



AGENDA

Ordinary Council Meeting

Date: 26 August 2024

Time: 5 pm

**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 Council meetings you are respectful to others and use appropriate language at all times. Cowra Council accepts no liability for any defamatory or offensive remarks or gestures made during the course of this meeting.

I.2 Acknowledgement of Country

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

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

List of apologies for the meeting.

I.4 Disclosures of Interest

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

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

I.5 Presentations

I.6 Public Forum

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

2 CONFIRMATION OF MINUTES

Confirmation of Minutes of Ordinary Council Meeting held on 22 July 2024

Confirmation of Minutes of Extraordinary Council Meeting held on 12 August 2024



MINUTES

**Ordinary Council Meeting
Monday, 22 July 2024**

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**MINUTES OF COWRA COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COWRA COUNCIL CHAMBERS, 116 KENDAL STREET, COWRA
ON MONDAY, 22 JULY 2024 AT 5 PM**

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 Erin Watt, Cr Bill West, Cr Peter Wright

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

At 5:00 pm, Cr Bill West had not as yet arrived at the meeting.

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

Nil

1.4 Disclosures of Interest

Cr Judi Smith declared a non-pecuniary interest in relation to item 3.1 *Donation - Woodstock Memorial Show Inc.* as she is a member of the committee.

Cr Sharon D'Elboux declared a non-pecuniary interest in relation to item 3.4 *Committee Minutes - Traffic Committee* due to her position as an executive member of Cowra Junior Soccer.

1.5 Presentations

Nil

1.6 Public Forum

Nil

2 CONFIRMATION OF MINUTES

RESOLUTION 133/24

Moved: Cr Cheryl Downing

Seconded: Cr Peter Wright

That the minutes of Ordinary Council Meeting held on 24 June 2024 be confirmed.

CARRIED

3 GENERAL COMMITTEE RECOMMENDATIONS - MONDAY, 8 JULY 2024

DIRECTOR-CORPORATE SERVICES REPORT

At 5:04 pm, Cr Judi Smith left the meeting.

3.1 Donation - Woodstock Memorial Show Inc.

RESOLUTION 134/24

Moved: Cr Cheryl Downing

Seconded: Cr Nikki Kiss OAM

That Council contribute the sum of \$2,000 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.

CARRIED

At 5:05 pm, Cr Judi Smith returned to the meeting.

3.2 Investments and Financial Report

RESOLUTION 135/24

Moved: Cr Peter Wright

Seconded: Cr Sharon D'Elboux

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

CARRIED

3.3 Rent of Enclosed Dedicated Roads

RESOLUTION 136/24

Moved: Cr Judi Smith

Seconded: Cr Cheryl Downing

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

- I. 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”.

CARRIED

DIRECTOR-INFRASTRUCTURE & OPERATIONS REPORT

At 5:12 pm, Cr Sharon D'Elboux left the meeting.

3.4 Committee Minutes - Traffic Committee

RESOLUTION 137/24

Moved: Cr Paul Smith

Seconded: Cr Cheryl Downing

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).

CARRIED

At 5:14 pm, Cr Sharon D'Elboux returned to the meeting.

3.5 Section 355 Committee Minutes - Saleyards Committee

RESOLUTION 138/24

Moved: Cr Peter Wright

Seconded: Cr Judi Smith

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

CARRIED

DIRECTOR-ENVIRONMENTAL SERVICES REPORT

3.6 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

RESOLUTION 139/24

Moved: Cr Judi Smith

Seconded: Cr Nikki Kiss OAM

1. That Council notes that the reason for the decision is that the proposal largely complies with Section 4.15 of the Environmental Planning and Assessment Act 1979; and
2. That Section S4.55(1A) Modification No. 14/2024, for the modification to carport (modify front and side setbacks) - mod I on Lot 363 DP 752948, 14 Shelley Street Cowra be approved subject to the following conditions:

GENERAL CONDITIONS

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

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

Plan No./ Supporting Document	Prepared by/Reference Details	Cowra Shire Council Reference
Proposed Site Plan	Currajong Drawn 29/06/24 REV B	Received 12 June 2024 Stamped No.

		DA 10.2024.14.2
Engineering Certification Letter to Kate Wilson	Calare Civil Pty Ltd 2 February 2024	Received 15 February 2024 Stamped No. DA 10.2024.14.1
Foundation Plan Sheet 1 of 5	Fair Dinkum Sheds Job No. MAST37405	Received 15 February 2024 Stamped No. DA 10.2024.14.1
Elevations Sheet 2 of 5	Fair Dinkum Sheds Job No. MAST37405	Received 15 February 2024 Stamped No. DA 10.2024.14.1
Statement of Environmental Effects (Pro-forma Template)	Kate Wilson N.D.	Received 15 February 2024 Stamped No. DA 10.2024.14.1
Shadow Diagrams - Plan View	Currajong Drawn 29/06/24 REV B	Received 12 June 2024 Stamped No. DA 10.2024.14.2
Shadow Diagrams - 3D (9am – 11am)	Currajong Drawn 29/06/24 REV B	Received 12 June 2024 Stamped No. DA 10.2024.14.2
Shadow Diagrams - 3D (12pm – 2pm)	Currajong Drawn 29/06/24 REV B	Received 12 June 2024 Stamped No. DA 10.2024.14.2
Shadow Diagrams - 3D (3pm – 4pm)	Currajong Drawn 29/06/24 REV B	Received 12 June 2024 Stamped No. DA 10.2024.14.2

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

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

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE COMMENCEMENT OF WORKS

4. 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.

CARRIED

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

Against: Nil

CARRIED 8/0

3.7 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.

RESOLUTION 140/24

Moved: Cr Nikki Kiss OAM

Seconded: Cr Paul Smith

That Council notes the recommendation.

CARRIED

4 DIRECTOR-CORPORATE SERVICES

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

RESOLUTION 141/24

Moved: Cr Sharon D'Elboux

Seconded: Cr Cheryl Downing

That the draft Minutes of the Cowra Regional Art Gallery Advisory Committee meetings held on 8 May and 12 June 2024 be noted.

CARRIED

4.2 Release of Closed Decisions**RESOLUTION 142/24**

Moved: Cr Judi Smith

Seconded: Cr Sharon D'Elboux

That Council note the release of the resolutions made in Closed Council at the Council Meetings on 27 May and 24 June 2024:

Request for Tender SI 2024 - Supply and Delivery of Bitumen Emulsion

RESOLUTION 109/24

That Council:

- 1. accept and sign a contract with Bitupave Ltd for the supply and delivery of bitumen emulsion for the period 1 June 2024 to 31 May 2026 with an optional 12 month extension, and**
- 2. advise the Central NSW Joint Organisation of its decision.**

Water and Sewerage Telemetry System Upgrade

RESOLUTION 110/24

- 1. That Council adopt the following amendments to the 2023 / 24 Water and Sewerage Capital works program:**
 - The budget for WO 1391 High Lift Pump at River – Switch Board be reduced from \$1,384,210 to \$60,000 noting that the project scope has been amended from ‘replacement of the switchboard’ to ‘replacement of the air circuit breaker’.**
 - Council allocate a further \$544,000 to WO1384 Telemetry RTU replacement program.**
 - Council allocate a further \$86,000 to WO 1697 Chlorine monitoring equipment; to be installed to Bendick Murrell, Greenethorpe and Westville Reservoirs.**
- 2. That Council receive and note the information provided on the manual changeover switch to the electrical switchboard to enable transition of the switchboard to generator power.**

Tender for Dam Surveillance and Inspections (WI_2024)

RESOLUTION 132/24

That Council:

- 1. Accept the tender from Department of Regional NSW for WI_2024 (Dam Surveillance and Inspections) for the lump sum of \$203,761.80 (including GST) for five years; and**
- 2. Authorise the General Manager to execute any documentation required to award Contract WI_2024 (Dam Surveillance and Inspections).**

CARRIED

At 5:27 pm, Cr Bill West arrived at the meeting.

4.3 Section 355 Committee Minutes – Cowra Sport & Recreation Council**RESOLUTION 143/24**

Moved: Cr Cheryl Downing

Seconded: Cr Nikki Kiss OAM

That the draft Minutes of the Cowra Sport & Recreation Committee ordinary meeting held on 5 June 2024 be noted.

CARRIED

4.4 Civic Centre Theatrette Seating**RESOLUTION 144/24**

Moved: Cr Judi Smith

Seconded: Cr Sharon D'Elboux

That Council provide \$40,000 as an increase in Civic Centre capital expenditure to complete the work required under the NSW Regional Tourism Activation Fund for the Upstairs Theatrette in the Civic Centre.

CARRIED

5 DIRECTOR-INFRASTRUCTURE & OPERATIONS5.1 Local Roads and Community Infrastructure Grants - Phase 4**RESOLUTION 145/24**

Moved: Cr Paul Smith

Seconded: Cr Sharon D'Elboux

That the Director – Infrastructure & Operation's report on the Local Roads and Community Infrastructure Grants – Phase 4 be received and noted.

CARRIED

5.2 Transport Assets Upgrade Planning: Roads to Recovery Program**RESOLUTION 146/24**

Moved: Cr Erin Watt

Seconded: Cr Bill West

That Council allocate the 2024/25 Federal Roads to Recovery program funding as follows:

	2024 /25
Total Forecast RTR Funding	\$1,144,315
<i>RTR - Gravel Resheeting rock busting</i>	\$ 286,079
<i>RTR - Rural Roads Resealing</i>	\$ 160,000
<i>RTR - Rural culverts and causeways</i>	\$ 80,000
RTR - Rural Sealed Road Rehabilitation:	
Bangaroo Road	\$ 228,000
North Logan Road	\$ 390,000

CARRIED

6 DIRECTOR-ENVIRONMENTAL SERVICES

6. Development Application No. 80/2023, Lot 2 DP 868109, 8 Short Street Cowra, 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.

RESOLUTION 147/24

Moved: Cr Judi Smith

Seconded: Cr Nikki Kiss OAM

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 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)

Floor Plan Units 3 & 4 Drawing 04	McKinnon Design 26/07/2023 Job 22090 Issue C	Received 1 May 2024 Stamped No. 10.2023.80.1 (C)
East and West Elevations Units 1 & 2 Drawing 05	McKinnon Design 30/04/2024 Job 22090 Issue J	Received 1 May 2024 Stamped No. 10.2023.80.1 (C)
North and South Elevations Unit 1 Drawing 06	McKinnon Design 30/04/2024 Job 22090 Issue J	Received 1 May 2024 Stamped No. 10.2023.80.1 (C)
North and South Elevations Unit 2 Drawing 07	McKinnon Design 30/04/2024 Job 22090 Issue J	Received 1 May 2024 Stamped No. 10.2023.80.1 (C)
East and West Elevations Units 3 & 4 Drawing 08	McKinnon Design 30/04/2024 Job 22090 Issue J	Received 1 May 2024 Stamped No. 10.2023.80.1 (C)
North and South Elevations Unit 3 Drawing 09	McKinnon Design 30/04/2024 Job 22090 Issue J	Received 1 May 2024 Stamped No. 10.2023.80.1 (C)
North and South Elevations Unit 4 Drawing 10	McKinnon Design 30/04/2024 Job 22090 Issue J	Received 1 May 2024 Stamped No. 10.2023.80.1 (C)
Proposed Sub-Division Plan Drawing 11	McKinnon Design 30/04/2024 Job 22090 Issue J	Received 1 May 2024 Stamped No. 10.2023.80.1 (C)
Shadow Diagrams Drawing 12	McKinnon Design 30/04/2024 Job 22090 Issue J	Received 1 May 2024 Stamped No. 10.2023.80.1 (C)
Shadow Diagrams Drawing 13	McKinnon Design 30/04/2024 Job 22090 Issue J	Received 1 May 2024 Stamped No. 10.2023.80.1 (C)
Cover Sheet, Locality Plan and Drawing Schedule Drawing C00	TTW 26.02.24 Project 231867	Received 5 March 2024 Stamped

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

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

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

2. The applicant shall comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the Environmental Planning and Assessment Regulation 2021 (see attached Advisory Note).
3. 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 ISSUE OF A CONSTRUCTION CERTIFICATE

8. 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.
9. 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.
10. Pursuant to Section 7.12 (formerly Section 94A) of the Environmental Planning & Assessment Act 1979, the monetary contribution set out in the following table is to be paid to Council prior to the issue of a Construction Certificate. The contribution is current as at the date of this consent and is levied in accordance with the Cowra Section 94A Contributions Plan 2016 adopted on 26 April 2016. The contribution payable will be calculated in accordance with the contributions plan current at the time of payment, and will be adjusted at the time of payment in accordance with the Consumer Price Index (CPI) (All Groups Index for Sydney) published by the Australian Bureau of Statistic (ABS). Contribution amounts will be adjusted by Council each financial year.

Contribution Type	Proposed Cost of Development ¹	Levy Percentage	Total Contribution	Contribution Rate Remains Current Until
Section 94A Contribution ²	\$1,810,000.00	1%	\$18,100.00	30 June 2025

Notes

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

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

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 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%.
12. 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

13. 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.
14. 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.
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 or Subdivision Works' and 'Appointment of Principal Certifier'.
16. 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

17. 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.
18. 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.
19. 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.
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 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.
22. 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.
23. 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.

24. 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

25. 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.
26. 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.
27. 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.
28. 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

- 29. 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.**
- 30. 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.**
- 31. 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.**
- 32. 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.**
- 33. 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) 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.

CARRIED

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

Against: Nil

CARRIED 9/0

7 LATE REPORTS

Nil

8 CONFIDENTIAL MATTERS**RESOLUTION 148/24**

Moved: Cr Bill West
Seconded: Cr Erin Watt

RECOMMEN DATION

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

9 CONFIDENTIAL DIRECTOR-INFRASTRUCTURE & OPERATIONS**9.1 Saleyards - eID Installation Project**

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

CARRIED



MINUTES

Extraordinary Council Meeting Monday, 12 August 2024

Order Of Business

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**MINUTES OF COWRA COUNCIL
EXTRAORDINARY COUNCIL MEETING
HELD AT THE COWRA COUNCIL CHAMBERS, 116 KENDAL STREET, COWRA
ON MONDAY, 12 AUGUST 2024 AT 4PM**

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

I INTRODUCTION

1.1 Recording & publishing

The Mayor advised that the meeting was being recorded.

1.2 Acknowledgement of Country

The Mayor delivered the Acknowledgment of Country.

1.3 Apologies and Applications for Leave of Absence by Councillors

Mr Graham Apthorpe (Acting Director - Corporate Services)

1.4 Disclosures of Interest

Nil

1.5 Public Forum

Ms Cheryl Cravino addressed Council expressing her concerns about the proposed pop-up park in Macquarie Street mentioned in the draft Cowra CBD Place Vision and Activation plan and seeking more clarification on how it would operate and why two parks are required in the CBD within 100 m of each other.

Mr Jesse Murphy addressed Council speaking on behalf of the CBD Committee, endorsing the Cowra CBD Place Vision and Activation plan being adopted.

2 GENERAL MANAGER

2.1 Cowra CBD Place Vision and Activation Plan

RESOLUTION 150/24

Moved: Cr Sharon D'Elboux

Seconded: Cr Erin Watt

- 1. That, having considered submissions received, Council adopt the draft Cowra CBD Place Vision and Activation plan with the following**

amendments:

- a. Council to review its CBD maintenance procedures
- b. Council to work towards the installation of wayfinding signage for motorhomes and caravans
- c. Council to develop a town walking map
- d. Council to rename Macquarie Popup park (page 23) to Macquarie Street Activation
- e. Council to reword key Activation #1 (page 23) to create masterplan for Macquarie Street; and #5 (page 23) open for proposals of a variety of activation events, including community gatherings, small scale festivals, live music performances, markets and cultural celebrations
- f. Note the visual map on page 24 is an artistic interpretation only and not to scale.

2. That the newly-elected Council be requested to:

- a. Consider keeping the CBD Committee in place to help implement the Cowra CBD Place Vision & Activation Plan
- b. Review CBD Committee Instrument of Delegation
- c. Contact NSW Business Chamber representative Vikki Seccombe for assistance.

CARRIED

3 LATE REPORTS

Nil

The Meeting closed at 4.58 pm

The minutes of this meeting were confirmed at the Council Meeting held on 26 August 2024.

.....

CHAIRPERSON

3 GENERAL COMMITTEE RECOMMENDATIONS - MONDAY, 12 AUGUST 2024

File Number: D24/1285

Author: Graham Apthorpe, Acting Director - Corporate Services

The Committee refers the following recommendations to Council:

DIRECTOR-CORPORATE SERVICES REPORT

3.1 Donation - Cowra Japanese Garden & Cultural Centre for Sakura Matsuri Festival

RECOMMENDATION

That Council provide a donation from the Section 356 expenses budget to assist the Cowra Japanese Garden and Cultural Centre during the Sakura Matsuri Festival to be held on 24 September 2024 of:

1. \$313.50 to assist with supply, delivery and waste disposal costs.
2. \$2,200 to assist with the event costs.

3.2 Donation - Cowra & District Senior Citizen's Club for Water and Sewerage Access Charges

RECOMMENDATION

That Council contribute the sum of \$1,214.00 from the Section 356 expenses budget to assist Cowra & District Senior Citizens Club Inc with its water and sewer charges for 2023-24.

3.3 Investments and Financial Report

RECOMMENDATION

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

DIRECTOR-ENVIRONMENTAL SERVICES REPORT

3.4 Draft Cowra Community Participation Plan (CPP) 2024

RECOMMENDATION

1. That Council notes the report on the findings of the public exhibition of the Draft Cowra Community Participation Plan 2024.
2. That the Draft Cowra Community Participation Plan 2024 be formally adopted by Council.
3. That the Director – Environmental Services arranges to publish the adopted Cowra Community Participation Plan 2024 on the NSW Government’s Planning Portal.

3.5 Review of Council's Code of Planning Practice - processing Development Applications policy

RECOMMENDATION

That Council note the report on the Draft Code of Planning Practice – processing Development Applications policy and defer the matter to the August Council Meeting.

3.6 Development Application No. 1/2023, Lot 1 DP 599492, 17 Walker Street Cowra, Section 4.55(1A) modification to 3 lot subdivision and the construction of two dwellings (modify sewer design) Mod 1, lodged by T Bruin

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 4.55(1A) Modification No. 1/2023, for the modification to 3 lot subdivision and the construction of two dwellings (modify sewer design) Mod 1 on Lot 1 DP 599492, 17 Walker 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
Site Plan Sheet 01	K. Ostini-Donnelly 9 December 2022	Received 3 January 2023 Stamped No. DA 1/2023
Floor Plans	K. Ostini-Donnelly	Received

Sheet 02	9 December 2022	3 January 2023 Stamped No. DA 1/2023
Elevation Plan Sheet 03	K. Ostini-Donnelly 9 December 2022	Received 3 January 2023 Stamped No. DA 1/2023
Notes & Basix Commitments Sheet 04	K. Ostini-Donnelly 9 December 2022	Received 3 January 2023 Stamped No. DA 1/2023
Proposed Plan of Subdivision Sheet A.01 Rev E	Currajong Pty Ltd 14 April 2023	Received 14 April 2023 Stamped No. DA 1/2023(C)
Proposed Vehicle Surfaces Sheet A.02 Rev D	Currajong Pty Ltd 22 March 2023	Received 22 March 2023 Stamped No. DA 1/2023(B)
Landscaping Plan Sheet A.03 Rev B	Currajong Pty Ltd 22 March 2022	Received 22 March 2023 Stamped No. DA 1/2023(A)
Landscaping Plan Sheet A.04 Rev A	Currajong Pty Ltd 20 December 2022	Received 3 January 2023 Stamped No. DA 1/2023
Sewer – Zone of Influence Assessment Sheet A.05 Rev A	Currajong Pty Ltd 7 March 2023	Received 7 March 2023 Stamped No. DA 1/2023
Sewer Layout Plan Issue G Dwg No. C01	Calare Civil Consulting Engineers 8/05/24	Received 22 July 2024 Stamped No. DA 10.2023.1.2
Stormwater Management Plan Issue C Dwg No. G01, G02, C01, C02 & C03	Calare Civil Consulting Engineers 20/02/23	Received 7 March 2023 Stamped No. DA 1/2023(A)
BASIX Certificate No. 1355841S	Currajong Pty Ltd Issued: 8 December 2022	Received 3 January 2023 Stamped No. DA 1/2023
BASIX Certificate No. 1361831S	Currajong Pty Ltd Issued: 8 December 2022	Received 3 January 2023 Stamped No. DA 1/2023
Statement of Environmental Effects Rev E	Currajong Pty Ltd 28 August 2023	Received 29 August 2023 Stamped

		No. DA 1/2023(B)
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In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

2. The applicant shall comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the Environmental Planning and Assessment Regulation 2021 (see attached Advisory Note).
3. The development is to be undertaken in the following stages:
 - Stage 1 – The construction of two new dwellings and associated infrastructure including access crossing, driveway, landscaping and all service connections.
 - Stage 2 – The subdivision of Lot 1 DP 599492 into 3 lots.
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 both stages of the development are completed in accordance with condition 3.
5. All traffic movements in and out of the development are to be in a forward direction.
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.

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

7. Pursuant to Section 7.12 (formerly Section 94A) of the Environmental Planning & Assessment Act 1979, the monetary contribution set out in the following table is to be paid to Council prior to the issue of a Subdivision Certificate or Construction Certificate. The contribution is current as at the date of this consent and is levied in accordance with the

Cowra Section 94A Contributions Plan 2016 adopted on 26 April 2016. The contribution payable will be calculated in accordance with the contributions plan current at the time of payment, and will be adjusted at the time of payment in accordance with the Consumer Price Index (CPI) (All Groups Index for Sydney) published by the Australian Bureau of Statistic (ABS). Contribution amounts will be adjusted by Council each financial year.

Contribution Type	Proposed Cost of Development¹	Levy Percentage	Total Contribution	Contribution Rate Remains Current Until
Section 94A Contribution²	\$560,00.00	1%	\$5,600.00	30 June 2023

Notes

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

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

- 8. 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.**
- 9. 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 new dwellings.**

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE COMMENCEMENT OF WORKS

- 10. No building, engineering or excavation work is to be carried out in relation to this development until the necessary Certificates have been obtained. It is the responsibility of the Applicant to ensure that the development complies with the applicable Council Engineering Standards This may entail alterations to the proposal so that it complies with these standards.**
- 11. 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.**
- 12. 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'.

13. 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.
14. Council's sewer main alignment and depth shall be accurately located and the greater of the following clearance criteria must be achieved prior to commencement of works:
 - (i) A line taken at an angle of 45 degrees downwards from the lower edge of the proposed footing will not intersect Council's sewer main and its trench;
 - (ii) A minimum 1100mm between the building's footings and centre line of the sewer main;
 - (iii) The building and its footings are located outside any existing sewer easement.

If the above criteria cannot be achieved, the submission to, and approval by Council of designs prepared by a suitably qualified engineer for special footings adjacent to Council's sewer main is required prior to the commencement of works. Construction is to be supervised by an engineer and certified as being constructed in accordance with the approved design prior to issue of the final certificate or occupation of the dwelling, whichever is the earliest.

CONDITIONS TO BE COMPLIED WITH DURING CONSTRUCTION

15. 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.
16. 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.
17. 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.
18. 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.

19. **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.**
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 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.**
22. **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.**
23. **Deleted**
24. **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

25. The Applicant must not commence occupation or use of the proposed dwellings until a Whole or Partial Occupation Certificate has been issued from the Principal Certifier appointed for the subject development.
26. Prior to the issue of any Occupation Certificate, all roofed areas from the proposed dwellings and the existing rear shed are to be properly drained in accordance with the Plumbing Code of Australia and discharged to Council's stormwater management system on Walker Street in accordance with the approved Stormwater Management Plan.
27. Prior to the issue of any Occupation Certificate, the applicant shall connect the new dwellings to Council's reticulated water and sewer supply systems and to the satisfaction of the relevant service provider, being Cowra Shire Council.
28. Prior to the issue of any Occupation Certificate, the Applicant shall seal or concrete internal driveways and manoeuvring areas in accordance with the approved plans and with Cowra Infrastructure and Operations Engineering Standards.
29. Prior to the issue of any Occupation Certificate, the Applicant shall construct an access crossing to the development site from Walker 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.
30. 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 the proposed internal fencing dividing dwellings 1 and 2.

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

31. The Applicant is to lodge with Cowra Shire Council a Subdivision Certificate Application together with the original plan and a minimum of four copies for signature. All necessary information to support the certificate release and the necessary fee is required to be included with the Subdivision Certificate Application.
32. The Applicant shall include on the final plan of subdivision all necessary easements required over access, water, sewer, stormwater, electricity and telecommunications mains. This includes 3 metre wide easements centrally located over all sewerage mains for the purpose of providing access to the mains system and for maintenance purposes.
33. The plan of survey subject of a Subdivision Certificate shall indicate restrictions on title under Section 88B of the Conveyancing Act 1919

creating:

- (a) a right of carriageway in favour of the lot(s) for which access is to be provided being of a width adequate to accommodate the full width as constructed;
- (b) a restriction as to user whereby it is noted that responsibility for construction and/or maintenance of the right of carriageway is with the owner(s) of the lots benefited.

ADVICE

1. The Applicant is required to obtain a Certificate of Compliance pursuant to Section 68 of the Local Government Act 1993 certifying that all works, fees and charges required in connection with the provision of water and sewer supply to the development have been undertaken and complied with in full. The certificate shall include all relevant works verified by appropriate inspections, fees and charges that are currently being applied at the time of the issue of the Occupation Certificate. Water and sewer reticulation mains and metered services must be physically provided to the development in accordance with Cowra Infrastructure and Operations Engineering Standards. Council will not issue the 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 the 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.
2. If, during work, an Aboriginal object is uncovered then **WORK IS TO CEASE IMMEDIATELY** and the Office of Environment & Heritage is to be contacted urgently on (02) 6883 5300. Under the National Parks and Wildlife Act 1974 it is an offence to harm an Aboriginal object or place without an 'Aboriginal heritage impact permit' (AHIP). Before making an application for an AHIP, the applicant must undertake Aboriginal community consultation in accordance with clause 80C of the NPW Regulation.

3.7 Section 355 Committee Draft minutes - Cowra Natural Resource Management Advisory Committee meeting held 19 June 2024

RECOMMENDATION

That Council note the draft minutes of the Cowra Natural Resource Management Advisory Committee meeting held on 19 June 2024.

4 GENERAL MANAGER

4.1 State of our City Report 2024

File Number: D24/1265

Author: Paul Devery, General Manager

RECOMMENDATION

That Council endorse the State of our City Report 2024.

INTRODUCTION

Under the NSW Government's Integrated Planning and Reporting guidelines for local government, Council is required to produce a report on its progress in implementing the Community Strategic Plan (CSP) during its term.

BACKGROUND

The State of our City Report, formerly known as the End of Term Report, is to be prepared by each outgoing Council and noted by each incoming Council. The State of our City Report is to provide an update to the Cowra Shire community on how the Council is progressing towards achieving the social, environmental, economic and civic leadership objectives of the Community Strategic Plan and in doing so provide information about how effective the Community Strategic Plan has been in delivering the desired outcomes.

The Report also highlights what Council considers to be the significant achievements during this term of Council (2021 - 2024) for each of the eight identified Key Directions which link the suite of Council's Integrated Planning & Reporting documents.

The eight Key Directions are:

1. Health and Well-Being
2. Innovation and Education
3. Liveability
4. Community Leadership and Engagement
5. Business and Industry
6. Transport and Infrastructure
7. Environmental Sustainability and Stewardship
8. Reconciliation and Inclusion

The CSP objectives are articulated in detail through the Council focussed four-year Delivery Program and annual Operational Plans.

To review how Council is perceived and actually performed in meeting the aspirations of the Community through their Delivery Program and partnerships with others, information has been collated from a number of sources. These include:

- 2023 Community Survey
- Deliverables from Master Plans
- Reporting on the Council Delivery Program
- Reporting on the Council Operational Plans

This information has then been collated to produce Cowra Council's State of our City Report 2024.

The State of our City Report has been developed to directly reflect the CSP and the objectives and strategies contained within it. The report shows how Council in its own right and through partnerships with Federal government, State government, not-for-profits and the community as a whole has delivered to meet the aspirations of the community.

BUDGETARY IMPLICATIONS

Nil

ATTACHMENTS

- I. State of our City Report 2024 [↓](#)

4.2 Delivery Program 2022-2023 to 2025-2026; Operational Plan 2023-2024; Six-Month Review to 30 June 2024

File Number: D24/1266

Author: Paul Devery, General Manager

RECOMMENDATION

That Council note the Six-Month Review to 30 June 2024 of the Delivery Program 2022-2023 to 2025-2026; Operational Plan 2023-2024.

INTRODUCTION

The integrated Delivery Program 2022-2023 to 2025-2026 and Operational Plan 2023-2024 is based on the Community Strategic Plan and outlines how Cowra Council will undertake to work towards meeting the goals of the community over the four-year term of elected members and on an annual basis.

The Delivery Program objectives have been set at the beginning of this Council term and will remain substantially unchanged over the four-year period. The Operational Plan actions show how from year to year Council will work towards the Delivery Program objective. The Operational Plan also includes Council's detailed annual budget and revenue policy including fees and charges.

The integrated planning and reporting provisions of the Local Government Act require a progress report on the Delivery Program be provided to the community each six months with a comprehensive final report to be published at the conclusion of each four-year term of office.

BACKGROUND

I have detailed below some of the highlights from the period.

Health and Well-being

- Conducted successful Seniors Week in February with a number of well attended events held
- Maintained regular food shop inspection program to meet the regulatory requirements of the NSW Food Authority
- Continued successful companion animal re-homing program
- Council continues to monitor construction of the new Cowra hospital to ensure the clinical services plan is delivered in the final build
- Cowra Community Grants Scheme provided funding to 21 worthwhile community projects totalling just under \$17,373
- Youth Week activities held with a range of events conducted, led by Cowra Youth Council
- Delivered flu clinics to approximately 100 members of staff.

Innovation and Education

- Council representative sits on Country Universities Centre board
- Ongoing work placement provided in conjunction with local schools
- Council supported TAFE with a number of staff attending courses offered at or by TAFE
- Council continues to advocate for the retention and where possible expansion of activities at the Cowra Agricultural Research Station.

Liveability

- A number of high-quality exhibitions held at the Cowra Regional Art Gallery
- Conducted successful Australia Day activities
- A successful Festival of International Understanding was held with Italy the guest nation, with discussions underway with the Indian High Commission for 2025 Guest Nation
- Work commenced on the construction of the upgrade to the Col Stinson Park netball courts and amenities
- Continued to deliver a range of quality events and performances at Cowra Civic Centre
- Installation and launch of new seating at the Cowra Civic Centre
- Continued to maintain parks, gardens and reserves to high standard
- Mayor and senior staff advocating for improvements to Reflections Holiday Park particularly in relation to the park sewerage system and its integrations with Council's treatment plant
- Completed construction of Evan Street pathway linking through to the Peace Precinct
- Installed new cabins at Caravan Park including an accessible cabin
- \$4.8 million grant funding announced by Federal Government for the refurbishment and redevelopment of the Cowra Aquatic Centre
- 15 new members appointed to the Cowra Youth Council.

Community Leadership and Engagement

- Active participation by councillors and staff in a range of events, policy making forums and professional development opportunities offered by the Joint Organisation, LGNSW, ALGA, Country Mayors and other bodies and forums
- Council continued to apply for grants for projects relating to flood recovery and others that are contained within the strategic planning framework
- Regular communications issued over a range of platforms advising of Council projects, events and policy decisions.

Business and Industry

- Continued to maintain and operate the Cowra saleyards and actively promote its use by local growers
- Ongoing funding provided to Cowra Tourism
- Continued to lobby for increased mobile phone and NBN coverage in the shire
- Council conducted a community workshop to inform the CBD Place Vision and Activation plan.
- The draft plan was on exhibition at the end of the period.

Transport and Infrastructure

- Council continues to advocate for the inclusion of the need for a third crossing of the river in the Cowra township in the NSW strategic planning documents
- Continued to undertake flood repair work on roads across the LGA
- Continue delivery of Roads to Recovery program works
- Continued assumed control of the Wyangala Sewer scheme following construction by NSW Government
- Close to final completion of the Billimari bore pipeline project
- Planning continued for the following major infrastructure projects:
 - West Cowra sewer

- West Cowra drainage
- Aquatic Centre renewal
- Continued delivery of work on State-owned road network under contract with Transport for NSW.

Environmental Sustainability and Stewardship

- Tender awarded for installation of solar panels at water and sewer treatment plants
- Council adopted Resource and Waste Recovery Strategy
- Cowra MRF continues being a regional processing facility for products collected under the NSW Container Deposit Scheme
- Council is participating with other CNSWJO councils to develop a Fleet Transition plan
- Conducted Waste 2 Art competition.

Reconciliation and Inclusion

- Council continues to work on developing a Reconciliation Action Plan
- Continuing review of Disability Inclusion Action Plan.

BUDGETARY IMPLICATIONS

Nil

ATTACHMENTS

- I. Delivery Program 2022-2023 to 2025-2026; Operational Plan 2023-2024; Six Month Review to 30 June 2024 [↓](#)

4.3 Acting General Manager

File Number: D24/1267

Author: Paul Devery, General Manager

RECOMMENDATION

- 1. That Director Infrastructure and Operations Dirk Wymer be appointed Acting General Manager during periods of General Manager Paul Devery's leave during September 2024.**
- 2. That Director Environmental Services Larissa Hackett be appointed Acting General Manager during periods of General Manager Paul Devery's leave during October 2024.**

INTRODUCTION

It is likely I will need to be taking unspecified days of leave over the next few months, often at short notice.

In order to maintain continuity for the organisation it is considered prudent to plan for these absences in advance and have an Acting General Manager appointed.

BACKGROUND

It is recommended Director of Infrastructure and Operations Dirk Wymer and Director Environmental Services Larissa Hackett be delegated to act as General Manager during my absences throughout September and October 2024, with a similar report expected to be submitted to the October 2024 council meeting.

BUDGETARY IMPLICATIONS

Nil

ATTACHMENTS

Nil

4.4 Appointment of Delegates

File Number: D24/1342

Author: Paul Devery, General Manager

RECOMMENDATION

That Council endorse the following delegates continuing until the new council considers appointments:

Cowra Tourism Corporation Judi Smith**Erin Watt****Cowra Japanese Garden & Cultural Centre Bill West****INTRODUCTION**

The incoming council will review delegates and appointments to various bodies in its first few months, with final appointments expected to be made at the October 2024 council meeting. It is noted the upcoming by-election will also necessitate a further review.

BACKGROUND

While there is a local convention that appointed delegates are passive between a council election and the review of appointments, there is from time to time a need to vary that approach. For the coming few months it is considered appropriate to maintain the current delegates to the two organisations listed below and acknowledge they will be active during this time.

Cowra Tourism Corporation

Council's delegates are Cr Erin Watt and Cr Judi Smith. Cr Watt is also Chair of the corporation. Given that fact and the small numbers on the board jeopardising a quorum for board meetings, coupled with the planning for the 2024 Christmas street festival already underway, it would be appropriate for these delegates to continue in the role over the next few months.

Cowra Japanese Garden and Cultural Centre

Cr West is the current delegate to the Garden and is also Chair of the board. In addition, the board is well advanced in planning for Sakura Matsuri festival to be held in late September 2024.

Council endorsement of these three individuals continuing to actively serve as council delegates is recommended.

BUDGETARY IMPLICATIONS

Nil

ATTACHMENTS

Nil

4.5 2024 Meeting Dates

File Number: D24/1355

Author: Paul Devery, General Manager

RECOMMENDATION

I. That Council rescind resolution number 24/24 from February 2024

That Council adopt the following Council meeting dates for 2024:

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

2. That Council adopt the following meeting dates for the remainder of 2024:

SEPTEMBER	Monday	30	Ordinary Council	5pm
OCTOBER	Monday	14	General Committee	5pm
	Monday	28	Ordinary Council	5pm
NOVEMBER	Monday	11	General Committee	5pm
	Monday	25	Ordinary Council	5pm
DECEMBER	Monday	9	General Committee	5pm

	Monday	16	Ordinary Council	5pm
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INTRODUCTION

In February 2024 Council adopted a revised meeting schedule for 2024, a copy of the resolution is included at Attachment I.

BACKGROUND

That meeting schedule was predicated on an election being conducted and not declared until sometime between 1 October 2024 and 3 October 2024.

With the election now uncontested the time frames are required to change.

A council meeting to elect the Mayor and Deputy Mayor must be held within 3 weeks of the date of the election ie within 3 weeks of 14 September 2024.

While council meetings can be held on any day, Monday is the normal day for Cowra Council meetings. Using that approach gives the options of September 16, 23 or 30. September 16 would not be feasible as the new council will only get together early in that week for the first induction meeting and distribution of ballot papers and details for the election of Mayor and Deputy Mayor.

Either 23 or 30 September would be feasible however in the interests of ensuring sufficient time for councilors to consider these matters I have recommended that the meeting to elect the Mayor and Deputy Mayor be held on Monday 30 September.

It is further recommended October reverts to the normal meeting sequence of a general committee meeting on 14 October 2024 and an ordinary council meeting on 28 October 2024.

BUDGETARY IMPLICATIONS

Nil

ATTACHMENTS

1. Extract - Minutes - Council Meeting February 2024 [↓](#)

5 DIRECTOR-CORPORATE SERVICES

5.1 Quarterly Budget Review Statement - June 2024

File Number: D24/1179

Author: Graham Apthorpe, Acting Director - Corporate Services

RECOMMENDATION

That the Fourth Quarter Budget Review for 2023-2024 showing a Surplus of \$11,096,000 be adopted.

INTRODUCTION

Presentation of the Fourth Quarter Review for the quarter ending 30 June 2024 showing a surplus

BACKGROUND

The Fourth Quarter Budget Review for the year ending 30 June 2024 was considered at the information session held on Monday 20 August 2024. Council reviewed the budget and noted that the surplus demonstrated sound budgetary management on a significant range of activities over the twelve-month period.

Fund	Original Estimate (\$000's)	1 st Quarter Variation (\$000's)	2 nd Quarter Variation (\$000's)	3 rd Quarter Variation (\$000's)	4 th Quarter Variation (\$000's)	Revised Estimate for 30/06/2024 (\$000's)
General	\$ 7,397 Surplus	\$ 1,481 Improvement	\$ 2,732 Improvement	\$ 1,107 Deterioration	\$ 1,240 Deterioration	\$ 9,263 Surplus
Waste	\$ 42 Surplus	\$ 54 Improvement	\$ 351 Improvement	\$ 58 Improvement	\$ 197 Deterioration	\$ 307 Surplus
Water	\$ 1 Surplus	\$ 3,370 Improvement	\$ 980 Deterioration	\$ 25 Improvement	\$ 1,115 Deterioration	\$ 1,301 Surplus
Sewer	\$ 477 Deficit	\$ 58 Deterioration	\$ 312 Deterioration	\$ 1,057 Improvement	\$ 14 Improvement	\$ 224 Surplus
Total	\$ 6,964 Surplus	\$ 4,846 Improvement	\$ 1,791 Improvement	\$ 33 Improvement	\$ 2,539 Deterioration	\$ 11,096 Surplus

ATTACHMENTS

Nil

5.2 Section 355 Committee Draft Minutes - Audit, Risk & Improvement Committee - 8 August 2024

File Number: D24/1291

Author: Graham Apthorpe, Acting Director - Corporate Services

RECOMMENDATION

That the draft Minutes of the Audit, Risk & Improvement Committee meeting held on 8 August 2024 be noted.

INTRODUCTION

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

BUDGETARY IMPLICATIONS

Nil

ATTACHMENTS

1. Draft Minutes - Audit, Risk & Improvement Committee – 8 August 2024 [↓](#)
2. Final Cowra Shire Council Audit, Risk & Improvement Committee Annual Report 2023-24 [↓](#)

5.3 Section 355 Committee Draft Minutes - Cowra Youth Council

File Number: D24/1127

Author: Graham Apthorpe, Acting Director - Corporate Services

RECOMMENDATION

That the draft Minutes of the Cowra Youth Council ordinary meeting held on 17 June 2024 and 12 August be noted.

BACKGROUND

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

BUDGETARY IMPLICATIONS

Nil

ATTACHMENTS

1. Cowra Youth Council draft Minutes - 17 June 2024 [↓](#)
2. Cowra Youth Council draft Minutes - 12 August 2024 [↓](#)

5.4 Donation - Chor Farmer Concert

File Number: D24/1325

Author: Graham Apthorpe, Acting Director - Corporate Services

RECOMMENDATION

That Council provide a donation of up to \$988 (excluding GST) to the Cowra Seikei Student Exchange Committee from the Section 356 expenses budget for the hire of the Civic Centre for the Chor-Farmer concert on 12th October 2024.

INTRODUCTION

Mr Bob Griffiths, chairman of the Cowra Seikei Student Exchange Committee has written to Council requesting consideration of a financial donation of \$988 for the hire of the Civic Centre for the Chor-Farmer concert on 12 October 2024 which will raise funds for the Seikei Exchange Program.

BACKGROUND

Chor-Farmer had been coming to Cowra every two years since 1976 and after a recent six year hiatus, is hosting its first concert in October.

The estimate of charges for the event is \$2,470 and after applying the 40% rate for a volunteer organisation, the costs will reduce to \$988.

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

- 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.
- Community, charity and not for profit organisations' use of Council owned and controlled facilities including halls, sporting grounds and other venues.

In view of this long-standing exchange program, it is proposed that once the event is held, Council donate up to \$988 for the hire of the Civic Centre from section 356 donations.

BUDGETARY IMPLICATIONS

\$34,701.91 is the current balance in the 2024/25 Budget for Section 356 Donations.

ATTACHMENTS

- I. Donation Form dated 19 August 2024 and supporting documents [↓](#)

5.5 Donation Request - Cowra Eisteddfod Inc.**File Number: D24/1338****Author: Graham Apthorpe, Acting Director - Corporate Services****RECOMMENDATION**

That the fee for the 2025 Eisteddfod be the 2024 fee of \$12,000 plus the rate percentage increase of 4.5% being \$12,540 ex GST.

That the \$356 donation to the Cowra Eisteddfod Committee is estimated to be \$16,595, being the difference between \$12,540 to be paid by the Eisteddfod Committee and the actual charges estimated at \$29,135.

INTRODUCTION

This report seeks Council's endorsement for a flat fee for Cowra Eisteddfod's hire of the Cowra Civic Centre this year. The Cowra Eisteddfod has written to Council seeking assistance with Civic Centre hire fees for the event to be held in May/June 2025.

BACKGROUND

The Eisteddfod is unique in its use of the Centre as their booking is for 20 days, once a year, with most days being approximately 12 hours long. Even under Council's Community Group rates, the fee structure and number of days involved means that the Eisteddfod needs the support of Council to be viable. The Eisteddfod Committee has indicated it would be happy with a small percentage increase of its fee over its 2024 charges of \$12,000 (\$13,200 indicated in letter is plus GST)

DONATION ELIGIBILITY

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

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

FINANCIAL CONSIDERATIONS

The Eisteddfod Committee has applied for and has received an estimate of costs being \$29,135 for 2025 which is 40% of the full cost.

In prior years, Council has opted for a flat fee in its consideration rather than providing a donation and of a donation to provide the Eisteddfod Committee with certainty regarding the financial viability of the event. Last year Council endorsed a total fee of \$12,000 (ex-GST). The recent history of flat fees are as follows.

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

It is recommended that Council continues with a flat fee approach fee for 2025 being \$12,000 plus the rate increase percentage of 4.5% being \$12,540. If the actual charges are \$29,135 the difference of \$16,595 would be the donation from S356 Donations.

BUDGETARY IMPLICATIONS

The difference in actual cost to that to the flat fee would be considered as a donation by Council from the S356 budget. (Circa 17,000-\$20,000 depending on final invoice).

Any financial donation provided by Council comes out of its Section 356 budget which has a current balance of \$34,701.91.

ATTACHMENTS

1. Cowra Eisteddfod Inc. letter – 25 July 2024 [↓](#)
2. Estimate of Charges – 8 August 2024 [↓](#)

5.6 Release of Closed Decisions

File Number: D24/1372

Author: Graham Apthorpe, Acting Director - Corporate Services

RECOMMENDATION

That Council note the release of the resolution made in Closed Council at the Council Meeting on 22 July 2024:

Saleyards - eID Installation Project**RESOLUTION 149/24**

1. *That Council accept the quote in full from Allflex for \$255,408 (incl. GST) for design and installation of eID readers and associated infrastructure and a second purchase order be issued to Allflex.*
2. *That Council award the contract in accordance with the NSW Local Government Act (1993) Section 55.3.i.*
3. *That the extenuating circumstances under Section 55.3.i are:*
 - *Council has staged the engagement for the works as required to meet granting funding limits and conditions.*
 - *A thorough quote assessment process has been undertaken via both Council's standard Quote Assessment procedure and through the DPI Report Form Planning Design Grants.*
 - *The project needs to be completed by 1 January 2025 to meet the NSW DPI regulatory requirements. There is a high likelihood that this limited timeframe would not allow sufficient time to undertake a tender and for construction works to be completed.*

INTRODUCTION

The above decision was made at the Council Meeting on 22 July 2024. This decision has now been released by the Chairperson.

BUDGETARY IMPLICATIONS

Nil

ATTACHMENTS

Nil

6 DIRECTOR-INFRASTRUCTURE & OPERATIONS

6.1 Committee Minutes - Traffic Committee

File Number: D24/1297

Author: Dirk Wymer, Director-Infrastructure & Operations

RECOMMENDATION

1. That the minutes of the Traffic Committee meeting held on 19 August 2024 be noted.
2. That no changes to vehicle movements be made to the Busby Place carpark Macquarie Street access.
3. That Council approves, in principle, the Class 2 special event to be held by Cowra Show Society on 18 October 2024 to 19 October 2024 subject to compliance with the requirements of Transport for New South Wales (TfNSW) and NSW Police.
4. That the following route be approved for Tier 3, PBS Level 2B, 30m “A Double” access at 85.5T Higher Mass Limits (HML):
 - Campbell Street, from Parkes Street to Darby’s Falls Road (MR576).
 - Darby’s Falls Road to Kendal Street via Fitzroy Street (MR576).
5. That the single disabled parking space in front of 37 Macquarie Street remain in it’s current location, with the following changes to be made for compliance, and facilitating access from the disabled space to the footpath:
 - Existing disabled space to be widened 1.2m to facilitate access from the passenger door and not intrude on the adjacent space.
 - The existing galvanised gutter crossing to the west of the disabled space be moved to the western extent of the widened existing disabled space.
 - Removal of the planter box and tree immediately behind the existing disabled space.

INTRODUCTION

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

BACKGROUND

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

BUDGETARY IMPLICATIONS

N/A

ATTACHMENTS

1. Minutes of the Traffic Committee meeting held on 19 August 2024 [↓](#)

6.2 Wyangala Water Treatment Plant Land Acquisition

File Number: D24/1368

Author: Dirk Wymer, Director-Infrastructure & Operations

RECOMMENDATION

That Council receive and note the information provided on progress of the land acquisition for the Wyangala Water Treatment Plant.

INTRODUCTION

At the December 2022 general committee meeting council received a report on the terms of the 'Interface Agreement'; the legal agreement formalising the transfer of ownership of the new Wyangala water treatment plant to Council and subsequently resolved:

That Council authorise the Mayor and General Manager to execute the Interface Agreement to transfer ownership of the completed Wyangala Water Treatment Plant to Council to control and operate.

BACKGROUND

The December 2022 report stated:

Water Infrastructure NSW (WINSW) are delivering a new water treatment plant (WTP) at Wyangala as part of the dam raising project 'early works'; recognising the proposed Reflections Holiday Park relocation requires a potable water supply.

WINSW have engaged EnviroPacific for the design and construction of the new WTP; to be located approximately 250m north of the existing water treatment plant. The plant is designed to produce treated water meeting the requirements of the current Australian Drinking Water Guidelines. The construction is scheduled to be completed by early 2023 (Feb / March).

It is intended to formalise the transfer of the completed WTP to Council to own and operate through the 'Interface Agreement' (copy of amended agreement attached).

The terms of the agreement include WINSW managing any defects that require rectification during commissioning and the defect liability period of the contractual arrangements.

The intent of Council owning and operating the new WTP is consistent with Council owning and operating the existing Wyangala water treatment plant. The scope of the amended Interface Agreement now includes:

- Design, commissioning and performance testing the new Water Treatment Plant on the 'Interface Area' (the land under the new treatment plant).*
- Ownership of the 'Interface Area'. The land under the new WTP is owned by Water Administration Ministerial Corporation. Consistent with the resolution of the land matters associated with the Wyangala Sewerage Treatment Plant, WINSW will engage NSW Public Works Advisory (PWA) to commence the subdivision and legal preparation required for Council to compulsorily acquire the land under the new WTP under the terms of the Land Acquisition (Just Terms Compensation) Act by agreement; with nil compensation payable by Council. Because of the length of time involved in land acquisition the contract with PWA will be novated from WINSW to Council when the WTP is completed*

Decommissioning and demolition of the existing WTP: Council will have the responsibility for decommissioning and demolition of the existing WTP it owns and operates.

An update of progress since the December 2022 report:

- the Wyangala WTP is operational and producing treated water,
- Council is operating the WTP and reporting defects and issues to Department of Climate Change, Environment Energy and Water (DCCEEW) for them to resolve with the contractor; as specified in the Interface Agreement,
- There will be a period of sampling and testing of the water produced from the plant to be regulated by NSW Health prior to the Wyangala Water supply being declared potable. At its shortest this will be a 3 month program but may be longer if water quality issues arise during the testing program.
- DCCEEW have informed Council that the terms of the Interface Agreement require Council to complete the land acquisition; and accordingly, that the action previously agreed with WINSW to novate the PWA land matters contract to Council will not occur.

Subsequently Council has engaged PWA to complete the land acquisitions; and progress on this is as follows:

- PWA have advised Council that the land to be acquired is not all owned by WAMC, part is Crown Land.
- All land owners and parties with interest in the land have been issued the required Proposed Acquisition Notice (PAN) that states that Council intends to compulsorily acquire the land.
- The valuation of the land to be acquired is underway. The previous advice provided by Water Infrastructure NSW to Council regarding nil compensation payable to WAMC was incorrect; and the acquisition of Crown land also requires compensation to be paid to the Crown.

The land acquisition process will require a budget variation by Council and further information on the required expenditure will be provided at the second quarterly review; with land valuation and compensation unlikely to be completed and agreed in time for the first quarter review.

BUDGETARY IMPLICATIONS

To be further advised at the second quarter review.

ATTACHMENTS

Nil

7 DIRECTOR-ENVIRONMENTAL SERVICES

- 7.1 Development Application No. 56/2024, Lot 1 DP 738717, 16-18 Kendal Street Cowra, internal alterations to a pub (Imperial Hotel), lodged by Vision Town Planning Consultants Pty Ltd

File Number: D24/1331

Author: Larissa Hackett, Director - Environmental Services

RECOMMENDATION

- That Council notes that the reason for the decision is that the proposal largely complies with Section 4.15 of the Environmental Planning and Assessment Act 1979. The application was publicly exhibited and no submissions were received; and
- That Development Application No. 10.2024.56.1, for the construction of internal alterations to a pub (Imperial Hotel) on Lot 1 DP 738717, 16-18 Kendal Street Cowra be Approved subject to the following conditions:

GENERAL CONDITIONS

- Development is to be in accordance with approved plans.

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

Plan No./ Supporting Document	Prepared by/Reference Details	Cowra Shire Council Reference
Site plan	Vision Property development hub	Received 9 July 2024 Stamped No. DA 10.2024.56.1
Proposed floor plan	Vision Property development hub	Received 9 July 2024 Stamped No. DA 10.2024.56.1
Statement of Environmental Effects	Vision Property development hub	Received 9 July 2024 Stamped No. DA 10.2024.56.1

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 4, Division 2 of the Environmental Planning

and Assessment Regulation 2021 (see attached Advisory Note).

3. Any demolition works shall comply with the provisions of Australian Standard AS2601:2001 The Demolition of Structures and the *Work Health and Safety Act 2011*.

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE COMMENCEMENT OF WORKS

4. 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. 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.
10. 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.

11. **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.**

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

12. **The Applicant must not commence occupation or use of the alterations until a Whole or Partial Occupation Certificate has been issued from the Principal Certifier appointed for the subject development.**

ADVICE

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

INTRODUCTION

Development Application No.10.2024.56.1 proposes internal alterations to a pub (Imperial Hotel) on Lot 1 DP 738717, 16-18 Kendal Street Cowra. The application was lodged with Council by Vision Town Planning Consultants Pty Ltd on 9 July 2024.

The application is being reported to Council because the Imperial Hotel is listed in Schedule 5 of the Cowra Local Environmental Plan 2012 as an item of local heritage significance.

A copy of the site and elevation plans of the proposed internal alterations to a pub (Imperial Hotel) are included in Attachment '1' to this report and a copy of the Statement of Environmental Effects is included in Attachment '2'.

Description of Site

Lot 1 DP 738717, 16-18 Kendal Street Cowra is an irregular allotment of approximately 3276.24m². The lot is located in the EI Local Centre zone under Cowra Local Environmental Plan (LEP) 2012. The site contains an existing 3 storey Pub/hotel, existing shed and driveway. The property is listed on Schedule 5 of Cowra LEP – Heritage Items.

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

Description of Proposal

The applicant proposes to construct internal alterations to a pub (Imperial Hotel). The alterations include a removal of the existing internal wall and installation of a ramp as shown on the submitted plans to improve visibility and accessibility.

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 10.2024.56.1:

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

Cowra Local Environmental Plan 2012

The subject land is zoned EI under the provisions of the Cowra Local Environmental Plan (LEP) 2012. The internal alterations to a pub (Imperial Hotel) is permitted in the zone with development consent.

Clause 2.3(2) of the Cowra LEP 2012 requires that “The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone”. The zone objectives are included as follows

EI Local Centre

Objectives of zone

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.
- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council’s strategic planning for residential development in the area.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To ensure the development of the local centre in West Cowra is consistent with the commercial hierarchy of the Cowra township and does not involve major retailing activities or detract from the core commercial functions of the Cowra central business district.
- To maximise public transport patronage and encourage walking and cycling

The land is zoned EI Local Centre under the LEP and the proposed alterations to the Hotel is a permissible form of development consistent with the zone objectives.

Clause 5.10 Heritage Conservation

The application includes a heritage item under Schedule 5 (Item 117) of the LEP.

The proposed alterations of the building are internal only and do not alter the external features of the building and can be constructed without any negative heritage impact.

The proposal is consistent with Clause 5.10.

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	See comment below.
SEPP (Resources and Energy) 2021	Not applicable
SEPP (Sustainable Buildings) 2022	Not applicable
SEPP (Transport and Infrastructure) 2021	The proposed development has frontage to a classified road, therefore the requirements of Clause 2.119 applies. The proposed development would utilise the existing access to Kendal Street. The proposed development would not impact on the safety, efficiency, and ongoing operation of the classified road and the proposed development is considered appropriately located.

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. 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)

PART A – PLAN INTRODUCTION

Consent is required for the proposed alterations to the internal building.

PART B – LAND MANAGEMENT

No impact identified.

PART C – BIODIVERSITY MANAGEMENT

No vegetation removal required.

PART H – COMMERCIAL DEVELOPMENT

The proposed development is for internal alterations only and complies with the controls in this section.

PART K – LAND USE BUFFERS

Cowra Airport Obstacle Limitation Surface

The subject land is located outside of the OLS.

PART N – LANDSCAPING

Landscaping assessment is not considered necessary for internal development

PART O – ENVIRONMENTAL HAZARD MANAGEMENT

The subject land is not mapped as flood prone. The subject land is not mapped as bushfire prone. There is no identified contamination on the subject land.

PART P – CPTED PRINCIPLES

CPTED Assessment is not considered necessary for the proposed alterations.

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 the Council to also consider Clauses 61, 62, 63 and 64 of the Environmental Planning and Assessment Regulation. The following provides an assessment of the relevant Clauses of the Regulation:

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

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

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

Context and Setting

The area is located on the main street of Cowra within the central commercial district. The proposal is assessed as being consistent with the character of the locality and is appropriate given its local context and setting.

Access, Transport and Traffic

No impacts identified.

Public Domain

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

Utilities

The proposal does not contain any amenities that require the provision of services.

Heritage

The Imperial Hotel is listed in schedule 5 of the LEP as an item of local heritage significance. The proposed plans will not detract from the significance of this heritage item. Heritage was previously addressed in this report.

Other Land Resources

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

Stormwater, Water and Sewerage

The application will not impact on water or sewer services. Stormwater from the hotel can be discharged on site without impacting on the environment or on neighbouring properties in accordance with the recommended condition of consent.

Soils

No impacts identified.

Air and Microclimate

The development will produce a minimal amount of dust during construction period. Once completed, the construction will not impact air quality.

Flora and Fauna

The development will not require the removal of any trees. The development is not expected to impact on any critical habitats or threatened species and results in a satisfactory assessment in accordance with Section 1.7 of the Act.

Waste

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

Energy

A BASIX Certificate is not required for this application.

Noise and Vibration

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

Natural Hazards

There are no identified hazards on the subject land.

Technological Hazards

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

Safety, Security and Crime Prevention

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

Social and Economic Impacts on the locality

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

Site Design and Internal Design

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

Construction

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

Cumulative impacts

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

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

The development is consistent with the zone objectives and consideration has been given to the impacts the development will have within the locality. It is considered that the proposed development will not create adverse impacts within its local setting. It is assessed that the development will not impact upon any existing services. The 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 ReceivedPublic Consultation

The subject Development Application was publicly exhibited and notified to adjoining owners in writing from 25 July 2024 to 8 August 2024, 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 InterestCommunity 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 alterations will positively contribute to the 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. 56/2024 proposes internal alterations to a pub (Imperial Hotel) on Lot 1 DP 738717, 16-18 Kendal Street Cowra. The application was lodged by Vision Town Planning Consultants Pty Ltd on 9 July 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 EI zone and is consistent with existing land-use activities of the locality.

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

Having considered the documentation supplied by the applicant 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 56/2024 - 16-18 Kendal Street Cowra - Development Plans [↓](#)
2. DA 56/2024 - 16-18 Kendal Street Cowra - Statement of Environmental Effects [↓](#)
3. DA 56/2024 - 16-18 Kendal Street Cowra - Location map [↓](#)
4. DA 56/2024 - 16-18 Kendal Street Cowra - Aerial view [↓](#)

7.2 Review of Council's Code of Planning Practice - processing Development Applications policy

File Number: D24/1346

Author: Larissa Hackett, Director - Environmental Services

RECOMMENDATION

- 1. That Council endorses the Draft Code of Planning Practice – processing Development Applications policy for the purpose of public exhibition for a minimum of 28 days in accordance with the Cowra Community Participation Plan.**
 - 2. That following the public exhibition the Director of Environmental Services provides a further report to Council for the formal adoption of the draft Code of Planning Practice – Processing of Development Applications Policy considering any submissions made.**
-

Introduction

Following on from the report tabled to the General Committee meeting on 12 August 2024, the Draft Code of Planning Practice – Processing Development Applications has been amended to include changes as proposed from the General Committee meeting, refer to Attachments 1 and 2.

The purpose of the Code of Planning Practice – Processing Development Applications is to describe the process for assessing and determining all development applications in the Cowra Shire (except those categorised as ‘complying development’). The latter categories are dealt with in the State Environmental Planning Policy (Exempt & Complying Development Codes) 2008.

It aims to:

- (a) Provide transparency about the process used in Cowra Shire Council for the application and assessment of development applications;
- (b) Ensure that delegations are appropriate and that there is a separation of responsibilities in considering development applications;
- (c) Ensure that decision-making about development applications is transparent, objective and fair and that applications are determined on the basis of planning merit in accordance with the EP&A Act and not as a result of undue influence; and
- (d) Minimise the risks of corruption and improve public confidence in the administration and determination of development applications.

The Code of Planning Practice – Processing Development Applications (hereafter referred to as ‘the Code’) is aimed at Council staff, Councillors, residents, applicants and the community in general.

A review of the Code was commenced last year, with changes workshopped among staff internally. The policy was not only due for review, but also necessary due to the State

Government mandated introduction of the Managing Conflicts of Interest for Council Related Development policy last year, which resulted in some overlapping of policy.

Summary of proposed changes compared to approved 2018 policy

The main changes involved adjusting the Code to refer to the new Managing Conflict of Interest for Council-related Development Policy 2023. This included deleting aspects that replicated the Managing Conflicts of Interest for Council Related Development Policy 2023, and instead inserting direct references to that newly adopted policy.

Other changes included:

- Minor language updates considering the advent of the NSW Planning Portal, which commenced electronic lodgement of Development Applications and ceased the previous hard copy lodgement process. For example, replacing terms such as ‘at the counter’ with ‘electronic lodgement’ and replacing ‘form’ with ‘NSW Planning Portal’
- Updated policies were also taken into consideration, such as the current Cowra Development Control Plan 2021.
- General legislation references were also reviewed and updated, particularly the Environmental Protection and Assessment Act 1979.

Conclusion

With these minor adjustments and updates now concluded, Council is asked to take the next step and endorse the Draft Code of Planning Practice – Processing Development Applications for community feedback via public exhibition. This is in accordance with the Cowra Community Participation Plan 2020 and a change to the last update in 2018, when the policy was presented to Manex.

A further report will be presented to council at the conclusion of the public exhibition process considering any submissions made, along with the draft Code for final endorsement.

ATTACHMENTS

1. Draft Code of Planning Practice - Processing Development Applications - including markups [↓](#)
2. Draft 2023 Code of Planning Practice - Processing of Development Applications - completed copy for exhibition [↓](#)

7.3 Access Incentive Fund Application - Gooloogong Historical Society

File Number: D24/1367

Author: Larissa Hackett, Director - Environmental Services

RECOMMENDATION

That Council provides \$5,500 from the Access Incentive Scheme Grant fund to assist with the costs of providing improved access to the Club House building at I Racecourse Road Gooloogong for the Gooloogong Historical Society.

INTRODUCTION

Council has received an application from Ms P Gray on behalf of the Gooloogong Historical Society, seeking financial assistance from Council's Access Incentive Scheme. The application requests assistance to partially cover the costs associated with the construction of the Old Club House located at the Gooloogong Racecourse to provide compliant wheelchair access to the entry.

A copy of the application and quotes provided are included in Attachment 1.

BACKGROUND

The application has been referred to members of the Access Committee for concurrence, they are supportive of Council funding the application from the Access Incentive Fund.

ELIGIBILITY

The request for grant funding meets all the requirements of Council's adopted Access Incentive Scheme Grant Funding.

- *The premises and works are carried out in Cowra Shire;*
- *The applicant is a Not-for profit community organisation;*
- *The works applied for/ undertaken will and do improve access to and within the premises and improves disability facilities.*

A copy of the Access Incentive Fund policy is included in Attachment 2.

BUDGETARY IMPLICATIONS

The current balance for the Disabled Access Incentive Fund is \$32,265.63, which will provide for assistance to businesses or organisations around the Cowra local government area. The granting of \$5,500 to the applicant will not significantly impact upon the current funding levels.

CONCLUSION

Council is encouraging the provision of equitable access to and within buildings and this application meets all eligibility requirements. It is recommended that Council approves the grant funding application and allocates \$5,500 to the Gooloogong Historical Society to assist with works in constructing a new access ramp to the Old Club House at the Gooloogong Racecourse.

ATTACHMENTS

1. Application - Access Incentive Fund - Gooloogong Historical Society [↓](#)
2. Access Incentive Fund Policy [↓](#)

8 LATE REPORTS

9 CONFIDENTIAL MATTERS**RECOMMENDATION**

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

10 CONFIDENTIAL DIRECTOR-INFRASTRUCTURE & OPERATIONS**10.1 Demolition and Disposal of Council Owned Building at 10 Lowe Lane**

This matter is considered to be confidential under Section 10A(2)(c) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

10.2 Safe and Secure Water Program - Cowra Water Treatment Works (SSWP413)

This matter is considered to be confidential under Section 10A(2)(d(ii)) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a competitor of the council.