



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



**Eligibility** - Please tick the applicable areas relevant to the application:-

- ☐ Community development projects – projects that meet an identified community need, have been developed in consultation with the community and encourage participation in the development of the project.
- ☒ Festivals and special events which enhance community spirit.
- ☐ Support for a locally based voluntary community service or program where the majority of its income is fundraising.
- ☐ Local Community, charity and not for profit activities or events/functions that may be conducted outside the shire, but provide a benefit to the shire's residents
- ☐ To assist an individual's or team's sporting, cultural or academic achievement at a significant and recognised level.
- ☒ Community, charity and not for profit organisations' use of Council owned and controlled facilities including halls, sporting grounds and other venues.

**Request Details** – Please complete either **A** or **B** below**A. Sporting applications** – Please select relevant sporting category below

- ☐ Australian/NSW/Territory Representative or team competing overseas
- ☐ Australian/NSW/Territory Representative or team competing in NSW or interstate

**PLEASE NOTE:** Sporting applications will only be considered when made by the local organisation/club of which the individual/team is a member, and must be supported by a letter of confirmation from the State or National body.

**Attachments required for sporting applications:**

- Supporting letter from local organisation body
- Supporting letter from State/Australian Supporting body
- Please attach any other information to support your application to Council

**B. Community/Event applications** – Please ensure all questions are answered

**Council Community Objectives** - To enable Council to consider your application, Council requires details of how this event/project will meet Council's objectives.

**Objective 1:** To provide benefit to the residents of Cowra Shire Council.

This event showcases facets of agriculture and produce from Woodstock and surrounds. We have refrained from increasing the cost of entry to the event in order to market the event as an affordable day out for the entire family, adults \$10, pensioners \$5 and all children FREE. This year we have also waived all pavilion entry fees in an endeavour to attract more entries from local villagers. Our target audience of young families and the senior population. We pride ourselves on providing a substantial number of free activities and attractions for all patrons visiting the show. Approximately 3500 individuals visited the show in 2023 travelling from across the region, some patrons electing to spend the weekend in the Cowra Shire.

**Objective 2:** To conduct quality cultural, sporting and community service programs or events which cannot attract sufficient funds from other sources. **[Please indicate why you are running the event]**

This event relies heavily on sponsorship and support from Woodstock, Cowra, and surrounds. Gate entry, site fees, membership and fundraising assist in overhead costs associated with the show. Sponsorship obtained generally is dedicated to prizemones/trophies on the day. As our patronage increases our insurance increases, overhead costs continue to rise.

**Objective 3:** To provide access and usage of community resources, services and facilities, and equity of access for special needs groups

Woodstock showground is located on Crown Land and is managed by a land manager Cowra Council, the show utilises this community resource and highlights an asset of the shire to a large audience.

**Objective 4:** To encourage and enable broad community participation in cultural/ community service programs.**Attachments required for Community/Event applications:**

- copy of the project's proposed budget, detailing anticipated costs, with quotations if applicable;

- Please attach any other information to support your application to Council

Please check: 1. All questions on Page 1 to be completed  
2. Eligibility criteria has been selected  
3. Section A or Section B above has been completed  
4 Supporting documents for sporting activities included

**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.**

---

**INTRODUCTION**

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

**BACKGROUND**

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

**BUDGETARY IMPLICATIONS**

Nil

**ATTACHMENTS**

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

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

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## Investments

### I. Investments Portfolio

Council's investments are as listed below in lodgement date order as at 30 June 2024:

Funding Institution	S&P Rating	Date Lodged	Term (Days)	%	Date Due	Principal \$
ING BANK(Wyangala Sewer Handover)	A-2	31/10/2023	273	5.17%	30/07/2024	920,914.23
NATIONAL AUSTRALIA BANK LTD	A-1+	31/10/2023	273	5.30%	30/07/2024	500,000.00
ING BANK	A-2	12/12/2023	217	5.00%	16/07/2024	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	9/01/2024	210	4.90%	6/08/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-2	9/01/2024	224	5.10%	20/08/2024	500,000.00
SUNCORP-METWAY LTD	A-1	9/01/2024	217	5.10%	13/08/2024	500,000.00
ING BANK	A-2	16/01/2024	224	4.89%	27/08/2024	500,000.00
ST GEORGE BANK	A-1+	16/01/2024	231	4.40%	3/09/2024	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	23/01/2024	182	4.90%	23/07/2024	500,000.00
SUNCORP-METWAY LTD	A-1	23/01/2024	300	5.20%	18/11/2024	500,000.00
BENDIGO & ADELAIDE BANK LTD	A-2	25/01/2024	159	4.91%	2/07/2024	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	30/01/2024	175	5.02%	23/07/2024	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	30/01/2024	231	5.04%	17/09/2024	500,000.00
ING BANK	A-2	30/01/2024	300	5.10%	25/11/2024	500,000.00
ING BANK	A-2	30/01/2024	365	5.17%	29/01/2025	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-2	30/01/2024	161	5.10%	9/07/2024	500,000.00
ST GEORGE BANK	A-1+	30/01/2024	245	4.88%	1/10/2024	500,000.00
SUNCORP-METWAY LTD (BARP)	A-1	30/01/2024	224	5.12%	10/09/2024	2,000,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	6/02/2024	217	5.05%	10/09/2024	1,000,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	6/02/2024	231	5.10%	24/09/2024	500,000.00
SUNCORP-METWAY LTD	A-1	6/02/2024	210	5.07%	3/09/2024	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	13/02/2024	231	5.06%	1/10/2024	1,000,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	20/02/2024	245	4.94%	22/10/2024	500,000.00
ING BANK	A-2	22/02/2024	229	4.85%	8/10/2024	500,000.00
ST GEORGE BANK	A-1+	22/02/2024	250	4.88%	29/10/2024	500,000.00
ST GEORGE BANK	A-1+	22/02/2024	257	4.88%	5/11/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	27/02/2024	259	5.10%	12/11/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	27/02/2024	266	5.10%	19/11/2024	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	6/03/2024	181	4.85%	3/09/2024	500,000.00
IMB LTD	A-2	6/03/2024	181	4.95%	3/09/2024	500,000.00
ST GEORGE BANK	A-1+	6/03/2024	244	4.88%	5/11/2024	500,000.00
BANK OF QUEENSLAND	A-2	12/03/2024	182	5.17%	10/09/2024	500,000.00
IMB LTD	A-2	12/03/2024	182	4.90%	10/09/2024	600,000.00
SUNCORP-METWAY LTD	A-1	12/03/2024	245	5.05%	12/11/2024	500,000.00
BENDIGO & ADELAIDE BANK LTD	A-2	19/03/2024	273	5.03%	17/12/2024	1,000,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	19/03/2024	182	4.86%	17/09/2024	500,000.00
IMB LTD	A-2	19/03/2024	182	4.95%	17/09/2024	500,000.00
IMB LTD	A-2	9/04/2024	182	4.90%	8/10/2024	250,000.00
ING BANK	A-2	9/04/2024	245	4.89%	10/12/2024	1,000,000.00
SUNCORP-METWAY LTD	A-1	9/04/2024	189	5.00%	15/10/2024	500,000.00
ING BANK	A-2	16/04/2024	77	4.58%	2/07/2024	500,000.00
ST GEORGE BANK	A-1+	23/04/2024	259	4.88%	7/01/2025	500,000.00
BANK OF QUEENSLAND(Wyangala Sewer Handover)	A-2	30/04/2024	182	5.15%	29/10/2024	1,000,000.00
SUNCORP-METWAY LTD	A-1	30/04/2024	182	5.09%	29/10/2024	500,000.00
ING BANK	A-2	4/06/2024	224	5.04%	14/01/2025	500,000.00
ING BANK	A-2	4/06/2024	231	5.04%	21/01/2025	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-2	4/06/2024	217	5.15%	7/01/2025	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	11/06/2024	217	4.86%	14/01/2025	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	18/06/2024	217	5.15%	21/01/2025	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	18/06/2024	224	5.15%	28/01/2025	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-2	25/06/2024	252	5.15%	4/03/2025	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-2	25/06/2024	287	5.15%	8/04/2025	500,000.00
Total						30,270,914.23

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

Scott Ellison

**Manager – Finance**

30/06/24

## 2. Interest Rate

The average interest rate for Council's investments held is 5%. At the time of preparing this report, average (market rates) interest rates were as follows as at 30 June 2024:

30 Days	60 Days	90 Days	120 Days	150 Days	180 Days	270 Days	1 YR
3.50%	3.69%	4.86%	4.96%	5.04%	5.10%	5.15%	5.20%

## 3. General Fund Balance

As at 30 June 2024 balances for Cowra Shire Council for Transaction Accounts and Cash in hand were as follows:

CBA General Account		\$ '000
General Fund bank account		6,732
On-Call account balance		1,750
Cash in hand		4
<b>TOTAL</b>		<b>8,486</b>

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

Source of Funds		\$ '000
Investment Portfolio		30,271
Cash and Cash Equivalents - General Ledger		8,486
<b>TOTAL</b>		<b>38,757</b>

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

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

### “6. Approved Investments

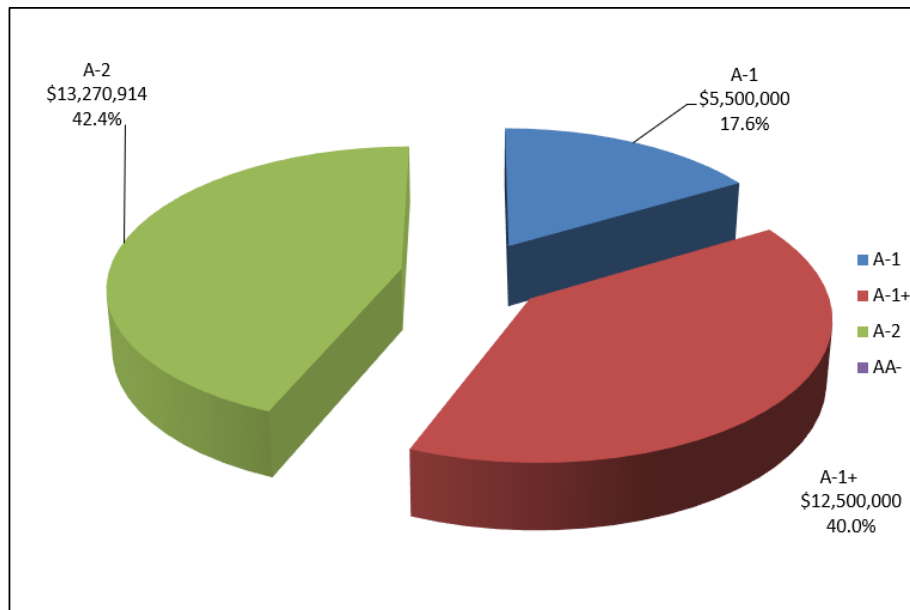
*Investments are limited to those allowed by the most current Ministerial Investment Order that has been issued by the NSW Minister for Local Government.*

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

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

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

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



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

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

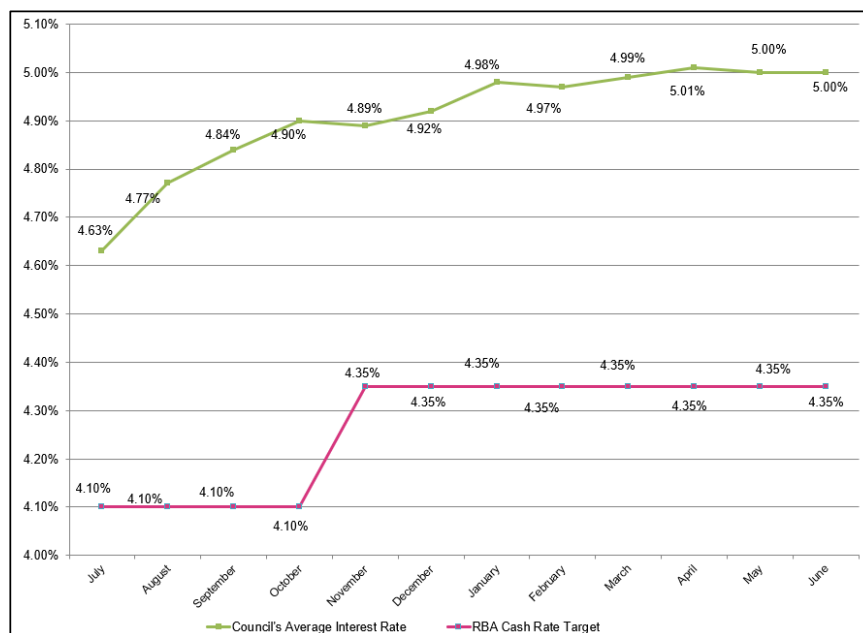
Any securities which are given a Moody's Investors Service Inc credit rating of ``Aaa'', ``Aa1'', ``Aa2'', ``Aa3'', ``A1'', ``A2'' or ``Prime-I'' or a Standard and Poor's Investors Service, Inc credit rating of ``AAA'', ``AA+'', ``AA'', ``AA-'', ``A+''; ``A''; ``A1+'' or ``A1''

## 5. Interest on Investment Income

2023/2024 estimated interest on investments amount is \$1,686,679 and has been included in the Budget. Performance of investments is monitored monthly.

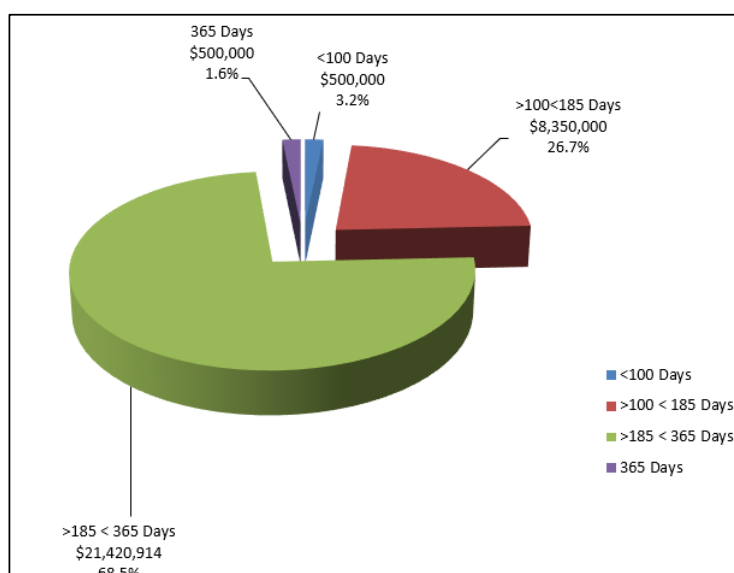
## 6. Term Deposit Average Monthly Interest Rate Compared to the RBA Cash Rate Target

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



## 7. Maturity Profile of Council's Investments

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

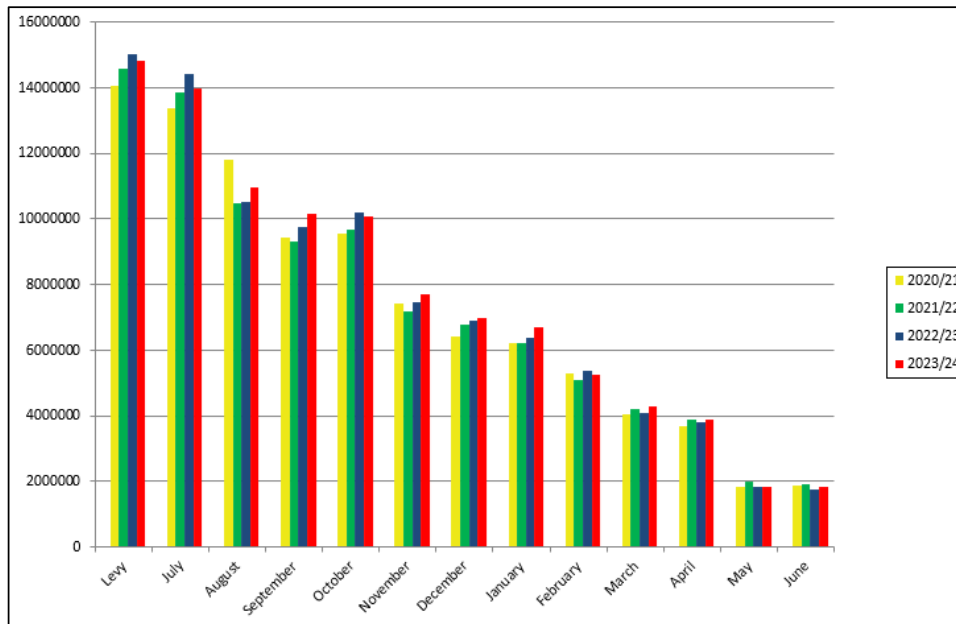




## Rates

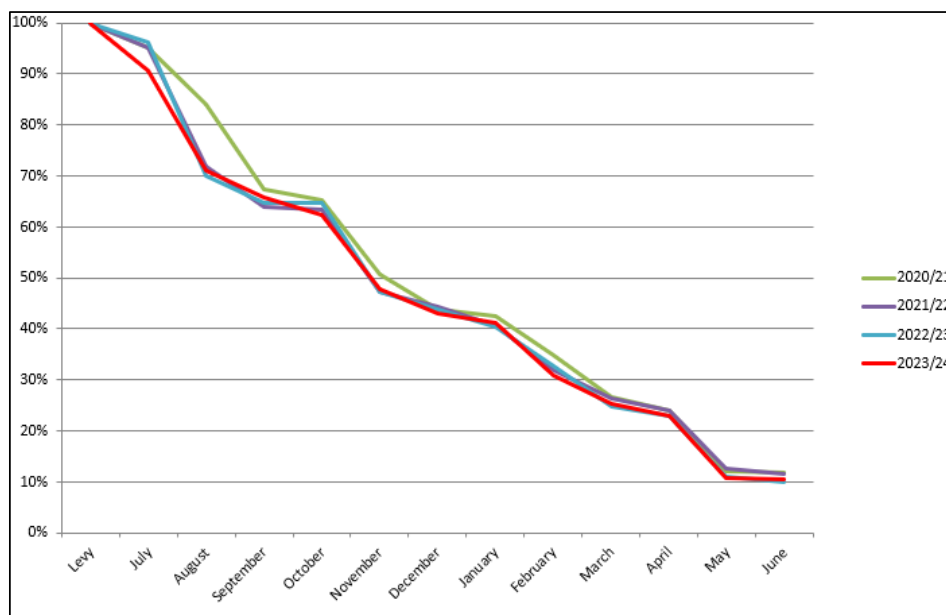
### 8. Comparison of Rate Collection Progress for 2023/24 to prior years

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



### 9. Council Rate Levy - % Comparison

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



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

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

Arears at 30 June 2023			\$1,732,428
Collected - YTD (per last month report)		\$ 889,247	
Collected in	June	\$ 139,247	1,029,158
Balance as at	30.06.2024		\$ 703,270
Rates - currently under legal proceedings			76,238
Arrangements (Repayment Schedules)			627,032
			\$ 703,270

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

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

BUDGET INCOME STATEMENT - 2023/2024							BUDGET CASH AT END OF YEAR - 2023/2024				
Resolution		OPERATING RESULT - BEFORE CAPITAL GRANTS & CONTRIBUTIONS									
		Consolidated '000	General '000	Water '000	Sewer '000	Waste '000	Consolidated '000	General '000	Water '000	Sewer '000	Waste '000
	Adopted Budget	904	1,438	(33)	(544)	42	35,007	16,912	6,734	9,047	2,314
	<b>2nd Quarter Budget Review</b>	<b>13,601</b>	<b>11,529</b>	<b>2,472</b>	<b>(847)</b>	<b>447</b>	<b>41,466</b>	<b>23,457</b>	<b>6,086</b>	<b>9,212</b>	<b>2,711</b>
69/24	Cowra Eisteddfod Donation	(28)	(28)				(28)	(28)			
	End of 3rd Quarter - Prior to Review	13,573	11,501	2,472	(847)	447	41,438	23,429	6,086	9,212	2,711
	<b>3rd Quarter Budget Review</b>	<b>13,634</b>	<b>10,503</b>	<b>2,417</b>	<b>211</b>	<b>504</b>	<b>41,310</b>	<b>22,575</b>	<b>5,945</b>	<b>10,201</b>	<b>2,589</b>
124/24	S356 Donation to Erarnbie All Blacks Rugby League Football Club	(8)	(8)				(8)	(8)			
127/24	Building repairs to Cowra Pistol Club	(21)	(21)				(21)	(21)			
	End of 4 <sup>th</sup> Quarter – Prior to Review	13,606	10,475	2,417	211	504	41,282	22,547	5,945	10,201	2,589
		<b>13,606</b>	<b>10,475</b>	<b>2,417</b>	<b>211</b>	<b>504</b>	<b>41,282</b>	<b>22,547</b>	<b>5,945</b>	<b>10,201</b>	<b>2,589</b>

## Loans

### 12. Interest Rate

The average interest rate for Council's current loans is 5.62%. Weighted Average Interest Rate (based on principal outstanding) is 6.57%.

### 13. Loan Summary

Summary of Current Loans and Purpose as at 30 June 2024.

Loan No	Lender	Date Obtained	Due Date	Principal \$	Interest Rate %	Principal \$ Outstanding 30/06/24
	<b><u>GENERAL</u></b>					
236	COMMONWEALTH (RIVER PK AMEN/VAUX DRAINAGE)	28/01/2005	1/02/2025	433,500	6.31	36,349
241B	COMMONWEALTH BANK (VAUX ST DRAINAGE WEST)	18/12/2006	18/12/2036	166,000	6.35	106,300
242B	COMMONWEALTH BANK (MULYAN OVAL AMENITIES)	22/08/2007	24/08/2037	95,000	6.80	64,722
249	NATIONAL AUST. BANK (CIVIC CENTRE REFURBISHMENT)	22/12/2008	22/12/2033	1,395,390	8.15	857,642
245	NATIONAL AUST. BANK (CIVIC CENTRE REFURBISHMENT)	29/06/2009	29/06/2029	234,000	8.33	96,179
246	NATIONAL AUST. BANK (SALEYARDS EFFLUENT SCREENS)	16/04/2010	16/04/2025	225,000	8.01	24,671
250	NATIONAL AUST. BANK (DRAINAGE IMPROVEMENTS)	28/06/2013	28/06/2028	250,000	6.36	91,152
253A	NSW TREASURY (DEPOT REDEVELOPMENT - STAGE 1)	27/06/2016	27/06/2026	400,000	2.63	88,630
253B	NSW TREASURY (AIRPORT SUBDIVISION)	27/06/2016	27/06/2026	1,478,993	2.63	327,680
253C	NSW TREASURY (CEMETERY EXPANSION)	27/06/2016	27/06/2026	250,000	2.63	55,376
254A	NSW TREASURY (DEPOT REDEVELOPMENT - STAGE 2)	11/05/2020	11/05/2040	512,120	2.41	428,308
254B	NSW TREASURY (CBD FOOTPATH REFURBISHMENT)	11/05/2020	11/05/2040	1,437,788	2.41	1,202,747
254C	NSW TREASURY (LOW LEVEL BRIDGE REPAIRS)	11/05/2020	11/05/2040	500,000	2.41	418,267
						<b>3,798,023</b>
	<b><u>WASTE</u></b>					
247	NATIONAL AUST. BANK (RECYCLING PLANT)	16/04/2010	16/04/2025	538,500	8.01	59,046
						<b>59,046</b>
	<b><u>WATER</u></b>					
238	COMMONWEALTH (CBD MAINS REPLACEMENT)	22/02/2006	23/02/2031	1,000,000	6.03	439,887
241A	COMMONWEALTH BANK (WATER MAIN REPLACEMENT)	18/12/2006	18/12/2036	1,256,000	6.35	804,584
242A	COMMONWEALTH BANK (ICI ZONE)	22/08/2007	24/08/2037	1,286,500	6.80	876,009
251	WESTPAC (EMERGENCY WATER SUPPLY CONSTRUCTION)	28/06/2013	27/06/2033	1,186,124	6.566	722,468
252	NATIONAL AUSTRALIA BANK (WATER TREATMENT PLANT AUTOMATION)	18/06/2014	18/06/2024	3,875,000	5.050	0
						<b>2,842,947</b>
	<b><u>SEWERAGE</u></b>					
244	NATIONAL AUST. BANK (SEWER TREATMENT PLANT)	6/05/2010	04/05/2040	7,213,230	8.13	5,771,765
						<b>5,771,765</b>
	<b>GRAND TOTAL</b>					<b>12,471,782</b>

**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**

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

DRAFT



## MINUTES

**Traffic Committee Meeting**  
**Tuesday, 11 June 2024**

## TRAFFIC COMMITTEE MEETING MINUTES

11 JUNE 2024

**Order Of Business**

<b>1</b>	<b>Apologies .....</b>	<b>3</b>
<b>2</b>	<b>Confirmation of Minutes.....</b>	<b>3</b>
<b>3</b>	<b>Business Arising From Previous Minutes.....</b>	<b>3</b>
3.1	Traffic Committee Meeting Action Sheet.....	3
<b>4</b>	<b>Reports of Council Officers .....</b>	<b>4</b>
4.1	Cowra Breakout Association - 80th Anniversary.....	4
4.2	Cowra Junior Soccer - Speed Reduction, Boorowa Road.....	4
4.3	Busby Place Carpark - Macquarie Street Access .....	4
4.4	No Stopping Area -.....	5
<b>5</b>	<b>General Business.....</b>	<b>5</b>
5.1	Speeding in Darbys Falls .....	5
5.2	Pedestrian Crossing at St Raphael's School in Lachlan Street.....	5
5.3	A-Double Trial (Late item through email).....	5
	<b>COMMITTEE RESOLUTION</b>	
<b>6</b>	<b>Next Meeting Date .....</b>	<b>6</b>
<b>7</b>	<b>Meeting Close.....</b>	<b>6</b>



**TRAFFIC COMMITTEE MEETING MINUTES****11 JUNE 2024**

**MINUTES OF COWRA COUNCIL  
TRAFFIC COMMITTEE MEETING HELD AT THE COMMITTEE ROOM 1, COWRA  
COUNCIL CHAMBERS, 116 KENDAL STREET, COWRA  
ON TUESDAY, 11 JUNE 2024 AT 9.30AM**

**PRESENT:** Cr Paul Smith (Chairperson), Ms Anne Jeffery (Local Member's Representative), Mr Jason Nicholson (TfNSW), Sgt Jason Marks

**IN ATTENDANCE:** Mr Dirk Wymer (Director - Infrastructure & Operations), Ian Thomas (Manager - Assets & Technical Services), Rodney Stammers (Development & Traffic Engineer)

**1 APOLOGIES**

Nil

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

Moved: Mr Jason Marks

Seconded: Mr Jason Nicholson

**That the minutes of Traffic Committee Meeting held on 8 April 2024 be confirmed.**

CARRIED

**3 BUSINESS ARISING FROM PREVIOUS MINUTES****3.1 Traffic Committee Meeting Action Sheet****COMMITTEE RESOLUTION**

Moved: Mr Jason Nicholson

Seconded: Ms Anne Jeffery

**That the Action List as presented be received and noted by the Committee.**

CARRIED

**Mulyan "Kiss & Drop" Zone**

Transport for New South Wales (TfNSW) informed the Committee that there are no finances available for the Mulyan "Kiss & Drop" Zone for the next financial year. TfNSW suggest Council investigate funding through the "Federal Road Safety Project".

**NAIDOC**

Traffic Guidance Scheme (TGS) for the NAIDOC March was received and noted.

**Liverpool Lane Parking Changes**

Feedback for the Liverpool Lane parking changes were received and noted.

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TRAFFIC COMMITTEE MEETING MINUTES11 JUNE 2024

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**4 REPORTS OF COUNCIL OFFICERS****4.1 Cowra Breakout Association - 80th Anniversary**

Local Traffic Committee advice to Council on proposal: Unanimous support

**COMMITTEE RESOLUTION**

Moved: Mr Jason Marks

Seconded: Ms Anne Jeffery

**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.**

CARRIED

**4.2 Cowra Junior Soccer - Speed Reduction, Boorowa Road**

Local Traffic Committee advice to Council on proposal: Unanimous support

**COMMITTEE RESOLUTION**

Moved: Mr Jason Nicholson

Seconded: Mr Jason Marks

**That Cowra Junior Soccer be allowed 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:**

- 1. by suitably accredited persons with no less than an “Implement Traffic Control Plan” accreditation, issued by Safework NSW.**
- 2. subject to compliance with the requirements of Transport for New South Wales (TfNSW) and NSW Police.**

CARRIED

**4.3 Busby Place Carpark - Macquarie Street Access**

Local Traffic Committee advice to Council on proposal: Unanimous support

**COMMITTEE RESOLUTION**

Moved: Ms Anne Jeffery

Seconded: Mr Jason Marks

**That no changes to vehicle movements 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.**

CARRIED

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Page 4

**TRAFFIC COMMITTEE MEETING MINUTES****11 JUNE 2024****4.4** No Stopping Area - "Cowra Van Park", Lachlan Street

Local Traffic Committee advice to Council on proposal: Unanimous support

**COMMITTEE RESOLUTION**

Moved: Mr Jason Nicholson

Seconded: Ms Anne Jeffery

**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.**

CARRIED

**5 GENERAL BUSINESS****5.1** Speeding in Darbys Falls

Cowra Police have written to TfNSW requesting a Mobile Speed Camera be set up in Darbys Falls to target speeding motorists as a result of traffic data supplied by Council. Police have also requested that Council's Variable Message Sign (VMS) be placed in the village alerting motorists that speeds are being monitored. Council will continue to collect data to endorse the local Police request.

**5.2** Pedestrian Crossing at St Raphael's School in Lachlan Street

St Raphael's School has expressed concern with the location of the pedestrian crossing in Lachlan Street and believe there is a safety issue. TfNSW's Road Safety Educator to contact schools.

**5.3** A-Double Trial (Late item through email)

Local Traffic Committee advice to Council on proposal: Unanimous support

**COMMITTEE RESOLUTION**

**That:**

- 1. Eagle View Road from 414 Eagle View Road to Boorowa Road.**
- 2. Bonnie Braes Road from Noonbinna road to Noonbinna GrainCorp site.**
- 3. Bulkhead Road from Boorowa Road to the Cowra GrainCorp site.**
- 4. North Logan Road from Nangar Street to Sloan Street, Billimari,**
- 5. Sloan Street, Billimari.**
- 6. 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).**

CARRIED

**TRAFFIC COMMITTEE MEETING MINUTES****11 JUNE 2024**

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**6 NEXT MEETING DATE**

The next meeting will be held on Monday, 12 August 2024 at 9.30am in the Committee Room 1, Cowra Council Chambers, 116 Kendal Street, Cowra.

**7 MEETING CLOSE**

The Meeting closed at 10.30am.

.....  
**CHAIRPERSON**

**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**

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

DRAFT



## MINUTES

**Saleyards Committee Meeting**  
**Thursday, 2 May 2024**

**SALEYARDS COMMITTEE MEETING MINUTES****2 MAY 2024****Order Of Business**

<b>1</b>	<b>Apologies .....</b>	<b>3</b>
<b>2</b>	<b>Confirmation of Minutes.....</b>	<b>3</b>
<b>3</b>	<b>Reports of Council Officers .....</b>	<b>3</b>
3.2	Stock Figures Update .....	3
3.3	Cowra Saleyards 2023-2024 Financial Figures Update .....	3
3.3	Update on eID Progress .....	4
<b>4</b>	<b>General Business.....</b>	<b>4</b>
4.1	Saleyard Maintenance .....	4
4.2	Saleyards Advertising.....	4
4.3	Retirement from Committee .....	4
4.4	Animal Welfare.....	4
<b>5</b>	<b>Next Meeting Date .....</b>	<b>4</b>
<b>6</b>	<b>Meeting Close.....</b>	<b>5</b>

**SALEYARDS COMMITTEE MEETING MINUTES****2 MAY 2024**

**MINUTES OF COWRA COUNCIL  
SALEYARDS COMMITTEE MEETING HELD AT THE SALEYARDS CANTEEN,  
YOUNG ROAD, COWRA  
ON THURSDAY, 2 MAY 2024 AT 7AM**

**PRESENT:** Cr Bill West (Chairperson), Cr Peter Wright, Mr Brett Treasure, Mr Ian Wright, Mr Patrick Waters, Mr John Sullivan, Mr Andrew Wilson

**IN ATTENDANCE:** Ms Philippa Childs (Manager – Cowra Services), Ms Elizabeth Bryce (Supervisor – Airport, Cemeteries and Saleyard)

**I APOLOGIES**

Mr Craige Oliver, Mr Ross Chivers

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

Moved: Mr Patrick Waters

Seconded: Mr John Sullivan

**That the minutes of Saleyards Committee Meeting held on 22 February 2024 be confirmed.**

CARRIED

**3 REPORTS OF COUNCIL OFFICERS****3.1 Stock Figures Update**

The numbers were noted by the Committee and are considered ok. Good value for dollar per head is still being observed at the yards.

**3.2 Cowra Saleyards Financial Figures Update****2024/2025 Budget**

The Committee was advised of the new budget breakdown. The Committee commented that this new breakdown would be helpful.

**2024/2025 Revenue Policy**

The draft 2024/2025 fees and charges were tabled. It was noted that the transporting charge is difficult to enforce without surveillance of the yards 24/7. The tag fee may need to be increased in a future revenue policy to reflect the increased price of electronic tags.

The Committee would like clarification on the NLIS levy including the total charge and who the recipient is of the levy.



**SALEYARDS COMMITTEE MEETING MINUTES****2 MAY 2024****3.3 Update on eID Progress**

The Committee was informed that the application for the eID Sheep and Goat Traceability grant has been submitted however the grant does not close until the end of May. It is not expected that the outcome of the application will be advised until early June. Council staff confirmed their commitment to the project and explained that the lack of progress thus far is due to the challenges of the allocated funding being insufficient for the project. Staff are continuing to work through this challenge and are making sure the process is handled correctly.

**4 GENERAL BUSINESS****4.1 Saleyard Maintenance**

There have been a few issues identified with the maintenance of the showers / amenities. The Committee has seen improvements recently and staff have taken action to address this problem.

**4.2 Saleyards Advertising**

Saleyards advertising was discussed with some members of the committee commenting that we need more social media. To resource this through staff is not currently feasible as Council only has one position for media and communications to cover all of Council's social media. There may be some capacity for saleyards staff to help with social media however this would come as a priority after daily maintenance and operations. - The committee decided to go ahead with the Saleyards Guide advertising this year and this will be organised.

**4.3 Retirement from Committee**

Ian Wright announced his retirement from the Committee. Cr West thanked Ian for his contribution to the Committee. It was suggested that the Council formally write to Ian to thank him for his contributions.

**4.4 Animal Welfare**

Fit to load issues have been identified in the region outside of the saleyards however this may trigger more compliance monitoring at the yards by Local Land Services, Department Primary Industries and RSPCA. Agents are reminded to be aware of this and continue to approach fit to load issues with zero tolerance.

Saleyards staff recently completed an animal welfare course with an aim to improve animal welfare understanding at Cowra Saleyards.

**5 NEXT MEETING DATE**

The next meeting will be held on Thursday, 1 August 2024 at 8am in Committee Room 1, 116 Kendal Street, Cowra.

**SALEYARDS COMMITTEE MEETING MINUTES**

**2 MAY 2024**

**6 MEETING CLOSE**

The Meeting closed at 8.00am.

.....  
Cr W. West  
**CHAIRPERSON**

## 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
<b>Proposed Site Plan</b>	<b>Currajong Drawn 29/06/24 REV B</b>	<b>Received 12 June 2024 Stamped No. DA 10.2024.14.2</b>
<b>Engineering Certification Letter to Kate Wilson</b>	<b>Calare Civil Pty Ltd 2 February 2024</b>	<b>Received 15 February 2024 Stamped No. DA 10.2024.14.1</b>
<b>Foundation Plan Sheet 1 of 5</b>	<b>Fair Dinkum Sheds Job No. MAST37405</b>	<b>Received 15 February 2024 Stamped No. DA 10.2024.14.1</b>
<b>Elevations Sheet 2 of 5</b>	<b>Fair Dinkum Sheds Job No. MAST37405</b>	<b>Received 15 February 2024 Stamped No. DA 10.2024.14.1</b>
<b>Statement of Environmental Effects (Pro-forma Template)</b>	<b>Kate Wilson N.D.</b>	<b>Received 15 February 2024 Stamped No.</b>

		<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 1 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 1 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.

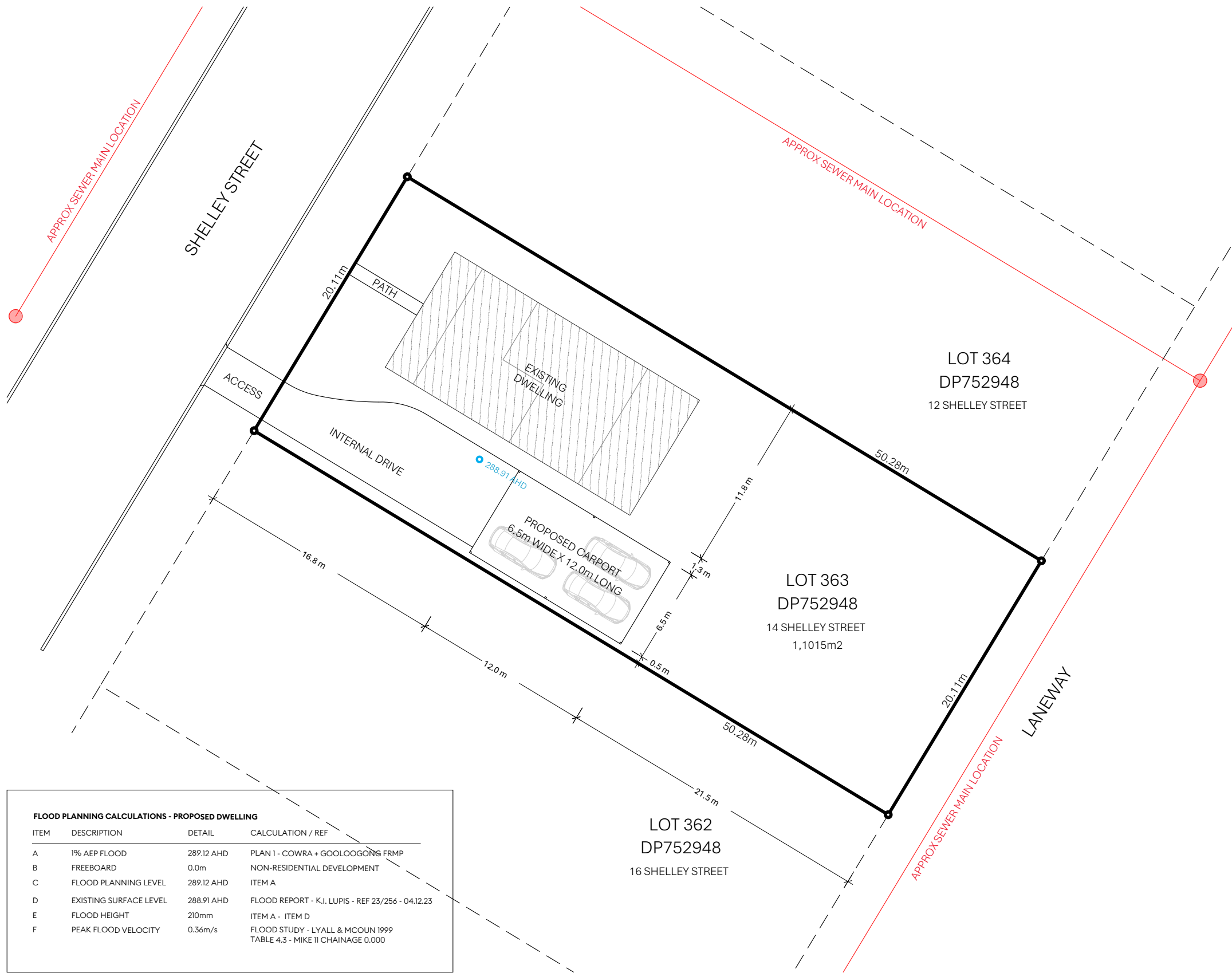
The proposed development has been assessed to be consistent with the requirements of Cowra Local Environmental Plan 2012, relating to development in the R1 General Residential zone and is consistent with existing land-use activities of the locality.

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 [↓](#)





**CURRAJONG**  
PLANNING, PROPERTY + PROJECT MANAGEMENT

250A Clarinda Street  
PARKES NSW 2870

Project Contact  
Dean Steward  
0429 217 243

dsteward@currajong.com.au

- GENERAL NOTES:**
1. These drawings shall be read with the specification, other working drawings as may be issued during the course of construction and Engineering drawings, reports and/or computations. Any discrepancies are to be referred to the Architect prior to work commencing.
  2. All dimensions and levels shall be verified on site by the Contractor prior to commencing work.
  3. Do not scale from drawings. Work to figured dimensions only. Site dimensions are subject to final survey and should not be relied upon for accuracy

B	REVISE CARPORT LOCATION	DS	29/05/24
A	FIRST ISSUE	DS	02/02/24
REV	DESCRIPTION	BY	DATE

**SHEET NO:**  
**A.01**

**SHEET NAME:**  
Proposed Site Plan

**DRAWING STATUS**  
For Approval

**CLIENT NAME**  
Kate Wislon

**SITE DESCRIPTION**  
14 Shelley Street  
COWRA NSW 2794

**PROJECT NAME**  
Proposed Carport

**DRAWN:**  
29/05/24

**SCALE**  
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**CURRAJONG**  
PLANNING, PROPERTY + PROJECT MANAGEMENT

250A Clarinda Street  
PARKES NSW 2870

Project Contact  
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dsteward@currajong.com.au

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A	FIRST ISSUE	DS	07/03/2024
REV	DESCRIPTION	BY	DATE

**SHEET NO:**  
**S.01**

**SHEET NAME:**  
Shadow Diagrams - Plan View

**DRAWING STATUS**  
For Approval

**CLIENT NAME**  
Kate Wislon

**SITE DESCRIPTION**  
14 Shelley Street  
COWRA NSW 2794

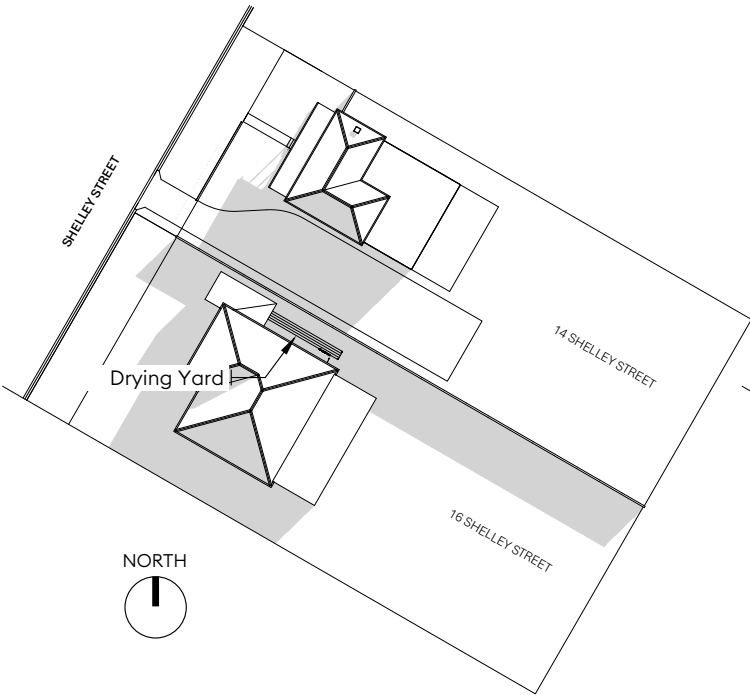
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Proposed Carport

**DRAWN:**  
29/05/24

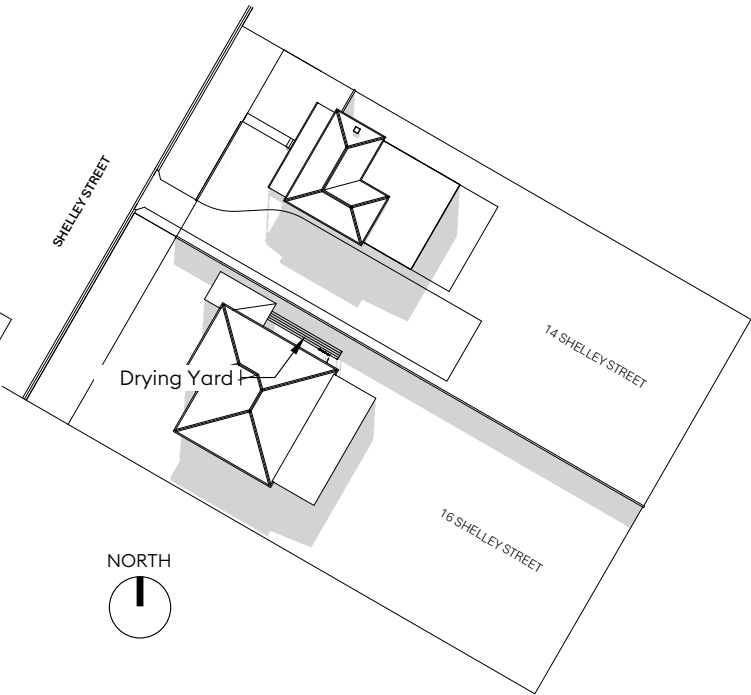
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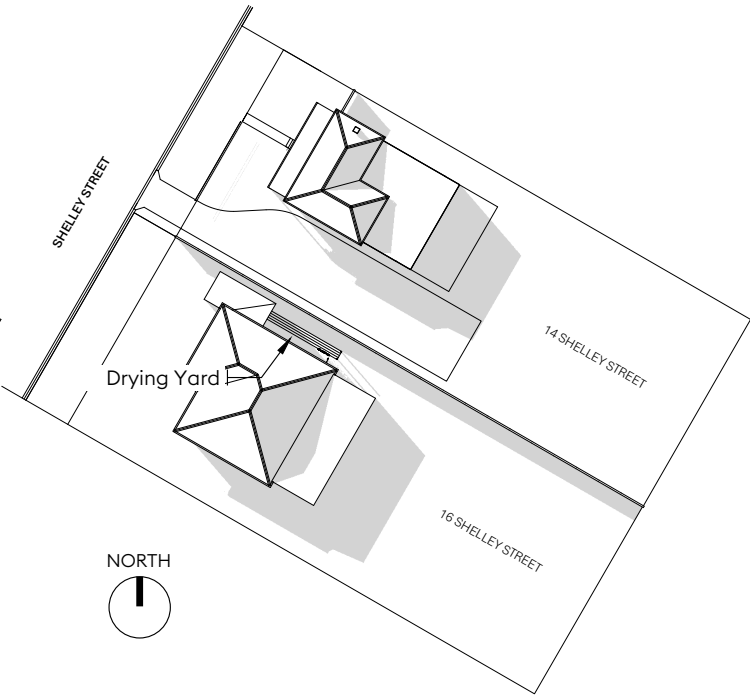
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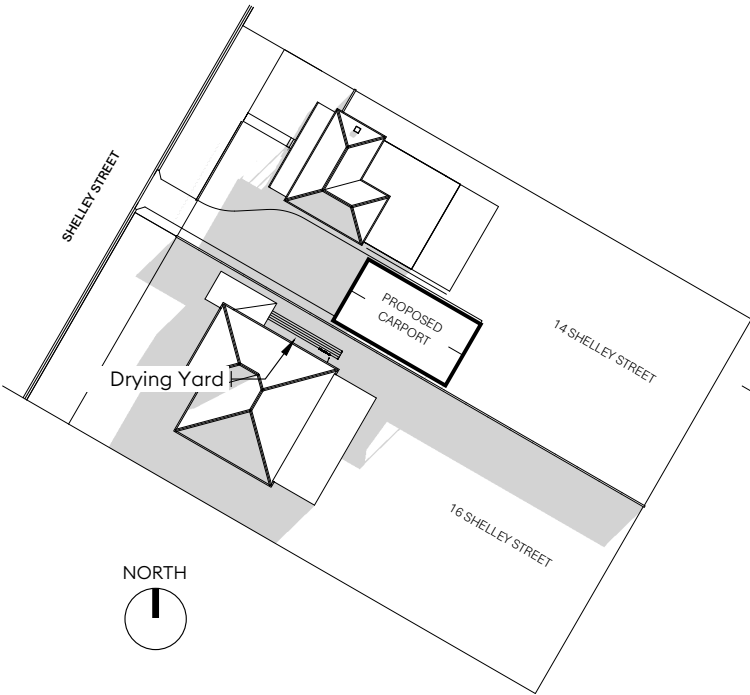
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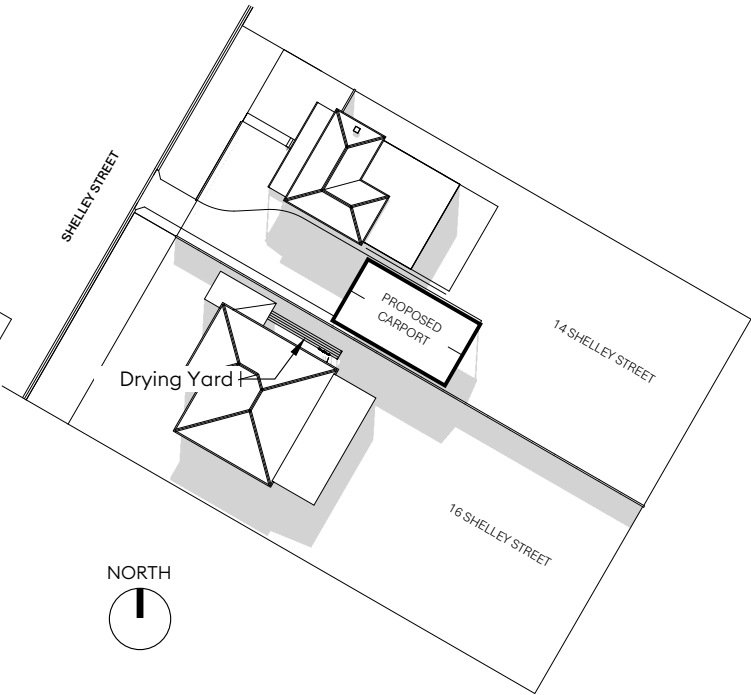
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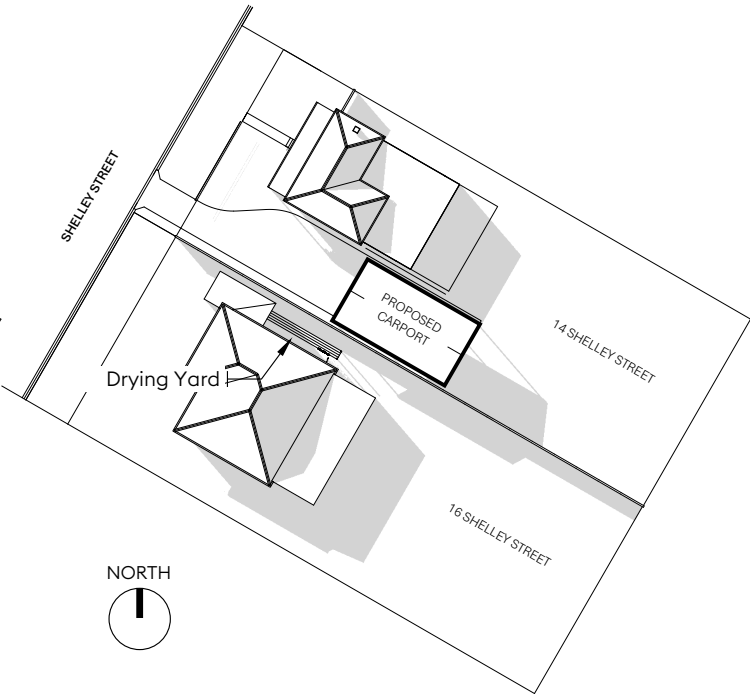
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SCALE 1:600 @ A4



**SHADOW DIAGRAM - AS PROPOSED**  
3pm - 21 JUNE (WINTER SOLTICE)  
SCALE 1:600 @ A4





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PARKES NSW 2870

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Dean Steward  
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dsteward@currajong.com.au

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REV	DESCRIPTION	BY	DATE

SHEET NO:

S.02

SHEET NAME:

Shadow Diagrams - 3D

DRAWING STATUS

For Approval

CLIENT NAME

Kate Wislon

SITE DESCRIPTION

14 Shelley Street  
COWRA NSW 2794

PROJECT NAME

Proposed Carport

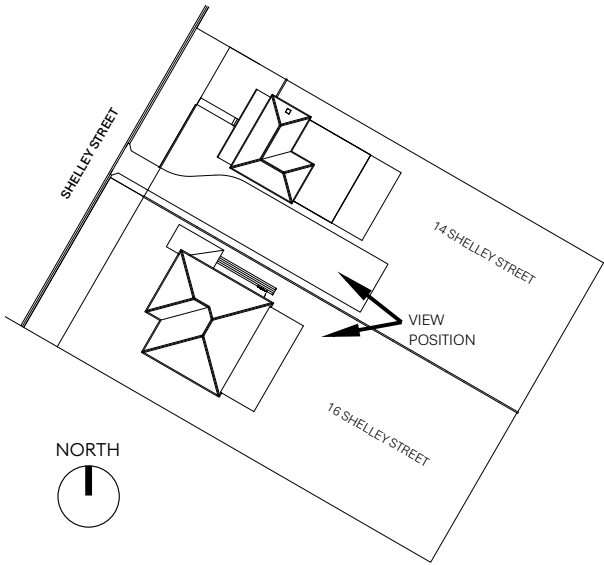
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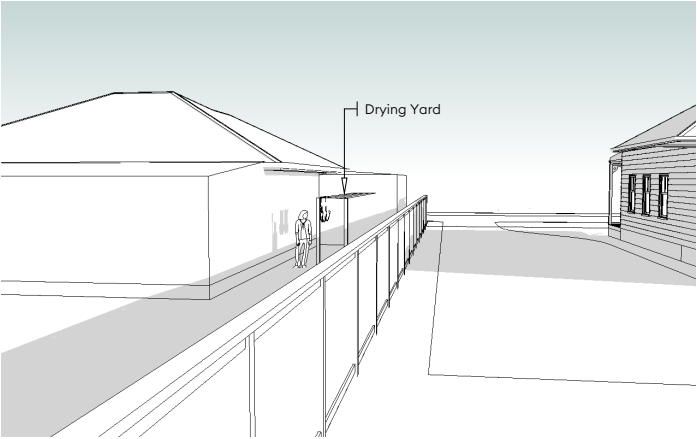
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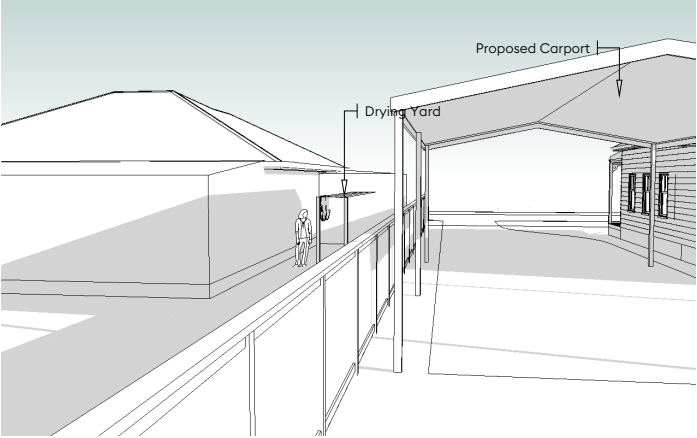
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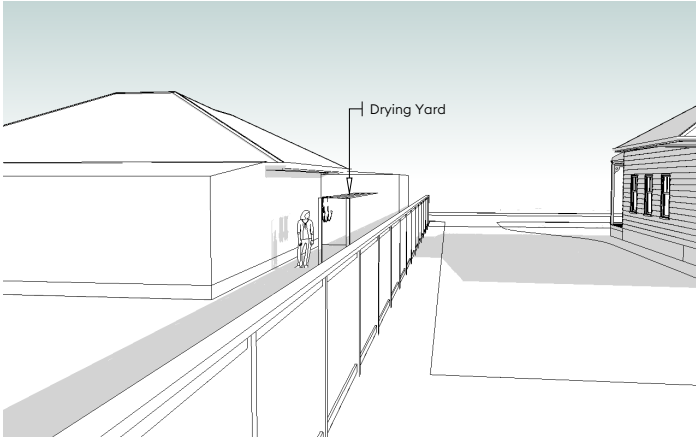
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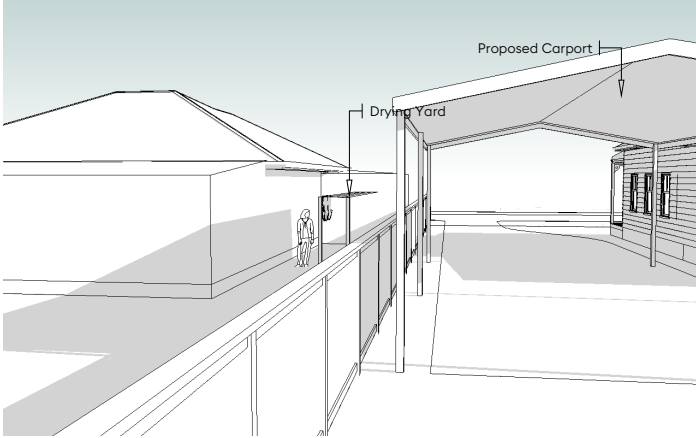
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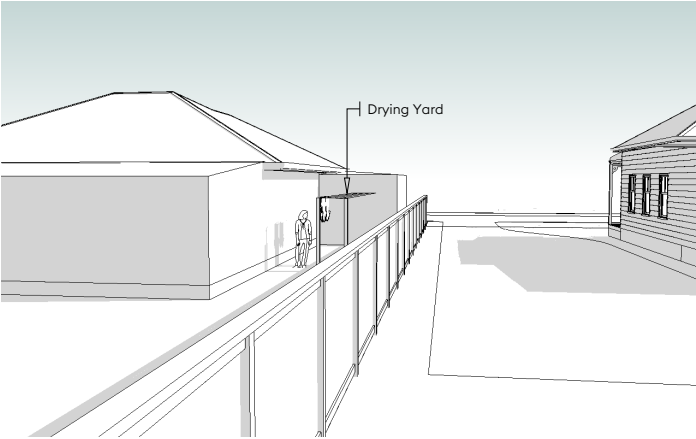
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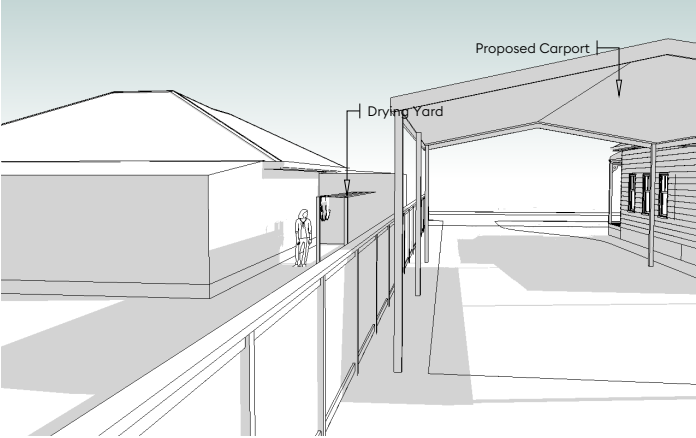
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PLANNING, PROPERTY + PROJECT MANAGEMENT

250A Clarinda Street  
PARKES NSW 2870

Project Contact  
Dean Steward  
0429 217 243

dsteward@currajong.com.au

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S.03

SHEET NAME:

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DRAWING STATUS

For Approval

CLIENT NAME

Kate Wislon

SITE DESCRIPTION

14 Shelley Street  
COWRA NSW 2794

PROJECT NAME

Proposed Carport

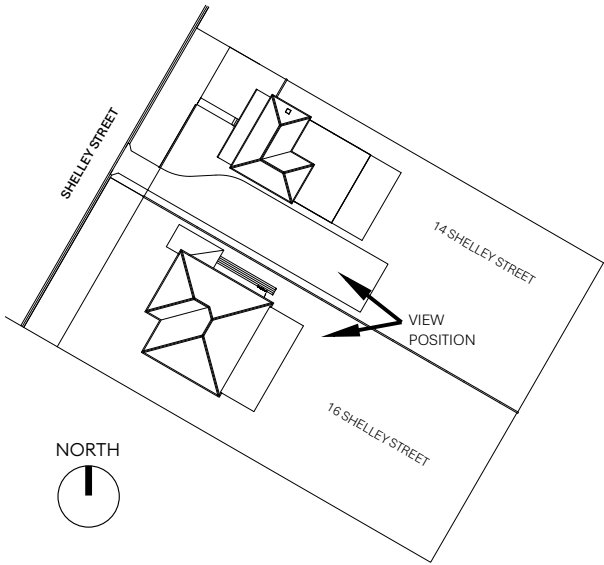
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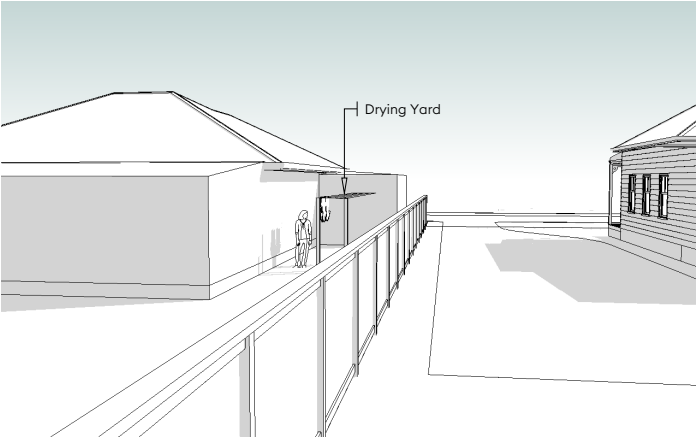
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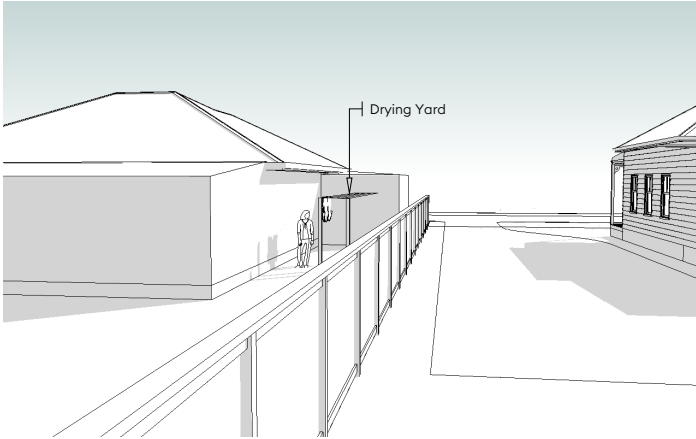
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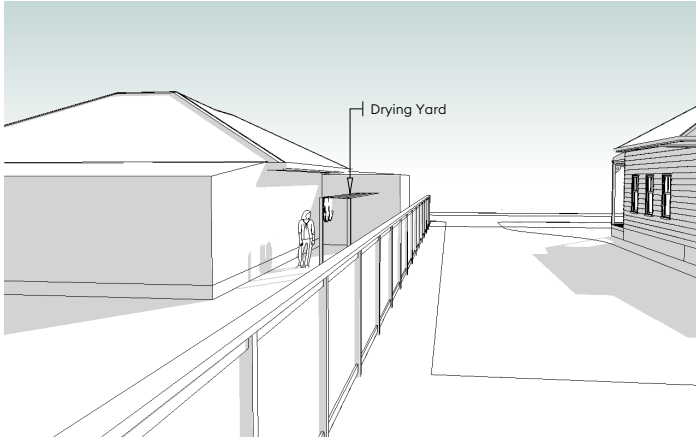
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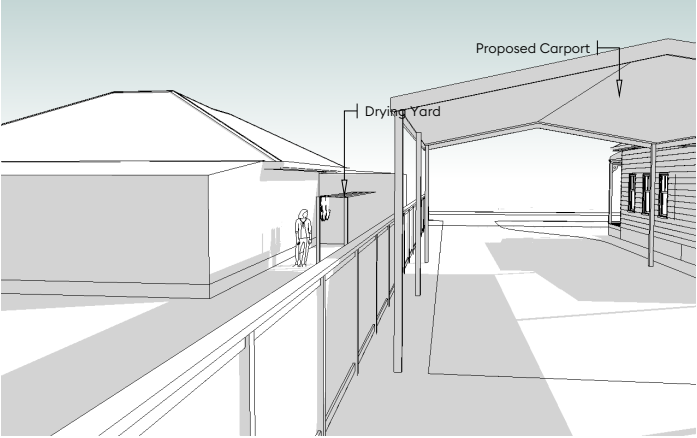
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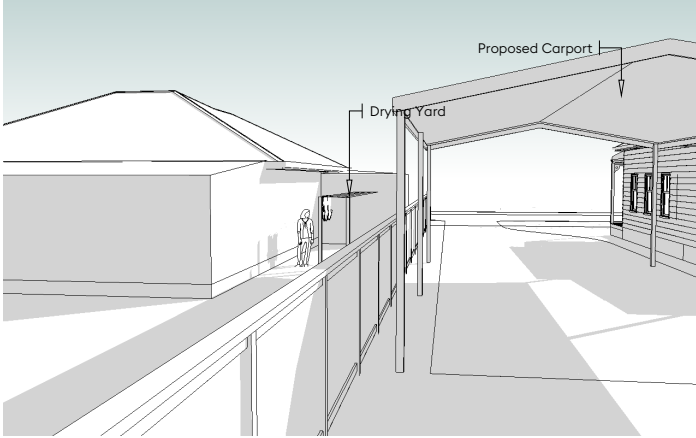
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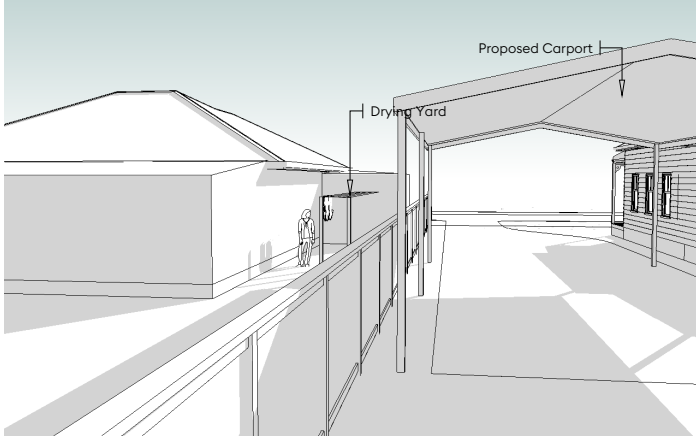
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SHEET NO:

S.04

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Shadow Diagrams - 3D

DRAWING STATUS

For Approval

CLIENT NAME

Kate Wislon

SITE DESCRIPTION

14 Shelley Street  
COWRA NSW 2794

PROJECT NAME

Proposed Carport

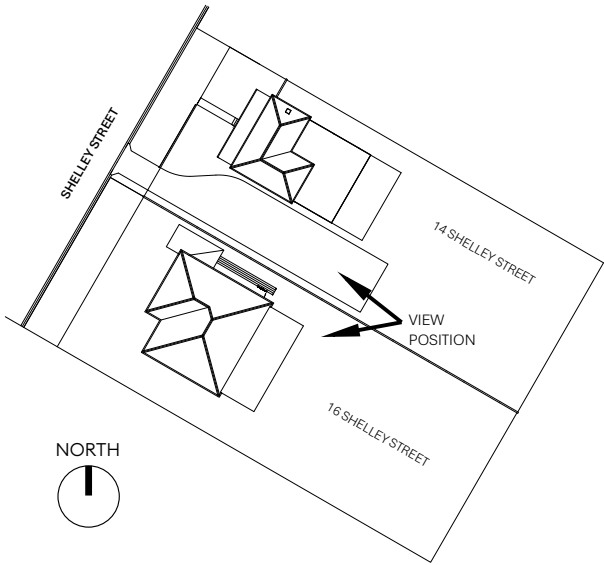
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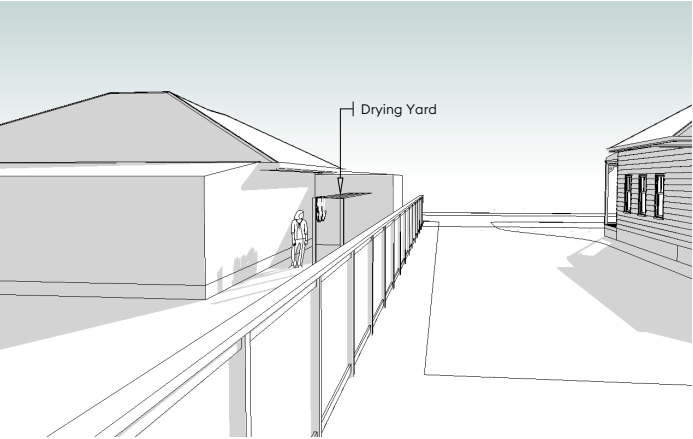
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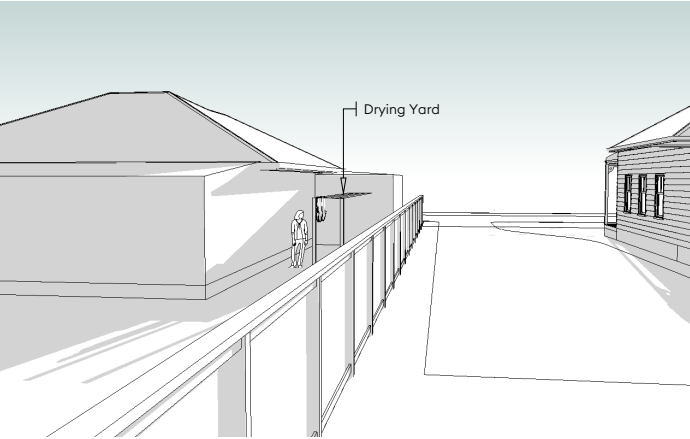
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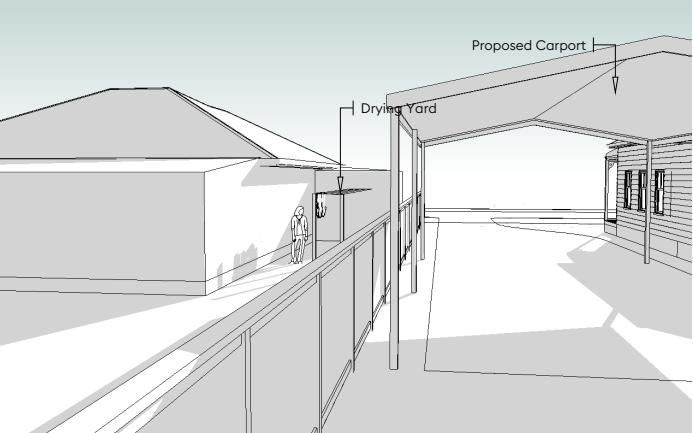
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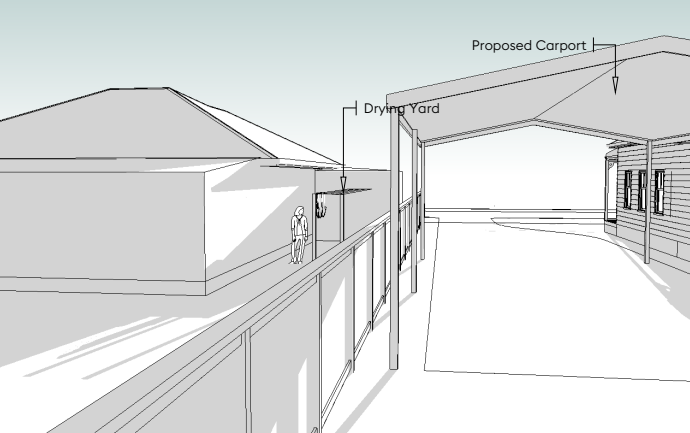
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SHADOW DIAGRAM - AS PROPOSED

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**DOCUMENT TITLE**

Mod-DA Report

**CLIENT**

Kate Wilson

**PROJECT**

Carport  
Lot 363 DP 752948  
14 Shelley Street Cowra NSW 2794

**REVISION**

A

## DOCUMENT CONTROL

### PROJECT REPORT DETAILS

Document Title	Mod-DA Report Proposed Carport 14 Shelley Street, Cowra
Principal Author	Dean Steward dsteward@currajong.com.au
Client	Kate Wilson
Project Reference	APC240203

### DOCUMENT STATUS

Revision	A
Status	For Council Approval
Date	31/05/2024
Authorised for Issue	

### DISTRIBUTION RECORD

Recipient	Distribution Method	Date
Cowra Council	NSW Planning Portal - Rev A	31/05/2024

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PLANNING, PROPERTY + PROJECT MANAGEMENT

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**CURRAJONG**

## 01. INTRODUCTION

### 1.1. Project Overview

This Mod-DA Report has been prepared by Currajong Pty Ltd (Currajong) on behalf of Kate Wilson to support a proposal to modify Development Consent No. 14/2024 granted by Cowra Shire Council on 22 April 2024 for the construction of a carport at 14 Shelley Street, Cowra.

Owner Kate Wilson proposes to modify Development Consent No. 14/2024 by:

- Increasing the front setback from 12.8m to 16.8m.
- Decreasing the side setback from 0.9m to 0.5m.

The purpose of this Mod-DA Report is to show full details of the proposed changes to Development Consent No. 14/2022 and justify these proposed changes in accordance with Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

### 1.2. Approvals Required

In accordance with Part 4 of the Environmental Planning and Assessment Act (EP&A) 1979 a modification application is to be lodged with Cowra Council via the NSW Planning Portal, along with the Mod-DA Report (this report) and a revised site plan.

The proposal is local development, as it does not trigger any of the provisions listed below:

- The proposal is not 'designated development' pursuant to Part 1 of Schedule 3 of the EP&A Regulation 2021 (EP&A Regulation) and an Environmental Impact Statement is not required.
- The proposal does not trigger 'regionally significant development' because it is not designated development and is general development less than \$30 million, pursuant to State Environmental Planning Policy (Planning Systems) 2021.
- The proposal does not trigger 'integrated development' because it does not require any other approval listed under Section 4.46 of the EP&A Act 1979.
- The proposal does not trigger the Biodiversity Offsets Scheme threshold, because it does not involve the removal of native vegetation within the meaning of the Biodiversity Conservation Act 2016.

### 1.3. Application Details

The key details of the application are presented in Table 1 as follows.

Table 1 - Application Details

Detail	Description
Applicant	Kate Wilson
Landowner(s)	Kate Wilson
Site	Lot 363 DP 752948
Proposal	Carport
Zoning	R1 General Residential
Consent Authority	Cowra Council

#### 1.4. Approval History

Table 2 provides an overview of the approval history applying to the site.

Table 2 - Approval History

Detail	Description
DA 14/2024	Granted by Cowra Council on 22 April 2024
CC 14/2024	Lodged with Cowra Council on 08 February 2024 but not yet determined.

#### 1.5. Reasons for Proposed Modification

The proposed changes to the position of the proposed carport on the site are necessary in order to ensure practical use of the building and surrounding spaces.

## 02. DESCRIPTION OF THE SITE

### 2.1. Site Description

The site has an area of 1,015m<sup>2</sup> and contains an existing residential dwelling. Access to the land is achieved direct from Shelley Street via an existing access crossing. There are no other defining characteristics of the site. A locality map showing the site in the context of the surrounding area is included in Figure 1.

Figure 1 - Locality Map – 14 Shelley Street Cowra



### 2.2. Surrounding Land-use

The property sits within the context of an established residential neighbourhood. There are existing residential uses being carried out on all adjoining properties.

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2.3. Land Zoning

The site is zoned R1 General Residential under the Cowra LEP 2012. Figure 2 includes a map that shows the zoning framework for the site and surrounding areas. The development is permissible in the R1 General Residential with the consent of council.

Figure 2 - Zoning Map – 14 Shelley Street Cowra



LEGEND - LAND USE ZONES	
E1	E1 Local Centre
E3	E3 Productivity Support
C1	C1 National Parks and Nature Reserves
C2	C2 Environmental Conservation
C3	C3 Environmental Management
E4	E4 General Industrial
R1	R1 General Residential
R2	R2 Low Density Residential
R5	R5 Large Lot Residential
RE1	Public Recreation
RE2	Private Recreation
RU1	Primary Production
RU3	Forestry
RU4	Primary Production Small Lots
RU5	Village
SP2	Infrastructure
SP3	Tourist
W2	Recreational Waterways

## 03. DETAILS OF APPROVED DEVELOPMENT

### 3.1. DA 14/2024

Development Consent No. 14/2024 was granted by Cowra Council on 22 April 2024 for the construction of a carport at 14 Shelley Street, Cowra. The specific details of the approved development include:

- Construction of a steel framed open-sided carport measuring 12m in length x 6.5m in width x 4.117m in height.
- The approved position of the carport on the site is 12.8m from the front boundary, 0.9m from the side boundary and 25.5m from the rear boundary.
- The carport is engineered to comply with the requirements of the Building Code of Australia for a Class 10a building and has been certified to be structurally adequate having regard to anticipated flood impact.

### 3.2. CC 14/2024

Construction Certificate No. 14/2024 was lodged with Cowra Council on 08 February 2024 but has not yet been determined pending the supply of additional information. Council has requested the supply of a Section 138 Permit to complete the upgrade of the existing entrance in accordance with condition No. 16 of the development consent.

Subject to the determination of this Section 4.55(1A) Modification Application, the owner will proceed to amend Construction Certificate No. 14/2024 prior to its determination. The modifications will relate only to the position of the carport on the site. A Section 138 Permit will be supplied to Council at this time.

## 04. DETAILS OF PROPOSED MODIFICATION

### 4.1. Scope of Proposed Modification

Owner Kate Wilson proposes to modify Development Consent No. 14/2024 by:

- Increasing the front setback from 12.8m to 16.8m.
- Decreasing the side setback from 0.9m to 0.5m.

### 4.2. Modification Instrument Particulars

Condition No. 1 of DA 14/2024 will be required to be updated to ensure the amended site plan is correctly referred to in the list of approved plans and documents. There are no requirements to change any other conditions of consent.

## 05. JUSTIFICATION OF PROPOSED MODIFICATION

Section 4.55 of the EP&A Act 1979 provides the relevant framework for the modification of consents generally. The modification of DA 14/2024 is proposed in accordance with Section 4.55(1A) of the Act. Section 4.55(1A) allows Cowra Council, as consent authority, to modify a consent if:

- a. It is satisfied that the proposed modification is of minimal environmental impact.
- b. It is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all).
- c. It has notified the application in accordance with the regulations, if the regulations so require, or a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
- d. It has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

As demonstrated in the assessment of the proposal (as modified) in later sections of this report, it is considered the proposed modifications are of minimal environmental impact. It is also considered the proposal is substantially the same development as that which was originally approved, for the following reasons:

- The development still relates to the construction of a carport.
- There are no changes to the approved dimensions of the carport.
- Whilst minor changes are proposed to the site layout, there is no change to the scale of development.
- No additional earthworks, vegetation removal or the like will result from the proposal.
- The proposed changes do not create any unacceptable additional environmental impacts. Overshadowing impacts were deemed acceptable as part of the assessment and determination of the original application. Amended shadow diagrams are provided in support of the modification application and show no additional adverse impacts.

## 06. PLANNING AND LEGISLATIVE CONTEXT

Section 4 of the Statement of Environmental Effects (SEE) approved as part of DA 14/2024 included a description of the applicable local planning policies, State and Federal legislation and guidelines and a statement outlining how the development addressed / complied with the legislation or policy.

Having regard to the scope of modifications proposed to DA 14/2024, a full review of the planning and legislative context is not proposed. Table 3 considers the modification against applicable instruments and policies is required.

**Table 3 - Planning and Legislative Context Review**

Name	Assessment
<b>Commonwealth Legislation</b>	
Environment Protection and Biodiversity Conservation Act 1999	The modification does not result in any changes to the likely impact of the proposal on relevant Matters of National Environmental Significance.
<b>New South Wales Legislation</b>	
Environmental Planning and Assessment (EP&A) Act 1979	The owner is applying for a modification application in accordance with Section 4.55(1A) of the EP&A Act 1979. Relevant matters for consideration are addressed in this Mod-DA Report.
Local Government (LG) Act 1993	The proposal does not require approvals under Section 68 of the LG Act 1993.
National Parks and Wildlife (NPW) Act 1974	The modification does not result in new or additional heritage issues / impacts or the need for an approval under the NPW Act 1974.
Biodiversity Conservation (BC) Act 2016	The modification does not result in new or additional biodiversity impacts.
Water Management (WM) Act 2000	The modification does not result in new or additional water resource issues / impacts or the need for an approval under the WM Act 2000
Heritage Act 1977	The modification does not result in new or additional heritage issues / impacts or the need for an approval under the Heritage Act 1977.
Protection of the Environment Operations (PoEO) Act 1997	The modification does not result in the need for an approval under the PoEO Act 1997.
Roads Act 1993	Approvals will be obtained under S138 of the Roads Act 1993 to complete the required upgrade of the existing access crossing. The modification does not create new issues.
Contaminated Land Management Act 1997	Contamination is not a key issue for the site. Further investigations are not warranted.
Rural Fires Act 1997	The land is not Bushfire Prone. Further investigations are not warranted.
<b>State Environmental Planning Policies</b>	
SEPP (Exempt and Complying Development Codes) 2008	The proposed modifications cannot be completed as exempt development.
SEPP (Planning Systems) 2021	Further consideration of this SEPP is not required.
SEPP (Biodiversity and Conservation) 2021	The modification does not result in new or additional biodiversity impacts.

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Name	Assessment
SEPP (Sustainable Buildings) 2022	The proposed carport is not BASIX affected buildings.
SEPP (Housing) 2021	The SEPP does not have applicability to the proposal.
SEPP (Industry and Employment) 2021	The SEPP does not have applicability to the proposal.
SEPP (Primary Production) 2021	The SEPP does not have applicability to the proposal.
SEPP (Precincts - Central River City) 2021	The SEPP does not have applicability to the proposal.
SEPP (Precincts - Eastern Harbour City) 2021	The SEPP does not have applicability to the proposal.
SEPP (Precincts - Western Parkland City) 2021	The SEPP does not have applicability to the proposal.
SEPP (Precincts - Regional) 2021	The SEPP does not have applicability to the proposal.
SEPP (Resilience and Hazards) 2021	Contamination is not a key issue for the site. Further investigations are not warranted.
SEPP (Resources and Energy) 2021	The SEPP does not have applicability to the proposal.
SEPP (Transport and Infrastructure) 2021	The modification does not result in a new reason for the proposal to be referred under Clauses 2.48 or 2.122 of the SEPP.
Cowra Local Environmental Plan 2012	
Clause 2.3 – Zone Objectives	The proposed modification does not alter the permissibility of the development in the R1 General Residential zone.
Clause 5.21	The proposal, as modified, remains consistent with the flood planning requirements of Clause 5.21. There are no changes to the size, configuration or proposed engineering details for the carport.
Clause 7.1 - Earthworks	The proposal, as modified, remains consistent with the requirements of Clause 7.1.
Clause 7.8 – Essential Services	The essential servicing requirements for the development are not altered. Stormwater from the carport roof will still be discharged to the street gutter in Shelley Street.
Cowra Council DCP 2021	
Part A - Introduction	The proposed modification does not result in the need for a DCP variation.
Part B – Land Management	The construction of the project will be finalised in accordance with the requirements of Part B of the DCP.
Part C – Biodiversity	The modification does not result in new or additional biodiversity impacts.
Part E – Urban and Village Development	The modification does not alter the ability of the proposal to comply with the requirements of Part E. Front, side and rear setbacks remain acceptable. Building height remains acceptable.
Part O – Hazard Management	The proposal, as modified, remains consistent with the flood planning requirements of Part O. There are no changes to the size, configuration or proposed engineering details for the carport.

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## 07. ASSESSMENT OF ENVIRONMENTAL ISSUES

Section 5 of the SEE approved as part of DA 14/2024 included a description of the applicable local planning policies, State and Federal legislation and guidelines and a statement outlining how the development addressed / complied with the legislation or policy.

Having regard to the scope of modifications proposed to DA 14/2024, a full assessment of environmental issues is not proposed. Table 4 considers the likely impacts of the modification.

**Table 4 - Environmental Issues Review**

Name	Assessment
Visual Impacts and Amenity	The changes to the proposed position of the carport on the site are not expected to generate new or additional adverse amenity impacts on adjoining properties.  Overshadowing impacts were deemed acceptable as part of the assessment and determination of the original application. Amended shadow diagrams are provided in support of the modification application and show no additional adverse impacts.
Building Code Compliance	The carport is engineered to comply with the requirements of the Building Code of Australia for a Class 10a building and has been certified to be structurally adequate having regard to anticipated flood impact. There are no changes to the design of the carport.
Access and traffic	The proposed modifications do not result in any new or additional access and traffic impacts.
Soils and Water Quality	The proposed modifications do not result in any new or additional soil or water quality impacts.
Air Quality	The proposed modifications do not result in any new or additional air quality impacts.
Noise and Vibration	The proposed modifications do not result in any new or additional noise and vibration impacts.
Heritage	The proposed modifications do not result in any new or additional impacts in terms of Aboriginal Cultural or built heritage.
Hazards	The carport has been certified to be structurally adequate having regard to anticipated flood impact. There are no changes to the design of the carport. The new location of the carport will not generate new or additional flood impacts on the site or on adjoining properties.
Social and economic	On the basis that the nature and scale of the proposal remains unaltered, it is not anticipated that any new or additional social and economic impacts will result from the proposed modification.

## 08. EVALUATION AND JUSTIFICATION FOR THE PROPOSAL

### 8.1. Objectives of the EP&A Act 1979

Development Consent is being sought under Section 4.16 of the EP&A Act 1979 and must therefore satisfy the objectives of the Act. The objectives of the Act are listed below:

- To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,
- To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
- To promote the orderly and economic use and development of land,
- To promote the delivery and maintenance of affordable housing,
- To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,
- To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),
- To promote good design and amenity of the built environment,
- To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,
- To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,
- To provide increased opportunity for community participation in environmental planning and assessment.

The proposed development, as modified, is considered to be consistent with the above objectives. An objective of the EP&A Act 1979 is for the encouragement of ecologically sustainable development (ESD), which is assessed in the next section.

### 8.2. Other Relevant Considerations

#### 1.3.1. Safety, Security and Crime Prevention

The original proposal was considered against the principles of Crime Prevention Through Environmental Design. No serious risks were identified and the proposed site and building design was confirmed to be acceptable. The proposed modification does not change any aspects of the approved design that are important in terms of crime risk, safety and security.

#### 1.3.2. Cumulative Impacts

The original proposal was assessed to be compatible with the site and its surrounds and was unlikely to have a significant cumulative impact. The proposed modification does not change any aspects of the approved design that could result in unacceptable cumulative impacts. Overall, the proposed development, as modified, is expected to make a neutral / positive contribution to the environment.

#### 1.3.3. Suitability of the Site for the Development

The environmental assessment work completed and detailed in the original SEE demonstrated that the subject land was suitable for the proposed development. The development has been designed to be consistent with Council's planning requirements. The proposed modifications relate to minor aspects of



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the proposed site design and do not alter the suitability of the site for the development, as demonstrated by this Mod-DA report.

#### 1.3.4. Public interest

As part of the Council's original assessment of DA 14/2024, the proposal was notified in accordance with the requirements of the Cowra Community Participation Plan. One submission was received by Council which raised concerns about potential overshadowing and loss of sunlight caused by the proposed carport and its position along the southern boundary. The likely impacts were deemed acceptable as part of the assessment and determination of the original application. Amended shadow diagrams are provided in support of the modification application and show no additional adverse impacts.

The remaining impacts of the proposal, as modified, are likely to be within acceptable limits as evidenced by this Mod-DA report.

The proposed modifications do not create any variations to the Cowra DCP 2021.

The proposal, as modified, is assessed to pose no significant detrimental impacts on the public interest.

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## 09. CONCLUSION

This Mod-DA Report has been prepared by Currajong Pty Ltd on behalf of Kate Wilson to justify the modification of DA 14/2024 under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

Development Consent No. 14/2024 was granted by Cowra Council on 22 April 2024 for the construction of a carport at 14 Shelley Street, Cowra. The specific details of the proposal include:

- Construction of a steel framed open-sided carport measuring 12m in length x 6.5m in width x 4.117m in height.
- The approved position of the carport on the site is 12.8m from the front boundary, 0.9m from the side boundary and 25.5m from the rear boundary.
- The carport is engineered to comply with the requirements of the Building Code of Australia for a Class 10a building and has been certified to be structurally adequate having regard to anticipated flood impact.

Owner Kate Wilson proposes to modify Development Consent No. 14/2024 by:

- Increasing the front setback from 12.8m to 16.8m.
- Decreasing the side setback from 0.9m to 0.5m.

The assessment of the proposed modification has been documented in this report to visualise all aspects of the relevant matters for consideration under the Environmental Planning and Assessment Act 1979. The assessment concludes the proposal is consistent with the criteria for modifications under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979. Broad assessment of the main environmental issues associated with the amended site design demonstrates the proposal is substantially the same development and involves minimal environmental impact.

It is recommended that sufficient information has been submitted with the Mod-DA Report to allow Cowra Council to make an informed decision on the proposal. It is the findings of this Mod-DA Report that the proposed modification of DA 14/2024 should be supported.



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PLANNING, PROPERTY + PROJECT MANAGEMENT



**Important Notice!**  
This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground. This information has been prepared for Council's internal purposes and for no other purpose. No statement is made about the accuracy or suitability of the information for use for any purpose (whether the purpose has been notified to Council or not). While every care is taken to ensure the accuracy of this data, neither the Cowra Council nor the SS makes any representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all damages. Notes: Reference: Northcote



Drawn By: Cassandra Gailly  
Projection: # GDA2020 / MGA zone 55

**Mod DA 14/2024 - 14  
Shelley Street Cowra**

Created on 28/06/2024

**Important Notice!**

This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground. This information has been prepared for Council's internal purposes and for no other purpose. No statement is made about the accuracy or suitability of the information for use for any purpose (whether the purpose has been notified to Council or not). While every care is taken to ensure the accuracy of this data, neither the Cowra Council nor the SS makes any representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all damages (including economic, financial, and other losses) arising from the use of this information.



Drawn By: Cassandra Gally

Projection: # GDA2020 / MGA zone 55

**DA 14/2024 - 14 Shelley  
Street Cowra**





Cowra Shire Council  
Private Bag 342  
Cowra NSW 2794

Phone: 02 6340 2000  
council@cowra.nsw.gov.au  
[www.cowracouncil.com.au](http://www.cowracouncil.com.au)

**Notice of Determination of Development Application**  
**Issued Under Section 4.18**  
**Environmental Planning and Assessment Act, 1979**

<b>Issued to:</b>	Currajong Pty Ltd 205A Clarinda Street PARKES NSW 2870
<b>Development Application:</b>	10.2024.14.1.
<b>Description of Development:</b>	Carport
<b>Property Description:</b>	Lot 363 DP 752948 – 14 Shelley Street, Cowra
<b>Consent to Operate from:</b>	22 April 2024
<b>Consent to Lapse on:</b>	23 April 2029
<b>Determination:</b>	Consent granted subject to conditions described below:

**GENERAL CONDITIONS**

- I. Development is to be in accordance with approved plans.

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

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

This page relates to Development Application 10.2024.14.1.

Page 2 of 16

Plan No./ Supporting Document	Prepared by/Reference Details	Cowra Shire Council Reference
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. DA 10.2024.14.1
Shadow Diagrams - Plan View	Currajong 07 March 2024	Received 7 March 2024 Stamped No. DA 10.2024.14.1
Shadow Diagrams - 3D (9am – 11am)	Currajong 07 March 2024	Received 7 March 2024 Stamped No. DA 10.2024.14.1
Shadow Diagrams - 3D (12pm – 2pm)	Currajong 07 March 2024	Received 7 March 2024 Stamped No. DA 10.2024.14.1
Shadow Diagrams - 3D (3pm – 4pm)	Currajong 07 March 2024	Received 7 March 2024 Stamped No. DA 10.2024.14.1

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

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

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

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

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

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

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

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

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

<b>Other Approvals:</b>	N/A
<b>Right of Review:</b>	Division 8.2 of the Environmental Planning and Assessment Act 1979 confers the right for an applicant to request the Council to review its determination at any time, other than after the time limited for the making of an appeal under Division 8.3 expires (if no such appeal is made against the determination) or after an appeal under Division 8.3 against the determination is disposed of by the Court (if such an appeal is made against the determination). Any request for a review is required to be accompanied by a fee as set by Council's Revenue Policy.
<b>Right of Appeal:</b>	Division 8.3 of the Environmental Planning and Assessment Act 1979 confers the right for an applicant who is dissatisfied with Council's determination to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.
<b>Signed:</b>	On behalf of the consent authority:
<b>Signature:</b>	
<b>Name:</b>	Larissa Hackett <b>Director – Environmental Services</b> 30 April 2024

**Reasons for Imposition of Conditions:**

Development Application No. 14/2024 was assessed using current procedures developed by the Cowra Shire Council and other resource information. This includes:

- The requirements of Section 4.15(1) of the Environmental Planning and Assessment Act 1979 which states:

**Section 4.15(1) Matters for consideration – general**

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:
    - (i) any environmental planning instrument, and
    - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
    - (iii) any development control plan, and
    - (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
    - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)
  - (b) the likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality.
  - (c) the suitability of the site for the development.
  - (d) any submissions made in accordance with this Act or the regulations.
  - (e) the public interest.
- The requirements of Cowra Local Environmental Plan 2012.
  - The requirements of Cowra Council Development Control Plan 2021.



Cowra Shire Council  
Private Bag 342  
Cowra NSW 2794

Phone: 02 6340 2000  
council@cowra.nsw.gov.au  
[www.cowracouncil.com.au](http://www.cowracouncil.com.au)

**Advisory Note**  
**Prescribed Conditions of Development Consent**  
**Environmental Planning and Assessment Regulation 2021**

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**All development must comply with the following where relevant:**

**69 Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989**

- (1) It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia.
- (2) It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.
- (3) It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the Building Code of Australia.
- (4) In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.
- (5) In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.
- (6) This section does not apply—
  - (a) to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or
  - (b) to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.

**70 Erection of signs**

- (1) This section applies to a development consent for development involving building work, subdivision work or demolition work.
- (2) It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—
  - (a) showing the name, address and telephone number of the principal certifier for the work, and
  - (b) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the work site is prohibited.
- (3) The sign must be—
  - (a) maintained while the building work, subdivision work or demolition work is being carried out, and
  - (b) removed when the work has been completed.
- (4) This section does not apply in relation to—
  - (a) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
  - (b) Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

**71 Notification of Home Building Act 1989 requirements**

- (1) This section applies to a development consent for development involving residential building work if the principal certifier is not the council.
- (2) It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following—
  - (a) for work that requires a principal contractor to be appointed—
    - (i) the name and licence number of the principal contractor, and
    - (ii) the name of the insurer of the work under the Home Building Act 1989, Part 6,

- (b) for work to be carried out by an owner-builder—
  - (iii) the name of the owner-builder, and
  - (iv) if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989—the number of the owner-builder permit.
- (3) If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.
- (4) This section does not apply in relation to Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.

## 72 Entertainment venues

- (1) The requirements specified in this section are conditions of development consent for the use of a building as an entertainment venue.
- (2) During a stage performance at an entertainment venue, there must be at least 1 suitably trained person in attendance in the stage area at all times for the purpose of operating, if necessary, a proscenium safety curtain, drencher system and smoke exhaust system.
- (3) If a proscenium safety curtain is installed at an entertainment venue, there must be no obstruction to the opening or closing of the curtain and the curtain must be operable at all times.
- (4) When a film is being screened at an entertainment venue, there must be at least 1 person in attendance at the entertainment venue who is trained in—
  - (a) the operation of the projectors being used, and
  - (b) the use of the fire fighting equipment in the room in which the projectors are installed (the **projection room**).
- (5) If the projection room is not fitted with automatic fire suppression equipment and a smoke detection system, in accordance with the Building Code of Australia, the person required by subsection (4) to be in attendance must be in the projection suite in which the projection room is located during the screening of a film.
- (6) A member of the public must not be present in the projection suite during the screening of a film.
- (7) An entertainment venue must not screen a nitrate film.
- (8) An emergency evacuation plan must be prepared, maintained and implemented for a building, other than a temporary structure, used as an entertainment venue.
- (9) The emergency evacuation plan must specify the following—

- (a) the location of all exits, and fire protection and safety equipment, for the part of the building used as an entertainment venue,
  - (b) the number of fire safety officers that must be present during performances,
  - (c) how the audience will be evacuated from the building if there is a fire or other emergency.
- (10) A fire safety officer appointed to be present during a performance must have appropriate training in evacuating persons from the building if there is a fire or other emergency.
- (11) In this section—  
exit has the same meaning as in the Building Code of Australia.

### **73 Maximum capacity signage**

- (1) This section applies to a development consent, including an existing development consent, for the following uses of a building, if the development consent contains a condition specifying the maximum number of persons permitted in the building—
- (a) an entertainment venue,
  - (b) a function centre,
  - (c) a pub,
  - (d) a registered club,
  - (e) a restaurant or cafe.

- (2) It is a condition of the development consent that a sign must be displayed in a prominent position in the building stating the maximum number of persons, as specified in the development consent, that are permitted in the building.

### **74 Shoring and adequacy of adjoining property**

- (1) This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.
- (2) It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense—
- (a) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and

(b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.

(3) This section does not apply if—

(c) the person having the benefit of the development consent owns the adjoining land, or

(d) the owner of the adjoining land gives written consent to the condition not applying.

## **75 Fulfilment of BASIX commitments**

It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled—

(a) BASIX development,

(b) BASIX optional development, if the development application was accompanied by a BASIX certificate.

## **76 Deferred commencement consent**

(1) A development consent with a deferred commencement, as referred to in the Act, section 4.16(3), must be clearly identified as a “deferred commencement” consent, whether by using the expression, referring to that section or otherwise.

(2) A deferred commencement consent must clearly distinguish between—

(a) conditions that relate to matters about which the consent authority must be satisfied before the consent can operate (the relevant matters), and

(b) other conditions.

(3) A consent authority may specify the period within which the applicant must produce sufficient evidence to the consent authority to enable it to be satisfied about the relevant matters.

(4) If the applicant produces evidence in accordance with this section, the consent authority must notify the applicant whether it is satisfied about the relevant matters.

(5) If the consent authority does not notify the applicant within 28 days after the applicant produces the evidence, the consent authority is taken to have notified the applicant, on the day on which the period expires, that it is not satisfied about the relevant matters.

(6) Subsection (5) applies for the purposes of the Act, section 8.7 only.

## **77 Conditions for ancillary aspects of development**

(1) If a consent authority grants development consent subject to a condition referred to in the Act, section 4.17(2) in relation to an ancillary aspect of the development, the consent authority may specify the period within which the ancillary aspect must be carried out to the satisfaction of the consent authority or a person specified by the consent authority.



- (2) The applicant may produce evidence to the consent authority, or to the person specified by the consent authority, sufficient to enable the consent authority or the person to be satisfied in relation to the ancillary aspect of the development.
- (3) For the purposes of the Act, section 4.17(3), the relevant period is the period of 28 days after the applicant's evidence is produced to the consent authority or a person specified by the consent authority.

#### **78 Conditions for State significant development**

A development consent may be granted subject to a condition referred to in the Act, section 4.17(4A) or (4B) only if the development is State significant development.

#### **79 Review conditions—the Act, s 4.17(10C)**

- (1) A development consent that is granted subject to a reviewable condition may, as referred to in the Act, section 4.17(10B), be granted subject to a further condition (a review condition) if the development consent relates to the following kinds of development—
  - (a) an entertainment venue,
  - (b) a function centre,
  - (c) a pub,
  - (d) a registered club,
  - (e) a restaurant or cafe.
- (2) A development consent that is subject to a review condition must contain the following—
  - (a) a statement that the development consent is subject to the review condition and the purpose of the review condition,
  - (b) a statement that the consent authority will carry out the reviews,
  - (c) when, or at what intervals, the reviews must be carried out.
- (3) The consent authority must give written notice to the operator of a development that is subject to a review condition at least 14 days before carrying out a review.
- (4) The consent authority may notify other persons of the review as it considers appropriate.
- (5) The consent authority must take into account submissions that are received from any person within 14 days after notice of a review is given to the person.

Subdivision 2 Development permitted under State Environmental Planning Policy (Housing) 2021

80 Definitions

In this Subdivision—

Affordable Housing Guidelines means the NSW Affordable Housing Ministerial Guidelines published by the Department of Community and Justice and approved by the Minister for Families, Communities and Disability Services from time to time.

Land and Housing Corporation means the New South Wales Land and Housing Corporation constituted under the Housing Act 2001.

registered community housing provider has the same meaning as in the Community Housing Providers (Adoption of National Law) Act 2012, section 13.

Registrar of Community Housing means the Registrar of Community Housing appointed under the Community Housing Providers (Adoption of National Law) Act 2012, section 10.

81 Build-to-rent housing

(1) This section applies to a development consent for development permitted under State Environmental Planning Policy (Housing) 2021, Chapter 3, Part 4.

(2) It is a condition of the development consent that during the relevant period—

(a) the buildings to which the development consent relates must contain at least 50 dwellings occupied, or intended to be occupied, by individuals under residential tenancy agreements, and

(b) for development on land in Zone B3 Commercial Core—the buildings to which the development consent relates must not be subdivided into separate lots, and

(c) for development on land in another zone—the tenanted component of the buildings to which the development consent relates must not be subdivided into separate lots, and

(d) the tenanted component of the buildings to which the development consent relates must—

(i) be owned and controlled by 1 person only, and

(ii) be operated by 1 managing agent only, who provides on-site management.

(3) In this section—

relevant period has the same meaning as in State Environmental Planning Policy (Housing) 2021, section 73.

tenanted component has the same meaning as in State Environmental Planning Policy (Housing) 2021, section 71.

82 In-fill affordable housing

(1) This section applies to development permitted under State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 1, other than—

(a) development on land owned by the Land and Housing Corporation, or

(b) a development application made by, or on behalf of, a public authority.

(2) It is a condition of the development consent that before the issue of an occupation certificate for the development—

(a) a restriction must be registered, in accordance with the Conveyancing Act 1919, section 88E, against the title of the property relating to the development, which will ensure the requirements of subsection (3)(a) and (b) are met, and

(b) evidence of an agreement with a registered community housing provider for the management of the affordable housing component must be given to the Registrar of Community Housing, including the name of the registered community housing provider, and

(c) evidence that the requirements of paragraphs (a) and (b) have been met must be given to the consent authority.

(3) It is a condition of the development consent that during the relevant period—

(a) the affordable housing component must be used for affordable housing, and

(b) the affordable housing component must be managed by a registered community housing provider, and

(c) notice of a change in the registered community housing provider who manages the affordable housing component must be given to the Registrar of Community Housing and the consent authority no later than 3 months after the change, and

(d) the registered community housing provider who manages the affordable housing component must apply the Affordable Housing Guidelines.

(4) In this section—

affordable housing component has the same meaning as in State Environmental Planning Policy (Housing) 2021, section 21.

relevant period means a period of 15 years commencing on the day on which an occupation certificate is issued for all parts of the building or buildings to which the development consent relates.

### 83 Boarding houses

(1) This section applies to development permitted under State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 2.

(2) It is a condition of the development consent that before the issue of an occupation certificate for the development—

(a) a restriction must be registered, in accordance with the Conveyancing Act 1919, section 88E, against the title of the property relating to the development, which will ensure the requirements of subsection (3)(a) and (b) are met, and

(b) evidence of an agreement with a registered community housing provider for the management of the boarding house must be given to the Registrar of Community Housing, including the name of the registered community housing provider, and

(c) evidence that the requirements of paragraphs (a) and (b) have been met must be given to the consent authority.

(3) It is a condition of the development consent that from the day on which an occupation certificate is issued for the development—

(a) the boarding house must be used for affordable housing, and

(b) the boarding house must be managed by a registered community housing provider in accordance with a plan of management, and

(c) notice of a change in the registered community housing provider who manages the boarding house must be given to the Registrar of Community Housing and the consent authority no later than 3 months after the change, and

(d) notice of a change to the plan of management must be given to the consent authority no later than 3 months after the change, and

(e) the registered community housing provider who manages the boarding house must apply the Affordable Housing Guidelines.

### 84 Residential flat buildings—social housing providers, public authorities and joint ventures

(1) This section applies to development permitted under State Environmental Planning Policy (Housing) 2021, Chapter 2, Part 2, Division 5, other than—

(a) development on land owned by the Land and Housing Corporation, or

(b) a development application made by a public authority.

(2) It is a condition of the development consent that before the issue of an occupation certificate for the development—

(a) a restriction must be registered, in accordance with the Conveyancing Act 1919, section 88E, against the title of the property relating to the development, which will ensure the requirements in subsection (3)(a) and (b) are met, and

(b) evidence of an agreement with a registered community housing provider for the management of the residential flat building must be given to the Registrar of Community Housing, including the name of the registered community housing provider, and

(c) evidence that the requirements in paragraph (a) and (b) have been met must be given to the consent authority.

(3) It is a condition of the development consent that during the relevant period—

- (a) 50% of the dwellings to which the development consent relates must be used for affordable housing (the affordable housing dwellings), and
- (b) the affordable housing dwellings must be managed by a registered community housing provider, and
- (c) notice of a change in the registered community housing provider who manages the affordable housing dwellings must be given to the Registrar of Community Housing and the consent authority no later than 3 months after the change, and
- (d) the registered community housing provider who manages the affordable housing dwellings must apply the Affordable Housing Guidelines.

(4) In this section—

relevant period means a period of 10 years commencing on the day on which an occupation certificate is issued for all parts of the building or buildings to which the development consent relates.

#### 85 Co-living housing

(1) This section applies to development permitted under State Environmental Planning Policy (Housing) 2021, Chapter 3, Part 3.

(2) It is a condition of the development consent that from the day on which an occupation certificate is issued for the development—

- (a) the co-living housing must be managed in accordance with a plan of management by a managing agent who is contactable 24 hours a day, and
- (b) notice of a change to the plan of management must be given to the consent authority no later than 3 months after the change, and
- (c) private rooms and communal living areas in the co-living housing must contain appropriate furniture and fittings, maintained in a reasonable state of repair, for the use of residents.

#### 86 Seniors housing

(1) This section applies to development permitted under State Environmental Planning Policy (Housing) 2021, Chapter 3, Part 5.

(2) It is a condition of the development consent that, before the issue of the occupation certificate for the development, a restriction must be registered, in accordance with the Conveyancing Act 1919, section 88E, against the title of the property relating to the development, which will ensure that the requirement in subsection (3) is met.

(3) It is a condition of the development consent that, from the day on which an occupation certificate is issued for the development, only the following persons may occupy the accommodation to which the development consent relates—

- (a) seniors or people who have a disability,
- (b) people who live in the same household with seniors or people who have a disability,
- (c) staff employed to assist in the administration and provision of services to the accommodation.

Cowra Shire Council  
Development Consent

This plan depicts the proposal referred to in  
Development Application No: DA 10/2024.14.1  
Date of Approval: 22/4/2024

Signed: [Redacted]  
Authorised Officer

RECEIVED  
Cowra Shire Council  
15/2/2024  
Plan No: 10/2024.14.1



Project Contact  
Dean Steward  
0429 217 243  
dsteward@currajong.com.au

GENERAL NOTES:

- These drawings shall be used with the specification after working drawings as may be issued during the course of construction and shall not be used for any other purpose or for any other project. Any discrepancies are to be referred to the Architect prior to work commencing.
- All dimensions and levels shall be verified on site by the Contractor prior to commencing work.
- Do not scale from drawings. Work to figured dimensions and levels. Final survey and shall not be relied upon for accuracy.

A. PREPARED BY: [Redacted] DATE: 02/02/24

SHEET NO:  
**A.01**

SHEET NAME:  
Proposed Site Plan

DRAWING STATUS:  
For Approval

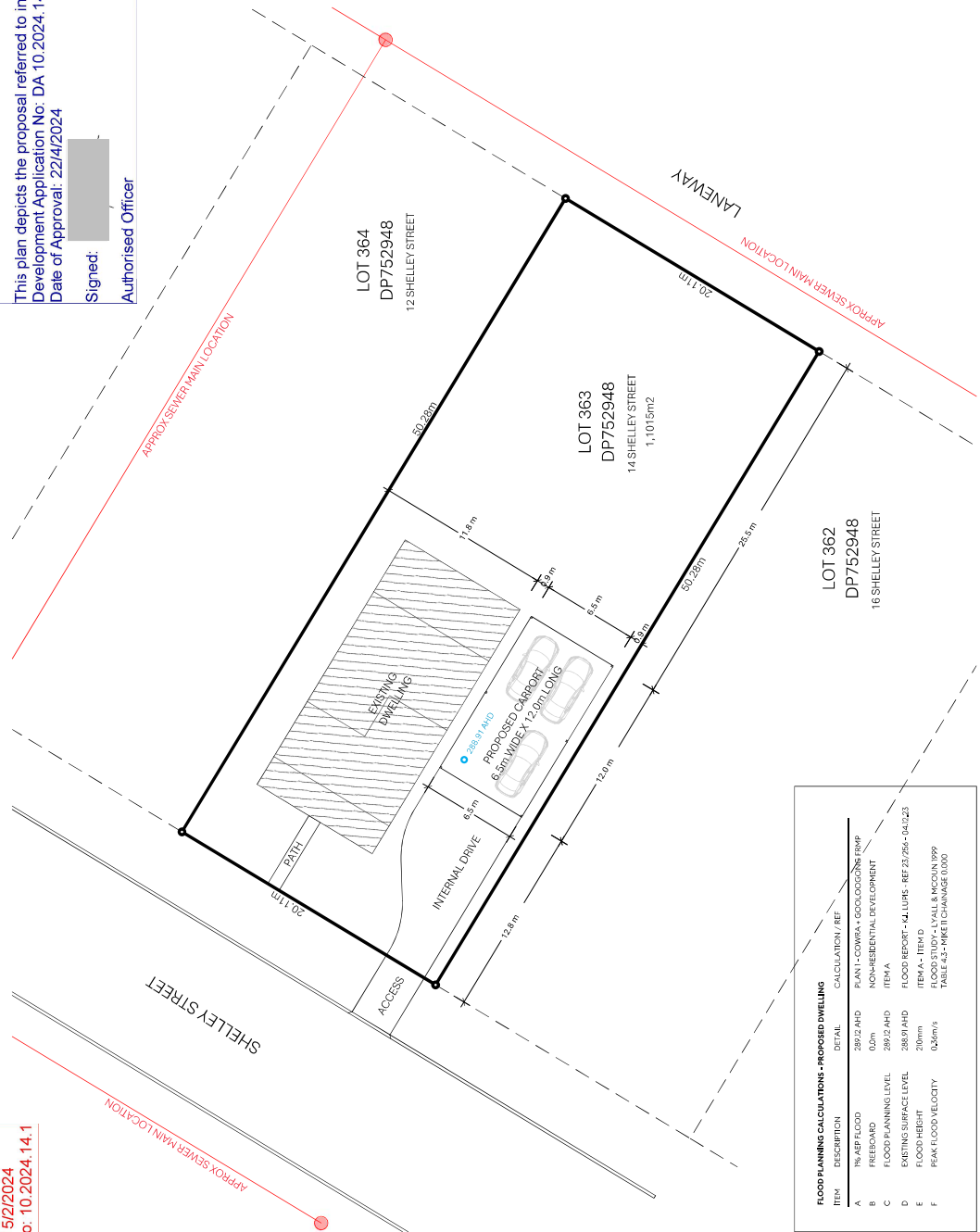
CLIENT NAME:  
Katie Wilson

SITE DESCRIPTION:  
14 Shelley Street  
COWRA NSW 2794

PROJECT NAME:  
Proposed Carport

DRAWN:  
02/02/24  
SCALE:  
1:250 @ A3

NORTH  
↑



FLOOD PLANNING CALCULATIONS - PROPOSED DWELLING			
ITEM	DESCRIPTION	DETAIL	CALCULATION / REF
A	1% AEP FLOOD	289.12 AHD	PLAN 1 - COWRA - COOLOONGS FMP
B	FREEDBOARD	0.2m	NON-RESIDENTIAL DEVELOPMENT
C	FLOOD PLANNING LEVEL	289.12 AHD	ITEM A
D	EXISTING SURFACE LEVEL	288.91 AHD	FLOOD REPORT - 14/1/19 - REF 22/05/14-14/2/23
E	FLOOD HEIGHT	20mm	ITEM A - ITEM D
F	PEAK FLOOD VELOCITY	0.26m/s	FLOOD STUDY - 1 YALL & MCCOIN 1999 TABLE 4.2 - MKET CHAINAGE 0.000



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Cowra Shire Council  
15/2/2024  
Plan No: 10.2024.14.1

20240079  
Friday, 2 February 2024

Kate Wilson  
14 Shelley Street  
COWRA NSW 2794

Attention: Kate Wilson

Cowra Shire Council  
Development Consent

This plan depicts the proposal referred to in  
Development Application No: DA 10.2024.14.1  
Date of Approval: 22/4/2024

Signed: 

Authorised Officer

Dear Kate

**RE: Proposed Carport Flood Certification – 14 Shelley Street, COWRA**

We certify that we have checked the structural design of the proposed carport as shown on the following drawings:

Details	Description	Revision
Sheet 1 to 5	Proposed Carport – 14 Shelley Street, COWRA – Engineering Drawings	24/1/2024
	Proposed Carport – 14 Shelley Street, COWRA – Compliance Statement	24/1/2024
01	Proposed Carport – 14 Shelley Street, COWRA – Site Plan	25/1/2024
Flood Check	Flood Check Development Report – Prepared by KI Lupis	4/12/2023

This review has been carried out in accordance with the following SAI Codes of Practice:

- AS 3600 Concrete Structures
- AS 4100 Steel Structures
- AS/NZS 4600 Cold-formed Steel Structures
- NCC "Construction of Buildings in Flood Hazard Areas" – rev 2012.3

Accordingly, the structure shown would be sufficient to carry the relevant loads specified in AS/NZS 1170, SAI Structural Design Actions Codes (Parts 0, 1 and 2).

Note the following design criteria have been adopted:

- Design based on a free roof, empty under (as defined in AS/NZS 1170.2), **no additional cladding is to be added without reference to the engineer;**
- Structure Importance level 2 (normal structure), in accordance with the BCA;
- Super-imposed dead load to roof = 0.20kPa, and live load to roof = 0.25kPa;
- Wind region A0 (non-cyclonic), with a terrain category of 2.0 (open terrain) in accordance with AS/NZS 1170.2, and a regional wind speed of  $V_{R,500} = 45\text{m/s}$  ( $M_s = 1.00$ ,  $M_t = 1.00$ , and  $M_d, M_{z,cat}$  in accordance with AS/NZS 1170.2);
- Soil bearing pressure = 150kPa.

**Calare Civil Pty Ltd**

ABN 41 050 057 933  
170 Rankin Street  
Bathurst NSW 2795

Tel: 02 6332 3343  
Fax: 02 6331 8210  
Email: [bathurst@calare-civil.com.au](mailto:bathurst@calare-civil.com.au)  
Web: [www.calare-civil.com.au](http://www.calare-civil.com.au)

\\SERVER\Projects\2024\20240079 Proposed Carport and Shed 14 Shelley Street Cowra\20240079-L01-Certifica.docx

Page 1 of 2

CIVIL • STRUCTURAL

Furthermore, we have carried out a structural review of the building when subjected to possible debris loading or buoyancy forces during floodwaters based on the following loading conditions and design parameters:

- Debris force using  $m=250\text{kg}$ ,  $V=0.36\text{m/s}$ ; and
- Design impact height =  $0.21\text{m}$  (based on a 1% AEP flood event level of  $289.12\text{m}$  and an estimated floor level of greater than  $288.91\text{m}$ ).

Our assessment of the structure under the above loading conditions revealed that the structure is adequate, although is likely to suffer aesthetic damage if subject to the loading.

This certification shall not be construed as relieving any other party of their responsibilities, liabilities or contractual obligations.

We trust that this information meets your requirements. Please do not hesitate to contact the undersigned should you require any further information.

Yours faithfully,  
CALARE CIVIL PTY LTD



Chris Beuzeville  
BE MIE Aust.

Page 98



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ROOF PURLINS PER MACHINIST'S DETAILS ON SHEET 5

1 SIDEWALL EXTERIOR ELEVATION  
SCALE: 1:100

2 SIDEWALL EXTERIOR ELEVATION  
SCALE: 1:100

ROOF PURLINS FOR WILSONS SHEDS SCHEDULED ON SHEET 6

3 ENDWALL INTERIOR ELEVATION  
SCALE: 1:100

4 ENDWALL INTERIOR ELEVATION  
SCALE: 1:100

Cowra Shire Council Development Consent

This plan depicts the proposal referred to in Development Application No: DA 10.2024.14.1 Date of Approval: 22/4/2024

Signed: [Signature] Authorised Officer

TO PEAK TO EAVE TO EAVE TO PEAK  
11°  
637 3892 (MAX. CLEARANCE)  
1385 (Nominal)  
4117

ROOF PURLING FOR WILSONS SHEDS SCHEDULED ON SHEET 5

A B

CONTRACTOR  
M.A. STEEL PTY. LTD. (LIC 225516C)  
02 6382 4387  
KATE WILSON  
14 SHELLEY STREET  
COWRA NSW

DRAWN FOR CHECKED DATE JOB NO. SHEET  
FDS TM MAST37405 2 OF 5

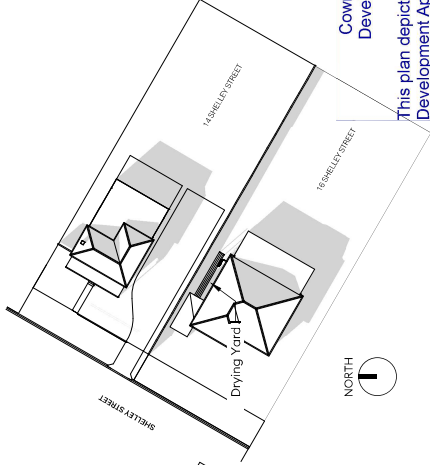
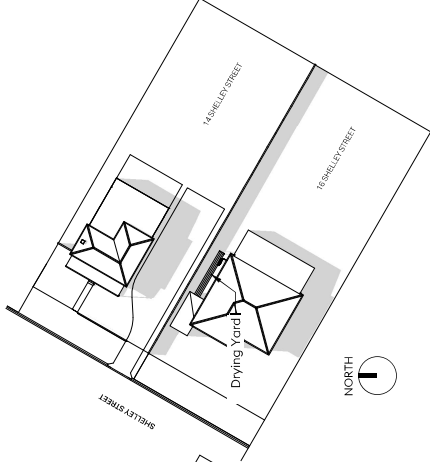
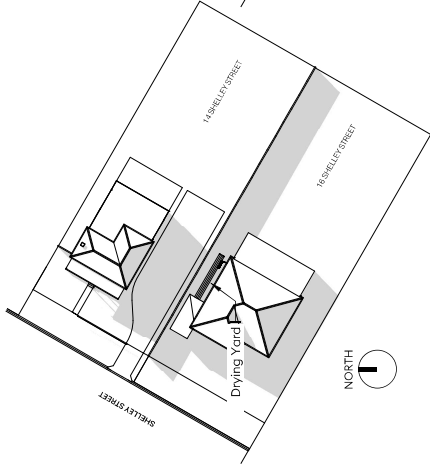
NORTHERN CONSULTING ENGINEERS  
50 Purari Street  
Cairns QLD 4870  
Fax: (07 4725 5850)  
Email: design@northern.com.au  
ABN 341 098 173 350  
Registered Professional Engineer (Civil & Structural) QLD  
Reg. No. 5688  
Reg. No. 1000002259  
Reg. No. 1000002259  
Mr Timothy Roy Messer BE MIE Aust RPEQ  
24/1/2024  
Date  
Signature  
Registered Professional Engineer (Civil & Structural) N.T.  
Registered Engineer - Civil, NC

RECEIVED  
Cowra Shire Council  
7 March 2024  
Plan No. 10.2024.14.1

SHADOW DIAGRAM - AS EXISTING  
8m • 21 JUNE (WINTER SOLTICE)  
SCALE 1:600 @ A4

SHADOW DIAGRAM - AS EXISTING  
12m • 21 JUNE (WINTER SOLTICE)  
SCALE 1:600 @ A4

SHADOW DIAGRAM - AS EXISTING  
30m • 21 JUNE (WINTER SOLTICE)  
SCALE 1:600 @ A4



**CURRAJONG**  
PLANNING, PROJECTS & PROJECT MANAGEMENT  
250A Clarinda Street  
PARKES NSW 2870  
Project Contact  
Dean Steward  
0429 217 243  
dsteward@currajongcouncil.nsw.gov.au

GENERAL NOTES:

1. These drawings shall be used with the specification after working drawings as may be issued during the course of construction and shall be subject to the approval of the Council. Any discrepancies are to be referred to the Architect prior to work commencing.
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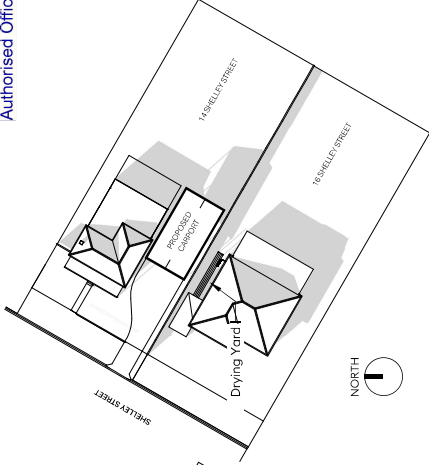
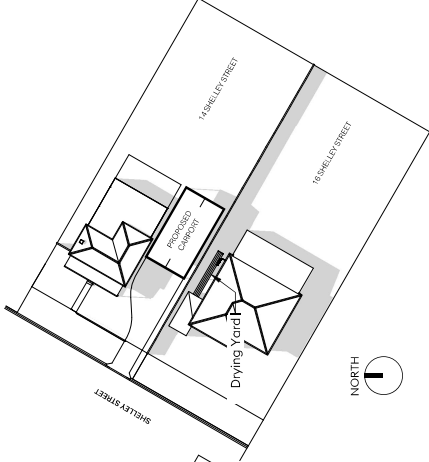
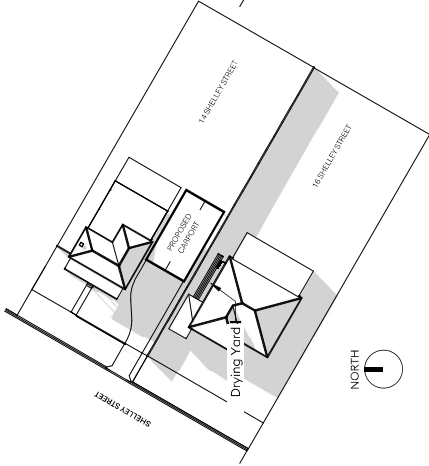
Cowra Shire Council  
Development Consent

This plan depicts the proposal referred to in  
Development Application No: DA 10.2024.14.1  
Date of Approval: 22/4/2024

SHADOW DIAGRAM - AS PROPOSED  
8m • 21 JUNE (WINTER SOLTICE)  
SCALE 1:600 @ A4

SHADOW DIAGRAM - AS PROPOSED  
12m • 21 JUNE (WINTER SOLTICE)  
SCALE 1:600 @ A4

SHADOW DIAGRAM - AS PROPOSED  
30m • 21 JUNE (WINTER SOLTICE)  
SCALE 1:600 @ A4



Signed: [Signature]  
Authorised Officer

REV: 01/01/2024  
BY: [Signature]  
DATE: 01/01/2024

SHEET NO:

S.01

SHEET NAME:

Shadow Diagrams - Plan View

DRAWING STATUS:

For Approval

CLIENT NAME:

Kate Wilson

SITE DESCRIPTION:

14 Shelley Street  
COWRA NSW 2794

PROJECT NAME:

Proposed Carport

DRAWN:

07/03/24

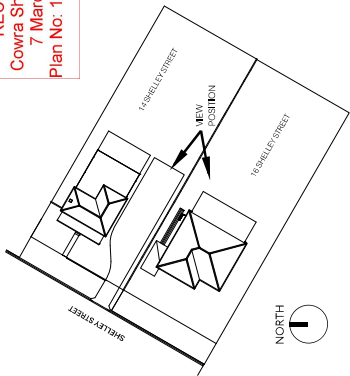
SCALE:

AS NOTED

NORTH



RECEIVED  
Cowra Shire Council  
7 March 2024  
Plan No: 10.2024.14.1



Cowra Shire Council  
Development Consent

This plan depicts the proposal referred to in  
Development Application No: DA 10.2024.14.1  
Date of Approval: 22/4/2024

Signed: [Signature]  
Authorised Officer

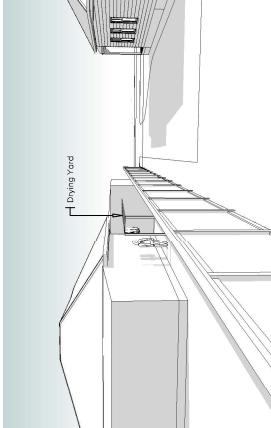


**CURRAJONG**  
PLANNING & PROJECT MANAGEMENT  
250A Clarinda Street  
PARKES NSW 2870  
Project Contact  
Dean Steward  
0429 217 243  
dsteward@currajong.com.au

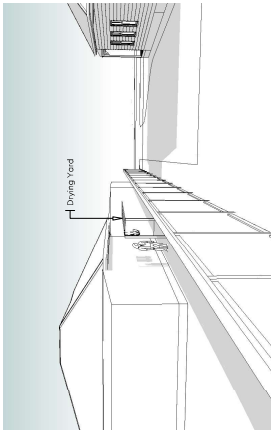
GENERAL NOTES:

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- Do not scale from drawings. Work to figured dimensions. Final survey and shall not be relied upon for accuracy.

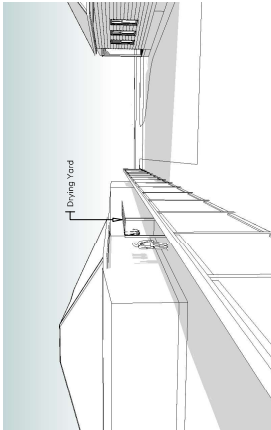
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Item: 21 JUNE (WINTER SOLTICE)  
VIEW EAST  
1:1000 (SECTION ONLY) • DO NOT SCALE



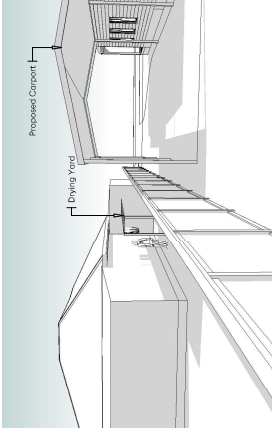
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VIEW EAST  
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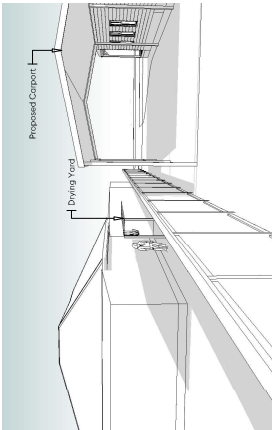
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VIEW EAST  
1:1000 (SECTION ONLY) • DO NOT SCALE



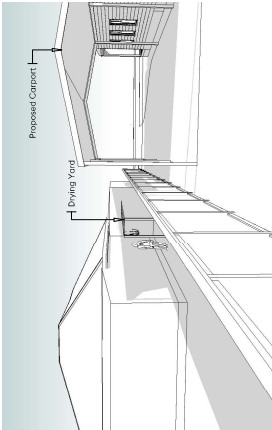
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Item: 21 JUNE (WINTER SOLTICE)  
VIEW EAST  
1:1000 (SECTION ONLY) • DO NOT SCALE



SHADOW DIAGRAM - AS PROPOSED  
Item: 21 JUNE (WINTER SOLTICE)  
VIEW EAST  
1:1000 (SECTION ONLY) • DO NOT SCALE



SHADOW DIAGRAM - AS PROPOSED  
Item: 21 JUNE (WINTER SOLTICE)  
VIEW EAST  
1:1000 (SECTION ONLY) • DO NOT SCALE



A. REVISION  
REV. DESCRIPTION  
DATE

SHEET NO:  
**S.02**

SHEET NAME:  
Shadow Diagrams - 3D

DRAWING STATUS  
For Approval

CLIENT NAME  
Katie Wilson

SITE DESCRIPTION  
14 Shelley Street  
COWRA NSW 2794

PROJECT NAME  
Proposed Carport

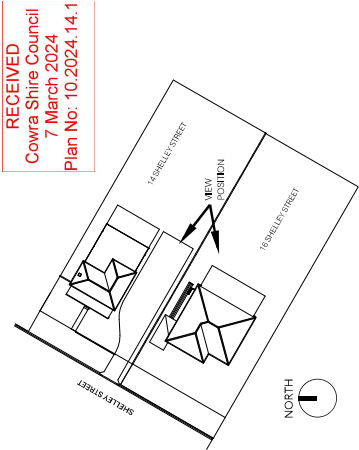
DRAWN:  
07/03/24  
SCALE  
AS NOTED



Cowra Shire Council  
Development Consent

This plan depicts the proposal referred to in  
Development Application No: DA 10.2024.14.1  
Date of Approval: 22/4/2024

Signed:   
Authorised Officer



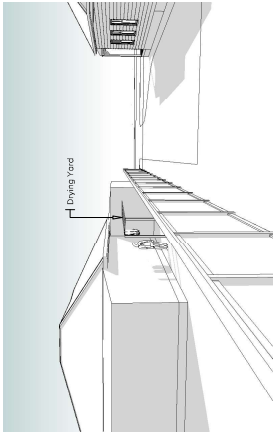


**CURRAJONG**  
PLANNING & PROJECT MANAGEMENT  
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PARKES NSW 2870  
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Dean Steward  
0429 217 243  
dsteward@currajong.com.au

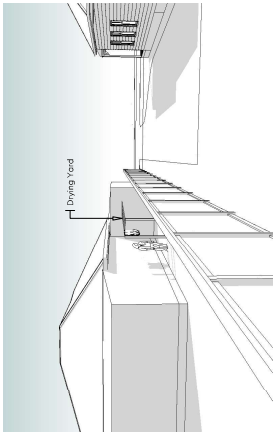
GENERAL NOTES:

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- Do not scale from drawings. Work to figured dimensions only. Final survey data shall not be relied upon for accuracy.

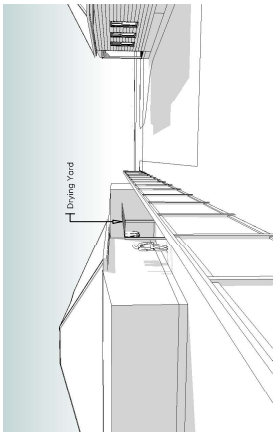
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12m • 21 JUNE (WINTER SOLTICE)  
VIEW EAST



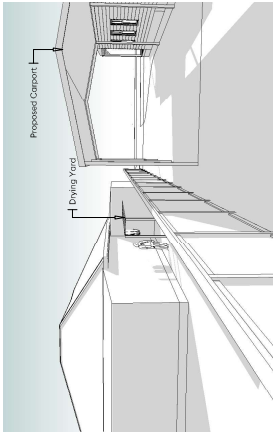
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12m • 21 JUNE (WINTER SOLTICE)  
VIEW EAST



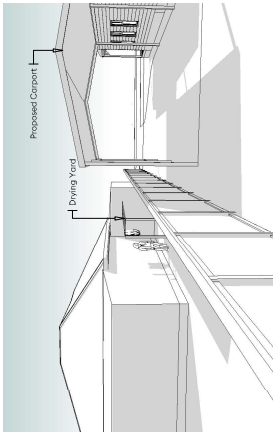
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VIEW EAST



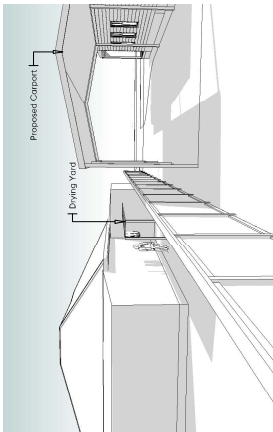
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12m • 21 JUNE (WINTER SOLTICE)  
VIEW EAST



SHADOW DIAGRAM - AS PROPOSED  
20m • 21 JUNE (WINTER SOLTICE)  
12m • 21 JUNE (WINTER SOLTICE)  
VIEW EAST



SHADOW DIAGRAM - AS PROPOSED  
20m • 21 JUNE (WINTER SOLTICE)  
12m • 21 JUNE (WINTER SOLTICE)  
VIEW EAST



A. REVISION  
REV. DESCRIPTION  
DATE

SHEET NO:  
**S.03**

SHEET NAME:  
Shadow Diagrams • 3D

DRAWING STATUS:  
For Approval

CLIENT NAME:  
Katie Wilson

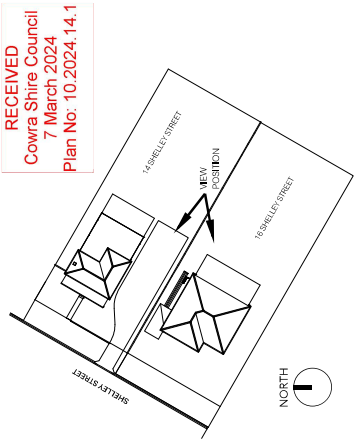
SITE DESCRIPTION:  
14 Shelley Street  
COWRA NSW 2794

PROJECT NAME:  
Proposed Carport

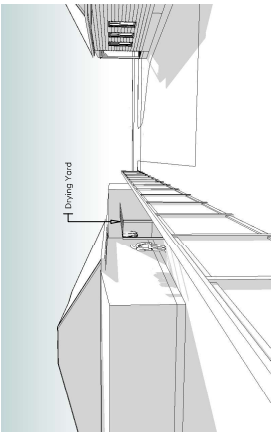
DRAWN:  
07/03/24

SCALE:  
AS NOTED

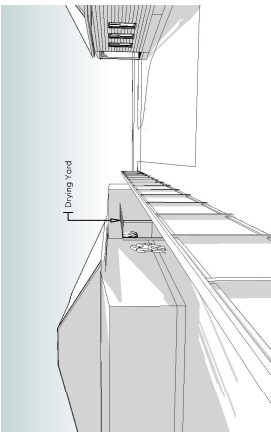




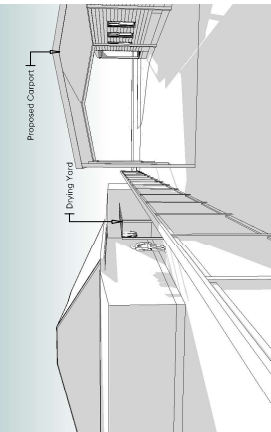
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3pm - 21 JUNE (WINTER SOLTICE)  
ILLUMINATION ONLY - DO NOT SCALE  
VIEW EAST



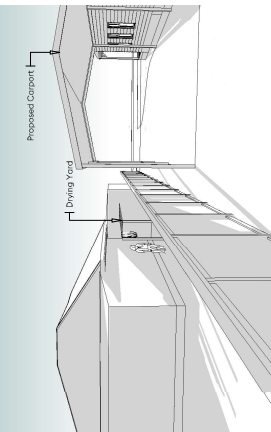
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4pm - 22 JUNE (WINTER SOLTICE)  
ILLUMINATION ONLY - DO NOT SCALE  
VIEW EAST



**SHADOW DIAGRAM - AS PROPOSED**  
3pm - 21 JUNE (WINTER SOLTICE)  
ILLUMINATION ONLY - DO NOT SCALE  
VIEW EAST



**SHADOW DIAGRAM - AS PROPOSED**  
4pm - 22 JUNE (WINTER SOLTICE)  
ILLUMINATION ONLY - DO NOT SCALE  
VIEW EAST



**CURRAJONG**  
PLANNING, DESIGN & PROJECT MANAGEMENT  
250A Clarinda Street  
PARKES NSW 2870  
Project Contact  
Dean Steward  
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dsteward@currajong.com.au

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A	REVISION	DS	07/03/2024
REV	DESCRIPTION	BY	DATE

**SHEET NO:**  
**S.04**

**SHEET NAME:**  
Shadow Diagrams - 3D

**DRAWING STATUS:**  
For Approval

**CLIENT NAME:**  
Katie Wilson

**SITE DESCRIPTION:**  
14 Shelley Street  
COWRA NSW 2794

**PROJECT NAME:**  
Proposed Carport

**DRAWN:**  
07/03/24  
**SCALE:**  
AS NOTED  
**NORTH**

Cowra Shire Council  
Development Consent

This plan depicts the proposal referred to in  
Development Application No: DA 10.2024.14.1  
Date of Approval: 22/4/2024

Signed:   
Authorised Officer

- 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 SI12330.1</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
<b>Notes</b> <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

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

Section	Comments
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	<p>The minimum site area is calculated by dividing the total area of the development site by the number of proposed dwelling units.</p> <p>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.</p> <p><b>Variation requested.</b> The site frontages would be 15.3m, contrary to the 18m required under E.2.7.(b).</p> <p>The variation is considered at the end of this section.</p>
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 R1 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.

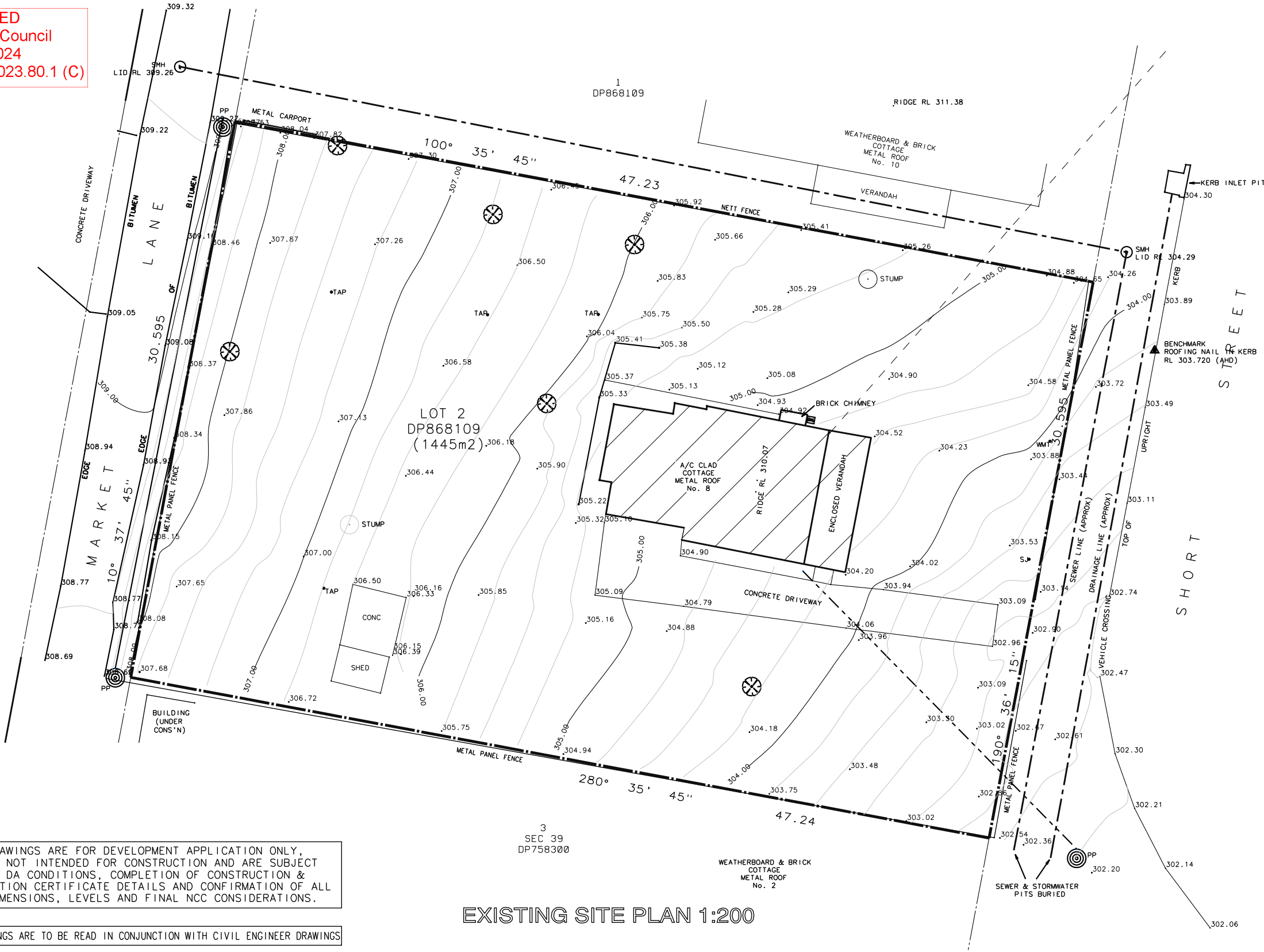
The development application was notified in accordance with Cowra Community Participation Plan 2020. No submissions were received following the consultation process.

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 [↓](#)

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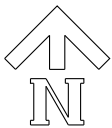
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EXISTING SITE PLAN 1:200

no.	description	date
H	ISSUED FOR DA	23/02/2024
B	GENERALLY AMENDED	19/07/2023
A	FOR DA ONLY - NOT FOR CONSTRUCTION	30/05/2023
no.	description	date
amendment		
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1:200 0 2 4 6 8 10 metres

project:  
PROPOSED NEW RESIDENCE  
LOT 2 (D.P. 868109)  
no. 8 SHORT STREET  
COWRA N.S.W.

client:  
VIVIAN MUNOZ-FERRADA  
& KEITH SPENCER  
title:  
EXISTING SITE PLAN



P 02 8988 1780  
182 KITE STREET,  
PO BOX 1038  
COWRA NSW 2800  
E info@mckinnondesign.com.au  
COWWOOD PTY LTD  
ABN 24 074 428 788

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dig no:  
01  
issue:  
H



LANDSCAPING SPECIFICATION:

ALL GARDEN BEDS TO BE EDGED WITH BRICK, HARDWOOD OR CONCRETE EDGING TO PROVIDE MOWING STRIPS.  
LAWN AREAS TO BE TURFED OR SOWN.  
THESE AREAS TO BE PROPERLY PREPARED WITH 150mm MIN. TOPSOIL DEPTH.

TURFING :

OBTAIN TURF FROM A SPECIALIST LOCAL GROWER OF CULTIVATED TURF.  
TURF TO BE LAID, FERTILISED & WATERED AS SPECIFIED BY SUPPLIER.  
INSTALL WATERING SYSTEM TO ENSURE PROPER WATERING WITH ECONOMICAL WATER USAGE.

SOWING :

PROVIDE LAWN SEED MIXTURE SUITABLE FOR LOCAL CLIMATE.  
SOW SEED AS RECOMMENDED BY SUPPLIER.  
WATER & FERTILISE IN AN APPROVED MANNER.  
INSTALL WATERING SYSTEM TO ENSURE PROPER WATERING WITH ECONOMICAL WATER USAGE.

GARDEN BEDS :

GARDEN BEDS TO BE FILLED WITH 200mm MIN. OF GOOD QUALITY TOPSOIL. PRIOR TO INSTALLATION OF TOPSOIL, GROUND TO BE RIPPED TO MIN. DEPTH OF 300mm.  
SPECIFIED PLANTS AND GROUND COVERS TO BE PLANTED IN GARDEN BEDS.  
BEDS TO BE MULCHED WITH GOOD QUALITY SHREDDED MULCH.  
INSTALL SUBSURFACE WATERING SYSTEM FOR MINIMAL WATER USAGE.

SELECTED EDGING TO GARDEN BEDS

MULCH :

MULCH APPLIED TO GARDEN BEDS TO BE MIN. DEPTH OF 85mm.  
MULCH TO BE OF GOOD QUALITY ORGANIC MATERIAL.

IRRIGATION :

PROVIDE SUITABLE WATER EFFICIENT DRIP IRRIGATION SYSTEM ON AUTOMATIC TIMER TO ALL GARDEN BEDS.

TREE & PLANT PLANTING :

EXCAVATE PLANT HOLES LARGE ENOUGH TO ACCEPT ROOT BALLS & 0.1m<sup>3</sup> OF BACKFILLING WITH TOPSOIL.  
THOROUGHLY WATER THE PLANTS BEFORE & IMMEDIATELY AFTER PLANTING AND AS REQUIRED TO MAINTAIN GROWTH RATES FREE OF STRESS.  
USE SUITABLE PLANT FERTILISER AROUND PLANTS AT TIME OF PLANTING.

STAKING OF PLANTS & TREES :

INSTALL HARDWOOD STAKES DRIVEN INTO THE GROUND AT LEAST 1/3 THEIR LENGTH. AVOID ROOT DAMAGE DURING INSTALLATION.

STAKE SIZES:

FOR PLANTS > 2.5m HIGH : THREE 50 x 50 x 2.4m STAKES PER PLANT  
FOR PLANTS 1- 2.5m HIGH : TWO 50 x 50 x 1.8m STAKES PER PLANT  
FOR PLANTS < 1.0m HIGH : ONE 38 x 38 x 1.2m STAKES PER PLANT

TIE PLANTS TO STAKES WITH APPROVED TIES DESIGNED NOT TO DAMAGE PLANT OR TREE.

COMPLETION :

THROUGHOUT THE PLANTING & ESTABLISHMENT PERIOD, CARRY OUT MAINTENANCE WORK INCLUDING WATERING, MOWING, RUBBISH REMOVAL, FERTILISING, PEST & DISEASE CONTROL, RE-SEEDING, RE-TURFING, STAKING & TYING, CULTIVATING, PRUNING, REINSTATEMENT OF MULCH, TOP DRESSING & KEEPING SITE NEAT & TIDY.  
CONTINUE TO REPLACE FAILED, DAMAGED OR STOLEN PLANTS.

PRIVATE OPEN SPACE

PRIVATE OPEN SPACE REQUIRED = 40.0m<sup>2</sup> PER DWELLING

PRIVATE OPEN SPACE PROVIDED

DWELLING 1 = 52.1m<sup>2</sup>  
DWELLING 2 = 56.1m<sup>2</sup>  
DWELLING 3 = 82.5m<sup>2</sup>  
DWELLING 4 = 86.9m<sup>2</sup>



- DENOTES PRIVATE OPEN SPACE

LANDSCAPING LEGEND:

MEDIUM TREES:

F - MALUS TSCHONSKII (FLOWERING CRAB)

SMALL TREES & SHRUBS :

H - HEBE 'TEMPTATION'  
A - AGAPANTHUS

TURF - TURF AREA

MATURE HEIGHT

7m

1m

0.5m

NO. OF PLANTS

4

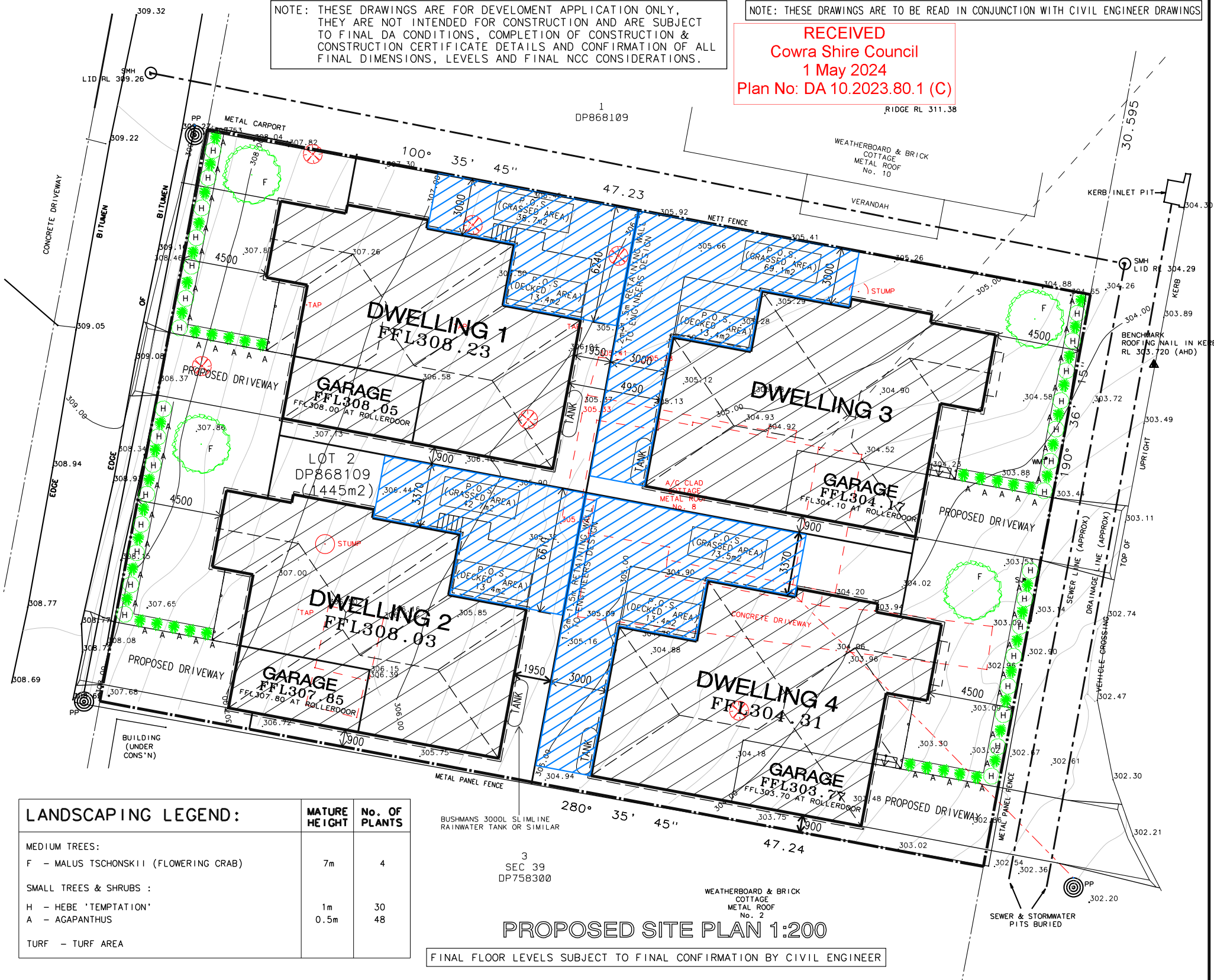
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1:200

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PROPOSED NEW RESIDENCE  
LOT 2 (D.P. 888109)  
no. 8 SHORT STREET  
COWRA N.S.W.

client:  
VIVIAN MUNOZ-FERRADA  
& KEITH SPENCER

site:  
PROPOSED SITE PLAN

scale:  
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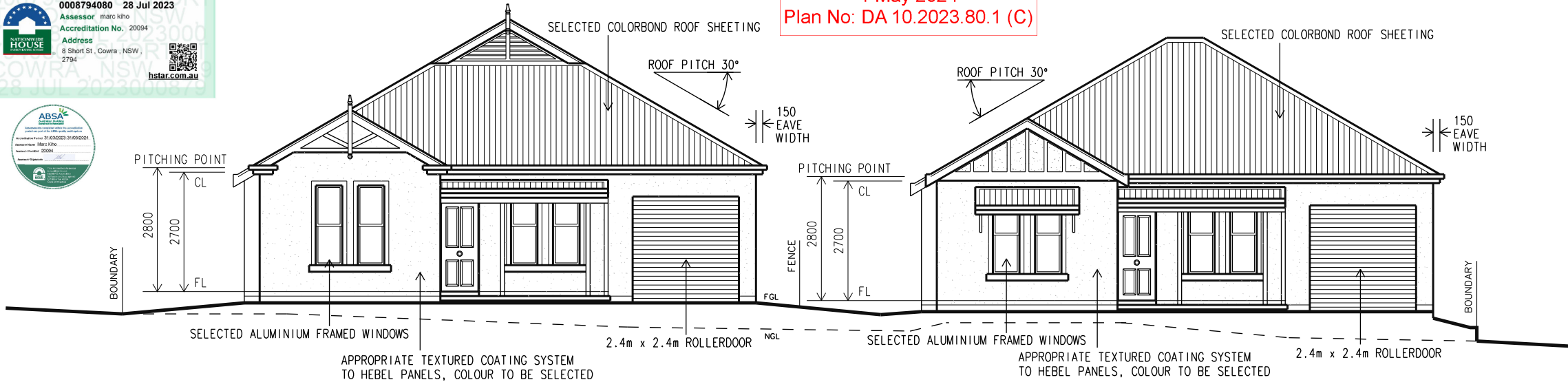
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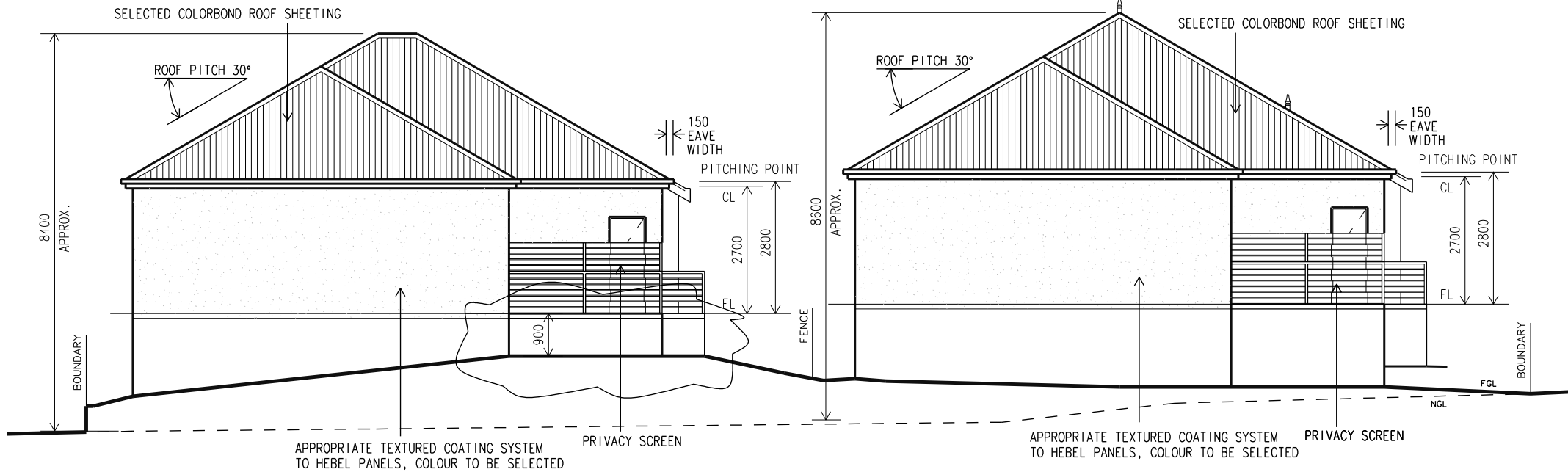
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WEST ELEVATION 1:100  
UNITS 1 & 2

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EAST ELEVATION 1:100  
UNITS 1 & 2

J	GROUND LEVELS AMENDED + GENERALLY AMENDED (CLOUDED)	30/04/2024
H	FLOOR LEVELS AMENDED	23/02/2024
G	GROUND LEVELS AMENDED + GENERALLY AMENDED	21/02/2024
E	FLOOR LEVELS AMENDED + GENERALLY AMENDED	20/11/2023
B	GENERALLY AMENDED	19/07/2023
A	FOR DA ONLY - NOT FOR CONSTRUCTION	30/05/2023
no.	description	date
amendment		
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1:100 0 1 2 3 4 5 6 metres A3

project:

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LOT 2 (D.P. 868109)  
no. 8 SHORT STREET  
COWRA N.S.W.

client:

VIVIAN MUNOZ-FERRADA  
& KEITH SPENCER

title:

PROPOSED ELEVATIONS  
UNITS 1 & 2



P 02 8988 1780

182 KITE STREET,  
PO BOX 1089  
COWRA NSW 2800

E info@mckinnondesign.com.au

COWWOOD PTY LTD  
ABN 24 074 428 788

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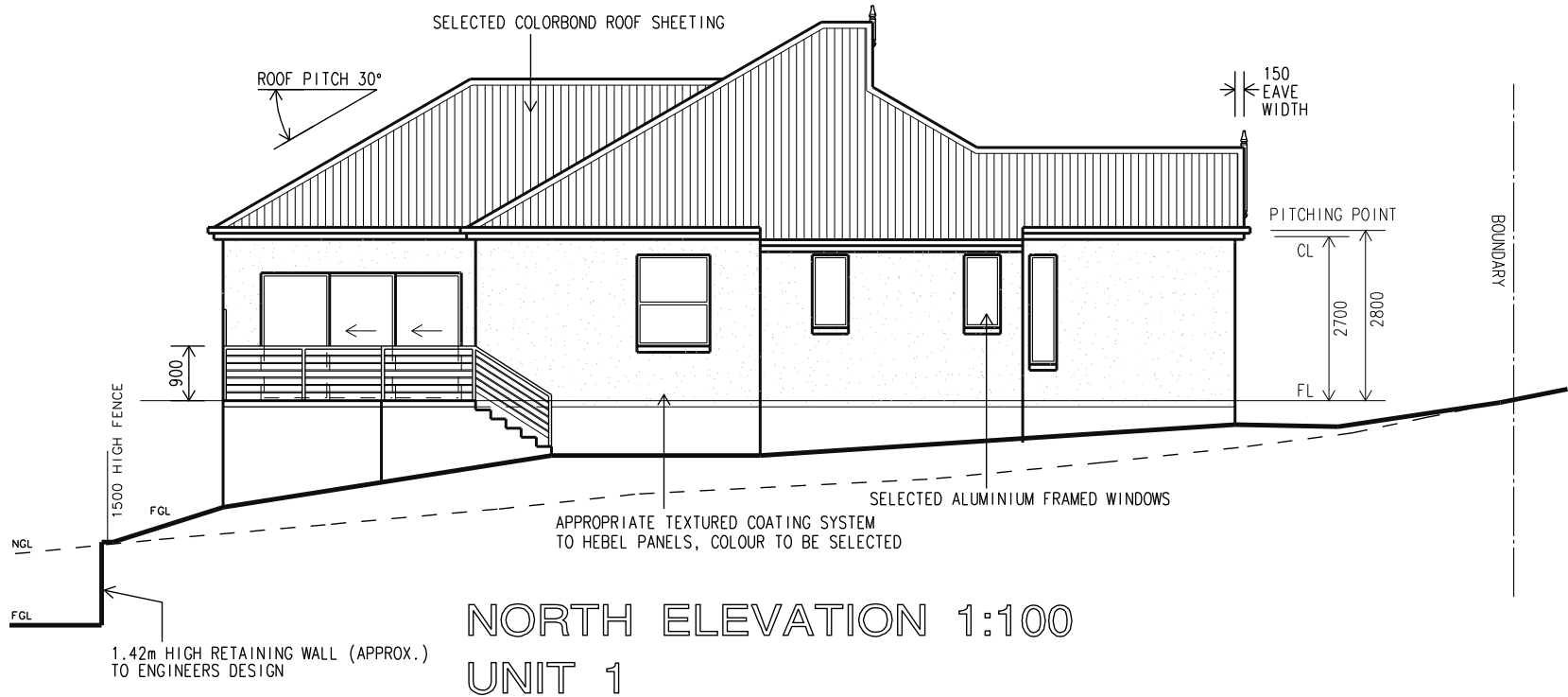
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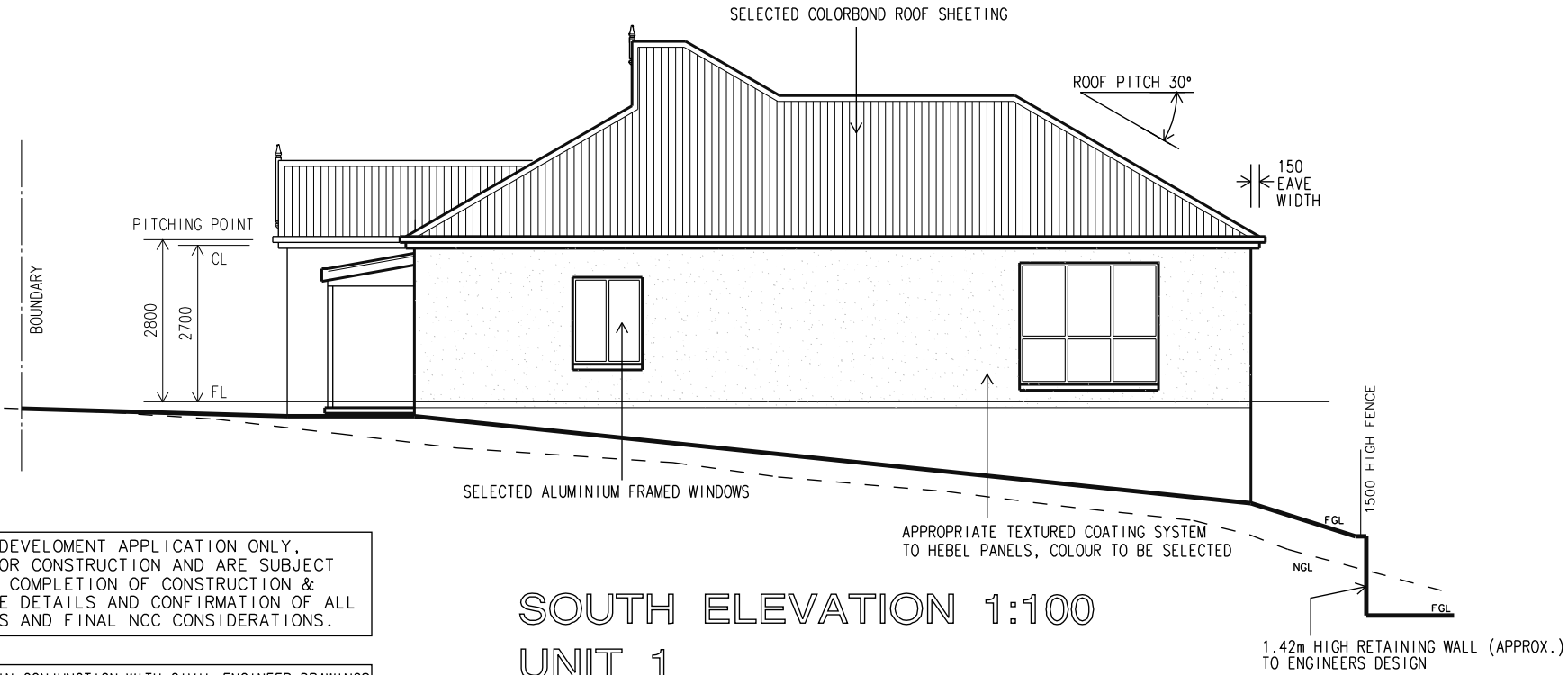
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NORTH ELEVATION 1:100  
UNIT 1



SOUTH ELEVATION 1:100  
UNIT 1

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G	GROUND LEVELS AMENDED + GENERALLY AMENDED	21/02/2024
E	FLOOR LEVELS AMENDED + GENERALLY AMENDED	20/11/2023
C	WINDOW ADDED	26/01/2023
B	GENERALLY AMENDED	19/07/2023
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1:100 0 1 2 3 4 5 6 metres A3

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title:

PROPOSED ELEVATIONS  
UNIT 1



P 02 8988 1780

182 KITE STREET,  
PO BOX 1039  
ORANGE NSW 2800

E info@mckinnondesign.com.au

CORNWOOD PTY LTD  
ABN 24 074 428 788

scale:

AS NOTED

drawn: date:

job no:

22090

diag no:

06

issue:

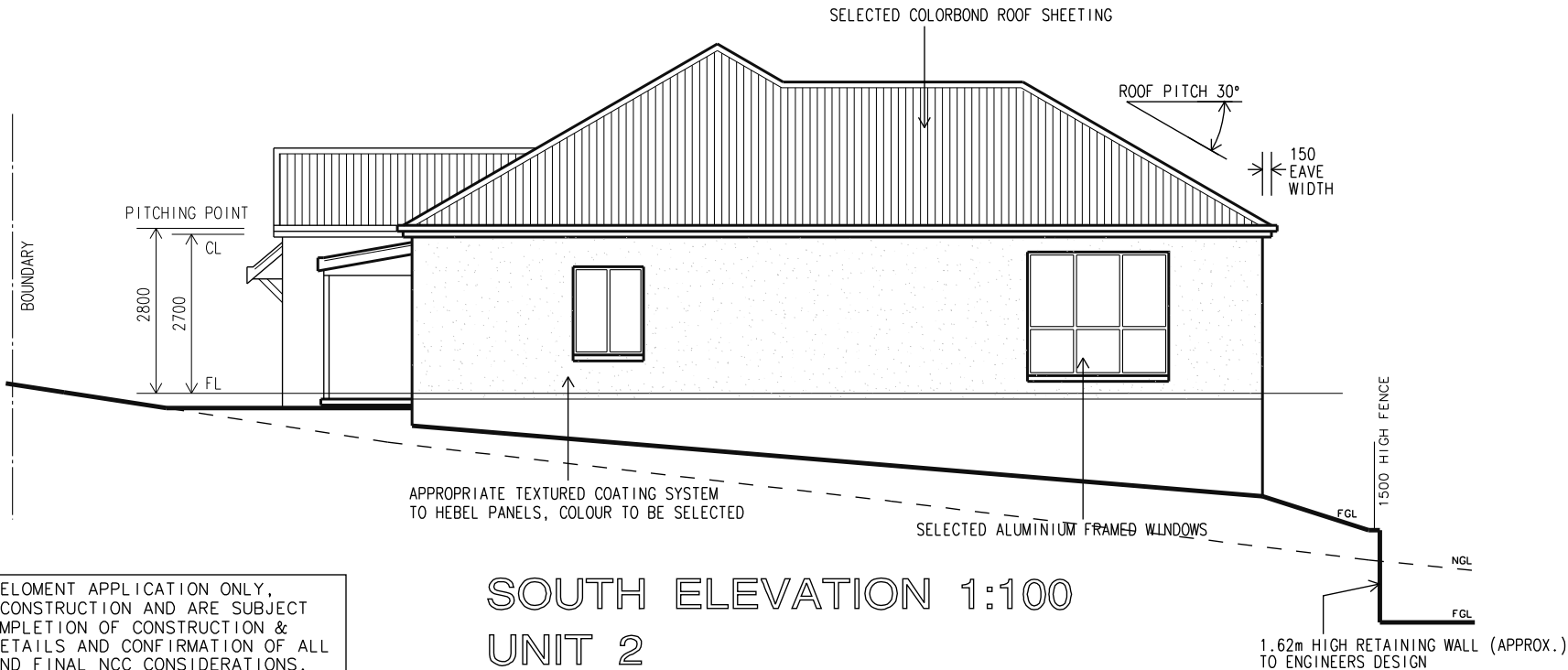
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SOUTH ELEVATION 1:100  
UNIT 2



NORTH ELEVATION 1:100  
UNIT 2

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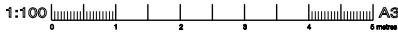
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client:

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& KETH SPENCER

title:

PROPOSED ELEVATIONS  
UNITS 2



P 02 8988 1780

182 KITE STREET,  
PO BOX 1039  
COWRA NSW 2800

E info@mckinnondesign.com.au

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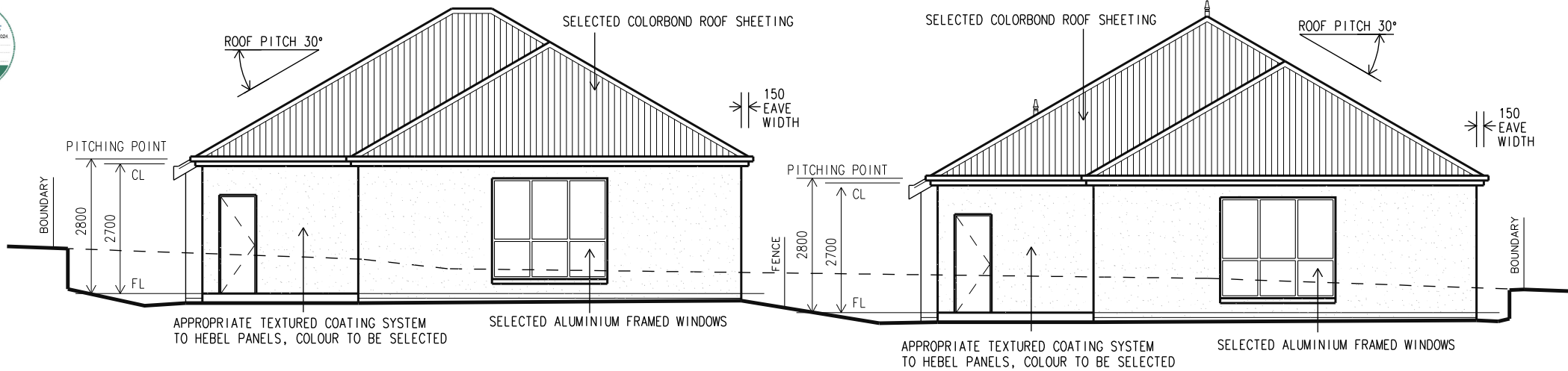
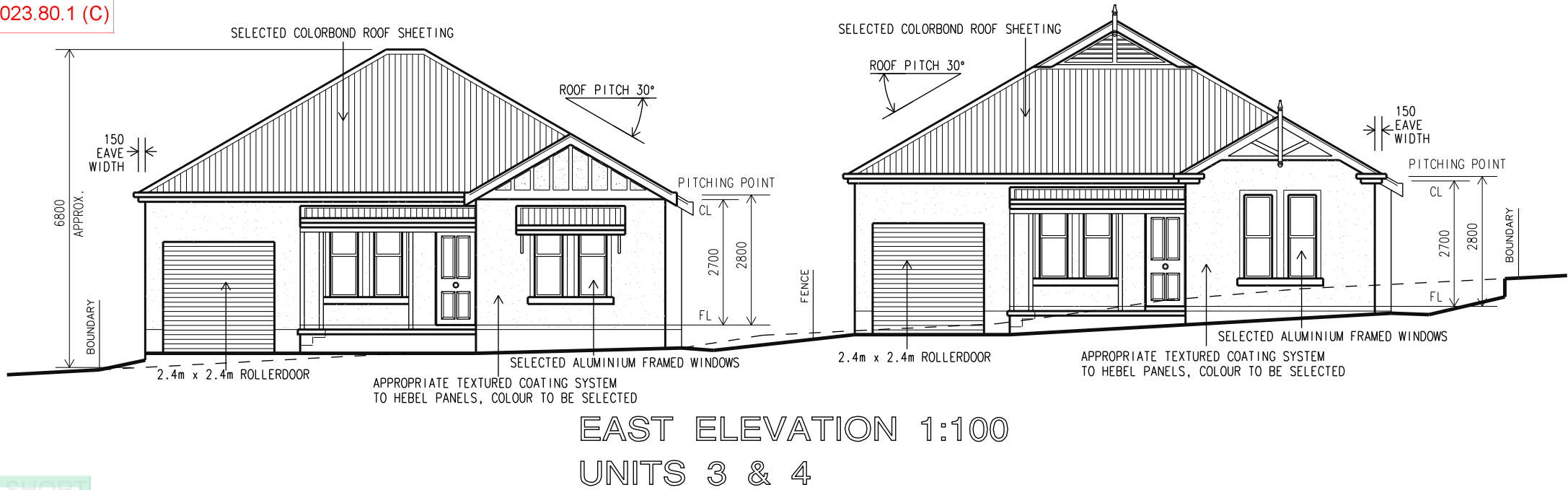
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H	FLOOR LEVELS AMENDED	23/02/2024
G	GROUND LEVELS AMENDED + GENERALLY AMENDED	21/02/2024
E	FLOOR LEVELS AMENDED + GENERALLY AMENDED	20/11/2023
B	GENERALLY AMENDED	19/07/2023
A	FOR DA ONLY - NOT FOR CONSTRUCTION	30/05/2023
no.	description	date
amendment		
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project:  
PROPOSED NEW RESIDENCE  
LOT 2 (D.P. 888109)  
no. 8 SHORT STREET  
COWRA N.S.W.

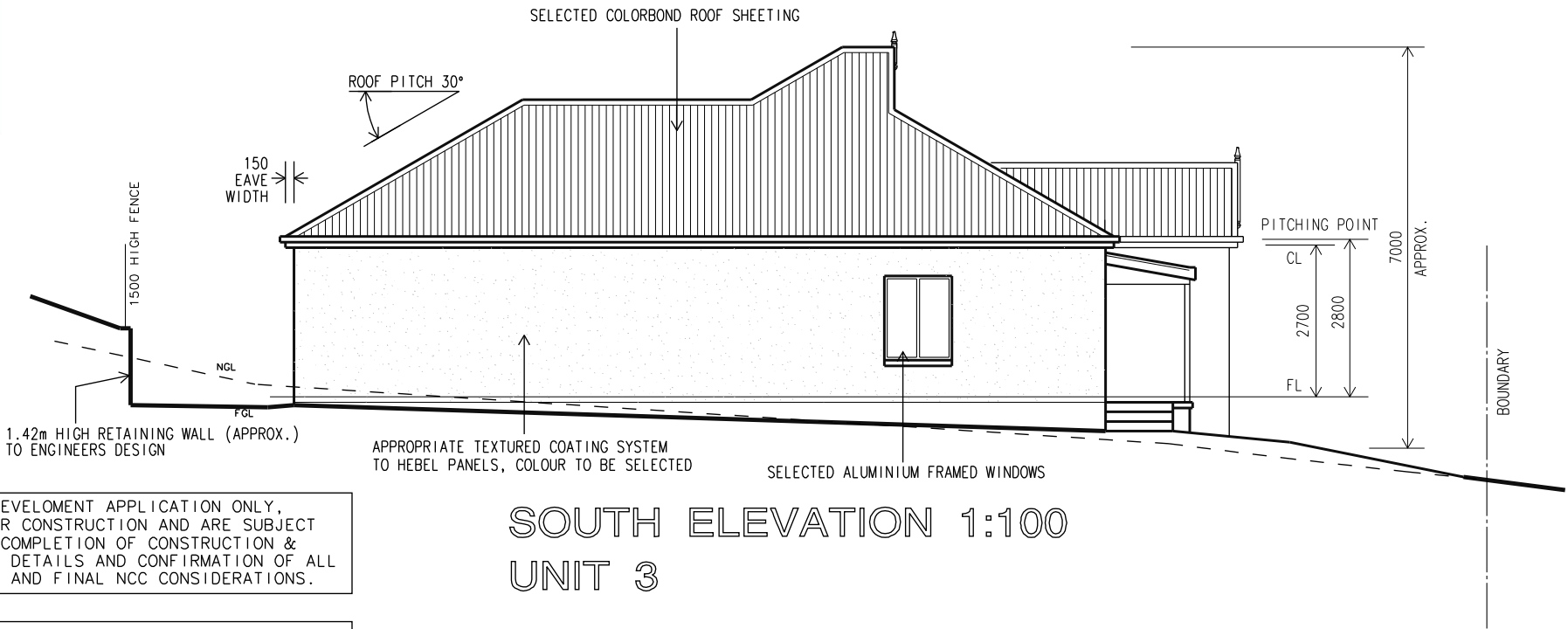
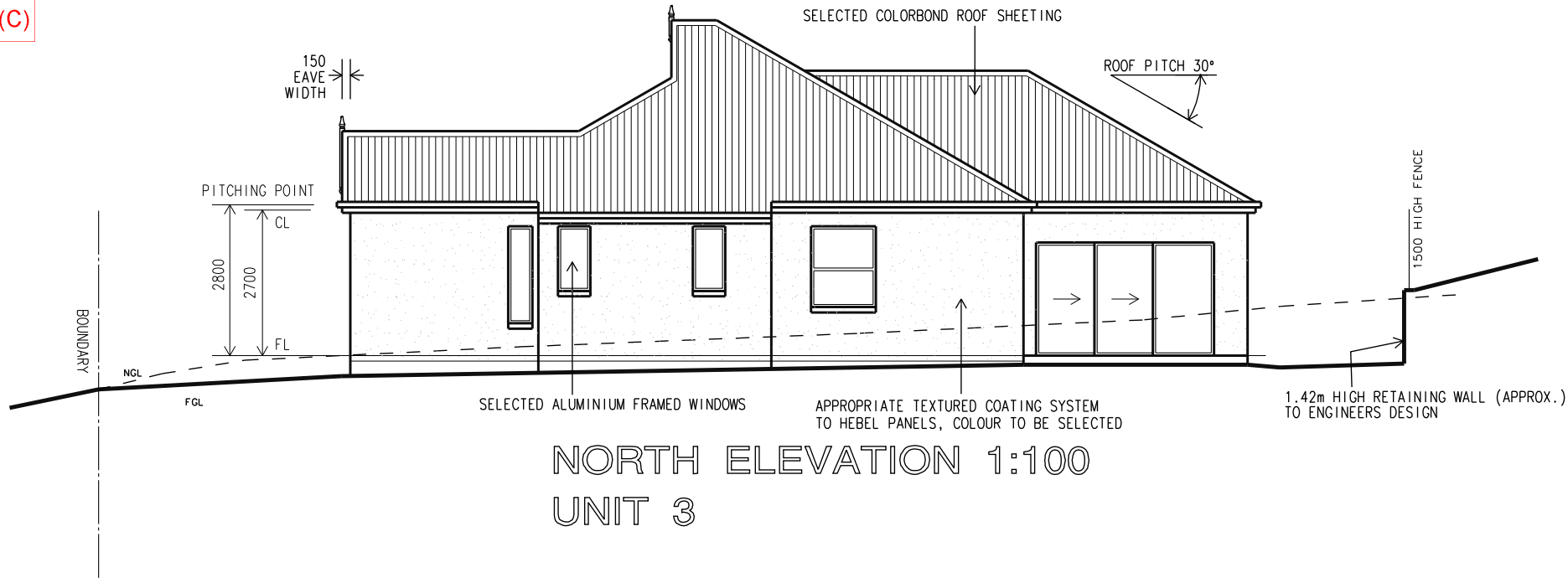
client:  
VIVIAN MUNOZ-FERRADA  
& KEITH SPENCER  
title:  
PROPOSED ELEVATIONS  
UNITS 3 & 4



P 02 8988 1780  
182 KITE STREET,  
PO BOX 1039  
ORANGE NSW 2800  
E info@mckinnondesign.com.au  
COWWOOD PTY LTD  
ABN 24 074 428 788

scale:  
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drawn:  
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dig no:  
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issue:  
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J	GROUND LEVELS AMENDED + GENERALLY AMENDED	30/04/2024
H	FLOOR LEVELS AMENDED	23/02/2024
G	GROUND LEVELS AMENDED + GENERALLY AMENDED	21/02/2024
E	FLOOR LEVELS AMENDED + GENERALLY AMENDED	20/11/2023
C	WINDOW ADDED	26/01/2023
B	GENERALLY AMENDED	19/07/2023
no.	description	date
amendment		
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1:100 0 1 2 3 4 5 6 metres A3

project:

PROPOSED NEW RESIDENCE  
LOT 2 (D.P. 888109)  
no. 8 SHORT STREET  
COWRA N.S.W.

client:

VIVIEN MUNOZ-FERRADA  
& KEITH SPENCER

title:

PROPOSED ELEVATIONS  
UNIT 3



P 02 8988 1780

182 KITE STREET,  
PO BOX 1033  
COWRA NSW 2800

E info@mckinnondesign.com.au

COWWOOD PTY LTD

ABN 24 074 428 788

scale:

AS NOTED

drawn:

HE & HA MCK NOV 2022

job no:

22090

diag no:

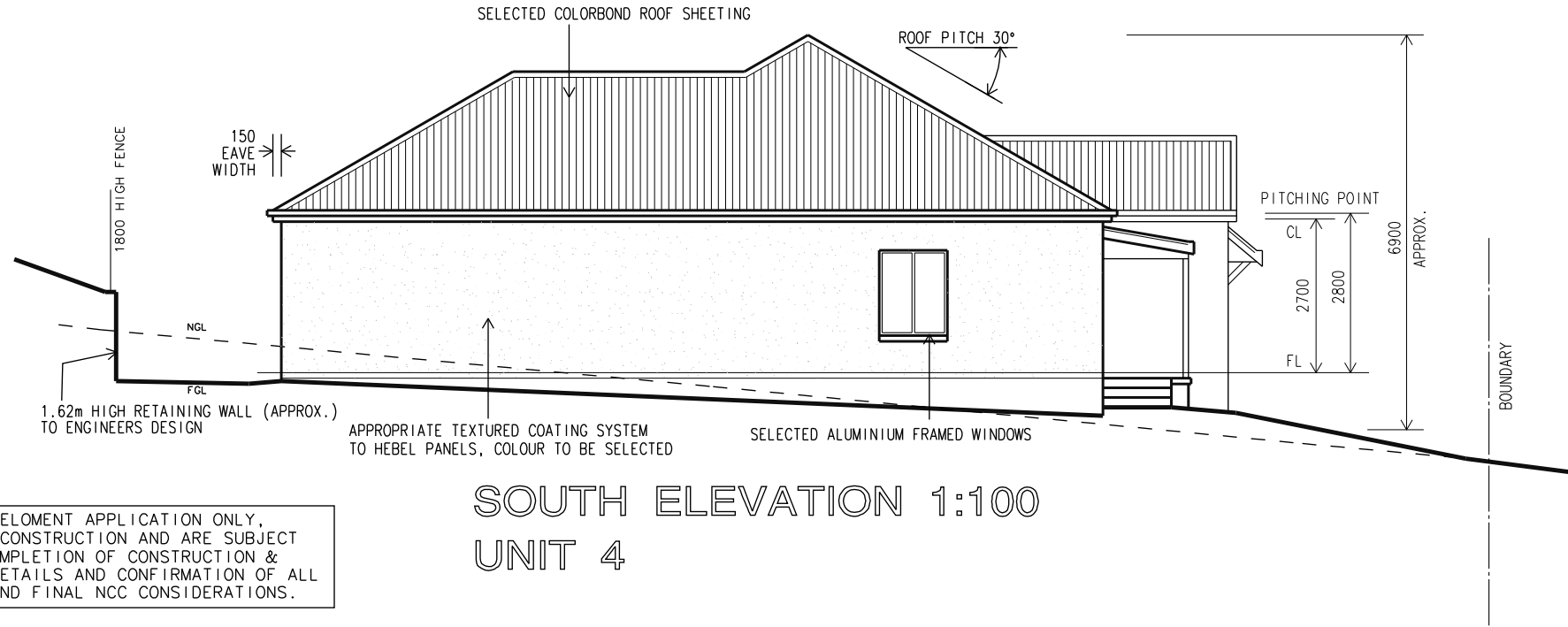
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issue:

J

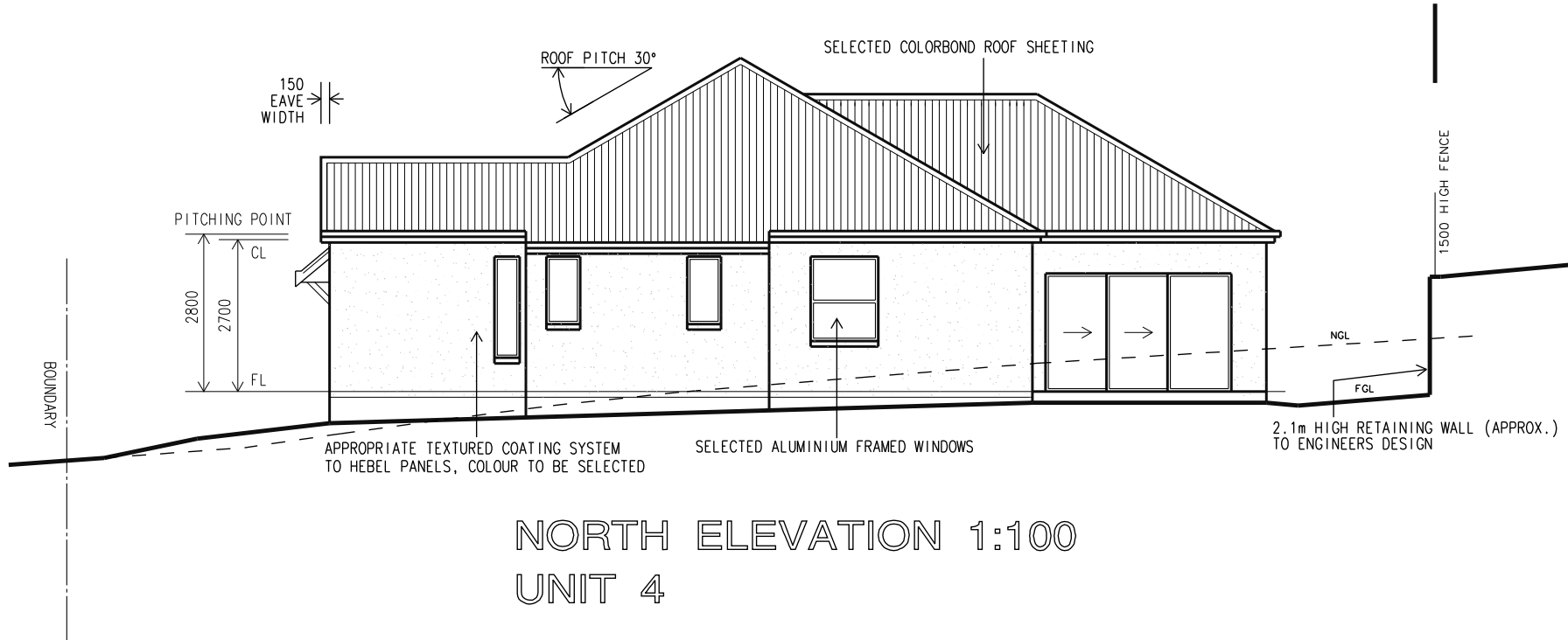


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SOUTH ELEVATION 1:100  
UNIT 4

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NORTH ELEVATION 1:100  
UNIT 4

J	GROUND LEVELS AMENDED + GENERALLY AMENDED	30/04/2024
H	FLOOR LEVELS AMENDED	23/02/2024
G	GROUND LEVELS AMENDED + GENERALLY AMENDED	21/02/2024
E	FLOOR LEVELS AMENDED + GENERALLY AMENDED	20/11/2023
C	WINDOW ADDED	26/01/2023
B	GENERALLY AMENDED	19/07/2023
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amendment		
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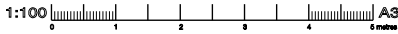
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project:

PROPOSED NEW RESIDENCE  
LOT 2 (D.P. 888109)  
no. 8 SHORT STREET  
COWRA N.S.W.

client:

VIVIEN MUNOZ-FERRADA  
& KEITH SPENCER

title:

PROPOSED ELEVATIONS  
UNIT 4



P 02 8988 1780

182 KITE STREET,  
PO BOX 1033  
COWRA NSW 2800

E info@mckinnondesign.com.au

COWWOOD PTY LTD  
ABN 24 074 428 788

scale:

AS NOTED

drawn:

HE & HA MCK

date:

NOV. 2022

job no:

22090

dig no:

10

issue:

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1 May 2024  
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PROPOSED SUB-DIVISION PLAN 1:200

NOTE: FINAL LOT BOUNDARIES SUBJECT TO SURVEY

J	BOUNDARIES ADJUSTED	30/04/2024
H	ISSUED FOR DA	23/02/2024
G	PAGE ADDED	21/02/2024
no.	description	date
amendment		
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1:100 0 1 2 3 4 5 6 metres A3

project:  
PROPOSED NEW RESIDENCE  
LOT 2 (D.P. 888109)  
no. 8 SHORT STREET  
COWRA N.S.W.

client:  
VIVIAN MUNOZ-FERRADA  
& KEITH SPENCER  
title:  
PROPOSED SUB-DIVISION PLAN



P 02 8888 1780  
182 KITE STREET,  
PO BOX 1035  
COWRA NSW 2800  
E info@mckinnondesign.com.au  
COWWOOD PTY LTD  
ABN 24 074 428 788

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SHADOW DIAGRAM - 10AM

SUNLIGHT REQUIRED IN PRIVATE OPEN SPACE = 20.0m2			
AS PER DCP - 50% x REQUIRED PRIVATE OPEN SPACE			
DWELLING 1 - SUNLIGHT PROVIDED TO PRIVATE OPEN SPACE	= 20.3m2	COMPLIES	
DWELLING 2 - SUNLIGHT PROVIDED TO PRIVATE OPEN SPACE	= 17.7m2	MINOR NON-COMPLIANCE	
DWELLING 3 - SUNLIGHT PROVIDED TO PRIVATE OPEN SPACE	= 29.0m2	COMPLIES	
DWELLING 4 - SUNLIGHT PROVIDED TO PRIVATE OPEN SPACE	= 32.1m2	COMPLIES	



SHADOW DIAGRAM - 11AM

SUNLIGHT REQUIRED IN PRIVATE OPEN SPACE = 20.0m2			
AS PER DCP - 50% x REQUIRED PRIVATE OPEN SPACE			
DWELLING 1 - SUNLIGHT PROVIDED TO PRIVATE OPEN SPACE	= 25.7m2	COMPLIES	
DWELLING 2 - SUNLIGHT PROVIDED TO PRIVATE OPEN SPACE	= 20.0m2	COMPLIES	
DWELLING 3 - SUNLIGHT PROVIDED TO PRIVATE OPEN SPACE	= 33.9m2	COMPLIES	
DWELLING 4 - SUNLIGHT PROVIDED TO PRIVATE OPEN SPACE	= 35.1m2	COMPLIES	

— DENOTES SHADOWS CAST BY PROPOSED BUILDINGS & FENCES

no.	description	date
1	PAGE ADDED	30/04/2024
2	amendment	

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**FOR D.A. SUBMISSION ONLY**  
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1:100

0 1 2 3 4 5 6 metres

A3

project:  
**PROPOSED NEW RESIDENCE**  
**LOT 2 (D.P. 888109)**  
**no. 8 SHORT STREET**  
**COWRA N.S.W.**

client:  
**VIVIEN MUNOZ-FERRADA**  
**& KEITH SPENCER**

title:  
**SHADOW DIAGRAMS**

scale:  
AS NOTED

drawn:  
HE & HA MCK NOV. 2022

job no:  
**22090**

diag no:  
**12**

issue:  
**J**

P 02 8888 1780  
182 KITE STREET,  
PO BOX 1039  
COWRA NSW 2800  
E info@mckinnondesign.com.au  
COWWOOD PTY LTD  
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SHADOW DIAGRAM - 12PM

SUNLIGHT REQUIRED IN PRIVATE OPEN SPACE = 20.0m2			
AS PER DCP - 50% x REQUIRED PRIVATE OPEN SPACE			
DWELLING 1 - SUNLIGHT PROVIDED TO PRIVATE OPEN SPACE	= 26.6m2	COMPLIES	
DWELLING 2 - SUNLIGHT PROVIDED TO PRIVATE OPEN SPACE	= 16.8m2	MINOR NON-COMPLIANCE	
DWELLING 3 - SUNLIGHT PROVIDED TO PRIVATE OPEN SPACE	= 36.7m2	COMPLIES	
DWELLING 4 - SUNLIGHT PROVIDED TO PRIVATE OPEN SPACE	= 34.6m2	COMPLIES	



SHADOW DIAGRAM - 1PM

SUNLIGHT REQUIRED IN PRIVATE OPEN SPACE = 20.0m2			
AS PER DCP - 50% x REQUIRED PRIVATE OPEN SPACE			
DWELLING 1 - SUNLIGHT PROVIDED TO PRIVATE OPEN SPACE	= 23.8m2	COMPLIES	
DWELLING 2 - SUNLIGHT PROVIDED TO PRIVATE OPEN SPACE	= 14.0m2	MINOR NON-COMPLIANCE	
DWELLING 3 - SUNLIGHT PROVIDED TO PRIVATE OPEN SPACE	= 21.9m2	COMPLIES	
DWELLING 4 - SUNLIGHT PROVIDED TO PRIVATE OPEN SPACE	= 22.8m2	COMPLIES	

- DENOTES SHADOWS CAST BY PROPOSED BUILDINGS & FENCES

no.	description	date
1	PAGE ADDED	30/04/2024
2	amendment	

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1:100

0 1 2 3 4 5 6 metres

A3

project: PROPOSED NEW RESIDENCE  
LOT 2 (D.P. 888109)  
no. 8 SHORT STREET  
COWRA N.S.W.

client: VIVIEN MUNOZ-FERRADA  
& KEITH SPENCER

title: SHADOW DIAGRAMS

scale: AS NOTED  
drawn: HE & HA MCK NOV 2022  
job no: 22090  
dig no: 13  
issue: J

P 02 8388 1780  
182 KITE STREET,  
PO BOX 1039  
COWRA NSW 2800  
E info@mckinnondesign.com.au  
COWWOOD PTY LTD  
ABN 24 074 428 788

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**SAUNDERS**  
**PROPERTY**  
TOWN PLANNING  
+ VALUATIONS.

**DEVELOPMENT APPLICATION**

**STATEMENT OF ENVIRONMENTAL EFFECTS**

**PROPOSED DEMOLITION OF COTTAGE  
MULTI DWELLING HOUSING  
AND  
TORRENS TITLE LOT SUBDIVISION**

**8 SHORT STREET  
COWRA NSW 2794**

V04032024

Saunders Property

## 1.0 OVERVIEW

Council's development consent is sought to demolish an existing dwelling, construct 4 multi-dwelling units, then four lot Torrens title subdivision with dwelling upon each allotment.

The subject site is identified as lot 2 in Deposited Plan 868109, 8 Short Street, Cowra.

The land has an area of 1445 sqm in an established residential precinct overlooking highway, railway line and Waugoola Creek.

The proposal will comprise a number of stages as follows:

1. Demolition of existing dwelling
2. Erection of 4 multi unit dwellings
3. Four lot torrens title subdivision

Standard Council approval is required for this development under Part 4, Division 4.3, section 4.15 of the *Environmental Planning and Assessment Act 1979*.

## 2.0 APPLICANT

Vivien Munoz-Ferrada and Spencer  
c/ Saunders Property  
2/124-128 Summer Street  
ORANGE NSW 2800

## 3.0 OWNER

Vivien Munoz-Ferrada and Spencer  
c/ Saunders Property  
2/124-128 Summer Street  
ORANGE NSW 2800

## 4.0 SUBJECT LAND

### 4.1 Location and Land Description

The subject property is located on the western side of Short Street north of the Mid Western Highway, Cowra. Market Street adjoins the rear of the land.

The property has a slight easterly aspect toward the street.

The existing dwelling is situated in the middle of the land with older style verandah and clad cottage in average basic condition.

Andrew Saunders Property Pty Ltd ABN 46 658 077 279 E. [office@andrewsaunders.com.au](mailto:office@andrewsaunders.com.au)  
2/124-128 Summer St, Orange PO Box 2509 Orange NSW 2800 [www.andrewsaundersproperty.com.au](http://www.andrewsaundersproperty.com.au)

Saunders Property



Location of subject site.

## 5.0 THE PROPOSAL

The proposed staged development comprises

1. Demolition of the existing cottage,
2. Construction of four new dwellings,
3. Four lot Torrens title subdivision

## 6.0 PLANNING REQUIREMENTS AND ASSESSMENT

In determining the application, Council is required to consider the relevant matters identified under section 4.15 of the Environmental Planning and Assessment Act, 1979. This section forms the basis of our assessment below.

Andrew Saunders Property Pty Ltd ABN 46 658 077 279 E. [office@andrewsaunders.com.au](mailto:office@andrewsaunders.com.au)  
2/124-128 Summer St, Orange PO Box 2509 Orange NSW 2800 [www.andrewsaundersproperty.com.au](http://www.andrewsaundersproperty.com.au)

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## 6.1 Environmental Planning and Assessment Act 1979

Issues relevant to the decision making process in the context of Section 4.15(1) of the Act, and which should be addressed in any statement of environmental effects that would accompany a development application, include:

- (a) the provisions of—*
  - (i) any environmental planning instrument, and*
  - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
  - (iii) any development control plan, and*
  - (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
  - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
  - (v) (Repealed)*
- that apply to the land to which the development application relates,*
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.*

The matters included in Section 4.15(1) are now discussed in turn.

## 6.2 State Environmental Planning Policy (State and Regional Development) 2011

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

- (1) A consent authority must not consent to the carrying out of any development on land unless—
  - (a) it has considered whether the land is contaminated, and
  - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
  - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.
- (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a

Andrew Saunders Property Pty Ltd ABN 46 658 077 279 E. [office@andrewsaunders.com.au](mailto:office@andrewsaunders.com.au)  
2/124-128 Summer St, Orange PO Box 2509 Orange NSW 2800 [www.andrewsaundersproperty.com.au](http://www.andrewsaundersproperty.com.au)

## Saunders Property

report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

(3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

(4) The land concerned is—

(a) land that is within an investigation area,

(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,

(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land—

(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and

(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

The subject area has been used for residential purposes approx. 100 years. There is no evidence of old sheds, oil stains, scalding or other evidence on the ground.

The site has not been used for any commercial use, mechanical repairs or fuel storage or sale. Normal duty of care will occur during any site works for the open space area should any 'hotspots' or signs of fuel deposits be discovered during work.

### 6.3 Cowra Local Environmental Plan 2012

The subject land is zoned R1 General Residential in accordance with the provisions of Cowra Local Environmental Plan 2012.

#### **Zone R1 General Residential**

##### **1 Objectives of zone**

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide attractive, affordable, well located and market-responsive residential land.
- To ensure that any non-residential land uses permitted within the zone are compatible with the amenity of the area.
- To ensure that housing densities are broadly concentrated in locations accessible to public transport, employment, services and facilities.
- To maximise public transport patronage and encourage walking and cycling.

Andrew Saunders Property Pty Ltd ABN 46 658 077 279 E. office@andrewsaunders.com.au  
2/124-128 Summer St, Orange PO Box 2509 Orange NSW 2800 www.andrewsaundersproperty.com.au



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## **2 Permitted without consent**

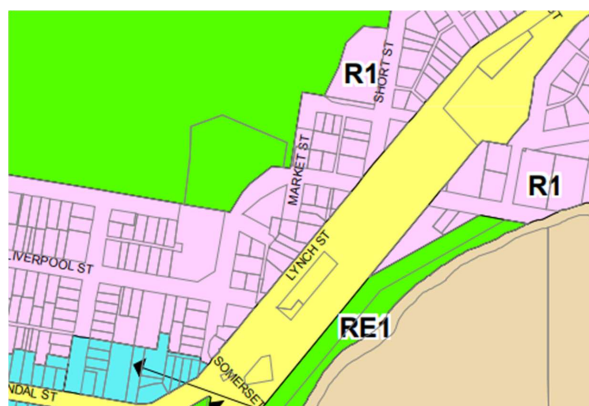
*Environmental protection works; Home occupations*

## **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*



### **Response:**

The proposed demolition is permissible. The property is not a Heritage Item.

The proposed use for multi dwelling housing is permissible with development consent. The minimum lot size for this area is 700 sqm.

Andrew Saunders Property Pty Ltd ABN 46 658 077 279 E. [office@andrewsaunders.com.au](mailto:office@andrewsaunders.com.au)  
2/124-128 Summer St, Orange PO Box 2509 Orange NSW 2800 [www.andrewsaundersproperty.com.au](http://www.andrewsaundersproperty.com.au)



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Council's adopted Development Control Plan 2021, particularly Chapters C requires merit-based assessment of the proposal and is addressed in this submission.

In general terms, however, we consider that the proposed development is considered to be consistent with the overall residential and heritage character of the locality.

Other issues associated with potential for additional traffic generation and utility services is considered to be of a minor nature with minimal impact envisaged.

Our submission therefore largely focuses on the design elements and residential character as the critical considerations.

#### **4.1 Minimum subdivision lot size**

*(1) The objectives of this clause are as follows—*

*(a) to ensure that new subdivisions reflect characteristic lot sizes and patterns in the surrounding locality,*

*(b) to ensure that lot sizes for dwelling houses are consistent with lot sizes on adjoining land,*

*(c) to ensure that lot sizes have a practical and efficient layout to meet the intended use of the lot,*

*(d) to prevent the fragmentation of rural land.*

*(2) This clause applies to a subdivision of any land shown on the [Lot Size Map](#) that requires development consent and that is carried out after the commencement of this Plan.*

*(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the [Lot Size Map](#) in relation to that land.*

*(3A) Despite subclause (3), if the consent authority is satisfied that each lot is, or will be, serviced by a water reticulation system—*

*(a) land identified as "Area A" on the [Lot Size Map](#) may be subdivided to create lots of at least 2 hectares, and*

*(b) land identified as "Area D" on the [Lot Size Map](#) may be subdivided to create lots of at least 5 hectares.*

*(3B) Despite subclause (3), if the consent authority is satisfied that each lot is, or will be, serviced by a sewage reticulation system—*

*(a) land identified as "Area B" on the [Lot Size Map](#) may be subdivided to create lots of at least 4,000 square metres, and*

*(b) land identified as "Area C" on the [Lot Size Map](#) may be subdivided to create lots of at least 1,000 square metres.*

*(4) This clause does not apply in relation to the subdivision of any land—*

*(a) by the registration of a strata plan or strata plan of subdivision under the [Strata Schemes Development Act 2015](#), or*

*(b) by any kind of subdivision under the [Community Land Development Act 2021](#).*

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

*(1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.*

*(2) This clause applies to development on land in the following zone—*

*(a) R1 General Residential.*

*(3) Development consent may be granted to a single development application for development to which this clause applies that is both of the following—*

Andrew Saunders Property Pty Ltd ABN 46 658 077 279 E. [office@andrewsaunders.com.au](mailto:office@andrewsaunders.com.au)  
2/124-128 Summer St, Orange PO Box 2509 Orange NSW 2800 [www.andrewsaundersproperty.com.au](http://www.andrewsaundersproperty.com.au)

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- (a) the subdivision of land into 2 or more lots,*
- (b) the erection of a dwelling house, an attached dwelling or a semi-detached dwelling on each lot resulting from the subdivision, if the size of each lot is equal to or greater than 300 square metres.*

In this instance the intent of the above clause allows for the 4 lots being more than 300 square metres. The proposal supports the intent for housing diversity in an integrated manner.

No specific matters under Part 6 of the LEP are relevant to the proposal.

#### **5.10 Heritage conservation**

##### **Note—**

*Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the [Heritage Map](#) as well as being described in Schedule 5.*

##### **(1) Objectives** *The objectives of this clause are as follows—*

- (a) to conserve the environmental heritage of Cowra,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.*

##### **(2) Requirement for consent**

*Development consent is required for any of the following—*

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—*
  - (i) a heritage item,*
  - (ii) an Aboriginal object,*
  - (iii) a building, work, relic or tree within a heritage conservation area,*
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
- (d) disturbing or excavating an Aboriginal place of heritage significance,*
- (e) erecting a building on land—*
  - (i) on which a heritage item is located or that is within a heritage conservation area, or*
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*
- (f) subdividing land—*
  - (i) on which a heritage item is located or that is within a heritage conservation area, or*
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.*

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**(3) When consent not required**

However, development consent under this clause is not required if—

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—
  - (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
  - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
- (b) the development is in a cemetery or burial ground and the proposed development—
  - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
  - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
- (d) the development is exempt development.

**(4) Effect of proposed development on heritage significance**

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

**(5) Heritage assessment**

The consent authority may, before granting consent to any development—

- (a) on land on which a heritage item is located, or
  - (b) on land that is within a heritage conservation area, or
  - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),
- require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

**(6) Heritage conservation management plans** The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

**(7) Archaeological sites** The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the [Heritage Act 1977](#) applies)—

- (a) notify the Heritage Council of its intention to grant consent, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

**(8) Aboriginal places of heritage significance** The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance—

Andrew Saunders Property Pty Ltd ABN 46 658 077 279 E. [office@andrewsaunders.com.au](mailto:office@andrewsaunders.com.au)  
2/124-128 Summer St, Orange PO Box 2509 Orange NSW 2800 [www.andrewsaundersproperty.com.au](http://www.andrewsaundersproperty.com.au)

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*(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and*  
*(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.*

**(9) Demolition of nominated State heritage items** *The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item—*

*(a) notify the Heritage Council about the application, and*  
*(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.*

**(10) Conservation incentives**

*The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that—*

*(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*  
*(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and*  
*(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and*  
*(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and*  
*(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.*

The subject site is not a Heritage Item or situated in the HCA.

**Part 7 Additional Local Provisions**

**7.1 Earthworks**

*(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.*

*(2) Development consent is required for earthworks unless—*

*(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or*  
*(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.*

*(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—*

Andrew Saunders Property Pty Ltd ABN 46 658 077 279 E. [office@andrewsaunders.com.au](mailto:office@andrewsaunders.com.au)  
2/124-128 Summer St, Orange PO Box 2509 Orange NSW 2800 [www.andrewsaundersproperty.com.au](http://www.andrewsaundersproperty.com.au)

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- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*
- (b) the effect of the development on the likely future use or redevelopment of the land,*
- (c) the quality of the fill or the soil to be excavated, or both,*
- (d) the effect of the development on the existing and likely amenity of adjoining properties,*
- (e) the source of any fill material and the destination of any excavated material,*
- (f) the likelihood of disturbing relics,*
- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

**Note—**

*The [National Parks and Wildlife Act 1974](#), particularly section 86, deals with harming Aboriginal objects.*

**Response:**

The above objectives are satisfied with respect to surrounding development, heritage character, landform and broader environmental function and processes. We submit that all earthworks will occur in a manner compliant with Council's Development and Subdivision Code and supporting Australian Standards including sediment and erosion control measures during the construction phase.

No other major earthworks are expected except servicing and new buildings. Engineering plans will be submitted in due course.

**7.8 Essential services**

*Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:*

- (a) the supply of water,*
- (b) the supply of electricity,*
- (c) the disposal and management of sewage,*
- (d) storm water drainage or on-site conservation,*
- (e) suitable road access.*

**Response**

The above essential services are connected to the site. Additional installations are expected as part of the new housing and subdivision.

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**6.4 Provisions of Draft Environmental Planning Instruments That Has Been Placed on Exhibition s4.15(1)(a)(ii)**

There are no known draft LEP's that relate to the land.

**6.5 Provisions of Development Control Plans**

Council's Development Control Plan, also applies to the subject property.

**MERIT BASED APPROACH TO RESIDENTIAL DEVELOPMENT**

The following subheadings are being used as an outline to illustrate that the proposed development adequately addresses significant design issues to ensure that the proposed development provides opportunities for good quality housing development and integrates well with its surrounding environment.

**E.2.2. Objectives**

*The objectives for medium density housing are:*

- a. To provide opportunities for a mix of dwelling types and increase housing choice within Cowra.*
- b. To provide housing opportunities for the range of population groups in the Cowra Shire, including aged population and those requiring accessible housing forms.*
- c. To provide functional yet well designed medium density housing that responds to the constraints and conditions of the site and surrounding environment.*
- d. To ensure that medium density housing is designed to be compatible with the positive characteristics of the existing streetscape and enhances the surrounding environment.*
- e. To ensure that medium density housing is provided with landscaping that complements the design of the development, defines private open space areas and improves liveability and general amenity.*
- f. To ensure that bulk and scale of new development does not have an unacceptable impact on the streetscape and character of the locality.*
- g. To ensure that all medium density housing is provided with appropriate low maintenance areas for private outdoor recreation and relaxation.*
- h. To ensure that medium density housing is designed to maximise visual and acoustic privacy and general amenity both within and external to the development site.*
- i. To ensure that medium density housing is provided with adequate and safe vehicle access, internal manoeuvring areas, and on-site car parking for occupants and visitors.*
- j. To ensure that ancillary structures (i.e. carports etc) are integrated into the overall site and building design and do not result in unacceptable impacts on the streetscape and the character of the locality.*
- k. To encourage passive solar design and maximise sunlight and daylight access, both within and external to the development site.*
- l. To encourage medium density housing in areas that are central to essential community facilities, civic areas and public transport routes.*
- m. To ensure that all essential services and facilities are provided to new medium density housing developments.*

The proposal considers the above design elements with regard to bulk and scale, solar access, parking, privacy, access to transport and employment, surrounding development, diversity of housing choice, open space opportunities and streetscape consideration.

Andrew Saunders Property Pty Ltd ABN 46 658 077 279 E. office@andrewsaunders.com.au  
2/124-128 Summer St, Orange PO Box 2509 Orange NSW 2800 www.andrewsaundersproperty.com.au

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The overall scale of the development as small freestanding cottages respects surrounding development and overall character of the locality.

#### **E.2.3. Site Analysis**

*A site analysis identifies the constraints and opportunities of the site as well as its immediate locality and the wider environment. It includes both natural and built elements. The site analysis will influence how the design optimises site attributes and complements neighbourhood character whilst preserving the amenity of adjoining developments. Building designers are encouraged to carry out a site analysis before designing medium density housing. A site typically involves identification of:*

- a. The broad opportunities and constraints of the layout and design of the site.*
- b. The positive characteristics of the streetscape and surrounding natural and built environments.*
- c. Important site characteristics such as lot orientation and prevailing climatic conditions.*
- d. Existing areas likely to be impacted by overshadowing, for example, neighbouring private open space.*
- e. Inherent site constraints including flood affected land, overland flow paths, slope instability, contaminated land, landfill areas, heritage and archaeological features.*
- f. The location of existing services and facilities including drainage infrastructure and reticulated water and sewerage supply systems.*
- g. Easement, fence, boundary and access locations.*
- h. Views to and from the site and the existence of any significant nearby view corridors from public spaces.*
- i. Movement corridors including local streets and pedestrian pathways.*
- j. Existing mature trees and vegetation that should be retained.*
- k. An example of a site analysis plan is shown below:*

The site, following demolition will be a blank canvas with a moderate easterly slope that allows opportunities for good access and drainage, good views and streetscape consideration with logical design concepts for the slope of the site.

#### **E.2.4. Soil Erosion and Sedimentation Control**

*Soil erosion and the sedimentation of our waterways is a major problem affecting riverine health. These problems are particularly relevant in Cowra, where many construction sites eventually drain into the Lachlan River. The following controls apply to new medium density housing:*

- a. A Soil Erosion & Sediment Control Plan must be prepared and submitted to Council for approval prior to the issue of the Construction Certificate for new dwellings.*
- b. The Soil Erosion & Sediment Control Plan should be prepared in accordance with Part Q of this DCP – Land Management.*
- c. Soil erosion and sediment controls must be in place prior to the commencement of any construction works associated with the dwelling, including earthworks involved with site preparation.*

Suitable details will be provided with the Construction Certificate to ensure soil erosion control measures are implemented. Similarly engineer details for the site will include normal details for soil management control.

#### **E.2.5. Landscaping**

Andrew Saunders Property Pty Ltd ABN 46 658 077 279 E. office@andrewsaunders.com.au  
2/124-128 Summer St, Orange PO Box 2509 Orange NSW 2800 www.andrewsaundersproperty.com.au

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*Landscaping of residential blocks plays an important function in providing shade and shelter. It also enhances the appearance of the residence and surrounding streetscape, which in turn can have a positive influence on property values.*

*The following controls apply to new medium density housing:*

- a. Medium density housing proposals are required to comply with the landscaping provisions under Part N of this DCP, including the submission of a Landscape Plan where required under that Part.*

Final landscape design will be lodged with the CC. The site plan illustrates ample space in POS areas and for streetscape landscape design opportunities. This can be managed as a standard condition of consent.

#### **E.2.6. Cut and Fill Controls**

*By managing the extent of cut and fill used on building sites, it is possible to maintain the integrity of natural topography and minimise impacts drainage, soil stability and structural integrity. The following controls apply to new medium density housing:*

- a. Development Applications for new dwellings on sloping sites must be accompanied by a cut and fill plan, prepared to scale, showing the extent of all cut and fill proposed for the development.*
- b. Split level or pier foundation house designs are encouraged for sloping sites to minimise site disturbance and achieve a design response that relates to the topography of the site.*
- c. Cut areas should be setback from boundaries a minimum of 0.9 metres, and fill areas are to be setback from boundaries a minimum of 1.5 metres.*
- d. Cut and fill batters should not exceed a slope of 1:2 (v:h) unless a geotechnical report has been submitted to Council certifying site stability. All batters are to be provided with both short term and long term stabilisation to prevent soil erosion, and adequate drainage is to be provided to divert water away from batters.*
- e. Stormwater or surface water runoff should not be redirected or concentrated onto adjoining properties so as to cause a nuisance.*
- f. Cut and fill levels for new dwellings should generally not exceed one metre, unless:*
  - i. The excavation is within the confines of the building, or*
  - ii. The excavation is intended to provide a flat area of private open space in accordance with the requirements of Section E.2.11, and*
  - iii. The excavations will be properly drained and retained in accordance with engineering details, and*
  - iv. It can be demonstrated that the appearance of the development would not create unreasonable impacts on the streetscape.*

We note a 6.7 metre rise from the front to rear boundary however this is over a 47 metre lot length being 1:7 slope. The proposed will incorporate some cut and fill that will allow for flat accessible open space areas at the rear and elevated frontages facing Short Street with floor levels at approx. 1.2 – 1.5 metres. Fencing and retaining walls will be suitably designed to allow for good open space access and usable outdoor areas.

Areas of cut along the southern boundary are greater than 900 mm and can be managed with retaining walls to achieve the 1:2 gradient. Other areas with 4.6 metres or greater to front setbacks and



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separation between dwellings at 4.7 metres is ample distance to manage slope, cut and fill considerations.

The proposal satisfies this section of the DCP with reasonable streetscape outcomes, open space areas that are accessible and usable and involves excavation within the site only.

#### **E.2.7. Site Area and Frontage Controls**

*Site area refers to the total area of an allotment. Frontage refers to the total length of that part of the allotment that is adjacent to the main street/road. Site area and frontage controls ensure that medium density residential development can achieve a coherent and practical site layout.*

*a. A minimum average site area of 300m<sup>2</sup> per dwelling unit is required for secondary dwellings, dual occupancies, semi-detached dwellings, attached dwellings and multi-dwelling housing. The minimum site area is calculated by dividing the total area of the development site by the number of proposed dwelling units.*

*b. A minimum site frontage of 18 metres is required for dual occupancies, semi-detached dwellings, attached dwellings and multi-dwelling housing, except for development on allotments with a curvilinear street frontage which can have a minimum site frontage of 17 metres at the front building line.*

*Note: The site area controls are minimum only. Depending on the characteristics of the site and the design of the development, a larger site area per dwelling unit may be required in order to comply with all of the controls in Section E.2. The following diagram illustrates the site area and frontage controls.*

The proposal easily complies with 361 sqm per dwelling and a total frontage over 30 metres to both Market Lane and Short Street.

#### **E.2.8. Streetscape Controls**

*Streetscape design is about ensuring there is consistency in built and landscape form along streets on private sites. The following controls apply to new medium density housing:*

*a. Developments in existing urban areas must be consistent with the scale and character of adjoining dwellings and the surrounding environment.*

*b. Developments on sites with two or more street frontages must address both frontages,*

*c. Each dwelling should provide a minimum of one major window to a habitable room (living area) directly overlooking the street or public open space area. The design should avoid kitchen, bathroom or laundry windows dominating the street elevation.*

*d. Site & building design should consider the existing topographic setting and characteristics of other buildings and sites along the street, particularly those that are older and more established.*

*e. New development should provide landscaping that enhances the appearance of the development and surrounding area.*

*f. Walls along side and rear boundary setbacks should be broken or staggered to avoid the appearance of unduly massive or long walls.*

*g. Any carport or garage that is visible from the public domain should be compatible with the design of the residential building.*

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*h. Removal of street trees is not permitted without prior approval of Council. Existing street trees and other natural features shall be retained wherever practical. The following diagram conceptually illustrates some of the key streetscape concepts for medium density housing.*

The proposal has regard to both street frontages, allows for garages and windows to address the street and provide an interesting streetscape presentation. Further landscape detail at the CC stage will further enhance this.

No street trees will be removed as part of the proposal.

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.

#### **E.2.9. Height Controls**

*By limiting the height of new residential buildings, it is possible to manage bulk and scale and ensure that new development responds to the desired character of streets and the local area. It is also possible to ensure there is a reasonable level of uniformity along streetscapes. Height controls also ensure that properties have equal access to views, vistas, and sunlight. The following controls apply to new medium density housing:*

- a. The maximum height to the ridge of the roof of the building should not exceed 9.0 metres above the natural ground level vertically below that point. This control is illustrated conceptually in the diagram to the right.*
- b. Where steep or sloping sites exist, the building should not protrude from the landscape but should be designed to be staggered or stepped into the natural slope of the land to accommodate the height control.*
- c. For dwelling proposals involving two (or more) storeys, or where there is any uncertainty relating to the overall height of a development, Council may require plans to show reduced levels (RL), taken from a fixed datum point, for the maximum ridge height and natural ground levels.*

The single storey construction and the moderate excavation will allow the dwellings to be set into the site rather than excessive roof and wall heights dominating the streetscape or skyline.

The proposal is within normal residential expectations with a modest cottage appearance with modest dimensions.

#### **E.2.10. Solar Access Controls**

*The solar access of a property refers to its potential to receive adequate sunlight so certain areas of a dwelling can catch the sun's energy. A property with good solar access enjoys adequate sunlight to living and recreation areas. The following controls aim to retain good solar access and avoid adverse overshadowing of these spaces. The following controls apply to new medium density housing:*

- a. Medium density housing should be designed to ensure that living areas of adjoining dwellings and at least 50% of their usable private open space, receive a minimum of 3 hours sunlight between 9am and 3pm on 21 June (winter solstice). Where such areas already receive less than 3 hours of sunlight, new development should not further reduce sunlight access.*

Andrew Saunders Property Pty Ltd ABN 46 658 077 279 E. office@andrewsaunders.com.au  
2/124-128 Summer St, Orange PO Box 2509 Orange NSW 2800 www.andrewsaundersproperty.com.au

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*b. Medium density housing should be designed to allow the living areas and private open space areas of at least 75% of dwellings (within the development) to receive a minimum of 3 hours sunlight between 9am and 3pm on 21 June (winter solstice).*

*c. Council may request shadow diagrams to be provided by the applicant where there is a reasonable likelihood of the development causing overshadowing impacts on adjoining property. Shadow Diagrams should show magnetic and true north.*

The proposal, due to slope and orientation will not receive optimal afternoon sunlight. The north facing deck and living room windows and the southern orientation of garages will however ensure optimal solar access from 8/9 am through to 2pm, easily complying with the 3 hour requirement. Solar access will be available to outdoor areas and also to east facing front walls of units 3 and 4.

#### **E.2.11. Front setback controls**

*Front setbacks are important as they establish the building's location in relationship to neighbouring buildings and the streetscape in general. Front setbacks also allow space for landscaping in residential areas. Front setbacks are measured from the front boundary of the allotment to the outer edge of the wall of the building.*

Front setbacks are satisfactory at 4.58 metres from Market Lane and Short Street.

##### **E.2.11.1. New Dwellings**

*a. The front setback for new dwellings is determined by applying any one of the following scenarios to the proposed development:*

*i. Scenario 1 - Where there are not two existing dwellings within 40m that face the same street, the minimum front setback is 6m.*

*ii. Scenario 2 - Measure the setbacks of the nearest two dwellings facing the same street, and where the setback difference is no more than 2m, choose either setback.*

*iii. Scenario 3 - Measure the setbacks of the nearest two dwellings facing the same street, and where the setback difference is no more than 2m, take the average of those setbacks.*

*iv. Scenario 4 - Measure the setbacks of the nearest two dwellings facing the same street, and where the setback difference is more than 2m, take the average of those setbacks.*

*v. Scenario 5 - Measure the setbacks of the nearest two dwellings facing the same street, and where the setback difference is more than 2m, articulate the setbacks on the proposed dwelling to match both existing buildings.*

The adjoining dwelling is closer to the Short Street frontage. The proposed setback represents a typical residential setback and is considered within expectations.

##### **E.2.11.2. Treatment of Articulation Features**

*a. Where it is proposed to construct articulation features such as front entrance features, awnings, sun shades, and small balconies in front of the building line, these may encroach the front setback area by a maximum of 1 metre, provided the combined frontage of the projections does not exceed 25% of the total building frontage.*

Not applicable. No protrusions forward of the main wall.

Andrew Saunders Property Pty Ltd ABN 46 658 077 279 E. office@andrewsaunders.com.au  
2/124-128 Summer St, Orange PO Box 2509 Orange NSW 2800 www.andrewsaundersproperty.com.au

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**E.2.11.3. Corner Lots**

*a. Where the allotment is a corner allotment, the minimum setback to the secondary street frontage should always be 4.5 metres.*

Not applicable.

**E.2.12. Side Setbacks**

*Minimising side boundary setbacks allows the building to have a wide street and rear building frontage, giving greater elevation length for habitable room windows to be oriented to the front and rear of the lot. Side setbacks are measured from the side boundary to the outside edge of any articulation to the buildings elevation but do not include external living areas.*

*a. Single storey buildings should be setback a minimum 0.9 metres from the boundary (eaves must be a minimum 0.45 metres from the boundary).*

*b. Two storey buildings should be setback a minimum 1.5 metres from the boundary (eaves must be a minimum 0.45 metres from the boundary).*

The side boundaries area setback greater than 900 mm.

**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. Rear setbacks are measured from the rear property boundary (not the rear of the units) to the outside edge of any articulation to the buildings elevation.*

*a. Single storey buildings should be setback a minimum 3 metres from the boundary.*

*b. Two storey buildings should be setback a minimum 6 metres from the boundary.*

The site has two frontages. Rear setbacks are at 2.39 metres, below the 3.0 metre requirement.

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.

**E.2.14. Visual & Acoustic Privacy Controls**

*Visual and acoustic privacy is important for creating high quality environments and maintaining general neighbourhood amenity. It is particularly important for medium density housing where residents live much closer to one another. Well designed development can readily avoid most sources of conflict between neighbours over noise and privacy problems. Whilst complete privacy in urban environments is not always possible, proper consideration of the site conditions at the design stage is*

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*a good start to achieving reasonable levels of privacy both within and external to the development site. The following controls apply to new medium density housing:*

- a. Building elements such as balconies and decks should be designed to minimise overlooking of living areas and private open space areas of adjoining dwellings.*
- b. The windows of dwellings should be located and designed so they do not provide direct and close views into the living area windows or courtyards of other dwellings. This can be achieved by offsetting or using windows which are narrow, translucent, obscured or fitted with louvers or screen panels.*
- c. A minimum separation of 12 metres should be provided between buildings where habitable rooms / balconies face habitable rooms/ balconies.*
- d. A minimum separation of 9 metres should be provided between buildings where habitable rooms / balconies face non-habitable rooms or blank walls.*
- e. A minimum separation of 3 metres should be provided between buildings where non-habitable rooms / blank walls face other non-habitable rooms / blank walls.*
- f. Separation distance may be reduced by up to 25% where privacy issues can be addressed by other means to the satisfaction of Council.*
- g. Dwellings within each development should be designed to minimise noise transmission by locating busy, noisy areas next to each other and quieter areas next to other quieter areas, for example, living rooms with living rooms, bedrooms with bedrooms.*
- h. Noise generating areas of development (e.g. air conditioning plant, swimming pool areas and the like) should be adequately screened or located away from the bedroom areas of dwellings within and external to the development site to minimise their impact.*

The proposal has consideration to the orientation of habitable and non-habitable rooms, particularly between decking areas of units 1 and 2 and distance to the living room windows of units 3 and 4. The privacy screen however and the blank eastern walls of units 1 and 2 will ensure that a satisfactory level of privacy can be achieved.

#### **E.2.15. Private Open Space Controls**

*Private open space is an important part of medium density housing. These spaces provide places for residents to develop their own private garden, entertain, play and relax. Whilst many medium density housing developments provide common or shared open space areas, it is still a requirement for each dwelling to have opportunities for private recreation. The following controls apply to new medium density housing:*

- a. Private open space should be oriented to have a north easterly aspect where possible.*
- b. Living areas should open out into the private open space area.*
- c. Private open space is to be clearly defined by walls, fencing and landscaping so as to provide a self contained space, but*
- d. The recommended amount of private open space, to be located behind the building line, for medium density housing, is as follows:*
  - i. 40m<sup>2</sup> per dwelling, minimum width 3m in any direction (and excluding any outdoor patio area, areas used for car parking and manoeuvring, waste bin storage and the like), for all medium density housing except for residential flat buildings.*
  - ii. 10m<sup>2</sup> per dwelling, minimum width 2.5m in any direction (and may include balconies, terraces and the like above ground level) for residential flat buildings.*
  - iii. 80m<sup>2</sup> for secondary dwellings, shared with the main dwelling.*

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The proposed dwelling open space easily complies with an area 6 x 6 metres being available situated close to internal living areas.

**E.2.16. Sustainable Building Design Controls**

*Sustainable building design is concerned with renewable energy, ecologically designed and renewable building materials, water conservation and indoor environmental quality. Sustainable building design minimises the environmental footprint of development, and helps to significantly reduce the cost of running a home. The following controls apply to new medium density housing:*

- a. Development Applications for new medium density housing proposals and specified alterations and additions must be accompanied by a BASIX Certificate, issued by the NSW Government.*
- b. Applicants should consider the potential sustainability performance of the development when the proposal is being designed and commit to a range of measures offered in BASIX to ensure that the development meets (or exceeds) the NSW Government's sustainability targets.*
- c. Council will check that the details of the proposed development contained in the BASIX certificate are consistent with the details contained in the Development Application, and that the relevant BASIX commitments are shown on plans.*
- d. The design of medium density housing should adopt the following principles which promote sustainable building practices:*
  - i. Plan the site so that new development is oriented to optimise northern aspect where possible.*
  - ii. Optimise the number of apartments receiving daylight access to habitable rooms and private open space.*
  - iii. Supplement daylight access through the use of skylights where possible.*
  - iv. Ensure single aspect, single-storey dwellings have a northerly, or easterly aspect.*
  - v. Locate living spaces to the north and service areas to the south and west of the development.*
  - vi. Limit the number of south-facing apartments and increase their window area.*
  - vii. Use shading devices such as eaves, awnings, colonnades, balconies, pergolas, external louvers and planting.*
  - viii. Maximise the number of the dwellings which are naturally cross-ventilated and limit the use of mechanical ventilation.*
  - ix. Facilitate natural cross ventilation by minimising interruptions in air flow through dwellings and grouping rooms with similar usage together (e.g. keep living spaces together and sleeping spaces together). Note: NatHERS (National Housing Energy Rating Scheme) and Part J of the Building Code of Australia also include provisions for measuring the energy efficiency of new residential developments.*

The proposal refers to hebel panel construction and double glazed windows to present a good standard of environmental performance plus rain tanks, instantaneous hot water, 4 star fixtures and a 59/40 energy score.

**E.2.17. Livable Housing Design**

*In 2012 Liveable Housing Australia produced the Livable Housing Design Guidelines (the Guidelines), which encourages homes to be designed and built to meet the changing needs of occupants across their lifetime. Liveable design recommends the inclusion of key easy living features that aim to make homes easier and safer for all occupants including: people with disability, ageing Australians, people with temporary injuries, and families with young children. Livable Housing Design is largely based on the notion that it is more costeffective to make simple design choices when building a new home than it is to try and retrofit a building when life's events require the occupants of a dwelling to change. A liveable*

Andrew Saunders Property Pty Ltd ABN 46 658 077 279 E. office@andrewsaunders.com.au  
2/124-128 Summer St, Orange PO Box 2509 Orange NSW 2800 www.andrewsaundersproperty.com.au

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*home is designed and built to meet the changing needs of occupants across their lifetime. The Cowra LGA has an ageing population and therefore it will become increasingly important to ensure that housing stock in the LGA will be able to meet the needs of the local housing market in years to come. The Guidelines identify seven core design features that should be incorporated, as a minimum, into new dwelling design. These include:*

- a. A safe continuous and step free path of travel from the street entrance and / or parking area to a dwelling entrance that is level.*
- b. At least one, level (step-free) entrance into the dwelling.*
- c. Internal doors and corridors that facilitate comfortable and unimpeded movement between spaces.*
- d. A toilet on the ground (or entry) level that provides easy access.*
- e. A bathroom that contains a hobless (step-free) shower recess.*
- f. Reinforced walls around the toilet, shower and bath to support the safe installation of grab-rails at a later date.*
- g. A continuous handrail on one side of any stairway where there is a rise of more than 1 metre. If a dwelling design incorporates the seven core design features, then it achieves a silver performance level under the Guidelines.*

*Gold level performance can be achieved by adopting the seven core design features, plus additional features recommended by the Guidelines.*

*Platinum level performance can be achieved by adopting all 16 design features recommended by the Guidelines.*

*Controls - Generally*

*a. As a minimum, the design of all new medium density housing should achieve a silver performance level in accordance with the Livable Housing Guidelines. Controls - Cowra CBD The following control applies to any new medium density housing development located in the area shown in Map No. 1 over page.*

*b. As a minimum, the design of all new medium density housing should achieve a gold performance level in accordance with the Livable Housing Guidelines.*

The proposed units achieve a minimum seven core silver performance with the following:

- Step free access to units 1 and 2.
- Ground floor toilet access. All units.
- Ability for toilet and shower rails with suitable wall framing for rails.
- Hobless shower access
- Continuous handrails on step locations
- Ability for unimpeded internal movement

We note the location is outside the core area map in the DCP. Less central sites and steeper site will face challenges in satisfying all Liveable Housing Design Criteria.

It is requested these matters be reviewed at the CC stage for compliance as a condition of consent.

#### **E.4.6. Fencing Controls**

*The design of fences has an impact on the real and perceived safety and security of residents as well as on the amenity of the public domain and streetscape character. The visual impact, scale and design of fences all need to be carefully considered. The provisions of the Dividing Fences Act, 1991, must be considered when erecting a fence. This Act is not administered by Council. The provisions of this Act*

Andrew Saunders Property Pty Ltd ABN 46 658 077 279 E. office@andrewsaunders.com.au  
2/124-128 Summer St, Orange PO Box 2509 Orange NSW 2800 www.andrewsaundersproperty.com.au

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*regulate the construction and repair of dividing fences between properties including procedures for the apportionment of costs between owners.*

*The following controls apply to new fences:*

**E.4.6.1. Front Fences**

*a. Front and side return fences should:*

- i. Not be higher than 1.2 metres.*
  - ii. Not be higher than 0.9 metres if it is a solid design.*
  - iii. Not be constructed of colourbond, if it is a front fence.*
  - iv. Reflect the design and character of the dwelling and other buildings along the street.*
- b. Front fences higher than 1.2 metres will be considered but only where:*
- i. The fence will not be higher than the average front fence height prevailing along the streetscape; and*
  - ii. The fence will be constructed with a combination of solid and open elements having a minimum aperture of 0.25m. Solid fences higher than 1.2 metres are not permitted.*
  - iii. The fence will reflect the design and character of the dwelling and other buildings along the street.*
  - iv. The fence will not impede sight distances for traffic on public roads.*

No front fences proposed.

**E.4.6.2. Side and Rear Fences**

- a. Side and rear fences (behind the building line) are to be a maximum height of 1.8 metres above ground level. If the fence is on a sloping site and stepped to accommodate the fall in land, it must not be higher than 2.1 metres above existing ground level at each step.*
- b. Powder coated metal (colour bond) fences are not permitted on street frontages of corner allotments, forward of the building line. c. All fencing is to be constructed of new materials of the same colour, especially those fences that are visible from a public road.*

Refer to submitted plans with side and internal fences of 1.8 metres to be reviewed by Council.

**E.4.7. Waste Management Controls**

*It is important to consider the design and siting of garbage storage areas, particularly for medium density housing to ensure that these areas are both accessible to residents and waste collection vehicles and do not result in adverse odour or visual impacts both within and external to the development.*

**E.4.7.1. Single Dwellings**

- a. Each dwelling must be provided with sufficient onsite space to store Council's garbage and recycling bins.*
- b. The location of the on-site bin storage areas should be located so as not to impact negatively on the visual amenity of the area and should preferably be located in the rear yard of the premises. The area should also be designed to minimise impacts on neighbours, particularly from odour and vermin.*
- c. Each dwelling and its environs are to be designed to allow the easy collection of garbage and recycling bins from a suitable kerbside point.*

**E.4.7.2. Medium Density Housing** *a. Where possible, each dwelling should be provided with sufficient on-site space to store Council's garbage and recycling bins within the confines of their own private open space. Where this is not possible, a suitable bin storage area is to be provided to accommodate 2 x 240 litre mobile garbage bins per dwelling. Special consideration must be given to:*

- i. The areas visual amenity.*



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- ii. Potential impacts on neighbours, both within and external to the development site.*
- iii. The provision of adequate services for cleaning and draining the area.*
- iv. The accessibility of the bin storage area to each dwelling and the point where waste collection will occur. If the waste collection vehicle cannot access the bins, they will not be collected.*
- v. The need for a waste collection vehicle to access private roads, and design road geometry and strength accordingly.*

There is ample opportunity for the storage of bins in private areas and ease of cleaning and placing on the street by residents. The side setback near driveways is the obvious storage location.

#### **E.4.9. Site Facility Controls**

*Planning for site facilities is an important element of the design process that is often overlooked. The location of site facilities should be carefully considered to ensure that residential developments function in a user friendly manner.*

Not applicable to the complex with no shared facilities.

##### **E.4.9.1. Letterboxes**

*a. Each dwelling must be provided with an appropriate letter box to facilitate the delivery of mail and other postal services. b. Letterboxes should comply with the minimum requirements of Australia Post, which are: i. Minimum dimensions - 230mm wide (left to right) x 330mm deep (front to back) x 160mm high (top to bottom) ii. Full width slot, but not large enough for a persons to hand to fit through, elevated between 0.9 metres and 1.2 metres above ground. iii. Clearly displayed street address. c. Letterboxes should be located in a position that is easy to access, clearly in view and next to the driveway or a similar position. This is particularly important for medium density housing. d. The design of letterboxes should be sympathetic to the design the dwelling that it services and the character of the street. e. Materials used in the construction of letterboxes are to be solid and stable on the ground.*

Noted. Check at CC stage.

##### **E.4.9.2. Clothes Drying Facilities**

*a. Provision shall be made for external clothes drying areas for dwelling. A minimum of 4.5m<sup>2</sup> per dwelling is to be provided. b. Clothes drying areas should be located in a rear services area that receives adequate sunlight access and should be suitably screened from the public domain.*

In addition to POS areas, ample area is available on the north side of each dwelling for good clothes drying opportunities. Laundry locations are also favourably located in this regard close to outdoor areas facing north.

#### **E.4.10. Servicing Controls**

*All new residential dwellings are expected to be serviced to a minimum level. The provision of essential services allows residential development to function properly within an urban environment and helps to ensure that neighbouring property owners are not adversely impact by new residential buildings and associated activities.*

Noted. Split system units can be designed to ensure no adverse noise impacts.

Andrew Saunders Property Pty Ltd ABN 46 658 077 279 E. office@andrewsaunders.com.au  
2/124-128 Summer St, Orange PO Box 2509 Orange NSW 2800 www.andrewsaundersproperty.com.au

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**E.4.10.1. Energy and Telecommunication Services**

- a. All dwellings must be provided with an adequate energy supply that meets with the requirements of BASIX, and / or the relevant service provider.*
- b. All dwellings must be provided with an adequate telecommunications supply that meets with the requirements of the relevant service provider.*
- c. Underground energy and telecommunications services should be provided where ever possible.*

Noted.

**E.4.10.2. Stormwater**

- a. All roofed, paved and other hardstand surface areas must be drained to the Council's street drainage system, piped drainage system, or other approved drainage system to the satisfaction of Council.*
- b. All stormwater drainage lines should be gravity fed to a legal point of discharge. Pump-out stormwater drainage systems are not permitted as the sole method for stormwater disposal in medium density housing developments.*
- c. Applications for medium density housing developments shall be accompanied by detailed engineering design plans of the proposed stormwater drainage system, including locations of grade inlet pits, size of pipes and modelling results for certain stormwater events. The stormwater drainage design must ensure that post-development peak flows match pre-development peak flows.*
- d. All stormwater from the development site must be properly managed and not permitted to flow onto adjoining land.*

No adverse stormwater issues with flow to the front Short Street boundary.

**E.4.10.3. Water and Sewer**

- a. All dwellings (including those in medium density housing) must be provided with separate connections to Council's reticulated water supply system. Any relevant headworks contributions (in accordance with Council's Developer Servicing Plan current at the time of payment) will be required to be paid to Council prior to the issue of the Construction Certificate.*
- b. All dwellings (including those in medium density housing) in the R1, B1, B2 and B5 zones must be provided with separate connections to Council's reticulated sewer supply system. Any relevant headworks contributions (in accordance with (in accordance with Council's Developer Servicing Plan current at the time of payment) will be required to be paid to Council prior to the issue of the Construction Certificate.*
- c. All dwellings (including those in medium density housing) in the RU5 zone that cannot be connected to reticulated sewer must comply with the following controls.*
  - i. The proposed method of effluent disposal and the associated waste water disposal area must comply with AS/NZS1547:2000 – Onsite Domestic Wastewater Management and the most current version of the Environmental Health Protection Guidelines On-site Sewage Management for Single Households. Recommended buffer distances are shown in the Table over page.*

Andrew Saunders Property Pty Ltd ABN 46 658 077 279 E. office@andrewsaunders.com.au  
2/124-128 Summer St, Orange PO Box 2509 Orange NSW 2800 www.andrewsaundersproperty.com.au

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*ii. The location and proposed method of waste water disposal must be shown on the plans submitted with the Development Application. A report prepared by a suitably qualified Geotechnical Engineer may also be requested by Council as part of the Development Application.*

Detailed engineering plans at the CC stage will show suitable water, sewer and stormwater connections.

**6.6 Matters Prescribed by the Regulations [Section 4.15(a)(iv)]**

Regulations have not been prescribed under Section 4.15 of the Act which relate to this proposal.

**6.7 The likely Impacts of Development [Section 4.15(b)]**

In summary, the likely impacts of the development have been addressed under the DCP section of our report. The main considerations relate to residential character, open space, parking, privacy and solar access.

The favourable north facing scenario shows that shadow plans are not required with ease of compliance from 8/9am to 2 pm compliance for all units.

Further cut and fill compliance can be achieved with suitable retaining walls.

Landscaping design can be considered and approved at the CC stage.

The submitted plan and SoEE demonstrate compliance overall.

**6.8 Suitability of the site for Development [Section 4.15(c)]**

We submit the subject site is suitable for infill development with minimal change to the overall appeal and function of the site.

The design and character consideration undertaken ensure there is appropriate streetscape and local character taken into account.

Other factors such as access, privacy, streetscape have been considered and put forward in our report.

**6.9 Any Submissions Made in Accordance with this Act or the Regulations [Section 4.15(d)]**

This requirement only applies once the application is lodged with the consent authority.

**6.10 The Public Interest [Section 4.15(e)]**

Andrew Saunders Property Pty Ltd ABN 46 658 077 279 E. [office@andrewsaunders.com.au](mailto:office@andrewsaunders.com.au)  
2/124-128 Summer St, Orange PO Box 2509 Orange NSW 2800 [www.andrewsaundersproperty.com.au](http://www.andrewsaundersproperty.com.au)

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The proposal is considered to accord with the wider public interest in that:

- It proposes a development of land in keeping with Council's planning instruments;
- Contributes to the local economy;
- Promotes sound urban consolidation principles utilising existing servicing infrastructure.
- Provides for development that complements surrounding residential land use and residential character.

#### 7.0 SUMMARY

The proposed residential development and associated Torrens subdivision is consistent with the objectives of Cowra Local Environmental Plan 2012 and Council's Development Control Plan 2021.

The development overall will provide a good standard of accommodation and amenity, providing suitable privacy levels and protects local residential character.

The overall bulk, scale and use of compatible building materials will ensure that the proposal will be complementary with the residential character of the immediate area.

Any concerns or requirements may be addressed through application of conditions of development approval or through consultation with the applicant.

Yours faithfully,

Andrew Saunders Property Pty Ltd ABN 46 658 077 279 E. [office@andrewsaunders.com.au](mailto:office@andrewsaunders.com.au)  
2/124-128 Summer St, Orange PO Box 2509 Orange NSW 2800 [www.andrewsaundersproperty.com.au](http://www.andrewsaundersproperty.com.au)

Saunders Property



**ANDREW SAUNDERS**  
Saunders Property

Andrew Saunders Property Pty Ltd ABN 46 658 077 279 E. [office@andrewsaunders.com.au](mailto:office@andrewsaunders.com.au)  
2/124-128 Summer St, Orange PO Box 2509 Orange NSW 2800 [www.andrewsaundersproperty.com.au](http://www.andrewsaundersproperty.com.au)



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Projection: # GDA2020 / MGA zone 55

**DA 80/2023 - 8 Short  
Street Cowra**



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**DA 80/2023 - 8 Short  
Street Cowra**

**6 LATE REPORTS**

**7 NOTICES OF MOTIONS**

Nil

**8 CONFIDENTIAL MATTERS**

Nil