Against: Nil

CARRIED 6/0

At 6:24 pm, Cr Erin Watt and Cr Ruth Fagan returned to the meeting. Cr Fagan resumed the position of Chair.

8 LATE REPORTS

8.1 IPART Review of Council Financial Model

RESOLUTION 31/24

Moved: Cr Bill West

Seconded: Cr Judi Smith

1. That Council note the draft terms of reference for the IPART review of the financial model of NSW Councils
2. That councillors provide any feedback to the General Manager by close of business Monday 11 March 2024 to enable any submission to be made on time

CARRIED

9 CONFIDENTIAL MATTERS**20. RESOLUTION 32/24**

Moved: Cr Cheryl Downing

Seconded: Cr Judi Smith

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

10 CONFIDENTIAL GENERAL COMMITTEE RECOMMENDATIONS - MONDAY, 12 FEBRUARY 2024**10.1 Request for Tender 17/2023 - Tree Trimming and Removal Services Within Cowra Shire 2023-2026**

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

11 CONFIDENTIAL DIRECTOR-INFRASTRUCTURE & OPERATIONS**11.1 Request for Tender 18/2023 - Cabin Replacement - Cowra Van Park**

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

11.2 Crown Land Management of Part Crown Reserve 703 - Lot 7301 DP 1149856 and the Aboriginal Land Claim 37042

This matter is considered to be confidential under Section 10A(2)(h) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information concerning the nature and location of a place or an item of Aboriginal significance on community land.

CARRIED



MINUTES
EXTRAORDINARY COUNCIL
MEETING
MONDAY, 11 MARCH 2024

Order Of Business

1	Introduction.....	3
1.1	Recording & publishing.....	3
1.2	Acknowledgement of Country.....	3
1.3	Apologies and Applications for Leave of Absence by Councillors.....	3
1.4	Disclosures of Interest.....	3
1.5	Public Forum	3
2	Director-Environmental Services	4
2.1	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.....	4
3	Late Reports.....	9

**MINUTES OF COWRA COUNCIL
EXTRAORDINARY COUNCIL MEETING
HELD AT THE COWRA COUNCIL CHAMBERS, 116 KENDAL STREET, COWRA
ON MONDAY, 11 MARCH 2024 AT 4.30PM**

PRESENT: Cr Ruth Fagan (Mayor), Cr Paul Smith (Deputy Mayor), Cr Judi Smith, Cr Erin Watt, Cr Bill West, Cr Peter Wright

IN ATTENDANCE: Mr Paul Devery (General Manager), Mrs Larissa Hackett (Director-Environmental Services), Mr Dirk Wymer (Director - Infrastructure & Operations)

I INTRODUCTION

1.1 Recording & publishing

The Mayor advised that the meeting was being recorded.

1.2 Acknowledgement of Country

The Mayor delivered the Acknowledgment of Country.

1.3 Apologies and Applications for Leave of Absence by Councillors

RESOLUTION 36/24

Moved: Cr Bill West
Seconded: Cr Erin Watt

That apologies from Cr Cheryl Downing (leave), Cr Nikki Kiss OAM (illness), Cr Sharon D'Elboux (work related) and Mr Michael Jones (Director - Corporate Services) (illness) be received and accepted.

CARRIED

1.4 Disclosures of Interest

Nil

1.5 Public Forum

Nil

2 DIRECTOR-ENVIRONMENTAL SERVICES

- 2.1 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

RESOLUTION 37/24

Moved: Cr Bill West

Seconded: Cr Paul Smith

1. That Council notes that the reason for the decision is that the proposal largely complies with Section 4.15 of the Environmental Planning and Assessment Act 1979. The application was publicly notified and no submissions were received; and
2. That Development Application No. 57/2020, for the continued use of, and proposed upgrades to landscaping material supplies on Lot 2 DP 557714, Lot 1 DP 1201417, Lot 10 DP 1107219 & Lot 3905 DP 1200283, 2-4 Kite Street Cowra be approved subject to the following conditions:

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

3. Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Department of Planning and Environment-Water, and obtained, for a controlled activity approval under the Water Management Act 2000.
4. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule I, relating to Development Application DA 57/2020 provided by Council to Department of Planning and Environment-Water.
5. A. The application for a controlled activity approval must include the following plan(s):
 - a) Site plans
 - b) Soil and water management plan
 - c) Erosion and sediment control plans
 - d) Construction stormwater drainage outlet plan
 - e) Vegetation management plan
 - f) Construction detailed basin design plans
- B. The plan(s) must be prepared in accordance with Department of Planning and Environment-Water's guidelines located on the website <https://www.dpie.nsw.gov.au/water/licensing-and-trade/approvals/controlled-activity-approvals/what/guidelines>

CONDITIONS OF CONSENT – TRANSPORT FOR NSW

6. The applicant must comply with the requirements of T HR CI 12090 ST Airspace and External Developments (Link: <https://www.transport.nsw.gov.au/industry/asset-standards-authority/finda-standard/airspace-and-external-developments-1>) and Development Near Rail Corridors and Busy Roads- Interim Guidelines (Link development-near-rail-corridors-and-busy-roads-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 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:

1. Landscaping	2. Monday to Friday	3. 7:00am to 5:00pm
----------------	---------------------	---------------------

Materials Delivery and Supply	4. Saturday	5. 7:00am to 12:00pm
	6. Sunday & Public Holidays	7. No Operations
8. Emergency Maintenance	9. All Days	10. 24 hours

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

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE COMMENCEMENT OF WORKS

21. 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'.
22. 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.
23. 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.
24. 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.

25. 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

26. 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.
27. 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.
28. 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.
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 THE ISSUE OF A WHOLE OCCUPATION CERTIFICATE

30. Prior to the issue of a Whole 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.
31. Prior to the issue of a Whole 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.

- 32. Prior to the issue of a Whole 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.
- 33. Prior to the issue of a Whole Occupation Certificate, carparking is to be constructed and/or line-marked in accordance with the approved plan.
- 34. Prior to the issue of a Whole Occupation Certificate the applicant is required to enter into a lease agreement for the continued use of Council land identified as Lot 1 DP 1201417, Lot 10 DP 1107219 and the road reserve at the corner of Kite Street and River Street.

ADVICE

11. 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, Judi Smith, Erin Watt, Bill West and Peter Wright

Against: Nil

CARRIED 6/0

3 LATE REPORTS

Nil

The Meeting closed at 4:38 pm.

The minutes of this meeting were confirmed at the Council Meeting held on 25 March 2024.

.....
CHAIRPERSON



MINUTES

**Extraordinary Council Meeting
Monday, 18 March 2024**

Order Of Business

1 Introduction..... 3

 1.1 Recording & Publishing..... 3

 1.2 Acknowledgement of Country..... 3

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

 1.4 Disclosures of Interest..... 3

 1.5 Public Forum 3

2 Late Reports..... 3

3 Confidential Matters..... 3

4 Confidential Director-Infrastructure & Operations 4

 4.1 Request for Tender 1/2024 - Sealing and Resealing Services – New Work and
 Town Street Reseals..... 4

**MINUTES OF COWRA COUNCIL
EXTRAORDINARY COUNCIL MEETING
HELD AT THE COWRA COUNCIL CHAMBERS, 116 KENDAL STREET, COWRA
ON MONDAY, 18 MARCH 2024 AT 5PM**

PRESENT: Cr Ruth Fagan (Mayor), Cr Paul Smith (Deputy Mayor), Cr Sharon D'Elboux, Cr Erin Watt, Cr Bill West, Cr Peter Wright

IN ATTENDANCE: Mr Paul Devery (General Manager), Mr Michael Jones (Director - Corporate Services), Mr Dirk Wymer (Director-Infrastructure & Operations)

I INTRODUCTION

1.1 Recording & Publishing

The Mayor advised that the meeting was being recorded.

1.2 Acknowledgement of Country

The Mayor delivered the Acknowledgment of Country.

1.3 Apologies and Applications for Leave of Absence by Councillors

RESOLUTION 38/24

Moved: Cr Paul Smith

Seconded: Cr Sharon D'Elboux

That apologies from Cr Cheryl Downing, Cr Judi Smith, Cr Nikki Kiss OAM and Mrs Larissa Hackett (Director-Environmental Services) be received and accepted.

CARRIED

1.4 Disclosures of Interest

Nil

1.5 Public Forum

Nil

2 LATE REPORTS

3 CONFIDENTIAL MATTERS

RESOLUTION 39/24

Moved: Cr Sharon D'Elboux

Seconded: Cr Paul Smith

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

4 CONFIDENTIAL DIRECTOR-INFRASTRUCTURE & OPERATIONS**4.1 Request for Tender I/2024 - Sealing and Resealing Services – New Work and Town Street Reseals**

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

CARRIED

3 MAYORAL MINUTES

3.1 Mayoral Minute - Central NSW Joint Organisation Board Meeting 29 February 2024

File Number: D24/355

Author: Ruth Fagan, Councillor

RECOMMENDATION

That Council note the Mayoral Minute regarding the Central NSW Joint Organisation Board meeting held on 29 February 2024.

INTRODUCTION

Board members were welcomed to Condobolin by Cr John Medcalf, Deputy Mayor of Lachlan Shire Councillor and immediate past Chair of the CNSWJO Board.

The first order of business was to elect a Chair. Cr Kevin Beatty, Mayor of Cabonne was elected unopposed. Cr Mark Kellam, Mayor of Oberon was elected unopposed as Deputy Chair.

BACKGROUND

Meeting Notes

The Board received a presentation from Ms Gerry Collins from Department of Regional NSW regarding Regional Coordination and Delivery Program.

Councillors John Medcalf and David Somerville were recognised for the years of service to the region. The Board also acknowledged the passing of Cr Don Fitzpatrick, former Mayor of Oberon. On the day, the Board provided feedback that this report should include advice on the substantial value to members of the work the CNSWJO. This report leads with this advice. Please find the draft Minutes of the Meeting attached.

Value to Council

80% of CNSWJO resources are dedicated to providing its operational support program. This program delivers a return on investments of 9.4:1 for every dollar Council spends on its membership fees. This value is made up of grant income, monies saved through the CNSWJO procurement program and public relations value from its tourism marketing.

The work the region does in writing submissions, media, supporting projects and project teams, developing collateral and providing opportunities for members in various forums to represent their views is not included in the above figure of 9.4:1 ROI. However, this value is reported quarterly to the Board. Please go to the CNSWJO website to review past Board agendas at <https://www.centraljo.nsw.gov.au/business-papers-agendas/> or to review last year's Annual Statement please go to [2023 STATEMENT \(nsw.gov.au\)](#)

This work continues year on year and for the 2022/2023 year the value is summarised as:

- 13 Submissions - Central Joint Organisation (nsw.gov.au) were lodged in line with CNSWJO policy on matters important to the region;

- 13 Plans, strategies and other collateral that members can leverage for funding, advocacy, forward planning and other purposes;
- \$4.2m in net cost savings across 18 regional contracts from a spend of \$25.3m.
- \$2.05m in grants for members to support training for Fluoride Operators, disaster risk reduction, Business case and Strategy Development JONZAG - Net Zero Acceleration Grant and other energy management, best practice in aggregated procurement, tourism and regional development;
- \$1.4m in public relations value and over \$472k in advertising value which encompassed 11 media releases and various social media metrics. The PR program delivered a major tourism marketing campaign for “Come Out, We’re Open” which formed a large body of work within the PR program in 2023.



Grant funded projects for the 2022/2023 year were:

- The Joint Organisation Net Zero Acceleration Program;
- Disaster Risk Reduction Fund program;
- Bridge Assessments;

- Come Out We're Open flood recovery program
- A Business Case for Priority Investment in the Nexus between Net Zero and Energy Security;
- A Regional Centre of Excellence in Water Loss Management;
- Transitioning Integrated Water Cycle Management Plans to Integrated Planning and Reporting; and
- A Spare Capacity in Housing Project.

Most of these are being finalised this year or are ongoing.

This value is delivered primarily by the various operational teams across the region including the CNSWJO;

- General Managers' Advisory Committee
- Water Utilities' Alliance
- Transport Technical Committee
- Tourism Managers Group
- Planners' Group
- Human Resources Managers Group
- WHS/Risk Management Group
- Training, Learning and Development Group
- Energy Group
- Regional IT Group
- Building Surveyors Skills Shortages Working Group
- Disaster Risk Reduction Steering Committee

Adoption of the Draft Statement of Budget and Revenue

CNSWJO must adopt its Statement of Budget and Revenue (the Statement) at its May meeting having put it on exhibition for 30 days. It resolved to provide it to members as part of this report. Please find the Draft Statement attached. The budget includes a 3% increase in fees, below that of the IPART rate pegged rise for Councils of 4.5% - 5.5%.

Submissions

Submissions lodged

The following submissions have been lodged since the last Board meeting. All have been at the request of members and/or as part of supporting the advocacy policy of the Board. All Submissions can be viewed on the website [Submissions - Central Joint Organisation \(nsw.gov.au\)](https://www.cnswj.org.au/submissions)

- Australian Productivity Commission third inquiry into the National Water Initiative – January 2024
- [Submission to the review of the Regional Development Act](#)
- [Draft NSW Energy Policy Framework](#)
- [Essential Energy Determination 2024-29 – Revised Public Lighting Pricing Proposal](#)
- [Consultation on the Future Drought Fund Investment Strategy & Funding Plan 2024-2028 – December 2023](#)
- [Submission to the NSW vocational education and training \(VET\) review – November 2023](#)

- [Response to the Department of Planning and Environment Lachlan Regional Water Strategy shortlisted actions – November 2023](#)
- [Inquiry into the planning system and the impacts of climate change on the environment and communities – November 2023](#)

Submissions under development

At the time of writing responses are intended for the following calls for submissions:

- DCCEE Draft Restoring the Rivers Framework Consultation;
- the inquiry into the assets, premises and funding of the NSW Rural Fire Service; and
- the draft Terms of Reference for the IPART review of NSW council financial model.

Disaster Risk Reduction Program

Council has received its Disaster Risk Reduction Needs Analysis report. At the time of writing a regional opportunities report is being finalised to identify programming the CNSWJO can deliver to support Council in this work.

Notably, CNSWJO are currently planning community workshops and training sessions aimed at enhancing community preparedness regarding natural disaster risks and vulnerabilities. The Project Steering Committee (PSC) evaluated three technology options: Simtables, SIMS online, and a cross-JO technology scoping study. It was decided to pursue all three options, focusing primarily on Simtables for the workshops. The workshops will introduce Simtables as a pilot program due to its distinctive nature and potential applications in disaster preparedness. The primary objective is to understand the technology's practical applications in disaster preparedness for the region and explore the potential to secure funding through existing Disaster Risk reduction initiative, contingent on a successful pilot. In the event of the success of the pilot and the purchase of the technology, a program will be developed to engage the broader community.

The workshops are tentatively scheduled for various locations in May 2024:

Bathurst – 2 May 2024
Oberon – 13 May 2024
Cowra – 14 May 2024
Lithgow – 15 May 2024
Blayney – 21 May 2024
Weddin – 21 May 2024
Orange – 22 May 2024
Parkes – 22 May 2024
Lachlan – 23 May 2024
Forbes – 23 May 2024
Cabonne – 24 May 2024

The workshops will primarily focus on bushfire preparedness across all Local Government Areas, with added emphasis on flooding scenarios in identified regions; Cabonne, Forbes, Lachlan, Lithgow, and others identified. The success of the workshops relies heavily on coordination and support from member councils, as well as assistance from the PSC and Local Emergency Management Officers (LEMOs). CNSWJO will circulate an email once the above workshop dates, times, and venues are confirmed.

A recommendation has been made for elected representatives, general managers, and other relevant staff to participate in the upcoming community workshops and training sessions. This

recommendation is crucial as it emphasises the importance of community preparedness and the potential benefits that Simtable technology can bring in enhancing disaster preparedness capabilities. Moreover, this initiative aligns well with the recent needs analysis for the region, which identified key opportunities within councils. The Simtable technology may be utilised as a tool to address some of these needs by providing a hands-on approach to understanding and mitigating disaster risks, fostering collaboration among stakeholders, and enhancing decision-making processes.

Collaborating on community engagement

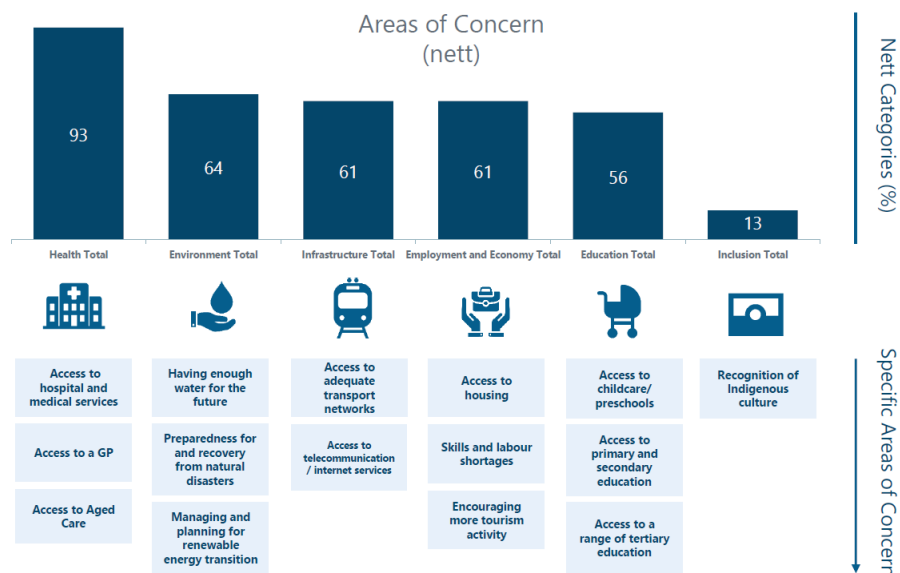
There is opportunity to optimise data collection and dissemination in region to support the Community Engagement Strategies for member Councils.

Two projects the region has been collaborating on are Community Sentiment Surveying and Our PlaceMats.

The work on Community Sentiment Surveying was with four member Councils and produced advice on regional priority. Please see the graphic below:

Areas of Key Concern for the Region

93% 
Are concerned with some aspect of the **Health Services** in the region



Environment, Infrastructure, Employment and Economy, and Education were other categories of concern

I will now read out a list of areas that your Council may or may not be responsible for, but could influence, and I would like you to tell me which 5 out of the 15 areas would be the biggest areas of concern in your community right now? You may think they are all important however which 5 areas would you say are particularly important and need immediate attention?

CNSWJO has been working with RDA Central West and Regional NSW on two key projects in the last twelve months, these being a repeat of the PlaceMats project providing 48 data sets for Councils they can use in their Community Strategic Planning community consultations and the workshops with NSW Government agencies providing useful data for Councils. Council will receive a report separately to adopt its PlaceMat. To view the regional PlaceMat please go to <https://www.centraljo.nsw.gov.au/co-operative-projects/>

Under the Local Government Act Councils must have Community Engagement Strategy (CES) that determines how they will engage the community in creating and reviewing their Community Strategic Plan. The CNSWJO Board resolved to collaborate with key peak regional agencies to optimise CES going forward.

The following value is provided to members through this project:

- Cost savings through aggregated procurement;
- Regular surveying supported regionally will show for trends;
- Other stakeholders may be interested in collaborating in this process including making a financial contribution. This may result in a greater body of shared data and better relationships between peak agencies;
- Participating in a regional program sets up a discipline for consultation processes.

Water

The Water Report provided:

- an update on the project to transition local water utility strategic planning into the Integrated Planning and Reporting (IP&R) framework;
- advice on the near completion Regional Water Loss Management project grant funded with members able to access funding for water loss management equipment; and
- advice on the completion regional asset management assessments using the National Asset Management Assessment Framework (NAMAF) where participating councils should have their report.

It provided advice on current consultative processes including:

- Joint Select Committee on Protecting Local Water Utilities from Privatisation;
- NSW Productivity Commission review of funding arrangements for Local Water Utilities;
- Australian Productivity Commission third inquiry into the National Water Initiative; and
- Draft Restoring the Rivers Framework, including engagement with the Murray Darling Basin Authority.

Planning is underway with Charles Sturt University for a Productive Water Policy Lab this year. All Councilors will be invited. The Board resolved to ask Phil Donato, Member for Orange, to organise a round table with state and federal representation to progress advocacy on water for the region.

Energy

There is a substantial amount of activity being undertaken to address the energy priority of the CNSWJO. Current work includes;

- Submissions;
- implementation of the Joint Organisation Net Zero Program;
- adoption of the Business Case for priority investment in the Nexus between Net Zero and Energy Security;
- advocating on Council's behalf to the Australian Energy Regulator on the costs of streetlighting.

Material advice to Council from this work is that;

Case Study: Compensation for communities impacted by the rewiring of NSW

At the time of writing the NSW Government is giving consideration to a revised energy policy framework. Included in this framework is guidance for voluntary compensation for affected communities. This includes a \$1050 per megawatt hour voluntary benefit sharing arrangement.

Assuming

- A 40% capacity factor for wind renewable energy generation
- The current price for Large Generation Certificate (LGC) is \$46; and
- All LGCs will be realised and they are realised annually as is the case at present.

\$1050 pa equates to just 0.7% of the annual income from only LGCs. The generator then sells its electricity at profit on top of that.

As it stands, renewable energy generation is being significantly incentivised and impacted communities are not being compensated. This is simply not fair.

- key messaging regarding the Dept of Planning Energy Framework consultation includes the Case Study above on compensating communities for the impacts of rewiring NSW in the context of support for the overall net zero aspiration;
- Council will receive a fully funded net zero fleet strategy;
- The advocacy undertaken by CNSWJO as the lead of the Southern Lights collaboration of councils has shown a substantial reduction in street lighting pricing. The final determination by the Australian Energy Regulator should be known by May of this year.

ATTACHMENTS

1. Draft minutes for the CNSWJO Board meeting held on 29 february 2024 [↓](#)
2. Draft Statement of Budget and Revenue [↓](#)

4 GENERAL COMMITTEE RECOMMENDATIONS - MONDAY, 11 MARCH 2024

File Number: D24/361

Author: Paul Devery, General Manager

The Committee refers the following recommendations to Council:

DIRECTOR-CORPORATE SERVICES REPORT

4.1 Donation - Wyangala Fireworks Committee - Commercial Waste Event Bin Hire charges

RECOMMENDATION

That Council provides a 50% donation in the sum of \$200 for Commercial Waste Event Bin Hire charges to Wyangala Country Club Fireworks Committee for the annual bonfire and fireworks event to be held on 9 June 2024.

4.2 Investments

RECOMMENDATION

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

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

RECOMMENDATION

That the draft Minutes of the Cowra Regional Art Gallery Advisory Committee meetings held on 8 November and 13 December 2023 be noted.

DIRECTOR-INFRASTRUCTURE & OPERATIONS REPORT

4.4 Committee Minutes - Traffic Committee

RECOMMENDATION

- 1. That the minutes of the Traffic Committee meeting held on 19 February 2024 be noted.**
- 2. That Council approves the route of the Class 2 special event to be held as**

part of the ANZAC Day Parade on 25 April 2024 subject to compliance with the requirements of Transport for New South Wales (TfNSW) and NSW Police.

3. That Council approves the Class 3 special event, to be held on 27-28 April 2024 as the “Bumbaldry @ Woodstock Endurance Ride”, subject to compliance with the requirements of Transport for New South Wales (TfNSW) and NSW Police.
4. That Mulyan Street from Redfern Street to Nangar Street, and Nangar Street from Mulyan Street to 17 Nangar Street, be approved for Tier I, PBS Level 2B, 30m “A- Double” access at Higher Mass Limits (HML).

4.5 Section 355 Committee Minutes - Saleyards Committee

RECOMMENDATION

1. That the minutes of the Saleyards Committee meeting held on 9 November 2023 be noted.
2. That the minutes of the Saleyards Committee meeting held on 22 February 2024 be noted.

DIRECTOR-ENVIRONMENTAL SERVICES REPORT

- 4.6 Development Application No. 137/2021, Lot 1 DP 519943, Campbell Street Cowra, general industry (continued use of existing buildings & site to manufacture precast concrete & steel construction products), lodged by Westcast Pty Ltd

RECOMMENDATION

1. That Council notes that the reason for the decision is that the proposal largely complies with Section 4.15 of the Environmental Planning and Assessment Act 1979. The application was publicly notified and 3 submissions were received; and
2. That Development Application No. 137/2021, for a general industry (continued use of existing buildings & site to manufacture precast concrete & steel construction products) on Lot 1 DP 519943, Campbell Street Cowra be subject to the following conditions:

PLANS & DOCUMENTATION

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 Diagram Sheet A000 E Rev E	Vision Town Planning Consultants 26 April 2023	Received 23 May 2023 Stamped No. DA 137/2021(C)
Proposed Shed/Site Plan Sheet A001 N Rev I	Vision Town Planning Consultants 30 August 2023	Received 4 September 2023 Stamped No. DA 137/2021(C)
Extent of Subject DA Sheet A003 B Rev B	Vision Town Planning Consultants 26 April 2023	Received 23 May 2023 Stamped No. DA 137/2021(C)
Existing Shed/Site Plan Sheet EX001 C Rev C	Vision Town Planning Consultants 9 May 2023	Received 23 May 2023 Stamped No. DA 137/2021(C)
Proposed Car Parking Plan Sheet I Version I	Vision Town Planning Consultants 24 April 2023	Received 23 May 2023 Stamped No. DA 137/2021
Proposed Screening Wall Version I Amendment B	Vision Town Planning Consultants 31/08/2023	Received 4 September 2023 Stamped No. DA 137/2021
Proposed Screening Wall – Line of Sight Plan Sheet No.2 Version I	Vision Town Planning Consultants 29/08/2023	Received 4 September 2023 Stamped No. DA 137/2021
Proposed Security Lighting Sheet No.4 Version I	Vision Town Planning Consultants 30/08/2023	Received 4 September 2023 Stamped No. DA 137/2021
Tree Inspection Report	JG Arbor 29/05/2023	Received 6 December 2023 Stamped No. DA 137/2021(C)
Washout Pit Layout Drawing No. WC-IH-	Civilcast Pty Ltd 16/12/2022	Received 23 May 2023

002 Rev B Sheets 1 to 5		Stamped No. DA 137/2021(B)
Conceptual Stormwater Management Plan Rev P4	Calare Civil 11/08/2023	Received 4 September 2023 Stamped No. DA 137/2021(B)
Traffic Impact Assessment Version 07	Traffix August 2023	Received 14 September 2023 Stamped No. DA 137/2021(C)
Air Quality Assessment Rev 03	Vipac 29 August 2023	Received 4 September 2023 Stamped No. DA 137/2021(C)
Acoustic Report Revision R011	Acoustic Works 30/08/2023	Received 4 September 2023 Stamped No. DA 137/2021(D)
Preliminary Contamination Investigation Rev 1 Report No. RI3508c1	Envirowest Consulting Pty Ltd 26/8/2021	Received 10 December 2021 Stamped No. DA 137/2021
Contamination Investigation around former AST Rev 0 Report No. RI3508c2	Envirowest Consulting Pty Ltd 2/3/2022	Received 30 May 2023 Stamped No. DA 137/2021
Validation Report Rev 0 Report No. RI3508val	Envirowest Consulting Pty Ltd 6/7/2023	Received 1 August 2023 Stamped No. DA 137/2021
Smart Tank ST033 Spec Sheet & Drawings Rev A	DURO TANK 8/3/2019	Received 23 May 2023 Stamped No. DA 137/2021
Environmental Impact Statement Version 6	Vision Town Planning Consultants 31/08/2023	Received 4 September 2023 Stamped No. DA 137/2021(D)

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

2. The applicant shall comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the *Environmental Planning and Assessment Regulation 2021* (see attached Advisory Note).
3. The Environmental Management Plan required under the EPA's General Terms of Approval must include the management of the remediated area (as per report no. RI3508emp prepared by Envirowest Consulting Pty Ltd dated 19/07/2023).

NSW EPA GENERAL TERMS OF APPROVAL

4. Except as expressly provided by these General Terms of Approval (GTAs) or by any conditions of consent granted by Cowra Council or the conditions of an in-force environment protection licence issued by the Environment Protection Authority (EPA), works and activities must be carried out in accordance with the proposal contained in:
 - i. the Development Application 10.2021.137.10 submitted to Cowra Council; and
 - ii. any other additional information provided to Council and uploaded to the NSW Planning Portal (Agency Concurrence and Referral Portal).
5. Should any conflict exist between the aforementioned documents, the most recent document or revision supersedes the conflict, except where superseded by any conditions of approval issued by Council or the conditions of an in-force Environment Protection Licence issued by the EPA.
6. An Environmental Management Plan must be prepared and implemented within 3 months of development consent being granted. The plan must include, but not be limited to:
 - i. The identification and mitigation of potential impacts to surface water and soils. The plan must make reference to the requirements outlined in the document "Managing Urban Stormwater: Soils and Construction (Landcom, 2004);
 - ii. Air quality (dust) management measures;
 - iii. Waste handling measures;
 - iv. Noise management measures; and
 - v. Reference all air, water, noise, waste mitigation measures identified in the Environmental Impact Statement (Section G and specialist appendices).

7. Hours of Operation:

Concrete panel production activities related to the Proposal may only be undertaken during the following hours:

- 7:00 am to 6:00 pm, Monday to Fridays;
- 8:00 am to 1:00 pm, Saturdays, and
- at no time on Sundays or Public Holidays.

Truck movements and equipment maintenance relating to the Proposal may only be undertaken during the following hours:

- 7:00 am to 10:00 pm, Monday to Fridays;
- 8:00 am to 1:00 pm, Saturdays, and
- at no time on Sundays or Public Holidays.

8. Trucks entering and leaving the premises that are carrying potentially dust generating loads on public roads must be covered at all times, except during loading and unloading.
9. All internal roads must be maintained in a condition that prevents or minimises the emission into the air of air pollutants (which includes dust).
10. All trucks and mobile plant operating within the premises must be fitted (where there is a requirement for such devices to be fitted under the Work Health and Safety legislation) with broad-spectrum reversing alarms.
11. The Proponent must apply for and hold an in-force Environment Protection Licence issued by the EPA prior to the Proponent carrying out any scheduled activities under the *Protection of the Environment Operations Act 1997* as proposed.

TRANSPORT FOR NSW CONDITIONS

12. 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/find-a-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](https://www.transport.nsw.gov.au/industry/asset-standards-authority/find-a-standard/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.
13. If required, the applicant must submit an application to UGLRL for approval of TAHE prior to any use of cranes and equipment in the air

space over the rail corridor. 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.

ESSENTIAL ENERGY CONDITIONS

14. Required distances from the nearest part of the development to Essential Energy's infrastructure (measured horizontally) are listed below to ensure that there is no safety risk.

- **High Voltage 66000 Volt power line = 30 metres**
- **High Voltage 11000 volt power line = 25 metres**
- **High Voltage pad mounted distribution transformer = 3 metres minimum to any structure - 6 Metres from containers containing Flammables - 6 metres from Air Filtration/conditioning/ventilation units.**

15. Underground assets:

- **Pillars/Pits must be clear of any obstruction be a minimum of 500mm, including fences, vegetation, driveways, garden beds etc.**
- **Fences or bollards on the boundary of a padmount substation must comply with the following:**
 - i. **The fence is segregated by an insulating panel to prevent transfer of earth voltage rise under fault conditions**
 - ii. **That portion of the fence or bollards adjacent to the substation must be earthed to Essential Energy standards**
 - iii. **Any fence posts or bollards must be clear of cable routes**
 - iv. **Access is always maintained.**
- **The ground surface within the clearance zone of a padmount substation must be either grass or woodchip, any other surface treatment must be approved by Essential Energy, this includes any increase of ground levels or excavation.**
- **Vegetation must remain clear of clearance zones for underground cables.**
- **Structures must not be placed over the top of cables unless approved by Essential Energy.**
- **High Voltage 11000 volt underground cable = 1 metre from the located/and potholed by approved means centre line.**

- **Low Voltage 415 volt Underground Cables = 500mm from the located/and potholed by approved means centre line.**
16. **It is also essential that all works comply with SafeWork clearance requirements. In this regard it is the responsibility of the person/s completing any works to understand their safety responsibilities. The applicant will need to submit a Request for Safety Advice if works cannot maintain the safe working clearances set out in the Working Near Overhead Powerlines Code of Practice, or CEOP8041 - Work Near Essential Energy's Underground Assets.**

Information relating to developments near electrical infrastructure is available on our website **Development Applications** (essentialenergy.com.au). If the applicant believes the development complies with safe distances or would like to submit a request to encroach then they will need to complete a **Network Encroachment Form** via Essential Energy's website **Encroachments** (essentialenergy.com.au) and provide supporting documentation. Applicants are advised that fees and charges will apply where Essential Energy provides this service.

17. **Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.**
18. **Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.**
19. **Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW); the location of overhead and underground powerlines are also shown in the Look Up and Live app essentialenergy.com.au/lookupandlive.**

GENERAL CONDITIONS

20. **The demolition works shall comply with the provisions of Australian Standard AS2601:2001 The Demolition of Structures and the Work Health and Safety Act 2011.**
21. **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.**
22. **All traffic movements in and out of the development are to be in a forward direction.**
23. **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).

24. Liquid trade waste material is not to be discharged into the sewerage system without first obtaining the approval of Cowra Shire Council. An approval is needed if liquid trade waste is being discharged into the sewer. A liquid trade waste notification is required if it is produced, but not discharged into Council's sewer system.
25. Disabled access and parking are to be afforded to the site in accordance with the provisions of Part D3 Access for people with a disability – BCA Volume I.
26. Council's responsibility for the 200mm Asbestos Cement Reticulation main ends at the first join south of the water meter. As a result, Westcast Pty Ltd shall be responsible for all water infrastructure south of this point.

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

27. Prior to the issue of a Construction Certificate, a detailed Stormwater Management Plan shall be submitted to Council's Director – Infrastructure & Operations for approval. The plan is to demonstrate that:
 1. Adequate provision will be made for the estimated potential stormwater runoff from the development to the satisfaction of Council. Plans must also state control measures for erosion and sedimentation.
 2. An 80% reduction in Total Suspended Solids, 60% reduction in Total Phosphorous and 45% reduction in Total Nitrogen can be achieved.
28. Prior to the issue of a Construction Certificate, a detailed Landscape Plan is to be submitted to Council's Director – Environmental Services for approval. The plan is to detail the proposed landscape screening works including a maintenance schedule.
29. 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 Subdivision Certificate or Construction Certificate. The contribution is current as at the date of this consent and is levied in accordance with the Cowra Section 94A Contributions Plan 2016 adopted on 26 April 2016. The contribution payable will be calculated in accordance with the contributions plan current at the time of payment, and will be adjusted at the time of payment in accordance with the Consumer Price Index (CPI) (All Groups Index for Sydney) published by the Australian Bureau of Statistic (ABS). Contribution amounts will be adjusted by Council each financial year.

Contribution Type	Proposed Cost of Development ¹	Levy Percentage	Total Contribution	Contribution Rate Remains Current
-------------------	---	-----------------	--------------------	-----------------------------------

				Until
Section 94A Contribution ²	\$510,000.00	1%	\$5,100.00	30 June 2024
Notes				
¹ As shown on the Development Application/Construction Certificate Application/Complying Development Certificate Application				
² Council's Section 94A Contributions Plan 2016 may be viewed during office hours at Council's Customer Service Centre, 116 Kendal Street Cowra, or on Council's website www.cowracouncil.com.au				

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE COMMENCEMENT OF WORKS

30. 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 Cowra Shire 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.
31. 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'.
32. 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 approved Stormwater Management Plan and Part B of Cowra Shire Council Development Control Plan 2021 at all times.

CONDITIONS TO BE COMPLIED WITH DURING CONSTRUCTION

33. 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.
34. 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.
35. 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.

36. 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.
37. 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, Australian Standard 2890.2 Commercial Vehicle Facilities and Australian Standard 2890.6 Off-street parking for people with disabilities. They 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.
38. 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.
39. 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

40. The Applicant must obtain a Whole or Partial Occupation Certificate from the Principal Certifier appointed for the subject development.
41. Prior to the issue of any Occupation Certificate, landscaping is to be installed and maintained in accordance with the approved plans.
42. Prior to the issue of any Occupation Certificate, the visual screening wall is to be constructed in accordance with the approved plans.
43. Prior to the issue of any Occupation Certificate, security lighting is to be installed in accordance with the approved plans.
44. Prior to the issue of any Occupation Certificate, carparking is to be constructed and line-marked in accordance with the approved plans.

45. Prior to the issue of any Occupation Certificate stormwater construction is to conform to the approved plans. A “Works as Executed” plan of the plumbing and drainage work is to be provided to and approved by Council at the completion of the work.
46. The Applicant is to prepare and implement a Traffic Management Plan and Driver Code of Conduct for the task of transporting materials on public roads. The TMP will also apply to any haulage undertaken via contractors. The plan is to be submitted and concurred to by Council as the consent and roads authority. The plan should include consideration of (but is not limited to) the following issues:
- Restricting haulage operations during local school bus pick up/drop off times. Relevant consultation with local schools and local school bus operators should be undertaken and demonstrated.
 - Policies and procedures for addressing any concerns raised by the community on project related matters.
 - Toolbox meetings to facilitate continuous improvement initiatives and incident awareness.
 - Truckloads are to be covered at all times when being transported, to minimise dust and loss of material onto roads which may form a traffic hazard.
 - Measures to ensure responsible fatigue management and discourage driving under the influence of alcohol and/or drugs, dangers of mobile phone use and driving to the conditions, and adherence to posted speed limits.
47. A Fire Safety Certificate completed by a competent fire safety practitioner shall be furnished to the Principle Certifier for all the Essential Fire Safety Measures specified in the current fire safety schedule for the building, prior to the issue of any Occupation Certificate. The Fire Safety Certificate must be issued using the standard template form published by the NSW Government. A copy of the Fire Safety Certificate must be predominately displayed in the building and a copy submitted to Council by the Principle Certifier with the Occupation Certificate. An electronic copy of the Final Fire Safety Certificate (together with a copy of the current Fire Safety Schedule) shall also be forwarded to the Fire Commissioner via the following dedicated email address: afss@fire.nsw.gov.au
48. An Annual Fire Safety Statement completed by a competent fire safety practitioner for all the Essential Fire Safety Measures applicable to the building must be given to Council and a copy forwarded to the Fire Commissioner via the dedicated email address afss@fire.nsw.gov.au:
- (i) within 12 months after the date on which an annual fire safety statement was previously given, or
 - (ii) if a fire safety certificate has been issued within the previous 12

months, within 12 months after the fire safety certificate was issued, whichever is the later.

An Annual Fire Safety Statement must be issued using the standard template form published by the NSW Government. A copy of the Annual Fire Safety Statement (together with a copy of the current fire safety schedule) must also be prominently displayed in the building.

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.

5 GENERAL MANAGER

5.1 Acting General Manager

File Number: D24/407

Author: Paul Devery, General Manager

RECOMMENDATION

That the Director – Infrastructure & Operations, Mr Dirk Wymer, be appointed Acting General Manager for the period 10 -15 April 2024 inclusive due to the General Manager’s absence on leave.

INTRODUCTION

I will be on leave from 10-15 April 2024 inclusive. I recommend that the Director – Infrastructure & Operations, Mr Dirk Wymer, be appointed Acting General Manager for the period 10-15 April 2024 inclusive due to my absence.

BUDGETARY IMPLICATIONS

Nil

ATTACHMENTS

Nil

5.2 Section 355 Committee Draft Minutes - CBD Committee

File Number: D24/408

Author: Paul Devery, General Manager

RECOMMENDATION

That the draft minutes of the CBD Committee meetings held on 29 February 2024 and 6 March 2024 be noted.

INTRODUCTION

The draft Minutes of the Cowra Council Section 355 CBD 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 meetings held on 29 February 2024 and 6 March 2024.

BUDGETARY IMPLICATIONS

N/A

ATTACHMENTS

1. Draft Minutes - CBD Committee - 29 February 2024 [↓](#)
2. Draft Minutes - CBD Committee 6 March 2024 [↓](#)

5.3 Recycling Service

File Number: D24/415

Author: Paul Devery, General Manager

RECOMMENDATION

- 1. That Council acknowledge the failure to process kerbside recycling collected between January 2018 and May 2019;**
- 2. That Council commit to taking appropriate measures to ensure kerbside recycling processing is maximised in the future.**

INTRODUCTION

Council levies a Domestic Waste Management charge under section 496 of the Local Government Act with two components being the 'garbage service' and the 'recycling service'.

BACKGROUND

Council received reports from the Director of Infrastructure and Operations in September 2023 on operations over recent years at the Materials Recycling Facility (MRF).

The report contained the following advice with the key sentence relevant to this report highlighted:

.. at the commencement of the CDS the potential volumes to be sorted as part of the scheme were unknown. The following table demonstrates that the CDS volumes received far exceeded kerbside volumes and exceeded the capacity of the single sorting line and staff capacity.

This was initially managed by sharing the storage area and assigning morning and afternoon shifts to each product line. However, available space was limited for the volume of incoming material.

As an interim measure:

- unsorted CDS material was stored on an alternate 'on ground' CDS stockpile due to lack of storage space at the rear of the MRF. The CDS material is 'clean'; minimal contamination due to the sorting and payment facility and could therefore be stored on the ground;*
- unsorted yellow bin material was diverted direct to landfill if storage space at the rear of the MRF was limited.*

The dedicated CDS line was constructed in August 2018 and was at full operational capacity in January 2019. In the time period between January 2018 and May 2019 an operational decision was taken to prioritise the CDS sorting line over the kerbside sorting line due to the high volume of CDS material being received at the site. It should be noted that none of the CDS material was permitted to be disposed of in landfill under the Waste Avoidance and Resource Recovery (Container Deposit Scheme) Regulation 2017.

During this period 990T of inbound kerbside collection was diverted direct to landfill without sorting; potentially 430T of recycled material that was not recovered.

From May 2019 the yellow bin recycling concrete paved storage area was returned to full service and minimised any diversion of yellow bin material direct to landfill for the period up to January 2020.

Councillors have been considering over the past few months how best to address this regrettable situation and properly inform the community. The consensus of those discussion has been that,

while council acknowledges the lack of transparency around the decision made at the time, providing a refund that would have to be paid for by those very same consumers is not a sensible course of action.

By way of background the following tables indicate the services, revenue and expenditure over this period:

Recycling charge and number levied in July 2017 for 2017/2018 year:

<u>Category</u>	<u>No. Services</u>	<u>Charge</u>	<u>Yield</u>
Residential	4,503	\$112	\$504,366
Commercial – single service	52	\$228	\$ 11,856
Commercial – multiple service	75	\$112	<u>\$ 8,400</u>
			\$524,592

Recycling charge and number levied in July 2018 for 2018/2019 year:

<u>Category</u>	<u>No. Services</u>	<u>Charge</u>	<u>Yield</u>
Residential	4,538	\$115	\$521,870
Commercial – single service	54	\$235	\$ 12,690
Commercial – multiple service	79	\$115	<u>\$ 9,085</u>
			\$543,645

As indicated earlier, the recycling was deposited to landfill from January 2018 to May 2019. For the 2017/2018 year this equates to 50% of the year and for 2018/2019 equates to 92% of the year.

Multiplying those percentages by the figures above:

50% of \$524,592 =	\$262,296
92% of \$543,645 =	\$498,341
Total	= \$760,637

A refund of this magnitude would have a significant detrimental impact on the Waste Fund. In reality any refund would be a cost in one year and recouped with higher charges over the ensuing years, a course of action that is counter-productive and not recommended.

This situation is not purely a financial consideration. There are many other factors to consider including changes in home ownership, costs incurred in collection together with the legal and ethical aspects. It is important to strike a balance that ensures fairness, sustainability, and accountability.

What is recommended is that council acknowledges the mistake made at the time, acknowledge the reputational damage and seek to rebuild trust from the community by implementing demonstrable measures to increase the waste management, recycling and resource recovery practices of council.

Cowra Council has a long history of being at the forefront of waste management amongst regional and rural councils, with Cowra's decision in the 1990s to close the old Cowra tip and establish the materials recycling facility a major step forward in that endeavour and a visionary decision that positioned council to make the progress it has in recycling and resource recovery.

The current Council has continued this strong focus on improving waste management and recycling within the shire. This has been evident in the development and adoption of the Community Strategic Plan following the December 2021 election and in the subsequent Delivery Program and Operational Plans that have been adopted and implemented.

This renewed focus has seen investment in infrastructure, such as the recent decision to allocate \$180,000 to extend the concrete storage area at the MRF. A measure aimed at ensuring the mistakes of previous years are not made again and recycling within our community is maximised.

The current draft Waste and Resource Recovery Strategy is another major step forward in this area, signalling council's commitment and forecasting significant investment over the coming decade in additional measures to meet NSW Government and community expectations.

CONCLUSION

Council has in recent times been considering the impact of failing to process kerbside recycling collected in the period between January 2018 and May 2019. While there is no question council needs to acknowledge the mistake made at the time, rather than provide direct rebates that in the end are a cost borne by consumers, alternative solutions are favoured such as proactively investing in additional storage to provide greater surety that recycling collected will be processed, delivering community environmental projects or enhanced recycling education programs to contribute to the community's long-term sustainability and ensuring internal decision-making processes are robust and aligned with council's objectives.

BUDGETARY IMPLICATIONS

Nil

ATTACHMENTS

Nil

6 DIRECTOR-CORPORATE SERVICES

6.1 Section 355 Committee Draft Minutes - Audit, Risk & Improvement Committee - 7 March 2024

File Number: D24/265

Author: Michael Jones, Director - Corporate Services

RECOMMENDATION

That the draft Minutes of the Audit, Risk & Improvement Committee meeting held on 7 March 2024 be noted.

INTRODUCTION

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

BUDGETARY IMPLICATIONS

Nil

ATTACHMENTS

1. DRAFT Minutes - Audit, Risk & Improvement Committee - 7 March 2024 [↓](#)

7 DIRECTOR-INFRASTRUCTURE & OPERATIONS

7.1 Section 355 Committee Minutes - Tidy Towns Committee

File Number: D24/391

Author: Dirk Wymer, Director-Infrastructure & Operations

RECOMMENDATION

- 1. That the minutes of the Extraordinary Tidy Towns & Urban Landcare Committee meeting held on 14 February 2024 be noted.**
- 2. That due to the current challenges of the Committee, the Tidy Towns Committee be dissolved.**
- 3. That any current funds of the Tidy Towns Committee being held by Council be used for education in sustainability.**

INTRODUCTION

The Minutes of Cowra Shire Council Section 355 Committee are presented to Council for noting.

BACKGROUND

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

BUDGETARY IMPLICATIONS

N/A

ATTACHMENTS

- 1. Minutes of the Extraordinary Tidy Towns Committee meeting held on 14 February 2024. [↓](#)**

8 DIRECTOR-ENVIRONMENTAL SERVICES

8.1 Section 355 Committee Draft minutes - Access Committee meeting held 26 February 2024

File Number: D24/356

Author: Larissa Hackett, Director Environmental Services

RECOMMENDATION

1. That Council note the draft minutes of the Access Committee meeting held on 26 February 2024.
 2. That Council appoint Robyn Ambachtsheer to the Cowra Access Committee.
-

INTRODUCTION

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

BACKGROUND

Included in Attachment 'I', for the information of Councillors, are the Minutes from the meeting held on Monday 26 February 2024.

A Nomination Form to join the Access Committee was received from Robyn Ambachtsheer. Robyn is an active member of the Cowra U3A and Cowra Senior Citizens and the committee believe that Robyn would be a valuable representative for the community as a member of the Access Committee. The committee have recommended that Robyn be accepted as a new member.

Including the appointment of Robyn to the committee, the Access Committee will have 10 members.

ATTACHMENTS

1. Draft Access Committee minutes - Monday 26 February 2024 [↓](#)

8.2 Section 355 Committee Draft minutes - Cowra Natural Resource Management Advisory Committee meetings held 13 December 2023 and 21 February 2024

File Number: D24/367

Author: Larissa Hackett, Director Environmental Services

RECOMMENDATION

- 1. That Council note the draft minutes of the Cowra Natural Resource Management Advisory Committee meeting held on 13 December 2023.**
 - 2. That Council note the draft minutes of the Cowra Natural Resource Management Advisory Committee meeting held on 21 February 2024.**
-

INTRODUCTION

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

BACKGROUND

Attached for the information of Councillors are the Minutes from the meetings held on Wednesday 13 December 2023 and Wednesday 21 February 2024.

ATTACHMENTS

1. Draft NRM meeting Minutes - Wednesday 13 December 2023 [↓](#)
2. Draft NRM meeting Minutes - Wednesday 21 February 2024 [↓](#)

9 LATE REPORTS

10 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:

**11 CONFIDENTIAL GENERAL COMMITTEE
RECOMMENDATIONS - MONDAY, 11 MARCH 2024****11.1 Carpark Lease - 74 Kendal Street Cowra**

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.