



# **AGENDA**

## **General Committee Meeting**

**Date: 11 March 2024**

**Time: 5pm**

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

**Paul Devery  
General Manager**

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## **I INTRODUCTION**

### **I.1 Recording & publishing**

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

### **I.2 Acknowledgement of Country**

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

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

List of apologies for the meeting.

### **I.4 Disclosures of Interest**

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

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

### **I.5 Presentations**

### **I.6 Public Forum**

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

## **2 CONFIRMATION OF MINUTES**

Confirmation of Minutes of General Committee Meeting held on 12 February 2024



# **MINUTES**

**General Committee Meeting  
Monday, 12 February 2024**

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**MINUTES OF COWRA COUNCIL  
GENERAL COMMITTEE MEETING  
HELD AT THE COWRA COUNCIL CHAMBERS, 116 KENDAL STREET, COWRA  
ON MONDAY, 12 FEBRUARY 2024 AT 5PM**

**PRESENT:** 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)

Chair of the Meeting

In the absence of the Mayor, the Deputy Mayor, Cr Paul Smith assumed the position of Chair of the meeting.

**I INTRODUCTION**

1.1 Recording & Publishing

The Deputy Mayor advised that the meeting was being recorded.

1.2 Acknowledgement of Country

The Deputy Mayor delivered the Acknowledgment of Country.

1.3 Apologies and Applications for Leave of Absence by Councillors

**Apology**

**COMMITTEE RESOLUTION**

Moved: Cr Judi Smith

Seconded: Cr Sharon D'Elboux

**That apologies from Cr Ruth Fagan and 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 6.1 Development Application No. 118/2023, Lot 2 DP 1166678, 506 Binni Creek Road Cowra, two general industrial sheds, lodged by M J Croker and 6.3 Development Application No. 70/2023, Lot 74 DP 752948, 77-81 Grenfell Road Cowra, 9 Lot Community Title subdivision, lodged by P Hurrell due to a family member's involvement in the matters and will leave the Chambers.

1.5 Presentations

Nil

1.6 Public Forum

Nil

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

Moved: Cr Erin Watt

Seconded: Cr Judi Smith

**That the minutes of General Committee Meeting held on 11 December 2023 be confirmed with the following amendment:**

**Item 4.2, “Appointment of 2024 Cowra Youth Council Members” - The spelling of two committee members to be corrected as below:**

- **Emma Haslam**
- **Aiden Gundersen**

CARRIED

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

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

**4 DIRECTOR-CORPORATE SERVICES REPORT**4.1 Sculpture Park Master Plan**COMMITTEE RESOLUTION**

Moved: Cr Sharon D'Elboux

Seconded: Cr Cheryl Downing

- 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

**4.2** Investments**COMMITTEE RESOLUTION**

Moved: Cr Erin Watt

Seconded: Cr Judi Smith

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

CARRIED

**5 DIRECTOR-INFRASTRUCTURE & OPERATIONS REPORT****5.1** Cowra Waste and Resource Recovery Strategy 2023-2032**COMMITTEE RESOLUTION**

Moved: Cr Erin Watt

Seconded: Cr Sharon D'Elboux

- 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

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

Moved: Cr Judi Smith

Seconded: Cr Peter Wright

**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 5.46 pm, Cr Erin Watt left the meeting.

## 6 DIRECTOR-ENVIRONMENTAL SERVICES REPORT

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

### COMMITTEE RESOLUTION

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	Vision Property Development Hub	Received 14 November 2023

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

Response Letter	Vision Property Development Hub 8/12/2023	Received 8 December 2023 Stamped No. 10.2023.118.1
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In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

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

truck deliveries shall be restricted to day time hours only, being from 7.00am to 6.00pm, unless it can be proven by actual noise testing and further noise assessment reporting that such operations do not cause excessive noise impacts on nearby residences in accordance with the noise goals set out in the NSW EPA’s Noise Policy for Industry (2017).

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

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

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

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

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

**Notes**  
<sup>1</sup> As shown on the Development Application/Construction Certificate Application/Complying Development Certificate Application  
<sup>2</sup> Council’s Section 94A Contributions Plan 2016 may be viewed during office hours at Council’s Customer Service Centre, 116 Kendal Street Cowra, or on Council’s website [www.cowracouncil.com.au](http://www.cowracouncil.com.au)

- 12. Prior to the issue of a Construction Certificate, the Applicant must

submit to Cowra Shire Council an application to Install and Operate an On-Site Sewage Management System under Section 68 of the *Local Government Act 1993*. The application must be accompanied by a report prepared by a suitably qualified professional including a geotechnical report to confirm that an On-Site Sewage Management System can operate in the proposed area.

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

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

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

of that approval. The works must be inspected by Council at the times specified below:

- a) **Tank Installation:** When the tank is installed and prior to backfilling.
- b) **Absorption Trench:** When void arching and stone void fill is in place prior to covering.

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

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

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

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

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

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

**Water tanks are not to be constructed of plastic if they are to be exposed to medium to high level bushfire risk. Further information relating to the location and design of water tanks and emergency firefighting requirements for water tanks and connections can be downloaded from the NSW Rural Fire Service website, [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au).**
28. **The Applicant must not commence occupation or use of the sheds until a Whole or Partial Occupation Certificate has been issued from the Principal Certifier appointed for the subject development.**
29. **Prior to the issue of a Whole Occupation Certificate, the Applicant shall construct/upgrade the access crossing to the development site from Binni Creek Road in accordance with consent from the road's authority pursuant to Section 138 of the Roads Act 1993 for the carrying out of works in a road reserve. The driveway is to be constructed in accordance**

with the Section 138 Permit. All costs associated with the construction of the access driveway(s) shall be borne by the Applicant.

#### ADVICE

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

CARRIED

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

Against: Nil

CARRIED 6/0

At 5.54 pm, Cr Erin Watt returned to the meeting.

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

#### COMMITTEE RESOLUTION

Moved: Cr Bill West

Seconded: Cr Peter Wright

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

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

3. Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Department of Planning and Environment-Water, and obtained, for a controlled activity approval under the Water Management Act 2000.
4. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule I, relating to Development Application DA 57/2020 provided by Council to Department of Planning and Environment-Water.



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

#### **CONDITIONS OF CONSENT – TRANSPORT FOR NSW**

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

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

#### GENERAL CONDITIONS

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

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

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

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

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

15. The applicant shall obtain the written agreement (and any associated permits, leases or purchases required) from Cowra Council for the use of road reserves within the existing project site and two Council owned lots within the site, being Lot 1 DP 1201417 and Lot 10 DP 1107219.
16. Approved hours of operation are as follows:

Landscaping Materials Delivery and Supply	Monday to Friday	7:00am to 5:00pm
	Saturday	7:00am to 12:00pm
	Sunday & Public Holidays	No Operations
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.

CARRIED

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

Against: Nil

CARRIED 7/0

At 6.08 pm, Cr Erin Watt left the meeting.

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

### COMMITTEE RESOLUTION

Moved: Cr Bill West

Seconded: Cr Peter Wright

1. That Council notes that the reason for the decision is that the proposal largely complies with Section 4.15 of the Environmental Planning and Assessment Act 1979. The application was publicly notified and 3 submissions were received which are addressed in this report; and
2. That Development Application No. 70/2023, for the development of a 9 lot community title subdivision on Lot 74 DP 752948, 77-81 Grenfell Road Cowra be approved subject to the following conditions:

### GENERAL CONDITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



Reticulation system in Lot 11 DP 1072191. All work shall be carried out by a licensed plumber and drainer and to the requirements of NSW Environment and Health Protection Guidelines and Australian Standard/ New Zealand Standard 1547:2000 On-Site Domestic Wastewater Management, Australian Standard 3500, 'National Plumbing and Drainage' and the 'New South Wales Code of Practice; Plumbing and Drainage'.

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

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

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

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

Contribution Type <sup>3</sup>	Rate <sup>1</sup>	Rate Amount	No. of Lots <sup>2</sup>	Total Contribution	Rate remains current until
Open Space Recreational Sporting Facilities	Lot	\$814.36	7	\$5,700.52	30 June 2024
Civic & Community Facilities	Lot	\$1,316.06	7	\$9,212.42	30 June 2024
Transport Infrastructure	Lot	\$0.00	7	\$0.00	30 June 2024
Plan Management Administration	Lot	\$152.87	7	\$1,070.09	30 June 2024
<b>Total Contribution Payable</b>				<b>\$15,983.03</b>	<b>30 June 2024</b>
<b>Per Lot Contribution Payable</b>				<b>\$2,283.29</b>	<b>30 June 2024</b>
<b>Notes</b>					
<sup>1</sup> Per Lot					

<sup>2</sup> No. of additional lots created. The original lot is discounted from the calculations.

<sup>3</sup> Council's Section 94 Contributions Plan 2016 may be viewed during office hours at Council's Customer Service Centre, 116 Kendal Street Cowra, or on Council's website [www.cowracouncil.com.au](http://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 Paul Smith, Sharon D'Elboux, Cheryl Downing, Judi Smith, Bill West and Peter Wright

Against: Nil

CARRIED 6/0

At 6.26 pm, Cr Erin Watt returned to the meeting.

## **7 LATE REPORTS**

Nil

## **8 NOTICES OF MOTIONS**

Nil

## **9 CONFIDENTIAL MATTERS**

### **COMMITTEE RESOLUTION**

Moved: Cr Peter Wright

Seconded: Cr Sharon D'Elboux

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

## **10 CONFIDENTIAL DIRECTOR-INFRASTRUCTURE & OPERATIONS**

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

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

CARRIED

**3 DIRECTOR-CORPORATE SERVICES REPORT**

**3.1 Donation - Wyangala Fireworks Committee - Commercial Waste Event Bin Hire charges**

File Number: D24/186

Author: Michael Jones, Director - Corporate Services

**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.**

**INTRODUCTION**

Wyangala Country Club Fireworks Committee has written to Council requesting a donation of the Commercial Waste Event Bin Hire charges for the Annual bonfire and fireworks event to be held on 9 June 2024. The request includes delivery, collection and waste disposal by Council for 20 wheelie bins.

**BACKGROUND**

The Commercial Waste Charges for this event have been calculated as \$400 for estimated 20 bins in accordance with Council’s Revenue Policy for 2023-2024:

COMMERCIAL WASTE - 240L MGB HIRE					
Event bin hire per 240L MGB (includes hire / collection / waste disposal)	Per MGB	Y	I	\$ 16.00	\$ 20.00 Bin Hire
Bin Hire (waste charges not included)	Per MGB	Y	I	\$ 5.70	\$ 6.80

The Revenue Policy for these charges over recent years has not significantly increased and the costs to Council to provide this service far outweighs the fees charged, taking into account delivery, collection and disposal at the Materials Recycling Facility by Council. The current fee for 2023-2024 is deemed very reasonable within the Revenue Policy, particularly as it is already heavily subsidised.

It has, however, been a practice of Council in the past to provide a 50% donation of these charges and accordingly, on this occasion, it is recommended that a donation of \$200 be provided to the applicant in line with similar requests.

**BUDGETARY IMPLICATIONS**

-\$2,754 (deficit) is the current balance in the 2023-2024 Budget for Section 356 Donations however the QBRS 2<sup>nd</sup> quarter adjustments include additional funding to cover this request.

**ATTACHMENTS**

- I. Donation Application from Wyangala Country Club Fireworks Committee dated 7 February 2024 [↓](#)









**3.2 Investments**

File Number: D24/301

Author: Michael Jones, Director - Corporate Services

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

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**INTRODUCTION**

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

**BACKGROUND**

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

**BUDGETARY IMPLICATIONS**

Nil

**ATTACHMENTS**

1. Rates & Investments Report - February 2024 [↓](#)





















**3.3 Section 355 Committee Draft Minutes - Cowra Regional Art Gallery Advisory Committee**

File Number: D24/336

Author: Michael Jones, Director - Corporate Services

**RECOMMENDATION**

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

---

**INTRODUCTION**

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

**BUDGETARY IMPLICATIONS**

Nil

**ATTACHMENTS**

1. Advisory Committee of Cowra Regional Art Gallery Minutes - 8 November 2023 [↓](#)
2. Advisory Committee of Cowra Regional Art Gallery Minutes - 13 December 2023 [↓](#)



















## 4 DIRECTOR-INFRASTRUCTURE & OPERATIONS REPORT

### 4.1 Committee Minutes - Traffic Committee

File Number: D24/251

Author: Dirk Wymer, Director-Infrastructure & Operations

### 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 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 1, PBS Level 2B, 30m “A- Double” access at Higher Mass Limits (HML).

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### INTRODUCTION

The minutes and recommendations of the Traffic Committee meeting are presented for Council’s consideration.

### BACKGROUND

The minutes and recommendations from the recent Traffic Committee meeting are attached for the information of Councillors and consideration of the above recommendations.

Regarding recommendation 4, further technical information has been considered after the Traffic Committee meeting was held.

As per the minutes, the original committee recommendation was that the route be ‘approved for Tier I, PBS Level 2B, 30m A-double access at 68.5T maximum mass’.

Mulyan Street is approved for B-Double access at ‘Higher Mass Limits’ (HML); a maximum total weight of 68.5T. Limiting the A-Double Performance Based Standards configuration to the previous B-Double mass limits restricts the potential efficiency gains that are possible using the PBS configuration.

The A-Double configuration has an additional dual axle group with a potential additional maximum axle load of 17T; total maximum complying mass at HML 85.5T

The Committee membership has been consulted via email and has unanimously agreed to amend the recommendation as follows:

“That Mulyan Street from Redfern Street to Nangar Street, and Nangar Street from Mulyan Street to 17 Nangar Street, be approved for Tier 1, PBS Level 2B, 30m “A- Double” access at Higher Mass Limits (HML).”

**BUDGETARY IMPLICATIONS**

N/A

**ATTACHMENTS**

- I. Minutes of the Traffic Committee meeting held on 19 February 2024 [↓](#)











**4.2 Section 355 Committee Minutes - Saleyards Committee**

File Number: D24/319

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

**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.**
- 

**INTRODUCTION**

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

**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 Saleyards Committee meeting held on 9 November 2023 [↓](#)
2. Minutes of the Saleyards Committee meeting held on 22 February 2024 [↓](#)

























## 5 DIRECTOR-ENVIRONMENTAL SERVICES REPORT

- 5.1 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

File Number: D24/300

Author: Larissa Hackett, Director Environmental Services

### RECOMMENDATION

1. That Council notes that the reason for the decision is that the proposal largely complies with Section 4.15 of the Environmental Planning and Assessment Act 1979. The application was publicly notified and 3 submissions were received; 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	Vision Town Planning Consultants 9 May 2023	Received 23 May 2023 Stamped No. DA

<b>Rev C</b>		<b>137/2021(C)</b>
<b>Proposed Car Parking Plan Sheet I Version I</b>	<b>Vision Town Planning Consultants 24 April 2023</b>	<b>Received 23 May 2023 Stamped No. DA 137/2021</b>
<b>Proposed Screening Wall Version I Amendment B</b>	<b>Vision Town Planning Consultants 31/08/2023</b>	<b>Received 4 September 2023 Stamped No. DA 137/2021</b>
<b>Proposed Screening Wall – Line of Sight Plan Sheet No.2 Version I</b>	<b>Vision Town Planning Consultants 29/08/2023</b>	<b>Received 4 September 2023 Stamped No. DA 137/2021</b>
<b>Proposed Security Lighting Sheet No.4 Version I</b>	<b>Vision Town Planning Consultants 30/08/2023</b>	<b>Received 4 September 2023 Stamped No. DA 137/2021</b>
<b>Tree Inspection Report</b>	<b>JG Arbor 29/05/2023</b>	<b>Received 6 December 2023 Stamped No. DA 137/2021(C)</b>
<b>Washout Pit Layout Drawing No. WC-IH-002 Rev B Sheets 1 to 5</b>	<b>Civilcast Pty Ltd 16/12/2022</b>	<b>Received 23 May 2023 Stamped No. DA 137/2021(B)</b>
<b>Conceptual Stormwater Management Plan Rev P4</b>	<b>Calare Civil 11/08/2023</b>	<b>Received 4 September 2023 Stamped No. DA 137/2021(B)</b>
<b>Traffic Impact Assessment Version 07</b>	<b>Traffix August 2023</b>	<b>Received 14 September 2023 Stamped No. DA 137/2021(C)</b>
<b>Air Quality Assessment Rev 03</b>	<b>Vipac 29 August 2023</b>	<b>Received 4 September 2023 Stamped No. DA 137/2021(C)</b>
<b>Acoustic Report</b>	<b>Acoustic Works</b>	<b>Received 4 September 2023</b>



Revision R011	30/08/2023	Stamped No. DA 137/2021(D)
Preliminary Contamination Investigation Rev 1 Report No. R13508c1	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. R13508c2	Envirowest Consulting Pty Ltd 2/3/2022	Received 30 May 2023 Stamped No. DA 137/2021
Validation Report Rev 0 Report No. R13508val	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. R13508emp 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 I0.2021.137.10 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.
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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](http://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](http://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
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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](https://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 <sup>1</sup>	Levy Percentage	Total Contribution	Contribution Rate Remains Current Until
Section 94A Contribution <sup>2</sup>	\$510,000.00	1%	\$5,100.00	30 June 2024

**Notes**

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

<sup>2</sup> Council's Section 94A Contributions Plan 2016 may be viewed during office hours at Council's Customer Service Centre, 116 Kendal Street Cowra, or on Council's website [www.cowracouncil.com.au](http://www.cowracouncil.com.au)

## 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](mailto: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](mailto: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.

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## INTRODUCTION

Development Application No. 137/2021 proposes a general industry (continued use of existing buildings & site to manufacture precast concrete & steel construction products) on Lot 1 DP: 519943, Campbell Street Cowra. The application was lodged with Council by Westcast Pty Ltd on 10 December 2021.

The application is being reported to Council because it represents designated development as defined under Schedule 3 of the Environmental Planning & Assessment Regulation 2021. In addition, 3 submissions objecting to the proposal were received following Council's public exhibition process.

A copy of development plans of the proposed development are included in Attachment '1' to this report and a copy of the Environmental Impact Statement is included in Attachment '2'.

## Description of Site

The subject land is identified as Lot 1 DP 519943, Campbell Street Cowra. It is an irregularly shaped allotment of approximately 62 hectares located on the eastern fringe of the Cowra township. It is bordered on the eastern boundary by Waugoola Creek and on the southern boundary by the Lachlan River. The site is bordered on the northern property boundary by Darbys Falls Road and the western property boundary by an access handle providing access to a neighbouring agricultural allotment. Cowra locomotive depot is located on the western side of this access road. A short section of the western boundary is adjoined by the southern end of Campbell Street.

The site contains a large existing industrial building with an attached office accessed from a sealed internal driveway connecting to Campbell Street. Surrounding the building is a ring road driveway constructed mainly of gravel. The large industrial buildings have previously been used for a number of manufacturing activities and are known locally to have been initially used as a wool processing facility.

The remainder of the land is used for agriculture, and does not contain any other buildings with the exception of two agricultural storage buildings. The site itself has undulating gradients throughout. The most level area of the site is the area immediately surrounding the existing industrial buildings.

Earth banks are already constructed on the land along the western side of different sections of the internal driveway and for the majority of the length of the western sides of the industrial buildings.

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

### **Description of Proposal**

The applicant proposes to undertake general industrial activities on the subject site (continued use of existing buildings & site to manufacture precast concrete & steel construction products). The development utilises a number of large existing sheds located on the site. The sheds are surrounded by existing vehicle manoeuvring areas and an adjacent stormwater retention dam to the south. The site also has a large office area at the front of the industrial shed buildings.

Access to the site is gained using an existing internal driveway constructed of bitumen seal travelling parallel with the western property boundary and connecting to Campbell Street. The products manufactured include a variety of precast concrete and steel products for the construction industry. The proponent for the development application is Westcast Pty Ltd who is also the operator of the facility. The concrete works manufacturing facility has the capacity to manufacture 83,160 tonnes of product per annum.

There are some ancillary works that form part this proposal including:

- The installation of some screening trees on the perimeter of the site
- The installation of a visual screening wall
- The removal of 7 trees within the car park area
- The construction of car parking (65 spaces in total)
- The demolition of a small pump shed
- The construction of stormwater/wastewater treatment facilities
- The installation of a self-bunded smart (fuel) tank

### Employees

Below is a summary of staff numbers onsite during operation:

Total of factory, office, maintenance and yard staff (total): 80

The attendance onsite is in two shifts of operation, and one shift for maintenance. The staff numbers for these shifts are as follows:

Shift 1: 7am – 5pm – 60 staff

Shift 2: 5pm – 10pm – 13 staff

Shift 3: Maintenance/administration 24 hours – 6 staff

Office staff are located in the front administration building.

Factory staff are located in the existing sheds, except for a small number involved in the concrete batching process.

Yard staff are working external to the building involved in goods receiving and goods outgoing.

### Hours of Operation

The hours of operation have been specified by the NSW EPA in their General Terms of Approval which are included in the recommended conditions of consent. They are as follows:

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.

### **Environmental Impact Assessment**

In determining a development application, a consent authority is to take into consideration such of the matters as are of relevance to the development in accordance with Section 4.15(1) of the Environmental Planning and Assessment Act 1979. The following section provides an evaluation of the relevant Section 4.15 Matters for consideration for DA 137/2021:

### **NSW Environmental Planning and Assessment Act 1979**

#### **Designated Development**

The proposed development, which involves the manufacturing of concrete products, meets the description of concrete works included in Schedule 3 of the *Environmental Planning and Assessment*

*Regulation 2021*. The development is located within 250 metres of a residential zone located to the west of the site, and therefore constitutes designated development.

The development also has the production capacity of more than 150 tonnes of product per day and more than 30,000 tonnes of product per year, meaning it also exceeds these thresholds and constitutes designated development. Particular legislative provisions apply to designated development. These include specific public exhibition requirements and the preparation of an Environmental Impact Statement (EIS) with environmental assessment requirements provided by the Planning Secretary. These requirements have been satisfied by the Applicant and by Council with regard to the public exhibition of the proposal.

## **Integrated Development**

### Environmental Protection Licence

The proposed development is Integrated Development pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* given that an Environmental Protection Licence is required under the *Protection of the Environment Operations Act 1997*.

Accordingly, the application was referred to the Environmental Protection Authority (EPA) and the EPA has issued their General Terms of Approval. These are included in the recommended conditions of consent.

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

### Cowra Local Environmental Plan 2012

The subject allotment is split zoned and contains land zoned E4 General Industrial, C3 Environmental Management and R1 General Residential under the provisions of the *Cowra Local Environmental Plan 2012*. The proposed development is primarily located on the part of the site zoned E4 General Industrial. The General Industry (continued use of existing buildings & site to manufacture precast concrete & steel construction products) is permitted in the zone with development consent.

## **Zone E4 General Industrial**

### 1 Objectives of zone

- To provide a range of industrial, warehouse, logistics and related land uses.
- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.
- To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.
- To ensure the nature and scale of new industrial development in West Cowra is compatible with existing residential land uses in the surrounding area.

### 2 Permitted without consent

Environmental protection works; Roads

### 3 Permitted with consent

Animal boarding or training establishments; Boat building and repair facilities; Car parks; Community facilities; Correctional centres; Crematoria; Depots; Environmental facilities; Extractive industries; Freight transport facilities; Funeral homes; Garden centres; **General industries**; Goods repair and reuse premises; Hardware and building supplies; Heavy industrial storage establishments; Helipads; Heliports; Highway service centres; Industrial retail outlets; Industrial training facilities; Industries; Kiosks; Landscaping material supplies; Light industries; Local distribution premises; Mortuaries; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Research stations; Restricted premises; Rural industries; Rural supplies; Service stations; Sex services premises; Signage; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Water recreation structures; Water supply systems; Wholesale supplies

### 4 Prohibited

Any development not specified in item 2 or 3

### Comments

The application demonstrates that the concrete works (general industry) can be operated as proposed without breaching any standards or exceeding any thresholds for impact and so can be categorised as a general industry, which is a permissible land use in the land-use zone.

The subject land is also zoned as C3 Environmental Management and R1 General Residential. However, the development does not involve any industrial activity within the areas of the site in these zones. The dam at the southern end of the site is located within the C3 zone. Water from the development will be drained to this dam in accordance with the Stormwater Management Plan submitted with the application. Water will then be pumped back to a holding tank as displayed on the development plans so that the water is recycled through the batching operation. The pumping of water from an existing dam is not an industrial activity, but represents a way of using an existing dam to capture water and then facilitate it being recycled back through the batching operation.

The driveway that connects to Campbell Street presently extends along the western boundary of the property, through the land use zones of C3 Environmental Management and R1 General Residential before it enters the area of the site zoned E4 General Industrial. This also does not constitute an industrial activity in the R1 and C3 zones but enables access to the development.

### **Part 6 Urban release areas**

The site is identified as an urban release area and therefore the following clauses of Part 6 apply:

#### 6.2 Public utility infrastructure

- (1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.

Comments

The development is currently operating and is connected to Council's water and sewer reticulation services. It is considered that all necessary public utility infrastructure is available on site.

**6.3 Development control plan**

6.3(2) Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.

Comments

Section 1.4 of Cowra Council Development Control Plan 2021 Waugoola Industrial Release Area applies to the land and provides for the matters specified in subclause 3. The application will be assessed against the relevant controls in Section 1.4.

**7.1 Earthworks**

- (1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.
- (2) Development consent is required for earthworks unless—
  - (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or
  - (b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.
- (3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—
  - (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
  - (b) the effect of the development on the likely future use or redevelopment of the land,
  - (c) the quality of the fill or the soil to be excavated, or both,
  - (d) the effect of the development on the existing and likely amenity of adjoining properties,
  - (e) the source of any fill material and the destination of any excavated material,
  - (f) the likelihood of disturbing relics,
  - (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
  - (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Note—

The National Parks and Wildlife Act 1974, particularly section 86, deals with harming Aboriginal objects.

### Comments

The area surrounding the existing buildings is already constructed largely of sealed surface, gravel or compacted granite. A preliminary investigation and subsequent contamination investigation report makes recommendations for managing specific areas within the site. A Stormwater Management Report is submitted including measures to prevent erosion. No negative impacts are anticipated. The development does not constitute exempt development, but can be undertaken ancillary to the proposed concrete works, which is permitted with consent in the land use zone.

The construction of the roadways as displayed on the development plans within an allotment already containing an industrial activity and has been used as an industrial site for a long period of time, will not cause disruption or detrimentally affect drainage patterns or soil stability. The development is designed to utilise existing drainage flow paths to capture water runoff from the site so it can be processed through the wastewater pits and the sediment basin.

The development is not likely to have any effect on any future development, as the proposed development utilises the majority of the area within the E4 General Industrial zone that is defined within the larger allotment.

The area for proposed new roadways is within the vicinity of the existing industrial activities, and so it is appropriate for the soil to be disturbed in that area. Loop road number 3 and new road number 13 are in areas that contain existing gravel and soil in a rural paddock style of use. The excavation and use of materials to construct these roads will not have a negative impact.

The construction of the new manoeuvring areas and roadways as displayed on the development plans immediately adjacent to the existing industrial site will not have any detrimental impact or negative impact on neighbouring residences which are separated sufficiently from the development site so no negative impact is incurred. Mitigation measures are detailed in the EIS including a tree buffer and a proposed block wall for visual screening.

The area where the development is being undertaken is not remnant bushland, is not on a prominent hill and is not close to waterways and is not likely to disturb relics, however the Code of Practice for finding unexpected objects is to be followed during the construction process. The water management measures to be implemented on the site mean that the earthworks associated with the construction will not have an adverse impact on waterways, drinking water catchments or environmentally sensitive areas as a result of any erosion of any materials.

Measures to be implemented to avoid, minimise or mitigate any impacts from earthworks will be erosion control measures as depicted in the Soil Erosion Control Plan and Water Management Plan submitted with the development application.

The development can comply with the requirements of Clause 7.1.

### **7.3 Terrestrial biodiversity**

The mapping adopted within the Cowra Local Environmental Plan identifies the very western fringe and parts of the eastern and southern boundaries as possibly containing areas of environmental sensitivity.

### Comments

The development site does not require the removal of any trees within the areas mapped in the terrestrial biodiversity map layer. A report prepared by JG Arbor concludes that the seven trees to be removed in the vicinity of the existing car parking area to be expanded can be completed as the trees are not in good health and are suitable for removal.

As the development is being undertaken in an area that is already industrial in its land use, it will not have any adverse impact on the condition or ecological value of the significance of any flora and fauna on the land and will not impact important vegetation that would constitute habitat for the survival of fauna. Likewise, the development will not result in fragmentation or disturbance of environments that would diminish the biodiversity, structure, function or composition of the allotment as it is all undertaken within the industrial area of the site and using existing access road networks.

The development will not have an adverse impact on any habitat elements that provide connectivity. The proposed landscaping inclusion of additional trees for screening along the allotment boundary will improve habitat elements and connectivity.

The development will not have any negative impact on terrestrial biodiversity. The development is satisfactory with regard to the considerations of Clause 7.3.

### **7.6 Groundwater Vulnerability**

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

- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following:
  - (a) the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),
  - (b) any adverse impacts the development may have on groundwater dependent ecosystems,
  - (c) the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),
  - (d) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
  - (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
  - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
  - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.



Comments

The development can be undertaken largely within the subject buildings and any development outside the buildings or on sealed or compacted areas. Water on the site will be managed in accordance with the erosion sediment control and stormwater management plan submitted with the development application. The development is unlikely to impact adversely on either the supply or quality of groundwater in the locality. The development is suitably designed and sited to avoid any significant environmental impacts and complies with the requirements of Clause 7.6.

**7.8 Essential Services**

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

Water

The proposed development will remain connected to Council’s reticulated water supply.

Electricity

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

Sewage

The proposed development will remain connected to Council’s reticulated sewerage service.

Stormwater

Stormwater will be discharged in accordance with the Stormwater Management Plan.

Access

Vehicle access to the development will be gained by using the existing sealed driveway connecting to Campbell Street as shown on the development plans.

**State Environmental Planning Policies**

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

<b>SEPP</b>	<b>COMMENTS</b>
SEPP (Housing) 2021	Not applicable
SEPP (Primary Production) 2021	Not applicable
SEPP (Resources and Energy) 2021	Not applicable
SEPP (Resilience and Hazards) 2021	Includes the former SEPP 55 – Remediation of Land. See comments below.
SEPP (Industry and Employment) 2021	Not applicable
SEPP (Transport and Infrastructure) 2021	The development does not directly adjoin a classified road. Access to the site is gained by utilising the existing sealed vehicle driveway which is connected directly to Campbell Street which is a local street under the care and control of Cowra Shire Council. Section 2.122 of the Transport and Infrastructure SEPP states that before determining a Development Application,

	<p>written notice must be given to TfNSW and take into consideration comments received. Subclause 2 of Section 2.122 states that the relevant size or capacity is that which is identified in column 3 of the table included in Schedule 3 of the Transport and Infrastructure SEPP. Column 3 of Table in Schedule 3 of the Transport and Infrastructure SEPP identifies industry with site area of greater than 5,000 square metres that is located within 90 metres connection of a classified road to be development that requires referral to TfNSW. As the industrial site exceeds 5,000 square metres and the connection point from the boundary of the allotment onto Campbell Street is approximately 90 metres from Darbys Falls Road, which is a classified road, referral is therefore required. A Traffic Impact Assessment has been prepared and submitted with the development application concluding that the development can be undertaken as proposed and designed without negative impact on the site or transport network.</p> <p>Conditions from TfNSW have been included in the recommended conditions of consent.</p> <p>Essential Energy have also provided recommended conditions of consent.</p>
SEPP (Biodiversity and Conservation) 2021	The development does not exceed the biodiversity offset scheme threshold as defined by the NSW Biodiversity Conservation Act 2016 and associated regulation. In this instance, the arborists report and the plans provided demonstrate that a very small number of trees are to be removed. The area of the subject development does not have an applicable minimum lot size and so the threshold for clearing of native vegetation is not exceeded. The development will not have a significant impact on threatened species or communities.
SEPP (Planning Systems) 2021	Chapter 2, Part 2.2, Section 2.6 and Chapter 2, Part 2.4, Section 2.19 declare that developments identified in either Schedule 1, Schedule 2, Schedule 3, Schedule 4 or Schedule 6 constitute either State Significant Development or Regionally Significant Development. The concrete works are not listed in any of the schedules meaning the development does not constitute State Significant or Regionally Significant Development and the provisions of the Planning Systems SEPP does not apply.
SEPP (Precincts – Eastern Harbour City) 2021	Not applicable
SEPP (Precincts – Central River City) 2021	Not applicable
SEPP (Precincts – Western Parkland City) 2021	Not applicable
SEPP (Precincts - Regional) 2021	Not applicable
SEPP (Sustainable Buildings) 2022	Not applicable.
SEPP 65—Design Quality of Residential Apartment Development	Not applicable
SEPP (Exempt and Complying Development Codes) 2008	Not applicable

## SEPP (RESILIENCE AND HAZARDS) 2021

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

- (1) A consent authority must not consent to the carrying out of any development on land unless:
  - (a) it has considered whether the land is contaminated, and
  - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
  - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.
- (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.
- (3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.
- (4) The land concerned is:
  - (a) land that is within an investigation area,
  - (b) land on which development for a purpose referred to in Table I to the contaminated land planning guidelines is being, or is known to have been, carried out,
  - (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:
    - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table I to the contaminated land planning guidelines has been carried out, and
    - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

**Comment**

A preliminary contamination investigation report was prepared by Envirowest Consulting involving site inspections, review of site history, review of approvals of use of the site, consideration of the current land use and onsite soil testing as outlined in the report. The report includes recommendations that specified areas within the site have additional investigation undertaken through soil reporting and that a remediation action plan be prepared for remediation of those

identified areas. The recommendations also state that the interim management measure for those identified areas of impacted soils is to include excluded access to those particular points to prevent disturbance and measures to be implemented to prevent erosion or removal of sediment through reduced water flows for those identified locations which is reflected in the water and soil erosion management plans prepared by Calare Civil.

Further remedial contamination testing has been completed for identified areas of contamination. Remedial works were recommended as a result of this additional testing, and will be completed in accordance with the remediation action plan.

The development involves the removal of a small shed previously used as a pump shed. The shed is not lined and will not result in any contamination.

No further investigation is required prior to assessment of the development application in accordance with the NSW Managing Land Contamination Planning Guidelines.

### Chapter 3 Hazardous and offensive development

The concrete batching process and the management of waste materials is detailed in Section B on page 14 of the EIS. The process means that the risk of hazardous materials resulting in a negative environmental impact is considered low, and this preliminary consideration/screening would indicate that the development is not potentially hazardous. The location of the development relative to surrounding land uses and the topography and layout of the site means that it is not a potentially offensive industry. Therefore this preliminary screening is considered to be adequate to consider Chapter 3 of the Resilience and Hazards SEPP.

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

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

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

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

#### **Part B – Land Management**

A report has been prepared and submitted with the application by Calare Civil demonstrating how erosion and stormwater management is to occur on the site during construction and during operation.

#### **Part C – Biodiversity Management**

The proposed development does not trigger entry into the Biodiversity Offset Scheme according to the *Biodiversity Conservation Act 2016*. The following information is provided in support of this statement:

- There is no minimum lot size applying to the development, and the proposed development does not require the clearing of native vegetation that has an area exceeding the nominated threshold of 0.25ha.
- The proposed development does not involve the clearing of native vegetation (or other action prescribed by Clause 6.1 of the BC Regulation) on land identified on the Biodiversity Values Map.

- A Test of Significance is not deemed to be necessary for this proposal as there is to be no clearing of native vegetation other than some small individual trees within the carpark as discussed elsewhere in this report. The development is unlikely to affect threatened species or ecological communities.

**Part I – Industrial Development**

<p>I.1.3</p>	<p>The proposed development is generally consistent with the land-use conflict and pollution management controls in the DCP. An analysis of the surrounding environment has not identified any particularly sensitive land-use activities that might be impacted by the proposed development (with the imposition of conditions of consent).</p> <p>The following design measures form part of the proposal (as identified in the EIS) and will generally address the requirements of Section I.1.3 of the DCP:</p> <ul style="list-style-type: none"> <li>• Lighting is positioned to be directed into the site and not at residential land-uses. Lighting will be limited after manufacturing hours to ensure lighting does not impact neighbouring land uses. Specialised reports are prepared and submitted with the Development Application analysing noise, water, soil, traffic and air quality. The reports conclude the proposed development can be undertaken with the implementation of nominated mitigation measures to ensure pollution does not occur.</li> <li>• The water used at the site can be sourced from the Council reticulated water system and any wastewater will be managed in accordance with the system outlined in the stormwater management plan. The stormwater Management plan also allows for reuse/recycling water through the manufacturing process.</li> <li>• Any dust at the site would be managed through either compacted granite or sealed surfaces to prevent dust being churned in the air during traffic movements and activities to manufacture products. An Air Quality Assessment Report is submitted with the application demonstrating that the proposed development will not result in any negative impacts on air quality.</li> <li>• The batching equipment will be positioned in the site in the location displayed on the development plans. The Noise Impact Assessment submitted with the DA assesses the operation of this equipment in that location and confirms it is appropriate in accordance with recommendations of the report without negative impact as a result of noise.</li> <li>• The buildings are already constructed and the distance to any sensitive land uses mean that the development will not have any negative visual impacts on those uses.</li> <li>• Any odour from the development can be managed within the site by undertaking activities that produce any strong smells within the industrial sheds. The distance to any neighbouring sensitive users will</li> </ul>
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	help to mitigate any potential impacts from odour.
I.1.4 Setbacks	The development involves the use of existing industrial buildings, the operation of equipment, storage and construction of driveways within the vicinity of those buildings. The setback of the building and appearance orientated towards Campbell Street is not altered by the development and does not involve any variation to the controls of this section.
I.1.5 Building Design and Form Controls	The development already incorporates a portico share drive through awning at the front of the office buildings which are located at the front of the industrial sheds as presented to Campbell Street with no changes other than improved parking required. The development is a great distance from Campbell Street and Darbys Falls Road meaning it is not visually prominent.
I.1.6 Open Space & Waste Areas	The site is already bordered by adjoining land within the rail corridor that includes large amounts of established tree vegetation. Trees are proposed to be included along with a blockwork wall along the western property boundary to screen the product storage and driveway areas from neighbouring residential dwellings to the west. This screening will effectively mitigate any negative impacts.
I.1.7 Fencing Controls	The site is a very large site with agricultural fencing of varying standards on its various boundaries. The industrial buildings on the site are secured as lockable areas. There is no proposal to alter any of the fencing already in place for the site.
I.1.8 Servicing Controls	The site is already connected to all utility services, including reticulated water, reticulated sewer and vehicle access suitable for catering for the operation of the development as it exists and the proposed expansion.
I.1.9 Commercial Activity Controls	The development involves industrial activities and is not in variation to any of the commercial controls contained in Section 1.9
I.1.10 Parking Access & Mobility	This is addressed under Part M of the DCP. A report by Traffix is submitted with the application and concludes the design of internal roads, parking facilities and access is appropriate and complies with the relevant Australian standards.
I.1.11 Signage	The awnings and buildings are capable of catering for signage in accordance with State Environment Planning Policy (Exempt & Complying Development) Code 2008.
I.1.12 Landscaping	This is addressed under Part N of the DCP.
I.1.13 Soil Erosion & Sediment Control	This is addressed under Part B. A report has been prepared and submitted with the application by Calare Civil demonstrating how erosion and stormwater management is to occur on the site during construction and during operation.
I.4 contains controls applicable to the Waugoola Industrial Release Area	The mitigation measures previously mentioned in this report that confirm access to the site is gained via an existing access driveway, that the site is connected to all utilities required to operate the facility, stormwater drainage and soil and sediment soil erosion control measures to be implemented, the position of the site outside of the 1%

	AEP event, and the compliance with other sections of the DCP mean the development is compliant with Section 1.4 of the DCP.
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### **Part L - Advertising and Signage**

No signage is proposed.

### **Part M - Parking, Access and Mobility**

Part M states that, for general industry, the parking rate should be established in accordance with the nature of the development. A report is prepared and submitted by Traffix, who are consultants in considering proposals that involve onsite parking and traffic movements to a development. The report concludes that the design as proposed can be undertaken without alteration and without any identified unmitigated negative environmental impacts. Sixty-five parking spaces are proposed, including two disabled spaces, which is considered to be satisfactory to accommodate the parking demand associated with the development. The Applicant states that the maximum number of staff present during any shift period is 60 staff.

### **Part N - Landscaping**

The site contains a number of existing trees, the majority of which are proposed to be retained. The landscaping in this area is considered to be appropriate without alteration or additional landscaping being required with the exception of a landscape buffer proposed along the western boundary. The application is consistent with Part N.

### **Part - Environmental Hazard Management**

The lot is mapped by council as flood planning area. The area proposed for the development operation is not within the Flood Planning Area. It is considered the proposed development would not adversely affect flood behaviour or adversely affect the safe occupation and efficient evacuation of people. The site is not mapped as bushfire prone.

A preliminary investigation has been completed by Envirowest Consulting considering the history, current land use and proposed land use of the site. The report prepared in accordance with SEPP (Resilience & Hazards) 2021 and the Contaminated Land Management Planning Guidelines concludes that additional remediation is required in specified locations of the site but that with the inclusion of methods to isolate those areas as interim measures, the use of the site can continue operation and the future development is appropriate.

### **Part P – CPTED Principles**

The development would represent continued use of an existing private industrial use and is therefore considered to have a minimal increase in risk of crime. It is considered the proposed development would meet the objectives of Part P of the DCP. It does not contain any potential entrapment areas for members of the public. It is assessed that the continued operation of the general industry complies with the relevant CPTED principles.

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

There is no planning agreement that has been entered into under Section 7.4 of the *Environmental Planning and Assessment Act 1979* by the applicant in relation to the development proposal.

Similarly, the applicant has not volunteered to enter into a draft planning agreement for the development proposal.

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

<b>CLAUSE</b>	<b>COMMENT</b>
<b>61 Additional matters that consent authority must consider</b>	The demolition of a pump shed is proposed and Australian Standard AS 2601-2001: The Demolition of Structures applies as conditioned.  No subdivision orders are applicable.  Dark Sky Planning Guideline does not need to be addressed for this proposal.  The proposal does not include a manor house or multi dwelling housing (terraces),
<b>62 Consideration of fire safety</b>	The proposal does not propose a change of building use for an existing building.
<b>63 Considerations for erection of temporary structures</b>	The proposal does not include a temporary structure.
<b>64 Consent authority may require upgrade of buildings</b>	The proposal does not involve the rebuilding or alteration of an existing building.
<b>65 Consideration of conservation plan for development at Sydney Opera House</b>	Not applicable.
<b>66 Contributions plans for certain areas in Sydney—the Act, s 4.16(1)</b>	Not applicable.
<b>67 Modification or surrender of development consent or existing use right—the Act, s 4.17(5)</b>	There is no proposal to modify or surrender a development consent or existing use right.
<b>68 Voluntary surrender of development consent—the Act, s 4.63</b>	There is no proposal to voluntarily surrender a development consent.

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

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

##### Context and Setting

The land is located on the eastern fringe of the Cowra township and is bordered on the eastern boundary by Waugoola Creek and on the southern boundary by the Lachlan River. The site is also bordered on the northern property boundary by Darbys Falls Road and the western property boundary by an access handle providing access to a neighbouring agricultural allotment for the majority of the western boundary. On the opposite side of the access handle is the Cowra



locomotive depot. The remainder of the western boundary is adjoined by the southern end of Campbell Street.

The site contains a large existing industrial building with an attached office accessed from a sealed internal driveway connecting to Campbell Street. Surrounding the building is a ring road driveway constructed mainly of gravel. The large industrial building has previously been used for a number of manufacturing activities and is known locally to have been initially used as a wool processing facility.

The remainder of the land is used for agriculture, and does not contain any other buildings with the exception of two agricultural storage buildings. The site itself has undulating gradients throughout. The most level area of the site is the area immediately surrounding the existing industrial buildings.

The proposal is considered compatible with the surrounding area and will have minimal impact in regard to:

- Impacts on adjacent properties and land uses; and
- Interruptions of important views and vistas.

The proposal is within the context of the locality and Council's current planning provisions.

#### Occupation Certificate

The applicant is seeking consent for the continued use of the buildings for general industrial purposes. While it is acknowledged that the use of the premises has already commenced, Council will still require compliance with conditions of a development consent. As such a "whole Occupation certificate" is required to be applied for by the applicant to confirm that all conditions of the consent have been complied with. The whole occupation certificate will not be issued unless all required works have been undertaken, a fire safety certificate has been issued and all conditions of consent have been complied with to the satisfaction of the Principal Certifier.

#### Access, Transport and Traffic

The traffic generation from the proposed development is predicted to be approximately 188 vehicle trips (94 in, 94 out) per day (both light and heavy vehicles). Based on the existing traffic volumes on Fitzroy Street, this increase in traffic volume is not predicted to exceed the criteria nominated in Section 5.8 of the Acoustic Report.

Vehicle access to the development will be gained by using the existing sealed driveway connecting to Campbell Street as shown on the development plans. The applicant proposes no changes to the current vehicle access arrangements, stating that they have been operating satisfactorily for the existing facility.

Sixty-five car parking spaces are proposed to be provided including two disabled spaces. This is assessed as satisfactorily accommodating the parking needs of the proposal as previously discussed.

A Traffic Impact Assessment was submitted with the application. The assessment included completing traffic counts, proposed routes and entry to the site and consideration and assessment of the traffic attending the site. The Traffic Impact Assessment concludes that the proposal and

continual operation of the precast concrete facility will not have any adverse impacts to the surrounding road network. Therefore, no mitigation measures are considered necessary other than adhering to the operating parameters outlined in the EIS.

#### Public Domain

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

#### Utilities

The site is already serviced by adequate utilities to cater for the development.

#### Heritage

There are no items listed in schedule 5 of the LEP 2012 as present on the land and a search of the AHIMS records did not reveal any items or places of Aboriginal Cultural Significance identified as present on the land.

The area to be utilised as part of the development is already fully developed with hardstand area and buildings and no negative impact on any form of heritage is anticipated.

#### Other Land Resources

The land does not contain any recorded mineral deposits and the proposal will not negatively impact any water catchment areas.

#### Water, Sewerage and stormwater

The land is serviced by Council's reticulated water and sewerage system. Stormwater to be controlled as per the Stormwater Management Plan.

#### Air and Microclimate

The site contains sealed areas and also areas of compacted gravel that will prevent dust from being churned into the air either during construction or during operation of the facility.

An Air Quality Impact Assessment report was prepared and concludes the development can operate as proposed without negative impact or exceeding any applicable limits.

Water spray systems will be installed to prevent dust churning into the air and wind breaks for the concrete batching activities. A windbreak is already achieved in the concrete batching area through the existing storage shed. The ongoing use of the development will not negatively impact air quality if proposed mitigation measures are adhered to.

#### Public Health

The materials used at the site could pose a public health risk if they are not managed as proposed. The mitigation measures included in the specialist reports confirm how the operation can continue without resulting in health problems to personnel at the site or persons in the community.

Most specifically, the preliminary contamination investigation undertaken by Envirowest Consulting makes recommendations for further testing to identify appropriate remediation and measures to be implemented so that the site may continue to operate in the interim.

Any potential health issues will be mitigated through the implementation of operational procedures as identified in the EIS and through specialist reports submitted with the application. The EPA has recommended the preparation and implementation of an environmental management plan as per the general terms of approval.

#### Flora and Fauna

The development involves the removal of seven trees in the proposed parking area. An arborist report prepared by J G Arbor giving consideration to each of these trees concludes that the trees are not in good health and recommends that they may be appropriately removed.

The development site is entirely developed with a history of being utilised for industrial purposes. The development does not require the clearing of native vegetation that would exceed thresholds under the NSW *Biodiversity Conservation Act 2016*.

No negative impacts identified, therefore no mitigation measures are required.

#### Waste

Construction waste will be removed from the site and appropriately recycled or catered for at a licensed waste management facility. Industrial waste can be collected and taken for disposal at a licensed material waste facility.

#### Visual Impact

The development site is located outside of the urban fringe of the Cowra township. The site has had a long history of industrial uses utilising the existing industrial buildings, offices and infrastructure constructed around the buildings.

The development proposes to use the existing industrial buildings and the area surrounding those buildings for the operation. The expansion of the development involves the use of areas immediately adjacent to the south and east of the existing building, and extension of the existing driveways to enable them to loop around the site on the southern end and extend through a previous dam that forms a bunker on the eastern side of the buildings.

The position of this storage and land use will be screened from view by the installation of a landscape strip for the full extent of the western boundary within the industrial zone, and the extent of the storage areas and internal driveways as viewed from the residential area to the west of the site. The proposed construction of a visual barrier wall along part of the western boundary immediately adjacent to the existing industrial buildings and storage area will provide a further visual barrier between the residential area to the west of the site.

The site is not visually prominent from any classified roads or any significant sites within the township. In order to operate the industrial use construction works are not required to clear vegetation or construct stockpiles or store infrastructure that would result in negative impacts on views from any nearby residential receivers or sensitive land uses.

The site is separated from the urban area of the township by access to an agricultural allotment skirting the south eastern fringe of the township and by an open but non-operational rail line with substantial vegetation in the rail reserve as well as existing buildings orientated with the rail line. The use of the site will therefore not have any negative visual impacts.

### Energy

The applicant has advised the following:

Power usage - the existing power is adequate for the forecast demand. Approximate expected use is 500-1000 amps. Batch Plant - 90kw, Production line 110kw

Lighting includes:

High bay LED lighting through the factory.

The vehicle paths will be lit to designate heavy vehicle routes.

Loading area to the east of the buildings will be lit by pole lighting and lighting mounted to existing buildings.

Power supplied to the existing industrial site is appropriate for the proposed development.

The measures proposed as considered acceptable.

### Noise and Vibration

An Acoustic Report was completed by Acoustic Works which considers the operating hours, operating practices, the activities being undertaken, vehicle movements and location of various equipment throughout the site. It concludes that provided the recommendations of Section 8 of the report are complied with, that the development meets the acceptable level of noise for the development in the location.

The applicant proposes the following mitigation measures:

Deliveries and pickups will only occur in the dedicated loading zone as shown in Figure 3 during the evening time period (6pm to 10pm), deliveries associated with small trucks or vans may occur at any location onsite. During the evening time period (6pm to 10pm), trucks will drive directly to the dedicated loading zone with no stopping at any other location in the driveway. Forklift activity shall be limited to the day time period only (7am to 6pm).

The report recommends that waste collection be conducted in accordance with the surrounding residential properties with recommended hours of 7am to 6pm weekdays and 8am to 6pm weekends.

The report recommends that any new mechanical plant is designed to comply with the criteria stated in Section 5.3 of the Acoustic Report with an assessment undertaken by a qualified acoustic consultant to be conducted prior to installation.

The traffic generation from the proposed development is predicted to be approximately 204 vehicles per day. Based on the existing traffic volumes on Fitzroy

Street, this increase in traffic volume is not predicted to exceed the criteria nominated in Section 5.8 of the Acoustic Report.

Hours of operation are to be controlled via a recommended condition of consent.

#### Water

The site is connected to reticulated water. Stormwater from the site can be managed within the land. Any waste water from the operation will be managed in accordance with the water management system outlined in the EIS and the Stormwater Management Plan prepared by Calare Civil.

The Stormwater and Soil Erosion Management report displays mitigation measures to be implemented including wastewater treatment pits, sediment basin and storage dam as well as reuse of water for the batching process.

#### Natural Hazards

An eastern portion of the site is within the flood planning area. However, the entire area to be utilised as part of the proposed development is outside of the flood planning area and will not have any impact on flood levels or displace any flood waters or result in any risk to life or negative economic impact.

The land is not mapped as bushfire prone.

#### Technological Hazards

Refer to comments under SEPP Resilience and Hazards.

#### Safety, Security and Crime Prevention

This development will not generate any activity likely to promote any safety or security problems to the subject land or surrounding area.

#### Social and Economic Impacts

The continued operation of the industrial manufacturing occurring at the site, as well as the expansion of that industry, will provide for additional employment with appropriate facilities onsite for personnel, resulting in positive social & economic outcomes. The use of the site will mean that it is maintained and does not fall into disrepair also resulting in beneficial social & economic outcomes. The information provided with this application confirms that the development, as proposed, will not result in any unmitigated negative environmental impacts and so will only result in positive social & economic outcomes.

#### Site Design and Internal Design

The design of the development is satisfactory for the site and without any identified significant adverse impacts.

#### Cumulative impacts

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

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

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

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

Public Consultation

The subject Development Application was publicly exhibited from 13 January 2021 to 11 February 2021, in accordance with Cowra Community Participation Plan 2020. Following the process, three (3) submissions were received. The land zoning was subsequently changed by the NSW Department of Planning and Environment and the application amended which required the application to re-exhibited.

Re-exhibition occurred from 22 June 2023 to 20 July 2023, in accordance with Cowra Community Participation Plan 2020. Three (3) submissions were received in relation to the proposed development and are included in Attachment ‘5’ to this report. The applicant was offered an opportunity to respond to the submissions and this response is included in Attachment ‘6’ to this report. The table below provides a summary of the concerns or objections expressed in the submissions and associated assessment comments:

<b>Objection</b>	<b>Assessment Comment</b>
The objector seeks clarification of the proponent’s details and the various versions of the application documentation	<p>The site is operated via a lease to Westcast Pty Ltd. One Campbell Property Pty Ltd are the owners of the property and have a postal address at the same location.</p> <p>The applicant has confirmed that the initial development application was submitted with Version 4 of the Environmental Impact Statement (EIS) on 8/12/2021 via the NSW Planning Portal. Prior to the initial lodgement, specialist consulting reports and plans were prepared. This process involved the preparation of Versions 1, 2 and 3 of the EIS as working drafts for consultants to utilise in order to update and finalise reporting into an application that has consistency across all documents. Version 4 and associated documentation was publicly exhibited on 13/01/2022.</p> <p>Version 5 of the EIS with supporting documents was submitted on 1/06/2023 via the Planning Portal following the change of zoning from IN2 Light Industrial to E4 General Industrial and subsequent amendments to the application. This version was publicly exhibited from 22/06/2023.</p> <p>The final version of the EIS that was subsequently issued with</p>

	<p>accompanying specialist reporting and plans and uploaded to the portal on 4/09/2023 is version 6 of the EIS. This version was prepared following the latest round of public exhibition and responds to Council requests for additional information.</p> <p>So effectively, 3 versions of the Environmental Impact Statement have been issued as final and submitted to Council through the NSW Planning Portal during the assessment of the development application.</p>
<p>Noise impacts associated with the Westcast operation and hours of operation are unreasonable. The accuracy of acoustic modelling is questioned.</p>	<p>According to the applicant, the noise is produced by a combination of agitator, batching plant &amp; truck movements onsite. Westcast is concerned about noise from the operations and has commissioned acoustic consultants to confirm the operation can comply with the acceptable levels of noise for that is applicable to the zone and the site. Given the site has accommodated industrial operations for the past 50 years in keeping with Cowra Council intentions for the property, including machinery, truck movements, steam boilers, furnaces, production activities, staff and vehicle movements, the potential for noise from this site is not new.</p> <p>The acoustic consultants who conducted the noise assessments on site have provided a separate response regarding the accuracy of acoustic modelling clarifying their methodology and why it achieves a more ideal outcome for the surrounding sensitive receivers. This response is included in Attachment '7' to this report. As a local business, Westcast is committed to maintaining modern equipment fitted with baffling systems and continues to implement technology that reduces any noise in the operations. In respecting the surrounding area and neighbours, Westcast is limiting the operating hours at the site as set out in the EIS.</p> <p>The applicant has also proposed the construction of a concrete lego-block wall to the height of 3 metres along the Western and Eastern side of the building and loading zone located immediately adjacent to the factory and around the area used for concrete batching. This mitigation measure is included in the recommended approval documents. It is also proposed to implement a screen of tree plantings along the top of the dry dam embankment to the east of the building for visual screening.</p> <p>The applicant states that, using LIDAR data and to the benefit of the owner of the property to the east, we downloaded contours for the area containing the residence and confirmed that the height at the ground level of the residence is 303 AHD. The blockwork wall proposed would be constructed at a ground level of 304-305 AHD, meaning it will be an effective wall as requested by the neighbouring property owner.</p> <p>The initial response to a concern received from a neighbour to the beeping noise was addressed through alternative vehicle safety</p>

	<p>measures which has been received well by the neighbour as stated in their submission. The reversing beeper issue was limited to a particular squawker beeper which has been addressed. There are no other beepers that require modification.</p> <p>Approved operating hours have been specified by the EPA in their General Terms of Approval. They are as follows:</p> <p>Concrete panel production activities:</p> <ul style="list-style-type: none"> <li>• 7:00 am to 6:00 pm, Monday to Fridays;</li> <li>• 8:00 am to 1:00 pm, Saturdays, and</li> <li>• at no time on Sundays or Public Holidays.</li> </ul> <p>Truck movements and equipment maintenance relating to the Proposal may only be undertaken during the following hours:</p> <ul style="list-style-type: none"> <li>• 7:00 am to 10:00 pm, Monday to Fridays;</li> <li>• 8:00 am to 1:00 pm, Saturdays, and</li> <li>• at no time on Sundays or Public Holidays.</li> </ul> <p>Any impact from truck movements is considered to be satisfactorily addressed by these approved hours. The hours of operation are considered acceptable along with the other noise mitigation measures discussed. The EPA have issued their General Terms of Approval (GTA's) and specific Environmental Protection Licence (EPL) conditions, many of which address permissible noise emission levels. These conditions are included in Attachment '8' to the report.</p>
<p>Lighting pollution to neighbouring properties</p>	<p>The submission requests Council include conditions appropriate for the ongoing operation of the site relating to lighting. Westcast agrees to limit after hours lighting to security lighting as demonstrated on the lighting plan submitted with the application. Security lighting will be limited to immediately around the building and on the eastern loading pad, will be limited to lighting facing back towards the building. Security lighting will be on night time sensors. Operational lighting will be limited to operational hours. This lighting is demonstrated on the lighting plan included in the recommended conditions.</p>
<p>Potential for water pollution – especially with respect to the proximity of Waugoola Creek and the Lachlan River.</p>	<p>The submission requests that Council be involved in the assessment of any impacts of water as part of the development application. This is the case as Council assesses the development application and also referred the application to the NSW EPA.</p> <p>Council is satisfied that the measures proposed including the Stormwater Management Plan are acceptable and the EPA has issued their General Terms of Approval.</p>
<p>Impact on Platypus population as a result</p>	<p>The objection has been raised that the operations may have a negative impact – however no evidence or substantiation has been</p>



of operations.	provided that this is the case.
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### Public Authority Consultation:

#### **NSW Environment Protection Authority**

The proposed development is Integrated Development pursuant to Section 4.46 of the *Environmental Planning and Assessment Act 1979* given that an Environmental Protection Licence is required under the *Protection of the Environment Operations Act 1997*.

Accordingly, the application was referred to the Environmental Protection Authority (EPA) and the EPA has issued their General Terms of Approval. These are included in the recommended conditions of consent. For information purposes, a draft of the EPA's Specific Licence Conditions is included in Attachment '8' to this report.

#### **Essential Energy**

There is an easement and electrical infrastructure on the allotment. Essential Energy have provided comments and recommended conditions are included in the recommended conditions of consent.

#### **Transport for NSW**

The Transport and Infrastructure SEPP identifies industry with a site area of greater than 5,000 square metres that is located within 90 metres connection of a classified road to be development that requires referral to TfNSW. The application meets the above criteria and was therefore referred to TfNSW who have provided comments and recommended conditions are included in the recommended conditions of consent. The application was also referred to a separate section of TfNSW for comment due to its proximity to the adjoining railway corridor and further conditions have been applied in this regard.

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

The proposed development is considered to be appropriate for the site and in the public interest due to social and economic benefits and the availability of locally produced products. No significant adverse environmental or community impacts are anticipated. It is believed that by the imposition of appropriate conditions of consent and the safeguards discussed in this report, potential impacts would be modest.

#### **S7.12 Fixed development consent levies**

Section 7.12 contributions are payable in accordance with recommended condition number 29.

### **Conclusion**

Development Application No. 137/2021 proposes a general industry (continued use of existing buildings & site to manufacture precast concrete & steel construction products) on Lot 1 DP: 519943, Campbell Street Cowra. The application was lodged by Westcast Pty Ltd on 10 December 2021.

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

The proposed development has been assessed to be consistent with the requirements of Cowra Local Environmental Plan 2012, relating to development in the E4 General Industrial zone and is consistent with existing land-use activities of the locality.

The development application was notified in accordance with Cowra Community Participation Plan 2020. Three (3) submissions were received following the consultation process and are addressed in this report.

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

### **ATTACHMENTS**

1. DA 137/2021 - Development Plans [↓](#)
2. DA 137/2021 - Environmental Impact Statement [↓](#)
3. DA 137/2021 - Location map [↓](#)
4. DA 137/2021 - Aerial view [↓](#)
5. DA 137/2021 - Copies of submissions [↓](#)
6. DA 137/2021 - Applicants response to submissions [↓](#)
7. DA 137/2021 - Response to submissions from Acousticworks [↓](#)
8. DA 137/2021 - EPA's General Terms of Approval & Specific Licence Conditions [↓](#)















































































































































































































































**6 LATE REPORTS****7 NOTICES OF MOTIONS**

Nil

**8 CONFIDENTIAL MATTERS****RECOMMENDATION**

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

**9 CONFIDENTIAL GENERAL MANAGER****9.1 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.