



# **AGENDA**

## **General Committee Meeting**

**Date: Monday, 8 July 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 June 2024



# MINUTES

## General Committee Meeting Tuesday, 11 June 2024

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

**PRESENT:** Cr Ruth Fagan (Mayor), Cr Paul Smith (Deputy Mayor), Cr Sharon D'Elboux, Cr Cheryl Downing, Cr Nikki Kiss OAM, Cr Judi Smith, Cr Bill West, Cr Peter Wright

**IN ATTENDANCE:** Mr Paul Devery (General Manager), Mr Dirk Wymer (Director - Infrastructure & Operations), Mr Graham Apthorpe (Acting Director - Corporate Services)

**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

Apology

**COMMITTEE RESOLUTION**

Moved: Cr Sharon D'Elboux

Seconded: Cr Bill West

**That the apologies received from Cr Erin Watt and Mrs Larissa Hackett be accepted and leave of absence granted.**

CARRIED

1.4 Disclosures of Interest

Nil

1.5 Presentations

Nil

1.6 Public Forum

Nil

**2 CONFIRMATION OF MINUTES**

**COMMITTEE RESOLUTION**

Moved: Cr Judi Smith

Seconded: Cr Bill West

**That the minutes of General Committee Meeting held on 13 May 2024 be confirmed.**

CARRIED

**3 DIRECTOR-CORPORATE SERVICES REPORT****3.1 Local Government Remuneration Tribunal Report on Mayoral and Councillor Fees****COMMITTEE RESOLUTION**

Moved: Cr Judi Smith

Seconded: Cr Bill West

- 1. That Council notes the report from the Director – Corporate Services.**
- 2. That Council adopt the maximum Mayoral and Councillor fees determined by the Local Government Remuneration Tribunal effective from 1 July 2024.**

CARRIED

**3.2 Investments and Financial Report****COMMITTEE RESOLUTION**

Moved: Cr Paul Smith

Seconded: Cr Sharon D'Elboux

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

CARRIED

**4 DIRECTOR-ENVIRONMENTAL SERVICES REPORT****4.1 Cowra Housing Strategy****COMMITTEE RESOLUTION**

Moved: Cr Judi Smith

Seconded: Cr Peter Wright

- 1. That Council notes the report on the commencement and progress of the Cowra Housing Strategy project.**
- 2. That Council notes the financial contribution to the project by the NSW Department of Planning, Housing and Infrastructure under the Regional Housing Strategy Planning Fund (Round 2).**
- 3. That the Mayor writes to the NSW Department of Planning, Housing and Infrastructure thanking them for the financial contribution to the Cowra Housing Strategy project.**

CARRIED

**4.2 Development Application No. 61/2022, Lot 6 DP 1096603, Lot 2 DP 1096603, Lot 3 DP 1096603, 19 Kollas Drive Cowra, S4.55(1A) Modification to light industry - Mod 1, lodged by Currajong Pty Ltd. The property owner is JR Morgan Investments Pty Ltd.**

**COMMITTEE RESOLUTION**

Moved: Cr Paul Smith  
 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; and
2. That Section S4.55(1A) Modification No. 61/2022, for the modification to light industry - mod 1 on Lot 6 DP 1096603, Lot 2 DP 1096603, Lot 3 DP 1096603, 19 Kollas Drive Cowra be approved subject to the following conditions:

**GENERAL CONDITIONS**

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

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

Plan No./ Supporting Document	Prepared by/Reference Details	Cowra Shire Council Reference
Survey Plan Drawing No. 22043_DL	Arete Survey Solutions 20/5/2022	Received 8 June 2022 Stamped No. 61/2022
Site Plan Job 207/21 Sheet 1 Version 2	Vision Town Planning 4/5/2022	Received 21 May 2024 Stamped No. 10.2024.61.2 (B)
Right of Way Plan Job 207/21 Sheet 1A Version 1	Vision Town Planning 31/5/2022	Received 8 June 2022 Stamped No. 61/2022
Site and Floor Plan – Shed 1 Job 207/21 Sheet 2 Version 2	Vision Town Planning 4/5/2022	Received 21 May 2024 Stamped No. 10.2024.61.2 (B)
Elevations – Shed 1 Job 207/21 Sheet 3 Version 2	Vision Town Planning 4/5/2022	Received 21 May 2024 Stamped No. 10.2024.61.2 (B)
Site and Floor Plan – Shed 2 Job 207/21 Sheet 4 Version 2	Vision Town Planning 4/5/2022	Received 21 May 2024 Stamped No. 10.2024.61.2 (B)
Elevations – Shed 2 Job 207/21 Sheet 5	Vision Town Planning 6/2/2023	Received 21 May 2024 Stamped



<b>Version 2</b>		<b>No. 10.2024.61.2 (B)</b>
<b>Site and Floor Plan – Shed 3 Job 207/21 Sheet 6 Version 3</b>	<b>Vision Town Planning 6/2/2023</b>	<b>Received 21 May 2024 Stamped No. 10.2024.61.2 (B)</b>
<b>Elevations – Shed 3 Job 207/21 Sheet 7 Version 3</b>	<b>Vision Town Planning 6/2/2023</b>	<b>Received 21 May 2024 Stamped No. 10.2024.61.2 (B)</b>
<b>Statement of Environmental Effects Issue A</b>	<b>Currajong 27 May 2022</b>	<b>Received 8 June 2022 Stamped No. 61/2022</b>
<b>Clearance Report</b>	<b>Central West Power Construction 20/9/2022 REF 22184</b>	<b>Received 20/9/2022 Stamped DA 61/2022</b>
<b>Clearance Report – Site Plan</b>	<b>Central West Power Construction 20/9/2022 REF 22184</b>	<b>Received 20/9/2022 Stamped DA 61/2022</b>
<b>Proposed Office Floor Plans – Shed 1 Job 207/21 Sheet 17 Version 2</b>	<b>Vision Town Planning 17/4/2024</b>	<b>Received 21 May 2024 Stamped No. 10.2024.61.2 (B)</b>
<b>Mod DA Report Revision C</b>	<b>Currajong 23 May 2024</b>	<b>Received 23 May 2024 Stamped No. 10.2024.61.2 (C)</b>

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

2. The applicant shall comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the Environmental Planning and Assessment Regulation 2021 (see attached Advisory Note).
3. The uses to be commenced in the premises are to be consistent with light industry as defined in Cowra Local Environmental Plan 2012. Alternative separately defined uses will require additional development consent.
4. Liquid trade waste material is not to be discharged into the sewerage system without first obtaining the approval of Cowra Shire Council.
5. All traffic movements in and out of the development are to be in a forward direction.
6. The emission of noise from the premises must be in accordance with the Noise Policy for Industry (2017) published by NSW EPA.

7. Provide on-site parking for a minimum of 32 car parking spaces in accordance with the submitted plans. Car parking and trafficable areas shall be designed and maintained in accordance with Cowra Shire Council Development Control Plan 2021.
8. Parking for disabled persons is to be provided and signposted in accordance with the approved plans and the requirements of Australian Standard 2890.1. The access linking such parking areas to their associated developments shall generally not have gradients steeper than 1:14.
9. 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.
10. The approved hours of operation are as follows:
  - 7:00am to 6:00pm Monday to Friday
  - 7:00am to 3:00pm Saturday
  - Nil Sunday & Public Holidays

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

11. Prior to the issue of the Construction Certificate, the Applicant must obtain consent from Council pursuant to Section 138 of the Roads Act 1993 for the construction of a driveway crossings to the development site from Mees Street for lots 2 & 3, & from Kollas Drive for lot 6 in accordance with Cowra Shire Council's Engineering Standards.

**Note 1:** All costs associated with the construction of the access driveway shall be borne by the Applicant.

**Note 2:** Use Council standard drawings CS-R-0002 & CS-R-0003, or CS-R-0004 (existing K&G)

12. Prior to the issue of a Construction Certificate, a separate application is to be made to Council, with the appropriate fee being paid, for the provision of a suitably sized metered water service to the development.
13. Prior to the issue of a Construction Certificate, a Stormwater Management Plan shall be submitted to Council's Manager – Technical Services for approval. The plan is to demonstrate that adequate provision will be made for the estimated potential stormwater runoff from the development to the satisfaction of Council.

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

14. 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 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. This may entail alterations to the proposal so that it complies with these standards.

15. 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 Works' and 'Appointment of Principal Certifier'.
16. The Applicant is to obtain all relevant approvals to carry out sewerage work, to carry out stormwater drainage work and to carry out water supply work from Cowra Shire Council prior to commencing works to and comply with any conditions of that permit. All work shall be carried out by a licensed plumber and drainer and to the requirements of the Plumbing Code of Australia. The licensed plumber or drainer must submit a Notice of Works form to Council prior to the commencement of any plumbing and drainage works and a Certificate of Compliance at the completion of the works. The plumbing and drainage works must be inspected by Council at the time specified below:
  - (a) Internal Drainage: When all internal drainage work is installed and prior to concealment. Pipes should be under water test.
  - (b) External Drainage: When all external drainage work is installed and prior to concealment. Pipes should be under water test.
  - (c) Water Supply: Hot and cold water supply pipework when the pipework is installed and prior to concealment. Pipes should be under pressure test.
  - (d) Stormwater: When the stormwater and roof water drainage system has been completed.
17. 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 Council Development Control Plan 2021 at all times.
18. Prior to the commencement of works, a Stormwater Management Plan shall be submitted to Council for approval. The plan is to demonstrate that adequate provision will be made for the estimated potential stormwater runoff from the development to the satisfaction of Council. Plans should also state control measure for erosion and sedimentation.

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

19. In the event of any damage being caused to the existing kerb, guttering, footpath, water mains, sewer mains or public roadway during demolition or

construction works, the applicant shall reimburse the Council for the full costs of repairing and making good. Any temporary cross-over material must not remain in the street gutter.

20. **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.**
21. **All construction work shall be carried out within the confines of the property unless separate written permission is obtained from the relevant landowner and/or authority in control of the land. A copy of any written notices authorising off-site construction operations shall be submitted to Council prior to any operations commencing on the affected land.**
22. **All building rubbish and debris, including that which can be wind-blown, 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.**
23. **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.**
24. **All loading, unloading and storage of goods and building materials, or the carrying out of building operations related to the development proposal shall be carried out within the confines of the property. No loading or unloading of goods on the public roadway system shall be permitted.**
25. **All roofed and paved areas are to be properly drained in accordance with the Plumbing Code of Australia to discharge to Council's Stormwater Management System in accordance with the approved stormwater management plan.**
26. **As soon as is practical, and within a maximum of 7 days following the placement of any roofing material, all guttering and downpipes must be installed and connected to Council's drainage system. If no Council drainage system is available, the guttering and downpipes must be discharged away from the building site onto a stable vegetated area in a manner that does not cause nuisance or erosion to adjoining properties.**

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

27. **The Applicant must not commence occupation or use of the premises until a Whole or Partial Occupation Certificate has been issued from the Principal Certifier appointed for the subject development.**
28. **Prior to the issue of an Occupation Certificate, the car parking facilities including all internal manoeuvring areas and the link between the disabled car parking area and the building area are to be constructed and sealed in accordance with Australian Standard 2890.1 Off-Street Car Parking and Australian Standard 2890.2 Commercial Vehicle Facilities. The Applicant shall line-mark including directional arrows and signage to delineate parking spaces, traffic flow and traffic priority and provide concrete edging around all car parking areas in accordance with the Cowra Council Development Control Plan 2021 and Cowra Infrastructure and Operations Engineering Standards. All costs associated with the sealing and construction of concrete edging shall be borne by the Applicant and at no cost to Council.**
29. **All loading, unloading and storage of goods associated with the use of the premises shall be carried out within the confines of the property. No loading or unloading of goods on the public roadway system shall be permitted.**
30. **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)**
31. **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.**

32. Prior to the issue of an Occupation Certificate, the applicant must construct and seal/concrete/pave driveway accesses to the development site from Kollas Drive and Mees Street in accordance with consent from the roads authority pursuant to Section 138 of the Roads Act 1993 for the carrying out of works in a road reserve. All costs associated with the construction of the access driveways shall be borne by the Applicant.
33. Prior to the issue of a Whole Occupation Certificate, all landscape works shall be completed in accordance with the approved plans.

**34. Deleted**

#### **OPERATIONAL CONDITIONS**

35. Proposed landscaping, signage and fencing is not to impede sight lines of traffic and/or pedestrians within the development or when entering and leaving the development. Safe intersection sight distances are to be maintained for the development.
36. All loading, unloading and storage of goods associated with the use of the premises shall be carried out within the confines of the property. No loading or unloading of goods on the public roadway system shall be permitted.

#### **ESSENTIAL ENERGY CONDITIONS**

37. Essential Energy's records indicate existing overhead powerlines and underground cables are located across the Mees Street frontage of the properties:
  - a) The information provided from the ASP for Lots 2 and 3 indicates the 2.1 metres horizontal clearance is achieved.
  - b) The Applicant must consider how they will build and maintain the proposed sheds, especially on Lot 3. They must meet the requirements that SafeWork NSW have in place for working near powerlines. The structure may meet the clearance requirements, however, it may not be able to be built or maintained safely.
  - c) Minimum safety clearance requirements are to be maintained at all times for the proposed driveways access and/or exit (concrete crossovers) off Mees Street, as such driveways access will pass under Essential Energy's existing overhead powerlines located at the front of the property. The driveways must comply with clearances for trafficable land, ground clearances must be maintained. Refer Essential Energy's policy CEOM7106.25 Minimum Clearance Requirements for NSW and the latest industry guideline currently known as [ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure](#).
  - d) Any proposed driveways access and/or exit (concrete crossovers) must remain at least 1.0 metre away from any electricity

- infrastructure (power pole, streetlight) at all times, to prevent accidental damage.
- e) Any proposed driveways or access used by vehicles into the property must have a minimum clearance of 500 millimetres from its closest point to the service pillar(s) located at the front of the property.
  - f) Any excavation works in this area or works on the proposed driveways must comply with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. 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) to locate the existing cables.
  - g) The proposed driveways must not impact on existing cables, cable joints, pits, pillars and the like – refer Essential Energy’s policy CEOM7098 Distribution Underground Design and Construction Manual. Note that approval is not possible where the driveway is proposed to be located with an impact on existing cables, cable joints, pits, pillars and the like - refer ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.
  - h) The cables are to maintain a minimum clearance of 1.0 metre to any activity.
  - i) Any landscaping, tree planting fencing in this area must comply with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.
  - j) The service pillar(s) are to remain clear of vegetation, retaining walls, garden beds, fence etc (500mm clearance for fence).
38. The Applicant will need to engage the services of an Accredited Service Provider to ensure adequate provision of power is available to the proposed shed(s) in accordance with NSW Service and Installation Rules. A Level 2 Electrician will be able to advise on these requirements and carry out the required work to ensure compliance.

#### **ADVICE**

Essential Energy also makes the following general comments:

1. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
2. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.

- 3. In addition, Essential Energy’s records indicate there is overhead and underground electricity infrastructure located within close proximity of the properties. Any activities within these locations must be undertaken in accordance with *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*. Approval may be required from Essential Energy should activities within the properties encroach on the electricity infrastructure.
- 4. 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)*.
- 5. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice – Work near Overhead Power Lines/Underground Assets*.

CARRIED

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

Against: Nil

CARRIED 8/0

**5 LATE REPORTS**

Nil

**6 NOTICES OF MOTIONS**

Nil

The Meeting closed at 5.35 pm

The Minutes of this meeting are confirmed at the General Committee Meeting held on 8 July 2024.

.....  
CHAIRPERSON



### 3 DIRECTOR-CORPORATE SERVICES REPORT

#### 3.1 Donation - Woodstock Memorial Show Inc.

File Number: D24/959

Author: Graham Apthorpe, Acting Director - Corporate Services

#### RECOMMENDATION

**That Council contribute the sum of \$1,500 from the Section 356 expenses budget to assist Woodstock Memorial Show Inc. with the running costs of the Annual Spring Show to be held on 1 September 2024.**

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#### INTRODUCTION

Woodstock Memorial Show Inc. has written to Council requesting consideration of a donation of \$2,000 towards the Woodstock Annual Spring Show.

#### BACKGROUND

As Councillors are aware, the Woodstock Memorial Show is held annually to raise funds to support the Woodstock War Memorial Hall and other local charities and to provide a social event for residents and visitors.

Council has provided donations for this event of between \$500 and \$1,000 previously to assist with running costs, license fees for hire of portable toilets, S138 Application permits, waste bin hire and other costs associated with the event.

Woodstock Memorial Show are requesting the sum of \$2,000 to assist with the rising costs associated with running the event. This would be a 100% increase from the previous donation.

The request meets the criteria for community events as set out in Council's Donation Policy as follows:-

- Festivals and special events which enhance community spirit.
- Community, charity and not for profit organisations' use of Council owned and controlled facilities including halls, sporting grounds and other venues.

In consideration of the activity, it is recommended that Council donate the sum of \$1,500 in this instance from Section 356 donations.

#### BUDGET

\$35,642 is included in the 2024/25 Budget for Section 356 Donations

#### ATTACHMENTS

- I. Donation Application - 6 June 2024 [↓](#)



Cowra Shire Council  
Private Bag 342  
Cowra NSW 2794  
Phone: 02 6340 2000  
council@cowra.nsw.gov.au  
www.cowracouncil.com.au

## Application for Financial Assistance/Donation

### Applicant Information

Local Sporting Team/Organisation

[ applications must be made by the local team of which the individual is a member ]

Contact Name/ Sporting Applicant: Woodstock Memorial Show Inc  
Mailing address: 286 Nargong Rd WOODSTOCK NSW 2793  
Phone: (Home) 0263450104 (Business) 0428405523  
Email: woodstockmemorialshow@gmail.com  
Signature: AM Rutledge Date: 06 / 06 / 2024

### Organisation Details

Organisation responsible for the event/activity: Woodstock Memorial Show Inc  
President/Secretary Contact Details: Ben Johnstone / Alison Rutledge 0428405523  
Organisation Type (please circle): Non Profit / Charity / Incorporated / Business / other:  
Do membership fees apply ?  YES  NO  
If yes, annual membership/fees \$ \$17.00 and \$11.00

### Event Details

Description of the event/project/request/person for which assistance is sought Annual Spring Show

Date/s of the proposed event/project 1<sup>st</sup> September 2024  
Venue where will the event/project take place? Woodstock Showground

### Financial Details

Amount of assistance being sought: \$2000.00  
Total Estimated cost of the total event/project \$25000.00  
How are funds to be raised? Sponsorship, Donations, Gate Takings

Funds available at present to go towards event \$49000.00  
Will the event/project support charities  YES  NO  
If YES, value of support \$9500  
Previous / Other Assistance: \_\_\_\_\_

Has Council previously assisted you/your organisation?  YES  NO  
If so what was the amount of the assistance from Council? \$  
When was it provided? Community Grant in 2023, donation in 2022 for reduction in garbage bin fees  
Have you applied for funding from other organisations?  YES  NO  
If YES, how much has been sought \$





**3.2 Investments and Financial Report**

File Number: D24/1088

Author: Graham Apthorpe, Acting Director - Corporate Services

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

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**INTRODUCTION**

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

**BACKGROUND**

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

**BUDGETARY IMPLICATIONS**

Nil

**ATTACHMENTS**

1. Investments and Financial Report - June 2024 [↓](#)



















**3.3 Rent of Enclosed Dedicated Roads**

File Number: D24/1107

Author: Graham Apthorpe, Acting Director - Corporate Services

**RECOMMENDATION**

**That Council confirm the following action to be taken in respect of rental of Enclosed Dedicated Roads.**

- 1. That the amounts invoiced in 2023/24 be credited in full and new invoices issued showing a 3.9% increase on the amounts charged in the previous year together with an explanatory letter.**
- 2. That a change to the Revenue Policy for 2024/25 be advertised as required, to change the calculation for the Rent of Unused Public Roads Annual Rent fee to “Annual increase by Rate Pegging percentage”.**

**INTRODUCTION**

Adjustment to charges.

**BACKGROUND**

Council has 56 road reserve leases (Enclosed Dedicated Roads) for land rented out to rural property owners. These are historical “paper roads” used by rural property owners for which an annual rental charge is applicable.

The annual charge is based on the current land value. The most recent land valuation was in July 2022 and these new valuations were used to issue the accounts for the rental of enclosed roads in June 2024. One complaint was received about the increase where the rental increased by 87% due to the change in the valuation and the charge at 3% of that valuation as per Council’s Revenue Policy. This prompted Council staff to review those accounts and it found that they had increased in total from \$21,460 to \$40,520. Those accounts ranged from \$59 to \$2,577 with an average of \$723, whereas they had previously ranged from \$34 to \$1,376 at an average of \$376.

It is considered that the increase is excessive and it is recommended that Council credit back the accounts just issued and new accounts be sent based on indexing the 2022-23 fees by the rate peg applied for 2023-24 rate year - 3.9% i.e. a new total of \$22,297.

For the 2024-25 year, Council will later issue accounts by indexing the new 2023-24 charges of \$22,297 by this year’s rate peg of 4.5%. This would see the total increase from \$22,297 to \$23,300. This will require that the Revenue Policy be advertised to amend that section to “Annual increase by Rate Pegging percentage”.

**BUDGETARY IMPLICATIONS**

Reduction in income of \$18,223

**ATTACHMENTS**

Nil

## 4 DIRECTOR-INFRASTRUCTURE & OPERATIONS REPORT

### 4.1 Committee Minutes - Traffic Committee

File Number: D24/1102

Author: Dirk Wymer, Director-Infrastructure & Operations

### RECOMMENDATION

1. That the minutes of the Traffic Committee meeting held on 11 June 2024 be noted.
2. That Council approves the Class 2 special event to be held as part of the 80th Anniversary Commemorations of the Cowra POW Breakout to be held on 4-5 August 2024 subject to compliance with the requirements of Transport for New South Wales (TfNSW) and NSW Police.
3. That Cowra Junior Soccer be permitted to activate a Speed Zone Reduction on Saturday mornings between 7:30am to 1:00 pm, from 29 June 2024 to 21 September 2024, excluding school holidays:
  - by suitably accredited persons with no less than an “Implement Traffic Control Plan” accreditation, issued by Safework NSW.
  - subject to compliance with the requirements of Transport for New South Wales (TfNSW) and NSW Police.
4. That no changes to vehicle movements at Busby Place Carpark Macquarie Street access be taken at the present, but the counter is to remain in place to monitor traffic behaviour and an update be forwarded at the next Local Traffic Committee.
5. That the southern end of the “No Stopping” zone, north of the access to “Cowra Van Park”, be extended to a point 20.5m south of the middle of the Park access on Lachlan Street.
6. That:
  - a. Eagle View Road from 414 Eagle View Road to Boorowa Road.
  - b. Bonnie Braes Road from Noonbinna road to Noonbinna GrainCorp site.
  - c. Bulkhead Road from Boorowa Road to the Cowra GrainCorp site.
  - d. North Logan Road from Nangar Street to Sloan Street, Billimari,
  - e. Sloan Street, Billimari.
  - f. Merriganowry Bridge Road from Sloane Street to Forbes Road.be approved for Tier 3, PBS Level 2B, 30m “A- Double” access at High Mass Limit (HML).

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### INTRODUCTION

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

**BACKGROUND**

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

**BUDGETARY IMPLICATIONS**

N/A

**ATTACHMENTS**

1. Draft minutes of the Traffic Committee meeting held on 11 June 2024 [↓](#)















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

File Number: D24/1106

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

**RECOMMENDATION**

- 1. That the minutes of the Saleyards Committee meeting held on 2 May 2024 be noted.**
  - 2. That Council write to Ian Wright to thank him for his contributions to the Saleyards Committee.**
- 

**INTRODUCTION**

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

**BACKGROUND**

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

**BUDGETARY IMPLICATIONS**

N/A

**ATTACHMENTS**

- 1. Draft minutes of the Saleyards Committee meeting held on 2 May 2024 [↓](#)**













## 5 DIRECTOR-ENVIRONMENTAL SERVICES REPORT

- 5.1 Development Application No. 14/2024, Lot 363 DP 752948, 14 Shelley Street Cowra, Section 4.55(1A) modification to carport (modify front and side setbacks) - Mod I, lodged by K Wilson

File Number: D24/1090

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; and
2. That Section S4.55(1A) Modification No. 14/2024, for the modification to carport (modify front and side setbacks) - mod I 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 29/06/24 REV B	Received 12 June 2024 Stamped No. DA 10.2024.14.2
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 (Pro-forma Template)	Kate Wilson N.D.	Received 15 February 2024 Stamped No.

		<b>DA 10.2024.14.1</b>
<b>Shadow Diagrams - Plan View</b>	<b>Currajong Drawn 29/06/24 REV B</b>	<b>Received 12 June 2024 Stamped No. DA 10.2024.14.2</b>
<b>Shadow Diagrams - 3D (9am – 11am)</b>	<b>Currajong Drawn 29/06/24 REV B</b>	<b>Received 12 June 2024 Stamped No. DA 10.2024.14.2</b>
<b>Shadow Diagrams - 3D (12pm – 2pm)</b>	<b>Currajong Drawn 29/06/24 REV B</b>	<b>Received 12 June 2024 Stamped No. DA 10.2024.14.2</b>
<b>Shadow Diagrams - 3D (3pm – 4pm)</b>	<b>Currajong Drawn 29/06/24 REV B</b>	<b>Received 12 June 2024 Stamped No. DA 10.2024.14.2</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 4, Division 2 of the Environmental Planning and Assessment Regulation 2021 (see attached Advisory Note).

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

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

**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.
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 60 of the NPW Regulation.

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#### **INTRODUCTION**

Development Application No. 14/2024 proposes a Section 4.55(1A) Modification to carport (modify front and side setbacks) - Mod 1 on Lot 363 DP 752948, 14 Shelley Street Cowra. The application was lodged with Council by K Wilson on 12 June 2024.

The application is reported to Council because the original Development Application was determined by Council.



A copy of the site and elevation plans of the proposed Section 4.55(1A) modification to carport (modify front and side setbacks) - Mod I 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.

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 modify the approved location of the carport by moving the structure's footprint 4 metres towards the rear boundary and 0.5 metres towards the southern 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 General Residential under the provisions of the Cowra Local Environmental Plan (LEP) 2012. The Section 4.55(1A) Modification to carport (modify front and side setbacks) - Mod I is permitted in the zone with development consent.

The proposed modification does not alter the original assessment. The proposal as modified remains consistent with the zone objectives.

##### State Environmental Planning Policies

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

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

Under SEPP 55 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

The proposed modification does not alter the original assessment.

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 Statement of Environmental Effects submitted with the application does not mention any previous land use likely to have resulted in contamination of the site. No further investigation is warranted.

#### **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. The proposed modification does not alter the original assessment.

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

The subject land is cleared of vegetation and no tree removal is proposed – no further assessment required relating to Biodiversity. The proposed modification does not alter the original assessment.

### **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. The proposed modification does not alter the original assessment.

### **PART K – LAND USE BUFFERS**

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

The subject land is located outside of the OLS. The proposed modification does not alter the original assessment.

### **PART N – LANDSCAPING**

Landscaping assessment is not considered necessary for ancillary development. The proposed modification does not alter the original assessment.

**PART O – ENVIRONMENTAL HAZARD MANAGEMENT**

The proposed modification does not alter the original assessment:

*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. The proposed modification does not alter the original assessment.

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. No change to the original assessment.

##### 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. No change to the original assessment.

##### Public Domain

The proposal will not have a negative impact on public recreational opportunities or public spaces in the locality. No change to the original assessment.

##### 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. No change to the original assessment.

##### 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. No change to the original assessment.

##### Other Land Resources

The land does not contain any recorded mineral deposits and the proposal will not negatively impact any water catchment areas. No change to the original assessment.

### 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. No change to the original assessment.

### 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. No change to the original assessment.

### 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. No change to the original assessment.

### 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. No change to the original assessment.

### Waste

Any construction waste will be removed from the site and appropriately recycled or catered for at a licensed waste management facility. No change to the original assessment.

### Energy

A BASIX Certificate is not required for this application. No change to the original assessment.

### 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. No change to the original assessment.

### 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. No change to the original assessment.

### Technological Hazards

Council's records and inspection of the site did not reveal any technological hazards affecting the site. No change to the original assessment.

### 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. No change to the original assessment.

#### Social and Economic Impacts on the locality

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

The original application received one objection regarding solar access to the northern facing room, bathroom, garden, and washing line. Amended shadow diagrams were provided with this application which show the development as modified would not adversely impact on the clothes drying facilities between the hours of 11am and 4pm on the 21 June. It is considered the application as modified would result in less overshadowing when compared to the approved development as the carport has been relocated 4 metres back thereby reducing the impact on the neighboring development and washing line. It is considered the decrease in side setback from 0.9m to 0.5m would result in minimal change to overshadowing.

#### Site Design and Internal Design

The design of the development is satisfactory for the site and without any identified adverse impacts. No change to the original assessment.

#### 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. No change to the original assessment.

#### Cumulative impacts

The proposal is not expected to generate any ongoing negative cumulative impacts. No change to the original assessment.

### **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

Under Part B.5 of Cowra Council Development Control Plan 2021 the Section 4.55(1A) Modification Application is not required to be re-notified to adjoining owners.

#### 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 Section 4.55(1A) modification to carport (modify front and side setbacks) - Mod 1 on Lot 363 DP752948, 14 Shelley Street Cowra. The application was lodged by K Wilson on 12 June 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 not required to be notified in accordance with Cowra Community Participation Plan 2020.

Having considered the documentation supplied by the applicant, 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. Mod (1) DA 14/2024 - Development Plans [↓](#)
2. Mod (1) DA 14/2024 - Statement of Environmental Effects [↓](#)
3. Mod (1) DA 14/2024 - Location map [↓](#)
4. Mod (1) DA 14/2024 - Aerial view [↓](#)
5. Mod (1) DA 14/2024 - Original Development Consent and approved documents [↓](#)













































































































- 5.2 Development Application No. 80/2023, Lot 2 DP 868109, 8 Short Street Cowra, Demolition of existing dwelling, construction of 4 detached dwellings and 4 lot Torrens Title subdivision, lodged by V A Munoz – Ferrada. The property owner is K R Spencer & V A Munoz - Ferrada.**

File Number: D24/1096

Author: Larissa Hackett, Director Environmental Services

## RECOMMENDATION

1. That Council notes that the reason for the decision is that the proposal largely complies with Section 4.15 of the Environmental Planning and Assessment Act 1979. The variations to Section No. E.2.7., E.2.13 and E.2.14 of Part E of Council's Development Control Plan 2021 is sufficiently justified and the application was publicly notified and no submissions were received; and
2. That Council approves variations to Sections E.2.7, E.2.13 and E.2.14 of Part E of Council's Development Control Plan 2021 for this development to allow a site frontage of 15.3 metres per dwelling, a rear setback of 1.95 metres for dwellings 1 and 2 and separation between habitable rooms and balconies of 4.07 metres.
3. That Development Application No. 80/2023, for the demolition of an existing dwelling, construction of 4 detached dwellings and 4 lot Torrens Title subdivision on Lot 2 DP 868109, 8 Short 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
Existing Site Plan Drawing 01	McKinnon Design 23/02/2024 Job 22090 Issue H	Received 1 May 2024 Stamped No. 10.2023.80.1 (C)
Proposed Site Plan Drawing 02	McKinnon Design 30/04/2024 Job 22090 Issue J	Received 1 May 2024 Stamped No. 10.2023.80.1 (C)
Floor Plan Units 1 & 2 Drawing 03	McKinnon Design 23/02/2024 Job 22090 Issue H	Received 1 May 2024 Stamped No. 10.2023.80.1 (C)



<b>Floor Plan Units 3 &amp; 4 Drawing 04</b>	<b>McKinnon Design 26/07/2023 Job 22090 Issue C</b>	<b>Received 1 May 2024 Stamped No. 10.2023.80.1 (C)</b>
<b>East and West Elevations Units 1 &amp; 2 Drawing 05</b>	<b>McKinnon Design 30/04/2024 Job 22090 Issue J</b>	<b>Received 1 May 2024 Stamped No. 10.2023.80.1 (C)</b>
<b>North and South Elevations Unit 1 Drawing 06</b>	<b>McKinnon Design 30/04/2024 Job 22090 Issue J</b>	<b>Received 1 May 2024 Stamped No. 10.2023.80.1 (C)</b>
<b>North and South Elevations Unit 2 Drawing 07</b>	<b>McKinnon Design 30/04/2024 Job 22090 Issue J</b>	<b>Received 1 May 2024 Stamped No. 10.2023.80.1 (C)</b>
<b>East and West Elevations Units 3 &amp; 4 Drawing 08</b>	<b>McKinnon Design 30/04/2024 Job 22090 Issue J</b>	<b>Received 1 May 2024 Stamped No. 10.2023.80.1 (C)</b>
<b>North and South Elevations Unit 3 Drawing 09</b>	<b>McKinnon Design 30/04/2024 Job 22090 Issue J</b>	<b>Received 1 May 2024 Stamped No. 10.2023.80.1 (C)</b>
<b>North and South Elevations Unit 4 Drawing 10</b>	<b>McKinnon Design 30/04/2024 Job 22090 Issue J</b>	<b>Received 1 May 2024 Stamped No. 10.2023.80.1 (C)</b>
<b>Proposed Sub-Division Plan Drawing 11</b>	<b>McKinnon Design 30/04/2024 Job 22090 Issue J</b>	<b>Received 1 May 2024 Stamped No. 10.2023.80.1 (C)</b>
<b>Shadow Diagrams Drawing 12</b>	<b>McKinnon Design 30/04/2024 Job 22090 Issue J</b>	<b>Received 1 May 2024 Stamped No. 10.2023.80.1 (C)</b>
<b>Shadow Diagrams Drawing 13</b>	<b>McKinnon Design 30/04/2024 Job 22090 Issue J</b>	<b>Received 1 May 2024 Stamped No. 10.2023.80.1 (C)</b>
<b>Cover Sheet, Locality Plan and Drawing Schedule</b>	<b>TTW 26.02.24 Project 231867</b>	<b>Received 5 March 2024 Stamped</b>

<b>Drawing C00</b>	<b>Revision P2</b>	<b>No. 10.2023.80.1 (A)</b>
<b>General Notes and Legends Drawing C01</b>	<b>TTW 26.02.24 Project 231867 Revision P2</b>	<b>Received 5 March 2024 Stamped No. 10.2023.80.1 (A)</b>
<b>Sediment and Erosion Control Plan Drawing C02</b>	<b>TTW 26.02.24 Project 231867 Revision P2</b>	<b>Received 5 March 2024 Stamped No. 10.2023.80.1 (A)</b>
<b>Sediment and Erosion Control Detail Drawing C03</b>	<b>TTW 26.02.24 Project 231867 Revision P2</b>	<b>Received 5 March 2024 Stamped No. 10.2023.80.1 (A)</b>
<b>Bulk Earthworks Plan Drawing C04</b>	<b>TTW 26.02.24 Project 231867 Revision P2</b>	<b>Received 5 March 2024 Stamped No. 10.2023.80.1 (A)</b>
<b>Cut and Fill Plan Drawing C05</b>	<b>TTW 26.02.24 Project 231867 Revision P2</b>	<b>Received 5 March 2024 Stamped No. 10.2023.80.1 (A)</b>
<b>Bulk Earthworks Sections Drawing C06</b>	<b>TTW 14.03.24 Project 231867 Revision P3</b>	<b>Received 20 March 2024 Stamped No. 10.2023.80.1 (B)</b>
<b>Vehicle Scraping Details Sheet 1 Drawing C20</b>	<b>TTW July 2024 Project 231867 Revision P1</b>	<b>Received 20 March 2024 Stamped No. 10.2023.80.1 (A)</b>
<b>Vehicle Scraping Details Sheet 2 Drawing C21</b>	<b>TTW July 2024 Project 231867 Revision P1</b>	<b>Received 20 March 2024 Stamped No. 10.2023.80.1 (A)</b>
<b>Vehicle Scraping Details Sheet 3 Drawing C22</b>	<b>TTW July 2024 Project 231867 Revision P1</b>	<b>Received 20 March 2024 Stamped No. 10.2023.80.1 (A)</b>
<b>Stormwater Reticulation Layout Sheet 1 of 2</b>	<b>Heath Consulting Engineers June 2024 Job 24_015 Rev B</b>	<b>Received 12 June 2024 Stamped No. 10.2023.80.1 (A)</b>
<b>Sewer and Water</b>	<b>Heath Consulting</b>	<b>Received</b>

<b>Reticulation Layout Sheet 2 of 2</b>	<b>Engineers June 2024 Job 24_015 Rev B</b>	<b>12 June 2024 Stamped No. 10.2023.80.1 (A)</b>
<b>Asbestos Identification</b>	<b>Safe Work and Environments 14 September 2023 SWE Ref SI 12330.1</b>	<b>Received 9 November 2023 Stamped No. 10.2023.80.1</b>
<b>BASIX Certificate No. 1392974M</b>	<b>Marc Kiho Issued: 28 July 2023</b>	<b>Received 30 August 2023 Stamped No. 10.2023.80.1</b>
<b>Statement of Environmental Effects V04032024</b>	<b>Saunders Property 4 March 2024</b>	<b>Received 8 March 2024 Stamped No. DA 10.2023.80.1 (C)</b>
<b>Additional Information V280424</b>	<b>Saunders Property 28 April 2024</b>	<b>Received 29 April 2024 Stamped No. DA 10.2023.80.1</b>

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

2. The applicant shall comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the Environmental Planning and Assessment Regulation 2021 (see attached Advisory Note).
3. The development is to be undertaken in the following stages:
  - Stage 1 - The demolition of the existing dwelling.
  - Stage 2 – The construction of four new dwellings and associated infrastructure including access crossings, driveways, landscaping and all service connections.
  - Stage 3 – Four lot Torrens Title subdivision.
4. Pursuant to Section 4.17(4) of the Environmental Planning & Assessment Act 1979, the outcome that this development must achieve is the establishment of a single dwelling on each allotment. This is to be achieved by ensuring that all stages of the development are completed in accordance with condition 3.
5. Any cutting and filling on the site shall be either battered at a maximum slope of one vertical to two horizontal (1V:2H) and revegetated or suitably retained by a retaining structure, designed and constructed to appropriate engineering

standards. A retaining wall that does not comply with State Environmental Planning Policy (Exempt & Complying Development Codes) 2008 will require the prior consent of Council. The erection of retaining walls may require the approval and certification of a suitably qualified structural engineer. All works are to be carried out within the boundaries of the property and without affecting the structural integrity of boundary fencing or neighbouring structures.

6. 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.
7. Traffic movements from proposed lots 3 & 4 out of the development to Short Street must turn left.

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

8. All utility service connections, including sewer and water, shall be properly disconnected as part of the demolition works. In this regard the Applicant must consult with relevant service authorities regarding their requirements for the disconnection of services prior to any demolition works commencing at the site.

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

9. 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.
10. Demolition works are to be carried out so as not to cause damage to adjacent and adjoining properties. All damage arising from the removal of the building is to be made good and any necessary repairs and renovations are carried out within six months. Existing site to be left in a clear, clean condition with all existing plumbing and drainage lines terminated to the satisfaction of Council.
11. All works involving the removal and disposal of asbestos cement and other products containing asbestos must only be undertaken by contractors who hold a current WorkCover licence appropriate to the work being undertaken.
12. All removal, transport and disposal of asbestos or other contaminated waste materials shall be controlled in accordance with the Work Health and Safety Act

2011 and the Safe Work Australia Code of Practice – How to Manage and Control Asbestos in the Workplace. Any delivery of asbestos waste to Cowra Shire Council's Materials Recycling Facility (MRF) must be pre-booked by phoning the MRF on (02) 6340 2140.

13. In the event of any damage being caused to the existing kerb, guttering, footpath, water mains, sewer mains or public roadway during demolition works, the applicant shall reimburse the Council for the full costs of repairing and making good. Any temporary cross-over material must not remain in the street gutter.
14. All storage of goods and building materials and the carrying out of building operations related to the development proposal shall be carried out within the confines of the property. All vehicles must be parked legally and no vehicles are permitted to be parked over the public footpath. The unloading of building materials over any part of a public road by means of a lift, hoist or tackle projecting over the footway will require separate approval under Section 68 of the Local Government Act 1993.
15. Demolition work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 6.00 pm on weekdays and 8.00 am and 1.00 pm on Saturdays. No work on Sundays or Public Holidays is permitted.
16. All building rubbish and debris, including that which can be windblown, shall be contained on site in a suitable container for disposal at an approved Waste Landfill Depot. The container shall be erected on the development site prior to work commencing and shall be maintained for the term of the demolition 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 demolition site.
17. On the completion of all asbestos removal works, a Clearance Certificate is to be obtained in accordance with the Work Health and Safety Regulations 2017 and provided to Council.

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

18. Prior to the issue of a Construction Certificate, a separate application is to be made to Council, with the appropriate fee being paid, for the provision of suitably sized metered water services to the development.
19. Construction Certificate plans are to show that the stairs providing access along the north side of any dwelling on proposed lot 4 to be moved to a location not encumbered by an easement.
20. Pursuant to Section 7.12 (formerly Section 94A) of the Environmental Planning & Assessment Act 1979, the monetary contribution set out in the following table is to be paid to Council prior to the issue of a Construction Certificate. The contribution is current as at the date of this consent and is levied in accordance with the Cowra Section 94A Contributions Plan 2016 adopted on 26 April 2016.

The contribution payable will be calculated in accordance with the contributions plan current at the time of payment, and will be adjusted at the time of payment in accordance with the Consumer Price Index (CPI) (All Groups Index for Sydney) published by the Australian Bureau of Statistic (ABS). Contribution amounts will be adjusted by Council each financial year.

Contribution Type	Proposed Cost of Development <sup>1</sup>	Levy Percentage	Total Contribution	Contribution Rate Remains Current Until
Section 94A Contribution <sup>2</sup>	\$1,810,000.00	1%	\$18,100.00	30 June 2025
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 <a href="http://www.cowracouncil.com.au">www.cowracouncil.com.au</a>				

21. Prior to the issue of the Construction Certificate, the Applicant must obtain consent from Council pursuant to Section 138 of the Roads Act 1993 for the construction of a driveway crossing to the development site from Market Street & Short Street, in accordance with Cowra Shire Council's Engineering Standards. Access from Market Lane to lot 1 must show an algebraic change in grade not in excess of 12.5%.
22. Prior to the issue of a Construction Certificate, the Applicant must amend the plans to provide suitable screening between the deck of Dwelling 2 and the southern facing Living Room window of Dwelling 1 to the satisfaction of Council's Manager – Planning Services.

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

23. 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.
24. 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.
25. 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'.**

26. 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**

27. 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.
28. 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.
29. 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.
30. 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.
31. 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.
32. All impervious surfaces shall be properly drained to the front of the premises and directed to Cowra Shire Council's drainage system on Short Street. A Junction Pit with a grated cover is to be constructed where the proposed inter-allotment line joins Council's stormwater main, in accordance with Council's Engineering Standards.
33. As soon as is practical, and within a maximum of 7 days following the placement of any roofing material, all guttering and downpipes must be installed and connected to Council's drainage system. If no Council drainage system is available, the guttering and downpipes must be discharged away from the

building site onto a stable vegetated area in a manner that does not discharge concentrated storm water flow and cause nuisance or erosion to adjoining properties.

34. All plumbing work shall be carried out by a licensed plumber and drainer and to the requirements of the Plumbing Code of Australia. The licensed plumber or drainer must submit a Notice of Works form to Council prior to the commencement of any plumbing and drainage works and a Certificate of Compliance at the completion of the works. The plumbing and drainage works must be inspected by Council at the time specified below:
- (a) **Internal Drainage:** When all internal drainage work is installed and prior to concealment. Pipes should be under water test.
  - (b) **External Drainage:** When all external drainage work is installed and prior to concealment. Pipes should be under water test.
  - (c) **Water Supply:** Hot and cold water supply pipework, when the pipework is installed and prior to concealment. Pipes should be under pressure test.
  - (d) **Stormwater:** When the stormwater and roof water drainage system has been completed.

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

35. The Applicant must not commence occupation or use of the dwellings until a Whole or Partial Occupation Certificate has been issued from the Principal Certifier appointed for the subject development.
36. Prior to issue of any Occupation Certificate, the Applicant shall construct the access crossings to the development site from Short Street and Market Lane 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.
37. Prior to the issue of a Whole Occupation Certificate, all landscape works shall be completed in accordance with the approved plans including the installation of fencing dividing private open space areas.
38. The Applicant is required to obtain a Certificate of Compliance pursuant to Section 64 of the Local Government Act 1993 certifying that all works, fees and charges required in connection with the provision of water and sewer supply to the development have been undertaken and complied with in full. The certificate shall include all relevant works verified by appropriate inspections, fees and charges that are currently being applied at the time of the issue of any Occupation Certificate.

**Water reticulation mains and metered services and sewer reticulation mains must be physically provided to the development in accordance with Cowra Infrastructure and Operations Engineering Standards. Council will not issue any**



Occupation Certificate until a Compliance Certificate has been issued, verifying that all works have been satisfactorily completed. All monetary contributions in relation to the augmentation of reticulated water and sewer supply must be paid in full to Cowra Shire Council before any Occupation Certificate will be issued. Necessary inspections must be arranged at least 48 hours in advance. Contact Cowra Infrastructure and Operations on (02) 6340 2070.

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

39. The Applicant is to lodge with Cowra Shire Council a Subdivision Certificate Application together with the original plan. All necessary information to support the certificate release and the necessary fee is required to be included with the Subdivision Certificate Application.
40. Prior to the issue of a Subdivision Certificate, the applicant must provide to Council a Notification of Arrangement from Essential Energy confirming that satisfactory arrangements have been made for the provision of power with respect to all lots in the subdivision.
41. Prior to the issue of the Subdivision Certificate, the applicant is to provide evidence to Council that arrangements have been made for:
  - (a) The installation of fibre-ready facilities (or equivalent) to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose, and
  - (b) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.
42. Prior to issue of the Subdivision Certificate, the Applicant shall include on the final plan of subdivision all necessary easements required for water, sewer, stormwater, and access.
43. The Applicant shall detail a three-metre-wide easement along the northern boundary of proposed lots 3 & 4 for purposes of providing access to the sewer mains system, water supply, inter-allotment drainage and for maintenance purposes.

### **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 60 of the NPW Regulation.

**Essential Energy makes the following general comments:**

- **As part of the subdivision, an easement is created for any existing electrical infrastructure. The easement is to be created using Essential Energy’s standard easement terms current at the time of registration of the plan of subdivision;**
- **If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;**
- **Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;**
- **Council should ensure that a Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant’s responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions;**
- **In addition, Essential Energy’s records indicate there is electricity infrastructure located within the property. Any activities within this location 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;**
- **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);**
- **Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW ([www.safework.nsw.gov.au](http://www.safework.nsw.gov.au)) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.**

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## INTRODUCTION

Development Application No. 80/2023 proposes the demolition of existing dwelling, construction of 4 detached dwellings and 4 lot Torrens Title subdivision on Lot 2 DP 868109, 8 Short Street Cowra. The application was lodged by V A Munoz - Ferrada on 30 August 2023.

The application is being reported to Council because of several variations to Cowra Council Development Control Plan 2021 which are discussed in the relevant section of this report.

A copy of the subdivision, site and elevation plans of the proposed development are included in Attachment ‘1’ to this report and a copy of the Statement of Environmental Effects is included in Attachment ‘2’.

## Description of Site

Lot 2 DP 868109, 8 Short Street Cowra is a rectangular allotment of approximately 1445m<sup>2</sup>. The lot is located in the R1 General Residential under Cowra Local Environmental Plan (LEP) 2012. The site contains an existing dwelling which is proposed to be demolished.

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 demolish the existing dwelling and construct 4 new dwellings with Torrens Title subdivision into 4 equal lots of 361.2m<sup>2</sup>. The dwellings on Lots 1 and 2 will achieve access from Market Lane and Lots 3 and 4 from Short Street. The dwellings are single level, 2 bedroom (plus study) with Colorbond roofing and exteriors composed of textured coating and coloured Hebel panels.

### 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 80/2023:

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

##### Cowra Local Environmental Plan 2012

The land is zoned R1 General Residential under the provisions of the Cowra Local Environmental Plan 2012

##### 1.2 Aims of Plan

The development is not inconsistent the aims of the LEP.

##### 1.4 Definitions

**dwelling house** means a building containing only one 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 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 **dwelling houses** are permitted with consent.



2.3 Zone objectives and Land Use Table

**I Objectives of the Zone**

Objective	Comment
• To provide for the housing needs of the community.	Consistent
• To provide for a variety of housing types and densities.	Consistent
• To enable other land uses that provide facilities or services to meet the day to day needs of residents.	Not inconsistent
• To provide attractive, affordable, well located and market-responsive residential land.	Not inconsistent
• 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 inconsistent
• To maximise public transport patronage and encourage walking and cycling.	Not inconsistent

**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 the development is permitted with consent.

#### **2.6 Subdivision requirements**

The proposed development requires consent and would not result in a secondary dwelling being located of a separate lot.

#### **2.7 Demolition requires development consent**

The proposed demolition requires development consent.

#### **2.8 Temporary Use of land**

The proposal does not involve the temporary use of the land.

#### **4.1C Exceptions to minimum subdivision lot sizes for certain residential development**

The proposed subdivision is permissible under Clause 4.1C as the proposed subdivision includes a dwelling on each lot and each lot would be above 300m<sup>2</sup> which is the minimum lot size under Clause 4.1C.

#### **5.10 Heritage conservation**

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

#### **5.11 Bushfire**

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

5.21 Flood planning

The land is not in the flood planning area.

Part 6 Urban release areas

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

7.1 Earthworks

The site has a 12% slope and substantial (1.4m) earthworks and a 2.1m retaining wall are required. A suitable sediment and erosion control plan has been submitted, and it is considered that there will be no adverse impact or environmental risk from the 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.

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	The proposed development would connect to Council’s reticulated water service by way of 3 new meters to Short Street frontage.
Electricity	The proposed development will be connected to electricity supply to the requirements of the relevant energy provider.
Sewage	The proposed development will connect to Council’s reticulated sewer service. An extension of the reticulated sewer line is proposed. As the construction would be undertaken prior to subdivision, a Subdivision Works Certificate is not required.

	Applicable conditions are instead applied prior to Construction Certificate.
Stormwater	Each dwelling would direct stormwater to a rainwater tank with overflow to connect to Council’s reticulated stormwater service. An extension of the reticulated stormwater line is proposed. As the construction would be undertaken prior to subdivision, a Subdivision Works Certificate is not required. Applicable conditions are instead applied prior to Construction Certificate.
Access	It is proposed that proposed dwellings 1 & 2 would be accessed by new driveways and crossovers to Market Lane, dwellings 3 & 4 would be accessed by new driveways and crossovers to Short Street. A condition for a S138 application has been imposed.

**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	A BASIX certificate has been provided as the cost exceeds

	\$50,000
SEPP (Transport and Infrastructure) 2021	Not applicable

**SEPP (RESILIENCE AND HAZARDS) 2021**

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

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

There are no known prior land-uses on the site that are likely to have resulted in the contamination of the land. Site inspection carried out did not reveal any evidence of contamination of the site. The proposal includes demolition works of the existing dwelling, and an Asbestos report has been provided confirming the presence of asbestos. Standard conditions relating to asbestos removal apply. No further investigation is warranted in this instance. In this regard it is considered the potential for contamination is minimal.

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

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

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

**PART A – PLAN INTRODUCTION**

Consent is required for the proposed demolition, 4 dwellings, and Torrens title subdivision.

**PART B – LAND MANAGEMENT**

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

**PART C – BIODIVERSITY MANAGEMENT**

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

**PART D – SUBDIVISION DEVELOPMENT**

Section	Comments
D.3.1. Application of this part	The development proposes subdivision of land located in the R1 General Residential zone under the LEP. Part D.3 is applicable to the development.



D.3.2. Objectives	The development is consistent with the objectives contained in D.5.2.
D.3.3. Lot Size, Layout and Dimensions	The land is shown on the LEP lot size map as having a minimum lot size of 700 square metres. However, the proposed development would utilise Clause 4.1C of the LEP to subdivide into 4 lots of over 300 <sup>2</sup> m as a new dwelling is proposed on each lot. The allotments would be smaller than nearby lots, but would have a similar frontage to adjacent Lot 1 DP868109 to the north.
D.3.4. Street Design	No new roads will be created as part of the development.
D.3.5. Access Provision	All proposed lots have direct and lawful access to the public road network.
D.3.6. Utility Provision	The proposed lots would include new water and sewer connections for each dwelling. An extension of Council's sewer main is required within a proposed easement to service dwellings 1 and 2.
D.3.7. Stormwater, Drainage & Waterways	The proposed lots would include an extension of Councils stormwater system within a proposed easement. Each dwelling would drain into the proposed stormwater management system.

**PART E – URBAN AND VILLAGE DEVELOPMENT**

**Part E.2 Medium Density Housing**

<b>Section</b>	<b>Comments</b>
E.2.1. Application of Section	The subject land is zoned R1 General Residential and 4 dwelling houses and Torrens title subdivision is proposed, therefore part E.2 applies.
E.2.2. Objectives	The proposed development meets these objectives.
E.2.3. Site Analysis	A site analysis has been provided on the submitted plans.
E.2.4. Soil Erosion and Sedimentation Control	Erosion and Sediment Control Plan provided with appropriate controls to be put in place.
E.2.5. Landscaping	Part N has been considered below.
E.2.6. Cut and Fill Controls	The subject lot would be levelled with 1.4m of cut, 1m of fill, and a retaining wall to a maximum of 2.1m.
E.2.7. Site Area and Frontage Controls	The minimum site area is calculated by dividing the total area of the development site by the number of proposed dwelling units. The original lot is 1443.94sqm, with 4 dwellings to be situated on it, giving a minimum site area per dwelling of 360.985sqm, consistent with E.2.7. <b>Variation requested.</b> The site frontages would be 15.3m, contrary to the 18m required under E.2.7.(b). The variation is considered at the end of this section.
E.2.8. Streetscape Controls	The proposed dwellings are consistent with the scale and character of adjoining dwellings and the surrounding environment. Each dwelling would address a different frontage. Each dwelling would include a habitable room window overlooking the respective street. The proposed development would provide passive surveillance to each street frontage. The proposed development would present as a single storey dwelling consistent with the streetscape.

E.2.9. Height Controls	The proposed dwellings are single storey with a maximum height above NGL of 8.6m.
E.2.10. Solar Access Controls	Complies. The provided shadow diagrams indicate the living areas and private open spaces of 75% of the dwellings within the development would receive a minimum of 3 hours sunlight between 9am and 3pm on the 21 <sup>st</sup> June.
E.2.11. Front setback controls	The proposed development would have a front setback to both Short Street and Market Lane of 4.585 metres. The dwelling on Lot 1 DP868109 to the north has a front setback of approximately 2.7m and the dwelling to the south on Lot 3 Section 39 DP758300 has a front setback to Short Street of approximately 7m. The proposed setback of 4.585 is considered a minor variation to the required 4.85m in Scenario 4 (5.46%)
E.2.12. Side Setbacks	The proposed houses would have a minimum side setback of 985mm consistent with E.2.12.
E.2.13. Rear Setbacks	<b>Variation requested.</b> The proposed rear setback for dwellings 1 and 2 would be 1.95m, contrary to the 3m that should be provided under E.2.13. (a). The variation is considered at the end of this section. The rear setback for dwellings 3 and 4 would be compliant at 3 metres.
E.2.14. Visual & Acoustic Privacy Controls	<b>Variation requested.</b> The northern side of the proposed dwelling 2 deck would overlook the window on the southern elevation of proposed dwelling 1 with a separation of 4.27m, contrary to the 12 metres that should be provided under E.2.14. (c). A condition of consent has been included to provide a privacy screen to the deck to the satisfaction of Council to reduce visual privacy impacts and reduce the required separation to 9m per E.2.14. (f). The variation is considered at the end of this section. a) The remaining dwelling houses are single storey and would not create any significant privacy impacts to neighbouring properties.
E.2.15. Private Open Space	Each dwelling would be provided with a minimum of 46.2sqm of north facing, private open space, as well as 13.4sqm of deck directly connected to internal living areas.
E.2.16. Sustainable Building Design Controls	A compliant BASIX Certificate for multi dwelling development has been provided.
E.2.17. Liveable Housing Design	The dwellings would have step-free access from the parking areas to the entrance. Internal doors and corridors have been designed to facilitate comfortable and unimpeded movement between spaces. The proposed bathrooms can provide a hob less shower. The proposed dwellings have been designed to meet the requirements of Part E.2.17.

**Variations:**

E.2.7 Site area and frontage controls

Site area and frontage controls aim to ensure that medium density residential development can achieve a coherent and practical site layout.

Section E.2.7.(b) of Part E of the Cowra Council DCP 2021 requires a minimum site frontage of 18 metres for dual occupancies, semi-detached dwellings, attached dwellings and multi-dwelling housing.

The proposed development would provide a site frontage of 15.3 metres for each lot.

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

*“We also submit that whilst we do not present 18 metres per proposed lot, the character and street presentation is considered appropriate when the same layout could be approved without the subdivision arrangement. The above diagram indicates that dual occupancy and multi dwelling housing can be supported on lots of 18 metres width. This would be achievable if the units were on one title or strata subdivided. The intent for well spaced dwellings or units that present to the street as single dwelling frontages is still achieved. The intent of the DCP has therefore been achieved from a residential character and amenity.*

*The proposal has regard to both street frontages, allows for garages and windows to address the street and provides a cottage style streetscape presentation.*

*Long walls facing the street will not be included with cottage style dimensions with a staggered wall associated with the front verandahs and front doors included in the street presentation.*

*With a 15.3 metre frontage and modest dwellings shown with suitable side and front setbacks, a reasonable street character is still achieved.*

*We also note the adjoining property 10 Short Street and nearby 5 Main Street have frontages of only 14 metres. The proposed frontages of each lot fit the surrounding frontage character and theme.”*

### Comment

It is noted that adjacent Lot 1 DP 868109 (10 Short Street) has a street frontage of approximately 14 metres, and Lot 1 DP 100533 (5 Main Street) has a street frontage of 13.7 metres. The proposed development would present as single dwellings, and would be consistent with the character of the area.

It is considered the reduced site frontage would allow the development to achieve the objectives of this section and not adversely impact the ability to provide a coherent and practical site layout. In this regard it is considered the proposed variation can be supported.

### E.2.13 Rear Setbacks

Rear setbacks are important for achieving open space to the rear of the lot for private recreation and relaxation and ensuring visual and acoustic privacy in dwellings.

Section E.2.13. (a) of Part E of the Cowra Council DCP 2021 provides that single storey building should be setback a minimum of 3 metres from the boundary.

The proposed development would provide a rear setback for dwellings 1 and 2 of 1.95 metres.

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

*“We consider a variation to the DCP is warranted given the location of private open space further north. We also consider with the location of windows and blank privacy walls that a separation distance of 4.78 metres essentially achieves a compliant setback albeit across a boundary.*

*This narrow section has little utility or amenity and does not form part of the main usable open space area. In this instance the narrower setback would achieve no further design advantage at 3.0 metres in this adjoining area. The areas of private open space and solar access will not alter by increasing to 3.0 metres.”*

### Comment

It is considered the proposed development would provide adequate Private Open Space to each of the dwellings through usable decks and side setbacks. It is considered there would be minimal privacy issues between dwellings 1 and 2 to dwellings 3 and 4 resulting from the reduced setback as there would be a 1.8m boundary fence and privacy screens provided to the elevated decks of dwellings 1 and 2.

It is considered the proposed rear setback meets the objectives of this section and the proposed variation can be supported.

### E.2.14 Visual & Acoustic Privacy Controls

Visual and acoustic privacy is important for creating high quality environments and maintaining general neighbourhood amenity.

Section E.2.14. (c) of Part E of the Cowra Council DCP 2021 provides that a minimum separation of 12 metres should be provided between buildings where habitable rooms / balconies face habitable rooms/ balconies.

Section E.2.14. (f) of Part E of the Cowra Council DCP 2021 allows a separation distance to be reduced by up to 25% where privacy issues can be addressed by other means to the satisfaction of Council.

The proposed development would include a living room window for proposed dwelling 1 within 4.27m of the deck of proposed dwelling two. Due to the height of this window and deck above ground level, they would not be screened by a 1.8m boundary fence.

### Comment

The applicant has requested screening be provided prior to CC as a condition of consent, however with this mitigation measure the proposed development would still exceed 25% under E.14. (f).

It is considered that privacy can be managed through suitable screening provided by way of timber slats, lattice screening, directional louvres, or the like on the window and/or deck handrail. This request is considered reasonable, and a condition has been added accordingly.

The proposed variation can be supported with appropriate mitigation as conditioned.

## **PART K – LAND USE BUFFERS**

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

The subject land is located outside of the OLS.

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

The proposed development includes a single car parking space per dwelling consistent with Part M. Visitor parking is not required.

The proposal will require new driveways and crossover, and an S138 has been conditioned accordingly.

### **PART N – LANDSCAPING**

Landscaping shown on the Site Plan is assessed to be compliant with Section N.3.1. of the DCP.

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

The subject land is not mapped as flood prone.

The subject land is not mapped as bushfire prone.

There is no identified contamination on the subject land.

### **PART P – CPTED PRINCIPLES**

The applicant has not provided a CPTED Assessment. However, the development is of a minor scale and involves the construction of 4 detached dwellings and Torrens title subdivision. The proposed dwellings will provide a surveillance role with regard to the streetscape. There are no identified blind corners or entrapment areas. It is assessed that the development is suitable with regard to the CPTED principles.

### **S 4.15(1)(a)(iii)(a) provisions of any Planning Agreement(s)**

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

#### *S 4.15(1)(a)(iv) any matters prescribed by the regulations*

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

- Clause 61 – The proposal **does** involve demolition of a building and therefore the requirements of AS 2601-2001 have been considered in accordance with Clause 61(1) and relevant conditions applied.
- 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(C)(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 single storey residential developments. This proposal would present as 4 single dwellings and is consistent with the existing character of the locality.

##### Access, Parking, traffic

The site has access to Short Street and Market Lane. Short Street is a local sealed road with kerb and guttering on both sides, while Market Lane is a sealed laneway with no kerb and guttering. 4 new driveways and crossovers are proposed and an application under Section 138 of the Roads Act 1993 has been conditioned. No other traffic or parking concerns are identified.

##### Public Domain

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

##### Utilities

The site is serviced by adequate utilities to cater for the development. The proposed development includes a new proposed sewer and stormwater extension.

##### Heritage

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

##### Other Land Resources

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

##### Water, Sewerage and Stormwater

The proposed development would connect to Council's water, sewer and stormwater services.

##### 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 significant vegetation. There will be no significant impact on native flora & fauna.

### Waste

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

### Energy

A BASIX Certificate has been provided for the proposed dwellings.

### Noise and Vibration

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

### Natural Hazards

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

### Technological Hazards

Council's records and inspection of the site did not reveal any technological hazards affecting the site. Council is not aware of and the SEE submitted with the application did not make reference to any previous land use likely to have resulted in contamination.

### Safety, Security and Crime Prevention

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

### Social and Economic Impacts on the locality

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

### Site Design and Internal Design

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

### Construction

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

### Cumulative impacts

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

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

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

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

##### Public Consultation

The subject Development Application was notified to adjoining owners in writing from 5 September 2023 to 19 September 2023, in accordance with Cowra Community Participation Plan 2020. No submissions were received in relation to the proposed development.

##### Public Authority Consultation:

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

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

##### 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 proposed development is not within a growth area identified under the Cowra Council s94 Contributions Plan 2016. No evidence of any prior 7.11 Development Contributions being levied has been identified. Therefore, the recommended conditions include S7.12 (formerly S94A) development contributions to be levied in accordance with Cowra Council S94A Contributions Plan 2016.

#### **Conclusion**

Development Application No. 80/2023 proposes a demolition of existing dwelling on LOT: 2 DP: 868109, 8 Short Street Cowra. The application was lodged by V A Munoz - Ferrada on 30 August 2023.

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



The proposed development has been assessed to be consistent with the requirements of Cowra Local Environmental Plan 2012, relating to development in the RI zone and is consistent with existing land-use activities of the locality. The variations to Section No. E.2.7., E.2.13, and E.2.14 of Cowra Development Control Plan 2021 is sufficiently justified.

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

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

**ATTACHMENTS**

1. DA 80/2023 - Development Plans [↓](#)
2. DA 80/2023 - Statement of Environmental Effects [↓](#)
3. DA 80/2023 - Location Plan [↓](#)
4. DA 80/2023 - Aerial view [↓](#)



























































































**6 LATE REPORTS**

**7 NOTICES OF MOTIONS**

Nil

**8 CONFIDENTIAL MATTERS**

Nil