



# **AGENDA**

## **General Committee Meeting**

**Date: Monday, 8 April 2024**

**Time: 5pm**

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

**Paul Devery  
General Manager**

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## **I INTRODUCTION**

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

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

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

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

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

List of apologies for the meeting.

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

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

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

### **I.5 Presentations**

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

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

## **2 CONFIRMATION OF MINUTES**

Confirmation of Minutes of General Committee Meeting held on 11 March 2024



# **MINUTES**

**General Committee Meeting  
Monday, 11 March 2024**

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**MINUTES OF COWRA COUNCIL  
GENERAL COMMITTEE MEETING  
HELD AT THE COWRA COUNCIL CHAMBERS, 116 KENDAL STREET, COWRA  
ON MONDAY, 11 MARCH 2024 AT 5PM**

- PRESENT:** Cr Ruth Fagan (Mayor), Cr Paul Smith (Deputy Mayor), Cr Judi Smith, Cr Erin Watt, Cr Bill West, Cr Peter Wright
- IN ATTENDANCE:** Mr Paul Devery (General Manager), Mrs Larissa Hackett (Director-Environmental Services), Mr Dirk Wymer (Director - Infrastructure & Operations)

**I INTRODUCTION**

1.1 Recording & Publishing

The Mayor advised that the meeting was being recorded.

1.2 Acknowledgement of Country

The Mayor delivered the Acknowledgment of Country.

1.3 Apologies and Applications for Leave of Absence by Councillors

**COMMITTEE RESOLUTION**

Moved: Cr Bill West  
Seconded: Cr Paul Smith

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

CARRIED

1.4 Disclosures of Interest

Cr Erin Watt declared a non-pecuniary interest in relation to item 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 due to a family member's involvement in the submission of the application.

1.5 Presentations

Nil

1.6 Public Forum

Nil

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

Moved: Cr Judi Smith

Seconded: Cr Paul Smith

**That the minutes of General Committee Meeting held on 12 February 2024 be confirmed.**

CARRIED

**3 DIRECTOR-CORPORATE SERVICES REPORT****3.1 Donation - Wyangala Fireworks Committee - Commercial Waste Event Bin Hire charges****COMMITTEE RESOLUTION**

Moved: Cr Erin Watt

Seconded: Cr Bill West

**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.**

CARRIED

**3.2 Investments****COMMITTEE RESOLUTION**

Moved: Cr Paul Smith

Seconded: Cr Judi Smith

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

CARRIED

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

Moved: Cr Judi Smith

Seconded: Cr Erin Watt

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

CARRIED

#### 4 DIRECTOR-INFRASTRUCTURE & OPERATIONS REPORT

##### 4.1 Committee Minutes - Traffic Committee

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

Moved: Cr Paul Smith

Seconded: Cr Peter Wright

1. That the minutes of the Traffic Committee meeting held on 19 February 2024 be noted.
2. That Council approves the route of the Class 2 special event to be held as part of the ANZAC Day Parade on 25 April 2024 subject to compliance with the requirements of Transport for New South Wales (TfNSW) and NSW Police.
3. That Council approves the Class 3 special event, to be held on 27-28 April 2024 as the “Bumbaldry @ Woodstock Endurance Ride”, subject to compliance with the requirements of Transport for New South Wales (TfNSW) and NSW Police.
4. That Mulyan Street from Redfern Street to Nangar Street, and Nangar Street from Mulyan Street to 17 Nangar Street, be approved for Tier 1, PBS Level 2B, 30m “A- Double” access at Higher Mass Limits (HML).

CARRIED

##### 4.2 Section 355 Committee Minutes - Saleyards Committee

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

Moved: Cr Bill West

Seconded: Cr Peter Wright

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.

CARRIED

#### 5 DIRECTOR-ENVIRONMENTAL SERVICES REPORT

At 5:29 pm, Cr Erin Watt left the meeting.

##### 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

### 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 application was publicly notified and 3 submissions were received; and
2. That Development Application No. 137/2021, for a general industry (continued use of existing buildings & site to manufacture precast concrete & steel construction products) on Lot 1 DP 519943, Campbell Street Cowra be subject to the following conditions:

### PLANS & DOCUMENTATION

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

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

Plan No./ Supporting Document	Prepared by/Reference Details	Cowra Shire Council Reference
Site Diagram Sheet A000 E Rev E	Vision Town Planning Consultants 26 April 2023	Received 23 May 2023 Stamped No. DA 137/2021(C)
Proposed Shed/Site Plan Sheet A001 N Rev I	Vision Town Planning Consultants 30 August 2023	Received 4 September 2023 Stamped No. DA 137/2021(C)
Extent of Subject DA Sheet A003 B Rev B	Vision Town Planning Consultants 26 April 2023	Received 23 May 2023 Stamped No. DA 137/2021(C)
Existing Shed/Site Plan Sheet EX001 C Rev C	Vision Town Planning Consultants 9 May 2023	Received 23 May 2023 Stamped No. DA 137/2021(C)
Proposed Car Parking Plan Sheet I	Vision Town Planning Consultants 24 April 2023	Received 23 May 2023 Stamped No. DA

<b>Version I</b>		<b>I37/2021</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 I37/2021</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 I37/2021</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 I37/2021</b>
<b>Tree Inspection Report</b>	<b>JG Arbor 29/05/2023</b>	<b>Received 6 December 2023 Stamped No. DA I37/2021(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 I37/2021(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 I37/2021(B)</b>
<b>Traffic Impact Assessment Version 07</b>	<b>Traffix August 2023</b>	<b>Received 14 September 2023 Stamped No. DA I37/2021(C)</b>
<b>Air Quality Assessment Rev 03</b>	<b>Vipac 29 August 2023</b>	<b>Received 4 September 2023 Stamped No. DA I37/2021(C)</b>
<b>Acoustic Report Revision R011</b>	<b>Acoustic Works 30/08/2023</b>	<b>Received 4 September 2023 Stamped No. DA I37/2021(D)</b>
<b>Preliminary Contamination</b>	<b>Envirowest Consulting Pty Ltd</b>	<b>Received 10 December 2021</b>

Investigation Rev 1 Report No. R13508c1	26/8/2021	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 10.2021.137.10 submitted to Cowra Council; and
  - ii. any other additional information provided to Council and uploaded

to the NSW Planning Portal (Agency Concurrence and Referral Portal).

5. Should any conflict exist between the aforementioned documents, the most recent document or revision supersedes the conflict, except where superseded by any conditions of approval issued by Council or the conditions of an in-force Environment Protection Licence issued by the EPA.
6. An Environmental Management Plan must be prepared and implemented within 3 months of development consent being granted. The plan must include, but not be limited to:
  - i. The identification and mitigation of potential impacts to surface water and soils. The plan must make reference to the requirements outlined in the document "Managing Urban Stormwater: Soils and Construction (Landcom, 2004);
  - ii. Air quality (dust) management measures;
  - iii. Waste handling measures;
  - iv. Noise management measures; and.
  - v. Reference all air, water, noise, waste mitigation measures identified in the Environmental Impact Statement (Section G and specialist appendices).
7. Hours of Operation:

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

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

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

  - 7:00 am to 10:00 pm, Monday to Fridays;
  - 8:00 am to 1:00 pm, Saturdays, and
  - at no time on Sundays or Public Holidays.
8. Trucks entering and leaving the premises that are carrying potentially dust generating loads on public roads must be covered at all times, except during loading and unloading.
9. All internal roads must be maintained in a condition that prevents or

minimises the emission into the air of air pollutants (which includes dust).

10. All trucks and mobile plant operating within the premises must be fitted (where there is a requirement for such devices to be fitted under the Work Health and Safety legislation) with broad-spectrum reversing alarms.
11. The Proponent must apply for and hold an in-force Environment Protection Licence issued by the EPA prior to the Proponent carrying out any scheduled activities under the *Protection of the Environment Operations Act 1997* as proposed.

#### TRANSPORT FOR NSW CONDITIONS

12. The applicant must comply with the requirements of T HR CI 12090 ST Airspace and External Developments (Link: <https://www.transport.nsw.gov.au/industry/asset-standards-authority/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.nsw.gov.au/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.
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 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](http://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 joint 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.**

CARRIED

In Favour: Crs Ruth Fagan, Paul Smith, Judi Smith, Bill West and Peter Wright

Against: Nil

CARRIED 5/0

At 5:31 pm, Cr Erin Watt returned to the meeting.

**6 LATE REPORTS**

Nil

**7 NOTICES OF MOTIONS**

Nil

**8 CONFIDENTIAL MATTERS**

**COMMITTEE RESOLUTION**

Moved: Cr Paul Smith

Seconded: Cr Erin Watt

**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.**

CARRIED

### 3 DIRECTOR-CORPORATE SERVICES REPORT

#### 3.1 Section 355 Committee Minutes – Cowra Sport & Recreation Council

File Number: D24/302

Author: Michael Jones, Director - Corporate Services

#### RECOMMENDATION

1. That the Draft Minutes of the Cowra Sport & Recreation Committee's Annual General meeting held on 27 September 2023 be noted.
2. That the Minutes of the Cowra Sport & Recreation Committee's Ordinary meeting held on 27 September 2023 be noted.
3. That the Draft Minutes of the Cowra Sport & Recreation Committee's Ordinary meeting held on 28 February 2024 be noted.
4. That Council considers the allocation of funds in the 2024-25 financial year budget for the preparation of a Precinct Master Plan for West Cowra Recreation Ground.
5. That Council appoint the following persons to the Sport and Recreation Committee;
  - Marc McLeish (Chair)
  - Lee Wilson
  - Tom Perfect
  - David Porter
  - Krisha Tysoe (Deputy Chair)
  - Jason Munday

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#### INTRODUCTION

The intent of this report is to provide Councillors with an update on the development and actions arising from the Cowra Sports and Recreation Committee meetings. Attached for the information of Councillors are the following: -

1. Draft Minutes of the Annual General meeting held on 27 September 2023.
2. Minutes of the Ordinary Committee meeting held on 27 September 2023.
3. Draft Minutes of the Ordinary Committee meeting held on 28 February 2024.

#### BUDGETARY IMPLICATIONS

To be determined.

#### ATTACHMENTS

1. Draft Minutes - Cowra Sport & Recreation Committee Annual General Meeting - 27 September 2023 [↓](#)
2. Minutes - Cowra Sport & Recreation Committee Ordinary Meeting - 27 September 2023 [↓](#)
3. Draft Minutes - Cowra Sport & Recreation Committee Ordinary Meeting - 28 February 2024 [↓](#)



































**3.2 Donation Request - Cowra Eisteddfod Inc.****File Number: D24/476****Author: Michael Jones, Director - Corporate Services****RECOMMENDATION**

**That Council provide a donation to ensure that Cowra Eisteddfod Inc. for its 2024 event, only pays \$12,000 excluding GST for hire of the Cowra Civic Centre and that the final donation amount is deducted from the Section 356 expenses budget.**

**INTRODUCTION**

The intent of this report is to seek Council's endorsement for a flat fee for Cowra Eisteddfod's hire of the Cowra Civic Centre this year. The Treasurer of the Cowra Eisteddfod (Richard Neate) has written to Council seeking assistance with Civic Centre hire fees for the event to be held in May/June 2024.

**BACKGROUND**

The Eisteddfod is unique in its use of the Centre as their booking is for 20 days, once a year, with most days being approximately 12 hours long. Even under Council's Community Group rates, the fee structure and number of days involved means that the Eisteddfod needs the support of Council to be viable.

**DONATION ELIGIBILITY**

The request meets the eligibility requirements of Clause 9 of Council's Donations Policy in the following area:

- Support for a locally based voluntary community service or program where the majority of its income is fundraising.

**FINANCIAL CONSIDERATIONS**

Whilst a draft invoice is enclosed, the full cost of the event will not be known until it's over. This is primarily due to ticket sales and enrolments. Based on prior year's needs, an estimate has been compiled in consultation with the Eisteddfod Committee and that cost is approximately \$35,000 - \$40,000 for 20-24 days hire.

In prior years, Council has opted for a flat fee in its consideration of a donation to provide the Eisteddfod Committee certainty regarding the financial viability of the event. Last year Council endorsed a total fee of \$11,000 (ex-GST) with the donation value from Council being \$27,575.46 (ex-GST). The recent history of flat fees are as follows.

FY2023	\$11,000
FY2022	\$9,000
FY2021	\$9,000
FY2020	No event due to COVID

**RECOMMENDATIONS**

It is recommended that Council continues with a flat fee approach in its consideration of a donation. It is however, recommended that the amount of the fee be increased slightly to \$12,000 (ex-GST) to allow increases in Council operational costs of the centre (staffing, electricity insurances).

**BUDGETARY IMPLICATIONS**

The difference in actual cost to that to the flat fee would be considered as a donation by Council from the S356 budget. (Circa \$25,000 - \$30,000).

Any financial donation provided by Council comes out of its Section 356 budget which has a current balance of \$32,738 with expenditure of \$35,493 in the 2023/2024 Budget. Council will also need to consider an increase in the S356 budget in the Fourth Quarter QBRS to accommodate such a donation.

**ATTACHMENTS**

- I. Cowra Eisteddfod Letter [↓](#)



**3.3 Australian Chapter of the World Peace Bell Association - Section 355 Committee**

File Number: D24/481

Author: Michael Jones, Director - Corporate Services

**RECOMMENDATION**

1. That the Minutes of the Australian Chapter of the World Peace Bell Committee’s Ordinary meeting held on 6 February 2024 be noted
2. That the Draft Minutes of the Australian Chapter of the World Peace Bell Committee’s Ordinary meeting held on 26 March 2024 be noted.
3. That Council endorse the Australian Chapter of the World Peace Bell Committee’s recommendations for the use of \$18,565 from the bequest from the Estate of the late Margaret Weir for the following 2024 activities:-
  - Promotional / Educational videos of the Cowra Peace Bell; and
  - World Peace Day in Cowra – Guest Speaker.

**INTRODUCTION**

The intent of this report is to seek Councils endorsement for the committee’s proposed use of the bequest from the estate of the late Margaret Weir.

**BACKGROUND**

Council has received a generous bequest from the Estate of the late Margaret Edith Weir, which includes \$50,000 to be held in trust for the Australian Chapter of the World Peace Bell Committee.

Council noted the bequest at its December 2023 meeting and resolved that the Peace Bell Committee be requested to consider how to best use the funds and make recommendations to Council.

The Committee has met and discussed the matter. Enclosed are details on their proposed use of a portion of the bequest.

**Budget:**

<b>Promotional/Educational videos of the Cowra Peace Bell</b>		
Katie Brown Photography	Research, script development, filming, editing and post-production for x2 videos	\$2,500
Katie Brown Photography	Travel/fuel expenses	\$565
<b>Total</b>		<b>\$3,065</b>



<b>World Peace Day in Cowra Youth Forum and Dinner</b>		
Celebrity Speakers Agency	Craig Foster - Guest Speaker Fee	\$8,500
Celebrity Speakers Agency	Craig Foster – Travel/Accommodation/Expenses	\$1,000
World Peace Bell Section 355 Committee	Welcome to Country, Cowra Civic Centre hire fees, Youth Forum catering, expenses for UN Youth Facilitators at Forum, information bags for Forum delegates, marketing and promotion of events.	\$6,000
<b>Total</b>		<b>\$15,500</b>

### **Total funds to be used in 2024 = \$18,565**

Remaining funds of the \$50,000 bequest from the Estate of the late Margaret Edith Weir held in trust for the Australian Chapter of the World Peace Bell Committee = \$31,435.

### **BUDGETARY IMPLICATIONS**

There is no Council budget impact from this proposal. The \$18,565 is to be allocated from the trust account.

### **ATTACHMENTS**

1. Minutes - Australian Chapter of the World Peace Bell Association - 6 February 2024 [↓](#)
2. Draft Minutes - Australian Chapter of the World Peace Bell Association - 26 March 2024 [↓](#)
3. Australian Chapter of the World Peace Bell Committee's Recommendations - Use of Bequest from the Estate of the late Margaret Weir [↓](#)























### 3.4 Section 355 Audit, Risk & Improvement Committee - Legislative Changes

File Number: D24/502

Author: Michael Jones, Director - Corporate Services

#### RECOMMENDATION

1. That Council notes the report from the Director – Corporate Services on the legislative changes relating to the Audit, Risk & Improvement Committee.
2. That Council endorses the draft “Terms of Reference” document for Cowra Council’s Audit, Risk and Improvement Committee.

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#### INTRODUCTION

The intent of the report is twofold.

Firstly, to inform Councillors about the legislative changes regarding Council’s Audit, Risk and Improvement Committee that come into effect from 1 July 2024.

Secondly to seek Council’s endorsement of a draft “Terms of Reference” (**TOR**) document which will enable Council staff and the Committee to act in meeting the legislative requirements.

#### BACKGROUND

Over the past 5 years OLG has been drafting and redrafting new guidelines for Council’s requirements for local government Audit, Risk and Improvements Committees (ARIC). In November 2023 these requirements were legislated and come into effect on 1 July 2024.

A copy of the guidelines is enclosed.

#### KEY REQUIREMENTS

The key changes are summarised under 5 functional areas.

##### Requirement 1 – Membership of ARIC’s

- Increase the number of independent members from 2 to 3. One of which will be the chair.
- Reduction of the number of Councillors from 2 to 1 and removal of voting rights. Councils may appoint one councillor (who must not be the Mayor) as a non-voting member of the ARIC. Note - the Mayor and other Councillors can attend the meeting as “invitees”. Additionally, the Councillor must meet the skills and experience requirements as per the guidelines.
- Review the existing members to ensure compliance under the new guidelines / issuing of new letters of engagement.
- ARIC chairpersons and members are to be appointed for a term of no more than 4 years. They may be re-appointed if eligible but must not be a member of the ARIC for more than 8 years in any 10-year period.
- Councils may pay remuneration to the chairperson and independent members of the ARIC. Noting also the inclusion of superannuation for independent members.

**Requirement 2 – Operations of ARIC’s**

- Increase in the number of meetings per year from 3 to 4.
- The chairperson may decide the procedure for calling meetings and their conduct.
- Councils must adopt **terms of reference (TOR)** for the ARIC by resolution. In doing so, they must consider the model terms of reference approved by OLG. (Enclosed)
- ARICs must exercise their functions in accordance with the adopted terms of reference.
- General managers of councils must ensure that the ARIC has the resources necessary to properly exercise its functions and is readily able to access the staff, information and records the ARIC considers necessary to exercise those functions.
- ARICs are to keep under the review the council’s internal audit functions.

**Requirement 3 – Internal Audit**

- Councils must adopt an internal audit charter by resolution. In doing so, they must consider the model internal audit charter approved by OLG
- Councils must exercise their internal audit functions in accordance with the adopted internal audit charter.
- General managers of councils must appoint a member of staff (who may be an existing staff member) to be the internal audit coordinator for the council or joint organisation (NB, this role was previously referred to as the “head of the internal audit function” in the draft Guidelines).
- Councils may enter into an arrangement with another council to share that council’s internal audit coordinator. Where a council enters into such an arrangement with another council, they are not required to appoint their own internal audit coordinator.
- The internal audit coordinator must report to and comply with directions of the ARIC in relation to the exercise of internal audit functions. The internal audit coordinator is not to be subject to direction by the council or a member of staff of the council in relation to the exercise of internal audit functions.
- The general manager of a council must consult with the chairperson of the ARIC about a proposed decision affecting the employment of the internal audit coordinator.
- General managers of councils must ensure the internal audit coordinator has the resources necessary to properly exercise their functions and is readily able to access the staff, information, and records necessary to exercise those functions and is able to access the ARIC.
- The ARIC must oversee internal audit activities.
- The ARIC must review the performance and efficacy of internal audit activities over each period of 4 years and prepare a report for the governing body which may include recommendations.

**Requirement 4 – Risk Management**

- Councils must adopt and implement a system for managing risk (NB, councils are required under section 23A of the Local Government Act 1993, to consider OLG’s Guidelines when doing so).
- The ARIC must monitor and review the implementation of the system for managing risk and report to the governing body on its operation and efficacy.

**Requirement 5 – Attestation**

- From 2024/25, councils must publish in their annual reports, an attestation signed by the general manager that specifies whether the council has complied with the Regulation.

- In preparing an attestation, the general manager must give the chairperson of the ARIC an opportunity to comment on it. If the chairperson of the ARIC is not satisfied with the attestation, they may prepare an alternative attestation and provide it to OLG.

## TIMELINE

The following timeline shows the actions required between now and the first ARIC meeting under the new requirements.

- 1) Council to endorse the draft Terms of Reference (“TOR”) [April 2024]
- 2) Review of independent member fees.
  - a. As per previous ARIC minutes, Director – Corporate Services (DCS) to prepare paper and make recommendation(s) for Council to adjust the existing Independent Member Fees in line with current market needs/expectations. [April 2024]
- 3) Recruitment of a 3<sup>rd</sup> Independent member.
  - a. DCS to draft an EOI for the appointment of a 3<sup>rd</sup> Independent Member onto the ARIC, meeting the required ‘eligibility criteria’, and including the proposed fee from #2, to be appointed for up to 4 years with the first meeting scheduled for 8<sup>th</sup> August 2024. [April/May]
  - b. Publish EOI with closing date 2-3 weeks from publication [April/May 2024]
  - c. With Chair’s involvement, review and shortlist appropriate EOI candidates, along with interviews as necessary [May/June 2024]
- 4) Present to Council for endorsement - including:
  - a. Selection and appointment of a ‘non-voting councillor member’ (and alternate) for the 8<sup>th</sup> August 2024 ARIC meeting;
  - b. If needed, selection and appointment of an alternate for the Mayor for the 8<sup>th</sup> August 2024 ARIC meeting should the Mayor be unavailable; and
  - c. Impact to FY25 budget for additional Independent Member and an increase in meetings from 3 to 4 per annum. [May/June 2024]
- 5) Presentation to Council’s June meeting: [June 2024]
  - a. Recommendation for the appointment of 3<sup>rd</sup> Independent Member; and
  - b. Recommendation for the appointment of one of the Independent Members as the Chair.
  - c. That DCS reviews the existing independent members appointments and in need seeks Council endorsement for reappointment with new 4-year terms.
- 6) Notify respective Independent Member(s) of Council appointments/reappointments [pre-30 June 2024]
- 7) [8 August 2024] First ARIC meeting under new TOR and committee structure, and will need to:
  - a. GM to advise ARIC of appointed ‘Executive Audit Officer’;
  - b. Endorse an Internal Audit Charter that reflects the decided/most likely Internal Audit Function of Council;
  - c. Develop and approve a 4 Year Internal Audit Plan based on risk registers, council strategy, and management input; and
  - d. Chair/committee to develop the required 4 Year ARIC Workplan to ensure all areas of responsibility (i.e. TOR’s Schedule 1) are reviewed each council term.
- 8) [August 2024] If possible, prior to caretaker mode, present for Council adoption the ARIC endorsed Internal Audit Charter, as well as present the ARIC approved 4 Year Internal

Audit Plan for endorsement by Council – if neither is possible, present at the next available Council meeting

### **Terms of Reference Document**

The terms of reference document outline the purpose, scope, roles and responsibilities and process for the committee. It is used to provide guidance and clarity to those involved as well as to set the expectations and standards for the work to be undertaken and reported.

The legislative changes detailed above are captured in the OLG's recommended TOR document.

The attached document has been reviewed and slight amendments made.

These amendments include;

1. Expanded "Executive Officer" to "Executive Audit Officer" to reduce any potential/unintended confusion.
2. Inclusion of the "Mayor (or their delegate)" as an 'invitee' as this change/allowance in the final guidelines was originally missed. This also addresses the recommendation from the ARIC meeting to insert a 'permanent councillor invitee' onto the ARIC (should the Mayor of the day not wish to attend the ARIC, they can delegate to another councillor not already appointed as the 'non-voting councillor').
3. Amended the Mayor, GM and Executive Audit Officer to be 'invitees' rather than 'observers' so that there is a clear differentiation between these types.

The document attached show these changes tracked.

### **BUDGETARY IMPLICATIONS**

The budgetary impact of these changes is not yet fully costed; however, it is estimated that Council's ARIC costs will climb from \$25k pa to \$50k pa. This increase is due the following factors.

- An increase in the number of paid independent members from 2 to 3
- An increase in the number of meetings per year from 3 to 4
- A review and potential increase in independent member's sitting fees
- The paying of superannuation to independent members
- The establishment of an internal audit function of Council
- Greater administrative costs associated with all of the above

An amount of \$50,000 has been included in the draft LTFP for FY2025 for these estimates. This is up on the current year (FY2024) amount of \$28,028.

### **RECOMMENDATION**

That Council notes the report on the legislative changes relating to the Audit, Risk & Improvement Committee. Furthermore, that Council endorses the draft "Terms of Reference" document for Cowra Council's Audit, Risk and Improvement Committee.

### **ATTACHMENTS**

1. OLG Circular 23-15 [↓](#)

2. Guidelines for Risk Management and Internal Audit updated November 2023 [↓](#)
3. Local Government General Amendment Audit Risk and Improvement Committees Regulation 2023 [↓](#)
4. DRAFT ARIC TOR 2024 (OLG Legislation Revision) - updated (tracked) [↓](#)



























































































































































































































































































































## 4 DIRECTOR-INFRASTRUCTURE & OPERATIONS REPORT

### 4.1 Proposed Introduction of Dam Safety Levy

File Number: D24/471

Author: Dirk Wymer, Director-Infrastructure & Operations

### RECOMMENDATION

**That Council receive and note the information provided on the submission to the Independent Pricing and Regulatory Tribunal ‘Dams Safety NSW Levy Review’.**

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### INTRODUCTION

The NSW Government has requested the Independent Pricing and Regulatory Tribunal (IPART) to investigate the efficient costs of Dams Safety NSW (DSNSW) carrying out its functions under the Dams Safety Act 2015, and recommend a methodology for recovering these costs from declared dam owners.

DSNSW is an independent regulatory body that ensures declared dam owners manage the safety of their dams. This review will recommend a levy that ensures these owners pay for the services DSNSW provides in a clear, cost-effective and efficient way.

At the end of this review, IPART will recommend a levy to be paid by owners of “declared dams”. That is, dams DSNSW has determined could potentially threaten downstream life, or cause major property, environment, or public welfare damage.

Dam owners such as local councils, state owned corporations and mining operators will need to pay the levy.

### BACKGROUND

The authority for the NSW Government to have a dams safety regulation levy was first introduced in the Dams Safety Act 2015. In 2020 DSNSW commenced work on developing a funding model to recover its costs and to calculate an annual levy on dam owners. At the time, DSNSW’s budget to fulfil its regulatory functions was \$4.6 million per year, and the calculated annual levy ranged from \$5,048 to \$16,923 per dam (depending on the consequence of dam failure and the number of declared dams owned). DSNSW invited stakeholder feedback and received 41 submissions from stakeholders across a range of community, industry and government groups.

IPART will consult with declared dam owners and report to the Government. IPART was tasked to consider issues raised by stakeholders during consultation in 2020 to explore funding and levy design options. Submissions are open until 16 April 2024.

IPART will consider all of the submissions from 2020 as they conduct our review. Some of the key issues raised in 2020 by stakeholders included:

- The appropriateness of charging a levy on activities that may provide a public benefit, such as
- flood mitigation.
- The affordability of the levy for smaller dam owners and local government.

- The lack of benchmarking data available to assess the efficiency of DSNSW's costs.
- The challenge of distinguishing between DSNSW's current efficient costs and its potentially lower future efficient costs as the industry gets more familiar with the regulatory regime.
- Alternative methods of calculating the levy, including charges based on dam volume, consequence category, compliance history and dam type

Submissions to the IPART enquiry close on 15 April.

(The reference for all of the above information is:

<https://www.ipart.nsw.gov.au/review/other-industries/dams-safety-nsw-levy-review>)

Cowra Council has four declared dams; being the detention basins:

- London Drive No 1,
- Soil Conservation,
- London Drive No 2 and
- Arboretum basins.

The annual dams safety levy calculated by DSNSW in 2020 could be a significant recurrent additional cost burden to Council. Council's submission will:

1. identify the compliance costs already incurred by Council in meeting the requirements of the Dam Safety Act:
  - a. the studies involved in calculating the consequence category of failure of the detention basins
  - b. the preparation of the Dam Safety Management Plans
  - c. the annual dam safety inspections and maintenance required
2. provide the reason for Council's ownership of multiple lower volume detention basins to control stormwater flooding,
3. state the proposed additional recurrent costs are not justified by the minimal role of DSNSW in regulating Cowra's detention basin

## **BUDGETARY IMPLICATIONS**

Potential additional recurrent cost of up to \$68,000 per annum

## **ATTACHMENTS**

1. IPART Issue Paper 19 March 2024 [↓](#)











**4.2 Review of Asset Management Policy**

File Number: D24/506

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

**RECOMMENDATION****That Council adopt the reviewed Asset Management Policy as presented.****INTRODUCTION**

This report recommends Council adopt the reviewed Asset Management Policy.

**BACKGROUND**

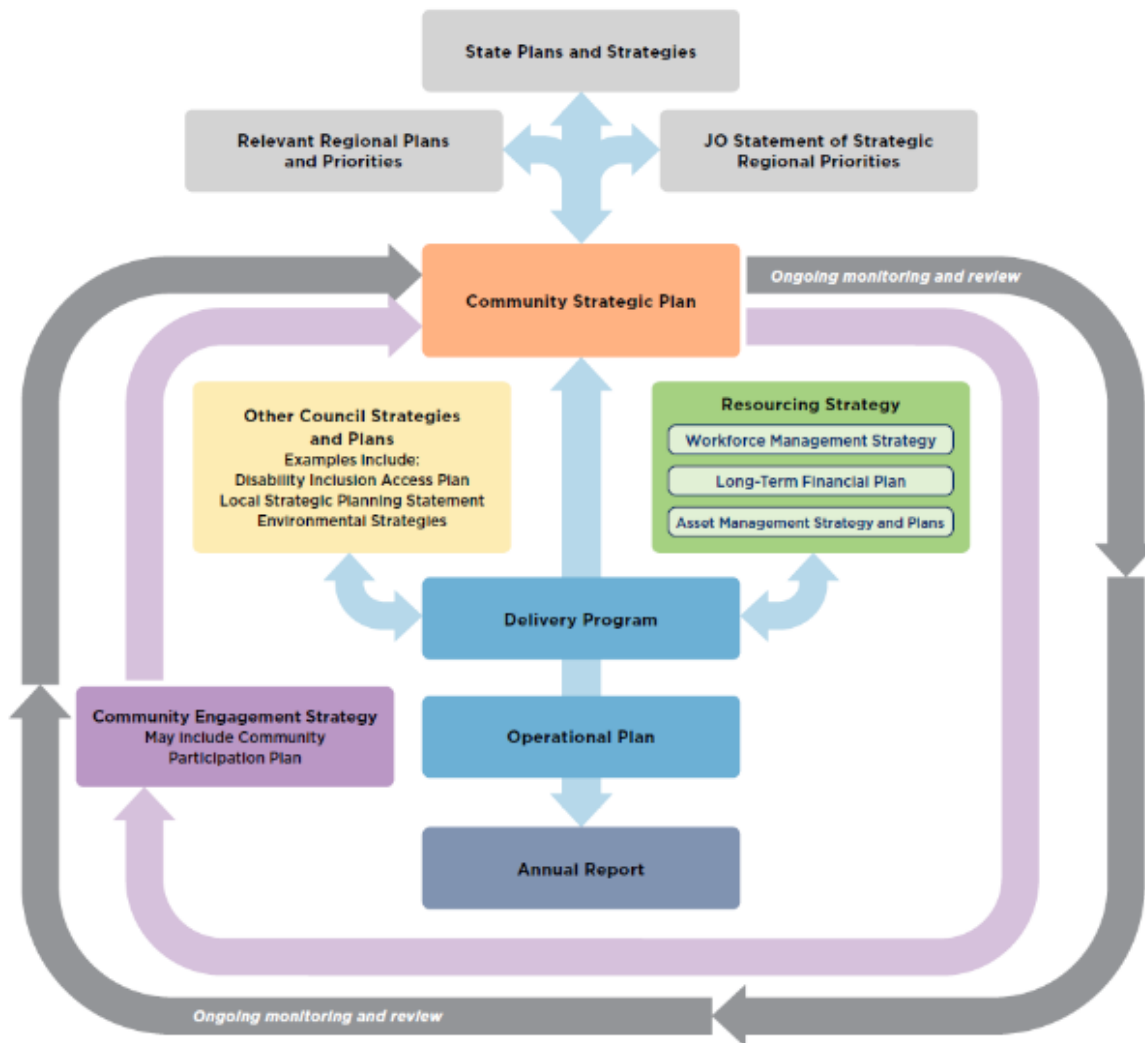
At its August 2023 Ordinary Meeting Council considered a report on the updated Asset Management Strategy and resolved:

*'That Council adopt the Asset Management Strategy 2023/24 -2042/43.'*

Council's Asset Management Strategy and Asset Management Plans are part of the 'Resourcing Strategy' in the NSW Integrated Planning and Reporting framework. Infrastructure assets have a useful life well in excess of the ten-year term of the Long-Term Financial Plan adopted by Council. Asset Management Plans provide long term indicators that infrastructure assets are being managed sustainably.

In the report Council was advised of the annual review timeframe:

- *the draft ten-year Long-Term Financial Plan is adopted by Council in June of every year*
- *'Appendix C: 20 Year Financial Plan' of the 'Asset Management Strategy' would be updated accordingly*
- *updating the financial plan (Appendix C) section also updates all the charts in the executive summary of the AMS and the other charts in the document*
- *Thus the AMS can be updated on an annual basis and presented to Council in July*



Council’s ‘Asset Management Policy’ sits at a policy level above the Asset Management Strategy and was adopted by Council in 2012 after a period of public exhibition. The Asset Management Policy has not been reviewed by Council since adoption.

The overarching Asset Management Policy has now been reviewed noting that the Asset Management Strategy and Plans are being updated annually. The reviewed policy is attached demonstrating that the policy level content is still current and it requires very minor proposed amendments to keep the content current into the future; as shown highlighted.

**BUDGETARY IMPLICATIONS**

Nil

**ATTACHMENTS**

- I. Reviewed Policy - Asset Management Policy [↓](#)















## 5 DIRECTOR-ENVIRONMENTAL SERVICES REPORT

- 5.1 Development Application No. 14/2024, Lot 363 DP 752948, 14 Shelley Street Cowra, carport, lodged by D. Steward of Currajong Pty Ltd. The property owner is K. Wilson.

File Number: D24/441

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 one submission was received; and
2. That Development Application No. 14/2024, for the construction of a carport on Lot 363 DP 752948, 14 Shelley Street Cowra be approved subject to the following conditions:

### GENERAL CONDITIONS

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

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

Plan No./ Supporting Document	Prepared by/Reference Details	Cowra Shire Council Reference
Proposed Site Plan	Currajong Drawn 02/02/24 REV A	Received 15 February 2024 Stamped No. DA 10.2024.14.1
Engineering Certification Letter to Kate Wilson	Calare Civil Pty Ltd 2 February 2024	Received 15 February 2024 Stamped No. DA 10.2024.14.1
Foundation Plan Sheet 1 of 5	Fair Dinkum Sheds Job No. MAST37405	Received 15 February 2024 Stamped No. DA 10.2024.14.1
Elevations Sheet 2 of 5	Fair Dinkum Sheds Job No. MAST37405	Received 15 February 2024 Stamped No. DA 10.2024.14.1
Statement of Environmental Effects	Kate Wilson N.D.	Received 15 February 2024

<b>(Pro-forma Template)</b>		<b>Stamped No. DA 10.2024.14.1</b>
<b>Shadow Diagrams - Plan View</b>	<b>Currajong 07 March 2024</b>	<b>Received 7 March 2024 Stamped No. DA 10.2024.14.1</b>
<b>Shadow Diagrams - 3D (9am – 11am)</b>	<b>Currajong 07 March 2024</b>	<b>Received 7 March 2024 Stamped No. DA 10.2024.14.1</b>
<b>Shadow Diagrams - 3D (12pm – 2pm)</b>	<b>Currajong 07 March 2024</b>	<b>Received 7 March 2024 Stamped No. DA 10.2024.14.1</b>
<b>Shadow Diagrams - 3D (3pm – 4pm)</b>	<b>Currajong 07 March 2024</b>	<b>Received 7 March 2024 Stamped No. DA 10.2024.14.1</b>

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

- The applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Environmental Planning and Assessment Regulation 2000 (see attached Advisory Note).

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

- Prior to the issue of a Construction Certificate, the Applicant must obtain consent from the roads authority pursuant to Section 138 of the Roads Act 1993 for the carrying out of works in a road reserve.

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

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

5. It is the responsibility of the Applicant to ensure that the development complies with the Building Code of Australia and applicable engineering standards in the case of building work.
6. The Applicant is to submit to Cowra Shire Council, at least two days prior to the commencement of any works, a 'Notice of Commencement of Building or Subdivision Works' and 'Appointment of Principal Certifier'.
7. Prior to the commencement of work on the site, all erosion and sediment control measures shall be implemented and maintained prior to, during and after the construction phase of the development. The erosion and sediment control measures are to comply with Part B of Cowra Shire Council Development Control Plan 2021 at all times.

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

8. 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.
  9. 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.
  10. 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.
  11. 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.
  12. 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.
  13. All roofed and paved areas are to be properly drained and discharged to Council's stormwater management system in Shelley Street.
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14. Where the proposed building works necessitate the cutting-in of new stormwater outlets into the existing street kerb, the Applicant and plumbing/drainage contractor shall ensure that the following procedures are carried out:
- (i) A kerb adaptor suitable for the particular kerb profile and capable of withstanding vehicle loadings is to be utilised;
  - (ii) The opening in the kerb is created by either a saw cut or bored hole only. Breaking out the kerb by impact methods is not permitted;
  - (iii) The kerb adaptor is to be kept flush with the top and outside face of the kerb; and
  - (iv) The fixing of the kerb adapter and filling in of side gaps is to be undertaken by the use of an epoxy resin. Mortar or concrete is not to be used

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

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

#### **ADVICE**

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

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#### **INTRODUCTION**

Development Application No. 14/2024 proposes a carport on LOT: 363 DP: 752948, 14 Shelley Street Cowra. The application was lodged with Council on 15 February 2024 by D. Steward of Currajong Pty Ltd. The property owner is K. Wilson.

The application is being reported to Council because one objection has been received to the proposed development following Council's neighbour notification process.

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

### **Description of Site**

Lot 363 DP 752948, 14 Shelley Street Cowra is a rectangular allotment of approximately 1011m<sup>2</sup>. The lot is located in the R1 General Residential zone under Cowra Local Environmental Plan (LEP) 2012. The site contains an existing dwelling. There is an existing access crossing (currently unsealed) providing vehicular access from Shelley Street.

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

### **Description of Proposal**

The applicant proposes to construct a carport to the southern side of the dwelling utilising the existing access crossing to Shelley Street. The access will require upgrade works. The carport is open with dimensions of 6.5m x 12m x 4.117m maximum ridge height. The carport is proposed to be setback 12.8m from the Shelley Street property boundary and 0.9m from the southern property boundary.

### **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 14/2024:

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

##### Cowra Local Environmental Plan 2012

The subject land is zoned R1 under the provisions of the Cowra Local Environmental Plan (LEP) 2012. The Inground swimming pool is permitted in the zone with development consent.

##### 1.2 Aims of Plan

The development is not inconsistent the aims of the LEP.

##### 1.4 Definitions

The existing development is defined as a dwelling house under the LEP. The proposed carport would be ancillary to the existing dwelling.

##### 1.6 Consent authority

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

##### 1.9A Suspension of covenants, agreements and instruments

The subject lot is not burdened by any easements, and there are no covenants or agreements known to affect the property.

##### 2.1 Land use zones

The site is zoned RI General Residential, and the proposed development is permitted with consent.



2.3 Zone objectives and Land Use Table

**1 Objectives of the Zone**

Objective	Comment
• To provide for the housing needs of the community.	Not applicable
• To provide for a variety of housing types and densities.	Not applicable
• To enable other land uses that provide facilities or services to meet the day to day needs of residents.	Not applicable
• To provide attractive, affordable, well located and market-responsive residential land.	Not applicable
• To ensure that any non-residential land uses permitted within the zone are compatible with the amenity of the area.	Not applicable
• To ensure that housing densities are broadly concentrated in locations accessible to public transport, employment, services and facilities.	Not applicable
• To maximise public transport patronage and encourage walking and cycling.	Not applicable

**2 Permitted without consent**

Environmental protection works; Home occupations

**3 Permitted with consent**

Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; **Dwelling houses**; Food and drink premises; Group homes; Home industries; Hostels; Kiosks; Multi dwelling housing;

Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

#### **4 Prohibited**

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Car parks; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Industrial retail outlets; Industrial training facilities; Industries; Jetties; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Public administration buildings; Recreation facilities (major); Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewage treatment plants; Sex services premises; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Water treatment facilities; Wharf or boating facilities; Wholesale supplies

#### Comment:

The proposed development is ancillary to the use of an existing dwelling house and is permitted with consent.

#### 5.10 Heritage conservation

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

#### 5.11 Bushfire Hazard Reduction

N/A.

#### 5.21 Flood planning

Clause 5.21 of Cowra LEP 2012 includes a number of objectives and provisions relating to development located in the Flood Planning Area identified by the Flood Planning Map. Clause 5.21(2) states development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

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



The proposed development comprises a detached carport. As the carport is an open structure, it is unlikely to significantly affect flood behaviour. There are no changes to the existing use of the land, the proposal is unlikely to increase any risks posed to human life or properties. The development will not cause avoidable erosion of river banks, siltation or destruction of riparian areas or a reduction in the stability of river banks or watercourses. The proposed development will not result in any unsustainable social or economic costs to the community. All goods stored in the carport could be removed prior to a flood occurring and persons can exit via Shelley Street. The proposed development is consistent with the objectives and provisions of Clause 5.21 Flood Planning.

**Part 6      Urban release areas**

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

**7.1   Earthworks**

The site is relatively flat. Minimal earthworks are required to accommodate the carport. It is considered that there will be no adverse impact or environmental risk from the minimal earthworks required.

**7.3   Terrestrial biodiversity**

This clause applies to land that is identified as biodiversity land on the *Terrestrial Biodiversity Map*; the site is not mapped as being affected; accordingly, this clause is not applicable.

**7.4   Riparian land and watercourses**

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

**7.5   Wetlands**

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

**7.6   Groundwater vulnerability**

This clause applies to land that is identified as groundwater vulnerable on the *Groundwater Vulnerability Map*; the site is not identified as being affected; accordingly, this clause is not applicable.

**7.7   Airspace operations**

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

**7.8   Essential Services**

Water	N/A for carport
Electricity	N/A for carport

Sewage	N/A for carport
Stormwater	Stormwater can be discharged to Council's street stormwater system as per the recommended conditions.
Access	The proposed development would utilise the existing access crossing from Shelley Street. The existing crossover will need to be upgraded to Council standards and an application under Section 138 of the Roads Act 1993 has been conditioned accordingly.

### 7.11 Development on land in karst areas

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

### **State Environmental Planning Policies**

<b>SEPP</b>	<b>COMMENTS</b>
SEPP (Biodiversity and Conservation) 2021	Not applicable
SEPP (Exempt and Complying Development Codes) 2008	Not applicable
SEPP (Housing) 2021	Not applicable
SEPP (Industry and Employment) 2021	Not applicable
SEPP 65—Design Quality of Residential Apartment Development	Not applicable
SEPP (Planning Systems) 2021	Not applicable
SEPP (Precincts – Central River City) 2021	Not applicable
SEPP (Precincts – Eastern Harbour City) 2021	Not applicable
SEPP (Precincts - Regional) 2021	Not applicable
SEPP (Precincts – Western Parkland City) 2021	Not applicable
SEPP (Primary Production) 2021	Not applicable
SEPP (Resilience and Hazards) 2021	Includes the former SEPP 55 – Remediation of Land. See comment below.
SEPP (Resources and Energy) 2021	Not applicable
SEPP (Sustainable Buildings) 2022	Not applicable
SEPP (Transport and Infrastructure) 2021	Not applicable
SEPP (Biodiversity and Conservation) 2021	Not applicable

### **SEPP (RESILIENCE AND HAZARDS) 2021**

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

- (a) it has considered whether the land is contaminated, and

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

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

**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 Council Development Control Plan 2021](#)

**PART A – PLAN INTRODUCTION**

Consent is required for the proposed carport.

**PART B – LAND MANAGEMENT**

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

**PART C – BIODIVERSITY MANAGEMENT**

The subject land is cleared of vegetation and no tree removal is proposed – no further assessment required relating to Biodiversity.

**PART E – URBAN AND VILLAGE DEVELOPMENT**

The proposed carport would be located behind the building line, would be accessed via an existing access, and would have a maximum height under 4.5m (4.122m) consistent with the requirements of Part E.

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

The subject land is located outside of the OLS.

**PART N – LANDSCAPING**

Landscaping assessment is not considered necessary for ancillary development.

**PART O – ENVIRONMENTAL HAZARD MANAGEMENT**

The proposed carport is to be constructed on a lot identified as flood prone as per Council's Flood Map. Section 1.9 of Part O of Cowra DCP recommends all habitable rooms or rooms with sewer infrastructure to be constructed not less than 500mm above Flood Planning Level (FPL). This Section also advises all buildings at or below the FPL to be constructed with flood compatible materials.

Council mapping indicates the FPL of the site is at Australian Height Datum (AHD) 289.12 while the ground level of the proposed carport is considered to be AHD 288.91 per the provided documents. Therefore, the carport would be constructed approximately 0.21 metres below the FPL. The applicant has provided certification by Calare Civil Pty Ltd that the proposed addition has been designed as structurally adequate against the flood hazard.

The proposed development is not habitable space and will not be connected to the sewerage system. The development will not present any risk to human life. The materials stored within the facility can be removed from the premise prior to any flood event. As an open-type structure, the carport is not expected to create significant impacts to flood water flows or behaviour. The structural certification submitted with the application has confirmed that the materials of the development are flood compatible and would be able to resist the flood water force. Therefore, the proposed development is considered as being consistent with the flood control measures of DCP 2021.

The subject land is not mapped as bushfire prone.

There is no identified contamination on the subject land.

## **PART P – CPTED PRINCIPLES**

CPTED Assessment is not considered necessary for ancillary development.

In summary, the proposed development complies with the relevant requirements of the DCP.

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

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

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

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

- Clause 61 – The proposal does not involve demolition of a building and therefore the requirements of AS 2601-2001 do not need to be considered in accordance with Clause 61(1).
- Clause 62 – The proposal does not involve the change of a building use for an existing building, or the use of an existing building as a place of public entertainment and therefore the requirement to consider fire safety and structural adequacy of buildings in accordance with Clause 62 is unnecessary.

- Clause 63 – The proposal does not involve the erection of a temporary structure and therefore the requirements to consider fire safety and structural adequacy is unnecessary.
- Clause 64 – The proposal does not involve the rebuilding, alteration, enlargement or extension of an existing building or place of public entertainment and therefore the requirement to consider the upgrading of buildings into total or partial conformity with the Building Code of Australia has not been undertaken.

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

Section 79(C)(1)(b) requires the Council to consider the likely impacts of the development, including environmental impacts on both the natural and built environments as well as the social and economic impacts in the locality. The following provides an assessment of the likely impacts of the development:

##### Context and Setting

The area is characterised by primarily dwelling houses and ancillary residential development. The proposed carport is consistent with the context and setting of the area.

##### Access, Transport and Traffic

The lot has an existing vehicle crossing from Shelley Street. The existing crossover will need to be upgraded. No other traffic or parking concerns are identified

##### Public Domain

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

##### Utilities

The proposed carport does not contain any amenities that require the provision of services. The proposed carport would not be located over any existing service or utility locations.

##### Heritage

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

##### Other Land Resources

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

##### Stormwater, Water and Sewerage

The application will not impact on water or sewer services. Stormwater from the carport will be discharged to the existing stormwater system on Shelley Street.

##### Soils

The development as conditioned is unlikely to result in any adverse environmental impacts. A recommended condition will apply to require compliance with Council's DCP 2021 with regard to erosion & sedimentation controls.

#### Air and Microclimate

Minimal amounts of dust may be generated during the construction period. Once construction works are complete the development will not impact on air quality.

#### Flora and Fauna

The proposal does not require the removal of any trees. The development is not expected to impact on any critical habitats or threatened species.

#### Waste

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

#### Energy

A BASIX Certificate is not required for this application.

#### Noise and Vibration

Council's standard condition of consent is recommended in relation to construction hours. The constructed development will not emit any unsatisfactory levels of noise or vibration that will impact adversely on adjoining land uses.

#### Natural Hazards

The land is flood prone as previously addressed in this report. The planning assessment has confirmed that the proposal is unlikely to generate any unacceptable impacts in terms of flood behaviour or on adjoining land-uses. The carport has also been structurally designed to ensure compatibility with the flood hazard identified for the land. The land is not affected by any other natural hazards.

#### Technological Hazards

Council's records and inspection of the site did not reveal any technological hazards affecting the site.

#### Safety, Security and Crime Prevention

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

#### Social and Economic Impacts on the locality

The proposed development will not result in any identified negative social or economic impacts.

#### Site Design and Internal Design

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

#### Construction

The proposed development will be built in accordance with the Building Code of Australia and Councils engineering guidelines. The development has been supported by engineering certification in regards to debris loading and buoyancy forces during floodwaters. No adverse impacts are anticipated to occur as a result of the development.

#### Cumulative impacts

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

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

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

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

#### Public Consultation

The subject Development Application was notified to adjoining owners in writing from 21 February 2024 to 6 March 2024, in accordance with Cowra Community Participation Plan 2020. One submission was received in relation to the proposed development, which was an objection. The submission is included in Attachment '5' to this report and the applicant's response to the submission is included in Attachment '6'. Below is a summary of the submission's planning and development related concerns followed by assessment comments:

#### **Objection:**

- 1. The proposed carport would block sunlight to the northern facing room and bathroom, garden and washing line**

#### Assessment Comment:

As a response to the objection, the applicant has provided shadow diagrams showing anticipated shadowing for each hour between 9am and 4pm on the 21<sup>st</sup> June. The provided diagrams show there is unlikely to be an impact on the clothes drying facilities between the hours of 11am and 4pm. It is considered the proposed development would allow for a minimum of 3 hours of solar access to neighbouring clothes drying facilities.

Part E.1.8. of the DCP provides that residential buildings should be designed to ensure living areas and 50% of private open space of neighbouring dwellings receive a minimum of 3 hours of solar access. Although this section applies to new dwellings, it is considered reasonable to assess with respect to the carport development and the objection. The proposed carport would not adversely impact on neighbouring living areas, and would allow for solar access to 50% of the private open space.

The remainder of the submission letter included personal and civil matters which are deemed irrelevant to the proposed development.

Public Authority Consultation:

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

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

Community Interest

The proposed development is permissible on the subject land and is not expected to adversely impact on the community interests of the area. The proposed development has been considered in terms of the context and setting of the locality in previous sections to this report. The proposed development will positively contribute to development within the locality and will not impose any identified adverse economic or social impacts on the local community.

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

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

#### **Conclusion**

Development Application No. 14/2024 proposes a carport on Lot 363 DP 752948, 14 Shelley Street Cowra. The application was lodged by Currajong Pty Ltd on 15 February 2024.

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

The proposed development has been assessed to be consistent with the requirements of Cowra Local Environmental Plan 2012, relating to development in the RI General Residential 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. One submission was received following the consultation process and was 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 14/2024 - Development Plans [↓](#)
2. DA 14/2024 - Statement of Environmental Effects [↓](#)
3. DA 14/2024 - Location map [↓](#)
4. DA 14/2024 - Aerial view [↓](#)
5. DA 14/2024 - Copy of submission [↓](#)
6. DA 14/2024 - Response from applicant [↓](#)







































- 5.2 Development Application No. 120/2023, Lot 1 DP 362387, 21 Bartlett Avenue Cowra, Shed, lodged on 14 February 2024 by the owner S D Smith.**

File Number: D24/457

Author: Larissa Hackett, Director Environmental Services

## RECOMMENDATION

1. That Council notes that the reason for the decision is that the proposal largely complies with Section 4.15 of the Environmental Planning and Assessment Act 1979. The variation to Sections E.4.3.4.b. and E.3.5.4.l of Part E of Council's Development Control Plan 2021 is sufficiently justified and the application was publicly notified and no objections were received; and
2. That Council approves variations to Section E.4.3.4.b. and E.3.5.4.l of Part E of Council's Development Control Plan 2021 for this development to allow a maximum building height of 6.37m and external colour of Monolith; and
3. That Development Application No. 120/2023, for the construction of a shed on Lot 1 DP 362387, 21 Bartlett Avenue Cowra be approved subject to the following conditions:

## GENERAL CONDITIONS

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

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

Plan No./ Supporting Document	Prepared by/Reference Details	Cowra Shire Council Reference
Site Plan Sheet 01 of 2 Rev A	Currajong 6/10/23	Received 14 February 2024 Stamped No. 10.2023.120.1
Typical Site Section Sheet 02 of 2 Rev A	Currajong 6/10/23	Received 14 February 2024 Stamped No. 10.2023.120.1
Architectural Drawings DWGQPI Ref: 3306221	Tilmac -	Received 14 February 2024 Stamped No. 10.2023.120.1
Statement of Environmental Effects Revision C	Currajong 20/02/2024.	Received 20 February 2024

		<b>Stamped No. 10.2023.120.1(A)</b>
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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).

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

3. Prior to the issue of a Construction Certificate, the Applicant must obtain consent from the roads authority pursuant to Section 138 of the Roads Act 1993 for the carrying out of works in a road reserve. All costs associated with the repair of any damages caused by the driveway construction shall be borne by the Applicant and at no cost to Council.
4. Prior to the issue of a Construction Certificate, the Applicant must submit a Stormwater Management Plan for the approval of the Principal Certifier. The Plan must provide details of the proposed management of surface water from the proposed driveway to ensure that overflow does not impact on downslope properties.

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

5. 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.
6. 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.
7. The Applicant is to submit to Cowra Shire Council, at least two days prior to the commencement of any works, a 'Notice of Commencement of Building or Subdivision Works' and 'Appointment of Principal Certifier'.
8. 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.

### CONDITIONS TO BE COMPLIED WITH DURING CONSTRUCTION

9. While building work is being carried out, any such work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.
10. Any damage caused to footpaths, roadways, utility installations and the like by reason of construction operations shall be made good and repaired to a standard equivalent to that existing prior to commencement of construction. The full cost of restoration/repairs of property or services damaged during the works shall be met by the Applicant.
11. All storage of goods and building materials and the carrying out of building operations related to the development proposal shall be carried out within the confines of the property. All vehicles must be parked legally and no vehicles are permitted to be parked over the public footpath. The unloading of building materials over any part of a public road by means of a lift, hoist or tackle projecting over the footway will require separate approval under Section 68 of the *Local Government Act 1993*.
12. Building activities and excavation work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 6.00 pm on weekdays and 8.00 am and 1.00 pm on Saturdays. No work on Sundays or Public Holidays is permitted.
13. All building rubbish and debris, including that which can be windblown, shall be contained on site in a suitable container for disposal at an approved Waste Landfill Depot. The container shall be erected on the building site prior to work commencing and shall be maintained for the term of the construction to the completion of the project. No building rubbish or debris shall be placed or permitted to be placed on any adjoining public reserve, footway or road. The waste container shall be regularly cleaned to ensure proper containment of the building wastes generated on the construction site.
14. All roofed and paved areas are to be properly drained and discharged to Council's stormwater management system in Bartlett Avenue.
15. Where the proposed building works necessitate the cutting-in of new stormwater outlets into the existing street kerb, the Applicant and plumbing/drainage contractor shall ensure that the following procedures are carried out:
  - (i) A kerb adaptor suitable for the particular kerb profile and capable of withstanding vehicle loadings is to be utilised;
  - (ii) The opening in the kerb is created by either a saw cut or bored hole only. Breaking out the kerb by impact methods is not permitted;
  - (iii) The kerb adaptor is to be kept flush with the top and outside face of the

kerb; and

- (iv) The fixing of the kerb adapter and filling in of side gaps is to be undertaken by the use of an epoxy resin. Mortar or concrete is not to be used

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

16. The Applicant must not commence occupation or use of the garage until a Whole or Partial Occupation Certificate has been issued from the Principal Certifier appointed for the subject development.
17. Prior to the issue of a Whole Occupation Certificate, the Applicant shall construct an access crossing to the development site from Bartlett Avenue 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.

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#### **INTRODUCTION**

Development Application No. 120/2023 proposes a shed on Lot 1 DP 362387, 21 Bartlett Avenue Cowra. The application was lodged by S D Smith on 14 February 2024. The property is owned by S D Smith.

The application is being reported to Council because it contains a variation to Council's DCP with regard to the maximum building height for detached ancillary buildings.

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

#### **Description of Site**

Lot 1 DP 362387, 21 Bartlett Avenue Cowra is a rectangular allotment of approximately 1,012m<sup>2</sup>. The lot is located in the R1 General Residential under Cowra Local Environmental Plan (LEP) 2012. The site slopes down to the south towards Kendal Street from Bartlett Avenue and contains an existing dwelling. Access is achieved from Bartlett Avenue.

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

### **Description of Proposal**

The applicant proposes to construct a metal clad shed at the rear (southern) end of the property, 1.5m from the rear boundary. The shed is 12m long x 8m wide by 6.37m high (as measured from natural ground level). The shed will be accessed from Bartlett Avenue where there is an existing access crossing. An internal driveway will be constructed. Council policy recommends a maximum building height of 4.5m for ancillary buildings, therefore the proposal represents a variation of 1.87m. The variation is discussed elsewhere in this report. Stormwater from the roof of the shed can be discharged to Council's stormwater system in Bartlett Avenue via a charged underground piped system.

### **Environmental Impact Assessment**

In determining a development application, a consent authority is to take into consideration such of the matters as are of relevance to the development in accordance with Section 4.15(1) of the Environmental Planning and Assessment Act 1979. The following section provides an evaluation of the relevant Section 4.15 Matters for consideration for DA 120/2023:

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

##### Cowra Local Environmental Plan 2012

The subject land is zoned R1 under the provisions of the Cowra Local Environmental Plan (LEP) 2012. The shed is permitted in the zone with development consent as development that is ancillary to the use of the existing dwelling.

##### 1.2 Aims of Plan

The development is not inconsistent the aims of the LEP.

##### 1.4 Definitions

The existing development is defined as a dwelling house under the LEP. The proposed shed would be ancillary to the existing dwelling.

##### 1.6 Consent authority

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

##### 1.9A Suspension of covenants, agreements and instruments

The subject lot is not burdened by any easements, and there are no covenants or agreements known to affect the property.

##### 2.1 Land use zones

The site is zoned R1 General Residential, and the proposed development is permitted with consent.



2.3 Zone objectives and Land Use Table

**1 Objectives of the Zone**

Objective	Comment
• To provide for the housing needs of the community.	Not applicable
• To provide for a variety of housing types and densities.	Not applicable
• To enable other land uses that provide facilities or services to meet the day to day needs of residents.	Not applicable
• To provide attractive, affordable, well located and market-responsive residential land.	Not applicable
• To ensure that any non-residential land uses permitted within the zone are compatible with the amenity of the area.	Not applicable
• To ensure that housing densities are broadly concentrated in locations accessible to public transport, employment, services and facilities.	Not applicable
• To maximise public transport patronage and encourage walking and cycling.	Not applicable

**2 Permitted without consent**

Environmental protection works; Home occupations

### 3 Permitted with consent

Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; **Dwelling houses**; Food and drink premises; Group homes; Home industries; Hostels; Kiosks; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

### 4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Car parks; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Industrial retail outlets; Industrial training facilities; Industries; Jetties; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Public administration buildings; Recreation facilities (major); Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewage treatment plants; Sex services premises; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Water treatment facilities; Wharf or boating facilities; Wholesale supplies

#### Comment:

The proposed development is ancillary to the use of an existing dwelling house and is permitted with consent.

#### 5.10 Heritage conservation

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

#### 5.11 Bushfire Hazard Reduction

N/A.

#### 5.21 Flood planning

The land is not in the flood planning area.

#### Part 6 Urban release areas

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

#### 7.1 Earthworks

The shed site is slightly sloping and the submitted plans indicate 300mm of fill will be required. It is considered that there will be no adverse impact or environmental risk from the minimal earthworks required.

**7.3 Terrestrial biodiversity**

This clause applies to land that is identified as biodiversity land on the *Terrestrial Biodiversity Map*; the site is not mapped as being affected; accordingly, this clause is not applicable.

**7.4 Riparian land and watercourses**

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

**7.5 Wetlands**

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

**7.6 Groundwater vulnerability**

This clause applies to land that is identified as groundwater vulnerable on the *Groundwater Vulnerability Map*; the site is not identified as being affected; accordingly, this clause is not applicable.

**7.7 Airspace operations**

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

**7.8 Essential Services**

Water	An existing reticulated water supply is available but not required.
Electricity	An existing electricity supply is available.
Sewage	Reticulated sewerage is available but not required.
Stormwater	Stormwater can be discharged to Council’s street stormwater system as per the recommended conditions.
Access	The proposed development would utilise the existing access layback on Bartlett Ave. Some additional concrete to the boundary will be required to be subject to a Section 138 permit.

**7.11 Development on land in karst areas**

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

**State Environmental Planning Policies**

<b>SEPP</b>	<b>COMMENTS</b>
SEPP (Biodiversity and Conservation) 2021	Not applicable
SEPP (Exempt and Complying Development	Not applicable



Codes) 2008	
SEPP (Housing) 2021	Not applicable
SEPP (Industry and Employment) 2021	Not applicable
SEPP 65—Design Quality of Residential Apartment Development	Not applicable
SEPP (Planning Systems) 2021	Not applicable
SEPP (Precincts – Central River City) 2021	Not applicable
SEPP (Precincts – Eastern Harbour City) 2021	Not applicable
SEPP (Precincts - Regional) 2021	Not applicable
SEPP (Precincts – Western Parkland City) 2021	Not applicable
SEPP (Primary Production) 2021	Not applicable
SEPP (Resilience and Hazards) 2021	Includes the former SEPP 55 – Remediation of Land. See comment below.
SEPP (Resources and Energy) 2021	Not applicable
SEPP (Sustainable Buildings) 2022	Not applicable
SEPP (Transport and Infrastructure) 2021	Not applicable
SEPP (Biodiversity and Conservation) 2021	Not applicable

### **SEPP (RESILIENCE AND HAZARDS) 2021**

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

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

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

#### **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 Council Development Control Plan 2021

**PART A – PLAN INTRODUCTION**

Consent is required for the proposed shed.

**PART B – LAND MANAGEMENT**

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

**PART C – BIODIVERSITY MANAGEMENT**

No tree removal is proposed – no further assessment required relating to Biodiversity.

**PART E – URBAN AND VILLAGE DEVELOPMENT****E.3.5 Bartlett Ave Character Area****E.3.5.2. Objectives**

The objectives for development in this precinct are:

- a. To retain and conserve the significant houses which have their designs and features intact.
- b. To ensure that new development is well designed and is compatible with the original and traditional characteristics of the streetscape.
- c. To ensure that new development reinforces the typical bulk and scale of existing dwellings within the street and the area.
- d. To ensure that the bulk and scale of new development does not have an unacceptable impact on the streetscape and the character of the locality.
- e. To ensure that new development maintains the integrity of the design and style of the existing buildings within the street and the area.
- f. To ensure that elevations to the street and public domain are well proportioned and designed.

This section contains a character statement and development controls which aim to facilitate the achievement of the above objectives. The character statement includes the following paragraph in relation to ancillary buildings:

“The original design of the dwellings has not incorporated garages or sheds. These structures appear to have been constructed at a later date and typically take the form of separate masonry constructions towards the rear of the allotments or open carports constructed to the side of the dwellings”.

The following development controls are applicable to ancillary buildings:

“b. New ancillary buildings such as garages, sheds and carports should be consistent with the characteristics described in the character statement, unless they are located well behind the building line, are not immediately visible from the public domain and do not dominate the streetscape”; and

“1. Ancillary buildings including garages, sheds and side fences should be plain galvanised steel consistent with traditional galvanised iron and their colour and material should not imitate the houses. Zinalum is an acceptable alternative”.

Assessment comment:

The corrugated metal-clad shed is proposed to be coloured ‘Monolith’ which is a deep charcoal grey colour.



Monolith

The applicant has chosen this colour because they prefer it to the ‘blandness’ of zinalume and believe that it is a more attractive colour.

Whilst it is not consistent with the DCP recommendation, the shed location, well behind the existing dwelling and close to the rear property boundary, will minimise any adverse impacts associated with the colour. It is noted that the gutter level of the shed is just above street level. The building does not impact significantly on the streetscape. No alterations to the existing dwelling are proposed. Accordingly, the proposed colour is considered to be acceptable.

#### E.4.4. Ancillary buildings - detached

##### E. 4.3.4.b.

b. The scale of new ancillary buildings should be consistent with the dwelling and should not be more than 4.5 metres high, measured from natural ground level to the peak of the structure.

The proposed shed is 6.37 metres high, measured from natural ground level to the peak of the structure. It therefore represents a 1.87 metre variation to the development standard (or 30%).

The applicant states that the variation should be supported for the following reasons:

- The shed will be located towards the rear of 21 Bartlett Avenue.
- The shed will be used for domestic storage of cars and equipment owned by the landowner.
- The shed is of a type and scale that is typical of storage sheds erected in other residential areas of Cowra.
- The shed location does not adjoin, overshadow or overlook other buildings in the locality.
- The shed would not obscure the views of residential properties in Bartlett Avenue.
- The shed has been designed to be well setback/screened from Bartlett Avenue.

- The shed height is consistent with other sheds to the south-east of the site.
- The increased height of the shed is required to facilitate drainage of roof water to the Bartlett Street drainage system. A charged stormwater system would not be practical if the height of the shed was reduced.
- Shed colours comply with DCP requirements.
- Existing landscaping and buildings assist in the screening of the shed from the public domain.
- No significant environmental impacts as demonstrated in the Statement of Environmental Effect for the proposal.

Assessment comment:

The applicant's justifications are assessed to be generally valid, except the shed colour is not in accordance with the DCP. The shed is consistent with the scale of the dwelling and with a number of other sheds in the locality. The proposed height of the shed enables it to discharge stormwater to the Bartlett Avenue drainage system which is important. There are no stormwater easements or other practical means of disposing of stormwater in a manner that would ensure that downslope properties are not impacted. Accordingly, it is recommended that the height variation be supported.



Looking north towards Bartlett Avenue from the proposed shed location in the rear yard.



The rear corner of the lot where the shed will be located.

## **PART K – LAND USE BUFFERS**

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

The subject land is located outside of the OLS.

## **PART N – LANDSCAPING**

Landscaping assessment is not considered necessary for ancillary development.

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

The subject land is not mapped as flood prone.

The subject land is not mapped as bushfire prone.

There is no identified contamination on the subject land.

## **PART P – CPTED PRINCIPLES**

CPTED Assessment is not considered necessary for ancillary development.

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

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

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

Section 4.15(1)(a)(iv) requires the Council to also consider Clauses 61, 62, 63 and 64 of the *Environmental Planning and Assessment Regulation 2021*. The following provides an assessment of the relevant Clauses of the Regulation:

- Clause 61 –The proposal does not involve demolition of a building and therefore the requirements of AS 2601-2001 are not required to be considered in accordance with Clause 61(1).
- Clause 62 – The proposal does not involve the change of a building use for an existing building, or the use of an existing building as a place of public entertainment and therefore the requirement to consider fire safety and structural adequacy of buildings in accordance with Clause 62 is unnecessary.
- Clause 63 – The proposal does not involve the erection of a temporary structure and therefore the requirements to consider fire safety and structural adequacy is unnecessary.
- Clause 64 – The proposal does not involve the rebuilding, alteration, enlargement or extension of an existing building or place of public entertainment and therefore the requirement to consider the upgrading of buildings into total or partial conformity with the Building Code of Australia is not required to be undertaken.

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

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

##### Context and Setting

The area is characterised by primarily dwelling houses and ancillary buildings. Some commercial land uses exist to the south adjoining Kendal Street. The proposed development would not impact significantly on the existing streetscape. This proposal is consistent with the existing character of the locality.

##### Access, Parking, traffic

No traffic or parking concerns are identified. Some minor works will be required within the road reserve in association with the construction of a driveway. The works within the road reserve will be subject to a Section 138 permit as conditioned.

##### Public Domain

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

##### Utilities

The site is 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.

##### Other Land Resources

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

#### Water, Sewerage and Stormwater

The proposed development does not need to connect to Council's water and sewer services. Stormwater can be discharged to Council's stormwater management system on Bartlett Avenue.

#### Soils

The development will not have a negative impact on soils. A recommended condition will apply to require compliance with Council's DCP 2021 with regard to sedimentation and erosion controls.

#### Air and Microclimate

Minimal amounts of dust may be generated during the construction period. Once construction works are complete the development will not impact on air quality.

#### Flora and Fauna

The development does not require removal of any trees. There will be no significant impact on native flora & fauna.

#### Waste

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

#### Energy

A BASIX Certificate is not required.

#### Noise and Vibration

Some noise will occur during the construction period, but is not expected to adversely impact on any surrounding land uses. Council's standard condition regarding construction hours is recommended. The constructed development will not result in any ongoing noise or vibration.

#### Natural Hazards

The land is not identified as bushfire or flood prone land.

#### Technological Hazards

Council's records and inspection of the site did not reveal any technological hazards affecting the site.

#### Safety, Security and Crime Prevention

It is considered this development will not generate any activity likely to promote any safety or security problems to the subject land or surrounding area.

#### Social and Economic Impacts on the locality

The proposed development will not result in any negative social or economic impacts.

### Site Design and Internal Design

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

### Construction

The proposed development will be built in accordance with the Building Code of Australia and Councils engineering guidelines. No adverse impacts are anticipated to occur as a result of the development.

### Cumulative impacts

The proposal is not expected to generate any ongoing negative cumulative impacts. A minimal increase in traffic activity to the site will occur during the construction phase. This will be limited by a condition of consent and will not continue once construction is completed.

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

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

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

### Public Consultation

The subject Development Application was notified to adjoining owners in writing from 20 February 2024 to 5 March 2024, in accordance with Cowra Community Participation Plan 2020. One submission was received in relation to the proposed development which did not offer any objection provided that stormwater was adequately addressed. In this regard, it is proposed to direct roof water to Bartlett Avenue. A condition of consent applies for a stormwater management plan to show how surface water will be managed without impacting downslope properties.

### Public Authority Consultation:

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

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

### Community Interest

The proposed development is permissible on the subject land and is not expected to adversely impact on the community interests of the area. The proposed development has been considered in terms of the context and setting of the locality in previous sections to this report. The proposed development will not impose any identified adverse economic or social impacts on the local community.

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



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

### **Conclusion**

Development Application No. 120/2023 proposes a shed on Lot 1 DP 362387, 21 Bartlett Avenue Cowra. The application was lodged by S D Smith on 14 February 2024.

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

The proposed development has been assessed to be consistent with the requirements of Cowra Local Environmental Plan 2012, relating to development in the R1 zone and is consistent with existing land-use activities of the locality. The variations to Part E of Cowra Council Development Control Plan 2021 are sufficiently justified.

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

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

### **ATTACHMENTS**

1. DA 120/2023 - Development Plans [↓](#)
2. DA 120/2023 - Statement of Environmental Effects [↓](#)
3. DA 120/2023 - Location map [↓](#)
4. DA 120/2023 - Aerial view [↓](#)















































































**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 DIRECTOR-CORPORATE SERVICES****9.1 Request for Water Account Adjustment - Assessment Number 78631**

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

**9.2 Request for Water Account Adjustment - Assessment Number 36865**

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