



AGENDA

General Committee Meeting

Date: Monday, 12 August 2024

Time: 5pm

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

**Paul Devery
General Manager**

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I INTRODUCTION

I.1 Recording & publishing

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

I.2 Acknowledgement of Country

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

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

List of apologies for the meeting.

I.4 Disclosures of Interest

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

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

I.5 Presentations

I.6 Public Forum

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

2 CONFIRMATION OF MINUTES

Confirmation of Minutes of General Committee Meeting held on 8 July 2024



MINUTES

General Committee Meeting Monday, 8 July 2024

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**MINUTES OF COWRA COUNCIL
GENERAL COMMITTEE MEETING
HELD AT THE COWRA COUNCIL CHAMBERS, 116 KENDAL STREET, COWRA
ON MONDAY, 8 JULY 2024 AT 5PM**

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

IN ATTENDANCE: Mrs Larissa Hackett (Acting General Manager), Mr Glenn Oakley (Acting
Director-Environmental Services), Ms Phillipa Childs (Acting Director -
Infrastructure & Operations), Mr Graham Apthorpe (Acting Director -
Corporate Services)

I INTRODUCTION

I.1 Recording & Publishing

The Mayor advised that the meeting was being recorded.

I.2 Acknowledgement of Country

The Mayor delivered the Acknowledgment of Country.

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

Apology

COMMITTEE RESOLUTION

Moved: Cr Nikki Kiss OAM

Seconded: Cr Judi Smith

**That the apologies received from Cr Paul Smith (Deputy Mayor), Cr Bill West
and Cr Erin Watt be accepted and leave of absence granted.**

CARRIED

I.4 Disclosures of Interest

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

Cr Sharon D'Elboux declared a non-pecuniary interest in relation to item 4.1 Committee Minutes
- Traffic Committee as she is a member of the Soccer Committee.

I.5 Presentations

Nil

I.6 Public Forum

Nil

2 CONFIRMATION OF MINUTES

COMMITTEE RESOLUTION

Moved: Cr Judi Smith

Seconded: Cr Sharon D'Elboux

That the minutes of General Committee Meeting held on 11 June 2024 be confirmed.

CARRIED

3 DIRECTOR-CORPORATE SERVICES REPORT

At 5.13pm, Cr Judi Smith left the meeting.

3.1 Donation - Woodstock Memorial Show Inc.

COMMITTEE RESOLUTION

Moved: Cr Sharon D'Elboux

Seconded: Cr Cheryl Downing

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 5.15 pm, Cr Judi Smith returned to the meeting.

3.2 Investments and Financial Report

COMMITTEE RESOLUTION

Moved: Cr Sharon D'Elboux

Seconded: Cr Nikki Kiss OAM

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

CARRIED

3.3 Rent of Enclosed Dedicated Roads

COMMITTEE RESOLUTION

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.

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

CARRIED

At 5:21 pm, Cr Sharon D'Elboux left the meeting.

4 DIRECTOR-INFRASTRUCTURE & OPERATIONS REPORT

4.1 Committee Minutes - Traffic Committee

COMMITTEE RESOLUTION

Moved: Cr Peter Wright

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 5:24 pm, Cr Sharon D'Elboux returned to the meeting.

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

Moved: Cr Peter Wright

Seconded: Cr Cheryl Downing

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

5 DIRECTOR-ENVIRONMENTAL SERVICES REPORT

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

COMMITTEE RESOLUTION

Moved: Cr Judi Smith

Seconded: Cr Sharon D'Elboux

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 1 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.

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

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

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

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 Sec 68 of 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, Sharon D'Elboux, Cheryl Downing, Nikki Kiss OAM, Judi Smith and Peter Wright

Against: Nil

CARRIED 6/0

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

COMMITTEE RESOLUTION

Moved: Cr Sharon D'Elboux

Seconded: Cr Judi Smith

1. That Council notes that the reason for the decision is that the proposal largely complies with Section 4.15 of the Environmental Planning and Assessment Act 1979. The variations to Section No. E.2.7., E.2.13 and E.2.14 of Part E of Council's Development Control Plan 2021 is sufficiently justified and the application was publicly notified and no submissions were received; and
2. That Council approves variations to Sections E.2.7, E.2.13 and E.2.14 of Part E of Council's Development Control Plan 2021 for this development to allow a site frontage of 15.3 metres per dwelling, a rear setback of 1.95 metres for dwellings 1 and 2 and separation between habitable rooms and balconies of 4.07 metres.
3. That Development Application No. 80/2023, for the demolition of an existing dwelling, construction of 4 detached dwellings and 4 lot Torrens Title subdivision on Lot 2 DP 868109, 8 Short Street Cowra be approved subject to the following conditions:

GENERAL CONDITIONS

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

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

Plan No./ Supporting Document	Prepared by/Reference Details	Cowra Shire Council Reference
Existing Site Plan Drawing 01	McKinnon Design 23/02/2024 Job 22090 Issue H	Received 1 May 2024 Stamped No. 10.2023.80.1 (C)
Proposed Site Plan Drawing 02	McKinnon Design 30/04/2024 Job 22090 Issue J	Received 1 May 2024 Stamped No. 10.2023.80.1 (C)
Floor Plan Units 1 & 2 Drawing 03	McKinnon Design 23/02/2024 Job 22090 Issue H	Received 1 May 2024 Stamped No. 10.2023.80.1 (C)
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	McKinnon Design	Received

Plan Drawing I I	30/04/2024 Job 22090 Issue J	I May 2024 Stamped No. 10.2023.80.1 (C)
Shadow Diagrams Drawing I2	McKinnon Design 30/04/2024 Job 22090 Issue J	Received I May 2024 Stamped No. 10.2023.80.1 (C)
Shadow Diagrams Drawing I3	McKinnon Design 30/04/2024 Job 22090 Issue J	Received I May 2024 Stamped No. 10.2023.80.1 (C)
Cover Sheet, Locality Plan and Drawing Schedule Drawing C00	TTW 26.02.24 Project 231867 Revision P2	Received 5 March 2024 Stamped 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 I 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 SI12330.1	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 COMMENCEMENT OF DEMOLITION WORKS

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

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION WORKS

9. The demolition works shall comply with the provisions of Australian Standard AS2601:2001 The Demolition of Structures and the Work Health and Safety Act 2011.
10. Demolition works are to be carried out so as not to cause damage to adjacent and adjoining properties. All damage arising from the removal of the building is to be made good and any necessary repairs and renovations are carried out within six months. Existing site to be left in a clear, clean condition with all existing plumbing and drainage lines terminated to the satisfaction of Council.
11. All works involving the removal and disposal of asbestos cement and other products containing asbestos must only be undertaken by contractors who hold a current WorkCover licence appropriate to the work being undertaken.
12. All removal, transport and disposal of asbestos or other contaminated waste materials shall be controlled in accordance with the Work Health and Safety Act 2011 and the Safe Work Australia Code of Practice – How to Manage and Control Asbestos in the Workplace. Any delivery of asbestos waste to Cowra Shire Council's Materials Recycling Facility (MRF) must be pre-booked by phoning the MRF on (02) 6340 2140.
13. In the event of any damage being caused to the existing kerb, guttering, footpath, water mains, sewer mains or public roadway during demolition works, the applicant shall reimburse the Council for the full costs of repairing and making good. Any temporary cross-over material must not remain in the street gutter.
14. All storage of goods and building materials and the carrying out of building operations related to the development proposal shall be carried out within the confines of the property. All vehicles must be parked legally and no vehicles are permitted to be parked over the public footpath. The unloading of building materials over any part of a public road by means of a lift, hoist or tackle projecting over the footway will require separate approval under Section 68 of the Local Government Act 1993.
15. Demolition work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 6.00 pm on weekdays and 8.00 am and 1.00 pm on Saturdays. No work on Sundays or Public Holidays is permitted.
16. All building rubbish and debris, including that which can be windblown, shall be contained on site in a suitable container for disposal at an approved Waste Landfill Depot. The container shall be erected on the development site prior to work commencing and shall be maintained for the term of the demolition to the completion of the project. No building rubbish or debris shall be placed or permitted to be placed on any adjoining public reserve, footway or road. The waste container shall be regularly cleaned to ensure proper containment of the building wastes generated on the demolition site.

17. On the completion of all asbestos removal works, a Clearance Certificate is to be obtained in accordance with the Work Health and Safety Regulations 2017 and provided to Council.

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

18. Prior to the issue of a Construction Certificate, a separate application is to be made to Council, with the appropriate fee being paid, for the provision of suitably sized metered water services to the development.
19. Construction Certificate plans are to show that the stairs providing access along the north side of any dwelling on proposed lot 4 to be moved to a location not encumbered by an easement.
20. Pursuant to Section 7.12 (formerly Section 94A) of the Environmental Planning & Assessment Act 1979, the monetary contribution set out in the following table is to be paid to Council prior to the issue of a Construction Certificate. The contribution is current as at the date of this consent and is levied in accordance with the Cowra Section 94A Contributions Plan 2016 adopted on 26 April 2016. The contribution payable will be calculated in accordance with the contributions plan current at the time of payment, and will be adjusted at the time of payment in accordance with the Consumer Price Index (CPI) (All Groups Index for Sydney) published by the Australian Bureau of Statistic (ABS). Contribution amounts will be adjusted by Council each financial year.

Contribution Type	Proposed Cost of Development 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				

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

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE COMMENCEMENT OF WORKS

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

CONDITIONS TO BE COMPLIED WITH DURING CONSTRUCTION

27. While building work is being carried out, any such work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.
28. Any damage caused to footpaths, roadways, utility installations and the like by reason of construction operations shall be made good and repaired to a standard equivalent to that existing prior to commencement of construction. The full cost of restoration/repairs of property or services damaged during the works shall be met by the Applicant.
29. All storage of goods and building materials and the carrying out of building operations related to the development proposal shall be carried out within the confines of the property. All vehicles must be parked legally and no vehicles are permitted to be parked over the public footpath. The unloading of building materials over any part of a public road by means of a lift, hoist or tackle projecting over the footway will require separate approval under Section 68 of the Local Government Act 1993.
30. Building activities and excavation work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between

7.00 am and 6.00 pm on weekdays and 8.00 am and 1.00 pm on Saturdays. No work on Sundays or Public Holidays is permitted.

31. All building rubbish and debris, including that which can be windblown, shall be contained on site in a suitable container for disposal at an approved Waste Landfill Depot. The container shall be erected on the building site prior to work commencing and shall be maintained for the term of the construction to the completion of the project. No building rubbish or debris shall be placed or permitted to be placed on any adjoining public reserve, footway or road. The waste container shall be regularly cleaned to ensure proper containment of the building wastes generated on the construction site.
32. All impervious surfaces shall be properly drained to the front of the premises and directed to Cowra Shire Council's drainage system on Short Street. A Junction Pit with a grated cover is to be constructed where the proposed inter- allotment line joins Council's stormwater main, in accordance with Council's Engineering Standards.
33. As soon as is practical, and within a maximum of 7 days following the placement of any roofing material, all guttering and downpipes must be installed and connected to Council's drainage system. If no Council drainage system is available, the guttering and downpipes must be discharged away from the building site onto a stable vegetated area in a manner that does not discharge concentrated storm water flow and cause nuisance or erosion to adjoining properties.
34. All plumbing work shall be carried out by a licensed plumber and drainer and to the requirements of the Plumbing Code of Australia. The licensed plumber or drainer must submit a Notice of Works form to Council prior to the commencement of any plumbing and drainage works and a Certificate of Compliance at the completion of the works. The plumbing and drainage works must be inspected by Council at the time specified below:
 - (a) Internal Drainage: When all internal drainage work is installed and prior to concealment. Pipes should be under water test.
 - (b) External Drainage: When all external drainage work is installed and prior to concealment. Pipes should be under water test.
 - (c) Water Supply: Hot and cold water supply pipework, when the pipework is installed and prior to concealment. Pipes should be under pressure test.
 - (d) Stormwater: When the stormwater and roof water drainage system has been completed.

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

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

36. Prior to issue of any Occupation Certificate, the Applicant shall construct the access crossings to the development site from Short Street and Market Lane in accordance with consent from the road's authority pursuant to Section 138 of the Roads Act 1993 for the carrying out of works in a road reserve. The driveway is to be constructed in accordance with the Section 138 Permit. All costs associated with the construction of the access driveway(s) shall be borne by the Applicant.
37. Prior to the issue of a Whole Occupation Certificate, all landscape works shall be completed in accordance with the approved plans including the installation of fencing dividing private open space areas.
38. The Applicant is required to obtain a Certificate of Compliance pursuant to Section 64 of the Local Government Act 1993 certifying that all works, fees and charges required in connection with the provision of water and sewer supply to the development have been undertaken and complied with in full. The certificate shall include all relevant works verified by appropriate inspections, fees and charges that are currently being applied at the time of the issue of any Occupation Certificate.

Water reticulation mains and metered services and sewer reticulation mains must be physically provided to the development in accordance with Cowra Infrastructure and Operations Engineering Standards. Council will not issue any Occupation Certificate until a Compliance Certificate has been issued, verifying that all works have been satisfactorily completed. All monetary contributions in relation to the augmentation of reticulated water and sewer supply must be paid in full to Cowra Shire Council before any Occupation Certificate will be issued. Necessary inspections must be arranged at least 48 hours in advance. Contact Cowra Infrastructure and Operations on (02) 6340 2070.

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

39. The Applicant is to lodge with Cowra Shire Council a Subdivision Certificate Application together with the original plan. All necessary information to support the certificate release and the necessary fee is required to be included with the Subdivision Certificate Application.
40. Prior to the issue of a Subdivision Certificate, the applicant must provide to Council a Notification of Arrangement from Essential Energy confirming that satisfactory arrangements have been made for the provision of power with respect to all lots in the subdivision.
41. Prior to the issue of the Subdivision Certificate, the applicant is to provide evidence to Council that arrangements have been made for:
 - (a) The installation of fibre-ready facilities (or equivalent) to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose, and

- (b) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.
42. Prior to issue of the Subdivision Certificate, the Applicant shall include on the final plan of subdivision all necessary easements required for water, sewer, stormwater, and access.
43. The Applicant shall detail a three-metre-wide easement along the northern boundary of proposed lots 3 & 4 for purposes of providing access to the sewer mains system, water supply, inter-allotment drainage and for maintenance purposes.

ADVICE

If, during work, an Aboriginal object is uncovered then **WORK IS TO CEASE IMMEDIATELY** and the Office of Environment & Heritage is to be contacted urgently on (02) 6883 5300. Under the National Parks and Wildlife Act 1974 it is an offence to harm an Aboriginal object or place without an 'Aboriginal heritage impact permit' (AHIP). Before making an application for an AHIP, the applicant must undertake Aboriginal community consultation in accordance with clause 60 of the NPW Regulation.

Essential Energy makes the following general comments:

- As part of the subdivision, an easement is created for any existing electrical infrastructure. The easement is to be created using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision;
- If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;
- Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;
- Council should ensure that a Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions;
- In addition, Essential Energy's records indicate there is electricity infrastructure located within the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure;

- Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW);
- Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) 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, Sharon D'Elboux, Cheryl Downing, Nikki Kiss OAM, Judi Smith and Peter Wright

Against: Nil

CARRIED 6/0

6 LATE REPORTS

Nil

7 NOTICES OF MOTIONS

Nil

The Meeting closed at 5:38 pm

The Minutes of this meeting are confirmed at the General Committee Meeting held on 12 August 2024.

.....
CHAIRPERSON

3 DIRECTOR-CORPORATE SERVICES REPORT

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

File Number: D24/1131

Author: Graham Apthorpe, Acting Director - Corporate Services

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.

INTRODUCTION

The Cowra Japanese Garden and Cultural Centre has written to Council requesting consideration of a financial donation towards the supply, delivery and waste disposal and event costs during the Sakura Matsuri festival to be held on 24 September 2024.

BACKGROUND

Sakura Matsuri is one of Cowra's largest public events bringing an influx of tourists to the Shire. It provides the opportunity to see and experience entertainment and education of a different culture during the festival through a variety of events hosted at the Japanese Garden.

The request for donations are as follows:-

- Contribution of \$2,200 towards the total cost of the event
- The costs for hire of 30 bins as per Council's Revenue Policy. It has been a practice of Council in the past to provide a 50% donation of bin charges which would be as below:

Function/Activity	Total Charge 2024/2025	Total Charge
COMMERCIAL WASTE - 240L MGB HIRE		
Event bin hire per 240L MGB (includes hire / collection / waste disposal)	\$ 20.90	\$ 627.00
50% Donation		\$ 313.50

The Garden has sought Council's financial assistance previously with similar requests:
 Sakara Matsuri in 2022 \$320 for Bins and \$1,500 Donation
 Sakura Matsuri in 2023 \$400 for Bins and \$2,000 Donation

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

- Festivals and special events which enhance community spirit.

In consideration of the importance of acknowledging Australia/Japan ties, tourism benefits and the increased cost to host the event, it is recommended that Council donate the sum of \$2,313.50 being donation including bin hire.

BUDGETARY IMPLICATIONS

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

ATTACHMENTS

- I. Donation Application - Cowra Japanese Garden – 5 July 2024 [↓](#)



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

Application for Financial Assistance/Donation

Applicant Information

Local Sporting Team/Organisation

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

Contact Name/ Sporting Applicant: Cowra Japanese Garden & Cultural Centre.

Mailing address: Ken Nakajima Place, Cowra

Phone: (Home)

(Business) 6341 2233

Email:

manager@cowragarden.com.au.

Signature:

Date:

5 / 7 / 24.

Organisation Details

Organisation responsible for the event/activity:

Cowra Japanese Garden.

President/Secretary Contact Details:

- Jo Baker.

Organisation Type (please circle): Non Profit / Charity / Incorporated / Business / other:

Do membership fees apply ?

☐ YES ☒ NO

If yes, annual membership/fees

\$

Event Details

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

"Sakura Matsuri"

Annual Cherry Blossom Festival - Celebrating Spring & Japanese Culture.

Date/s of the proposed event/project

28th September, 2024.

Venue where will the event/project take place?

Cowra Japanese Garden & Cultural Centre.

Financial Details

Amount of assistance being sought:

\$2,200 + Bins.(30)

Total Estimated cost of the total event/project

\$25,000

How are funds to be raised?

Funds available at present to go towards event

\$30,000

Will the event/project support charities

☐ YES ☒ NO

If YES, value of support

\$

Previous / Other Assistance:

Has Council previously assisted you/your organisation?

☒ YES ☐ NO

If so what was the amount of the assistance from Council?

\$2,000.00.

When was it provided?

May, 2024 - Mayoral Reception - Koyo Matsuri

Have you applied for funding from other organisations?

☐ YES ☒ NO

If YES, how much has been sought

\$

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

Request Details – Please complete either A or B below

A. Sporting applications – Please select relevant sporting category below

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

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

Attachments required for sporting applications:

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

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

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

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

Creating meaningful connections & engagement, Boosting local economies, enhances Cowra as a destination. Reconciliation.

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

The event has spanned over many years & celebrates Japanese Culture & encourages peace & reconciliation between Australia & Japan, therefore a very important event for Cowra.

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

Cowra Japanese Garden supports all & provides access to all special needs groups.

Objective 4: To encourage and enable broad community participation in cultural/ community service programs.

Volunteering is a big part of our festival & we have invited Cowra Youth Council again this year who we benefited greatly from in 2023.

Attachments required for Community/Event applications:

- o copy of the project's proposed budget, detailing anticipated costs, with quotations if applicable;
- o If you are a registered public charity, a copy of the registration certificate
- o Please attach any other information to support your application to Council

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

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

File Number: D24/1178

Author: Graham Apthorpe, Acting Director - Corporate Services

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.

INTRODUCTION

Cowra & District Senior Citizens Club Inc has written to Council requesting consideration of a donation towards the water and sewer access charges that were paid during 2023-24 for its property in Railway Lane, Cowra, Assessment Number 69473.

BACKGROUND

The breakup of the requested amount is as follows:

Water Access	\$ 396.00
Sewer Access	\$ 818.00
	\$1214.00

Council has provided this donation to the Cowra & District Senior Citizens Club Inc in the past for its water and sewer access charges for its property in Railway Lane.

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

- Community development projects – projects that meet an identified community need, have been developed in consultation with the community and encourage participation in the development of the project.
- Support for a locally based voluntary community service or program where the majority of its income is fundraising.

In consideration of the activity, it is recommended that Council donate the actual sum of \$1,214.00 paid by the Club in this instance from Section 356 donations.

BUDGETARY IMPLICATIONS

\$34,701.91 is the current balance in the 2024/5 Budget for Section 356 Donations

ATTACHMENTS

- I. Donation Application - Cowra & District Senior Citizens Club Inc. - 7 July 2024 [↓](#)



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

Application for Financial Assistance/Donation

Applicant Information

Local Sporting Team/Organisation

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

Contact Name/ Sporting Applicant: _____

Mailing address: Judy Thomson _____

Phone: (Home) _____ (Business) _____

Email: _____

Signature: _____ Date: 7 / 7 / 2024

Organisation Details

Organisation responsible for the event/activity: Cowra Senior Citizens Club

President/Secretary Contact Details: Judy Thomson (Treasurer)

Organisation Type (please circle): Non Profit / Charity / Incorporated / Business /other:

Do membership fees apply ? ☒ YES ☐ NO

If yes, annual membership/fees \$15

Event Details

Description of the event/project/request/person for which assistance is sought Refund of water and sewer access

Date/s of the proposed event/project 2023 Financial Year

Venue where will the event/project take place? Cowra Senior Citizens Club

Financial Details

Amount of assistance being sought: \$1213.98

Total Estimated cost of the total event/project \$ 1213.98

How are funds to be raised? Already paid

Funds available at present to go towards event \$

Will the event/project support charities ☐ YES ☐ NO

If YES, value of support \$

Previous / Other Assistance: _____

Has Council previously assisted you/your organisation? Yes

If so what was the amount of the assistance from Council? \$

When was it provided? _____

Have you applied for funding from other organisations? ☐ YES ☐ NO

If YES, how much has been sought \$

Eligibility – Please tick the applicable areas relevant to the application.

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

Request Details – Please complete either **A** or **B** below

A. Sporting applications – Please select relevant sporting category below

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

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

Attachments required for sporting applications:

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

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

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

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

Needed for Senior Citizens activities

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

Needed for Senior Citizens activities

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

Needed for Senior Citizens activities

Objective 4: To encourage and enable broad community participation in cultural/ community service programs.

Needed for Senior Citizens activities

Attachments required for Community/Event applications:

- o copy of the project's proposed budget, detailing anticipated costs, with quotations if applicable;
- o If you are a registered public charity, a copy of the registration certificate
- o Please attach any other information to support your application to Council

Please check: 1. All questions on Page 1 to be completed
2. Eligibility criteria has been selected
3. Section A or Section B above has been completed

3.3 Investments and Financial Report

File Number: D24/I224

Author: Graham Apthorpe, Acting Director - Corporate Services

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

INTRODUCTION

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

BACKGROUND

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

BUDGETARY IMPLICATIONS

Nil

ATTACHMENTS

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

ATTACHMENT
2024-2025
Investments and Financial Report

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Investments

I. Investments Portfolio

Council's investments are as listed below in lodgement date order as at 31 July 2024:

Funding Institution	S&P Rating	Date Lodged	Term (Days)	%	Date Due	Principal \$
COMMONWEALTH BANK OF AUSTRALIA	A-1+	9/01/2024	210	4.90%	6/08/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-2	9/01/2024	224	5.10%	20/08/2024	500,000.00
SUNCORP-METWAY LTD	A-1	9/01/2024	217	5.10%	13/08/2024	500,000.00
ING BANK	A-2	16/01/2024	224	4.89%	27/08/2024	500,000.00
ST GEORGE BANK	A-1+	16/01/2024	231	4.40%	3/09/2024	500,000.00
SUNCORP-METWAY LTD	A-1	23/01/2024	300	5.20%	18/11/2024	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	30/01/2024	231	5.04%	17/09/2024	500,000.00
ING BANK	A-2	30/01/2024	300	5.10%	25/11/2024	500,000.00
ING BANK	A-2	30/01/2024	365	5.17%	29/01/2025	500,000.00
ST GEORGE BANK	A-1+	30/01/2024	245	4.88%	1/10/2024	500,000.00
SUNCORP-METWAY LTD (BARP)	A-1	30/01/2024	224	5.12%	10/09/2024	2,000,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	6/02/2024	217	5.05%	10/09/2024	1,000,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	6/02/2024	231	5.10%	24/09/2024	500,000.00
SUNCORP-METWAY LTD	A-1	6/02/2024	210	5.07%	3/09/2024	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	13/02/2024	231	5.06%	1/10/2024	1,000,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	20/02/2024	245	4.94%	22/10/2024	500,000.00
ING BANK	A-2	22/02/2024	229	4.85%	8/10/2024	500,000.00
ST GEORGE BANK	A-1+	22/02/2024	250	4.88%	29/10/2024	500,000.00
ST GEORGE BANK	A-1+	22/02/2024	257	4.88%	5/11/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	27/02/2024	259	5.10%	12/11/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	27/02/2024	266	5.10%	19/11/2024	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	6/03/2024	181	4.85%	3/09/2024	500,000.00
IMB LTD	A-2	6/03/2024	181	4.95%	3/09/2024	500,000.00
ST GEORGE BANK	A-1+	6/03/2024	244	4.88%	5/11/2024	500,000.00
BANK OF QUEENSLAND	A-2	12/03/2024	182	5.17%	10/09/2024	500,000.00
IMB LTD	A-2	12/03/2024	182	4.90%	10/09/2024	600,000.00
SUNCORP-METWAY LTD	A-1	12/03/2024	245	5.05%	12/11/2024	500,000.00
BENDIGO & ADELAIDE BANK LTD	A-2	19/03/2024	273	5.03%	17/12/2024	1,000,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	19/03/2024	182	4.86%	17/09/2024	500,000.00
IMB LTD	A-2	19/03/2024	182	4.95%	17/09/2024	500,000.00
IMB LTD	A-2	9/04/2024	182	4.90%	8/10/2024	250,000.00
ING BANK	A-2	9/04/2024	245	4.89%	10/12/2024	1,000,000.00
SUNCORP-METWAY LTD	A-1	9/04/2024	189	5.00%	15/10/2024	500,000.00
ST GEORGE BANK	A-1+	23/04/2024	259	4.88%	7/01/2025	500,000.00
BANK OF QUEENSLAND(Wyangala Sewer Handover)	A-2	30/04/2024	182	5.15%	29/10/2024	1,000,000.00
SUNCORP-METWAY LTD	A-1	30/04/2024	182	5.09%	29/10/2024	500,000.00
ING BANK	A-2	4/06/2024	224	5.04%	14/01/2025	500,000.00
ING BANK	A-2	4/06/2024	231	5.04%	21/01/2025	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-2	4/06/2024	217	5.15%	7/01/2025	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	11/06/2024	217	4.86%	14/01/2025	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	18/06/2024	217	5.15%	21/01/2025	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	18/06/2024	224	5.15%	28/01/2025	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-2	25/06/2024	252	5.15%	4/03/2025	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-2	25/06/2024	287	5.15%	8/04/2025	500,000.00
BENDIGO & ADELAIDE BANK LTD	A-2	2/07/2024	217	5.16%	4/02/2025	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	2/07/2024	126	4.82%	5/11/2024	500,000.00
ING BANK	A-2	2/07/2024	217	5.09%	4/02/2025	500,000.00
ING BANK	A-2	2/07/2024	35	4.51%	6/08/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-2	2/07/2024	98	5.15%	8/10/2024	500,000.00
SUNCORP-METWAY LTD	A-1	2/07/2024	154	5.16%	3/12/2024	500,000.00
SUNCORP-METWAY LTD	A-1	2/07/2024	196	5.26%	14/01/2025	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-2	9/07/2024	154	5.25%	10/12/2024	500,000.00
ING BANK	A-2	18/07/2024	243	5.16%	18/03/2025	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	23/07/2024	245	4.97%	25/03/2025	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	23/07/2024	252	4.97%	1/04/2025	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	30/07/2024	210	5.30%	25/02/2025	500,000.00
Total						\$31,850,000.00

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

Manager – Finance
31/7/24

2. Interest Rate

The average interest rate for Council's investments held is 5.02%. At the time of preparing this report, average (market rates) interest rates were as follows as at 31 July 2024:

30 Days	60 Days	90 Days	120 Days	150 Days	180 Days	270 Days	1 YR
4.39%	4.59%	4.84%	4.92%	4.97%	5.05%	5.03%	4.98%

3. General Fund Balance

As at 31 July 2024 balances for Cowra Shire Council for Transaction Accounts and Cash in hand were as follows:

CBA General Account	\$ '000
General Fund bank account	5,192
On-Call account balance	4,250
Cash in hand	4
TOTAL	\$ 9,446

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

Source of Funds	\$ '000
Investment Portfolio	31,850
Cash and Cash Equivalents - General Ledger	9,446
TOTAL	\$41,296

4. Council's Investments – Mix of Investment Ratings

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

“6. Approved Investments

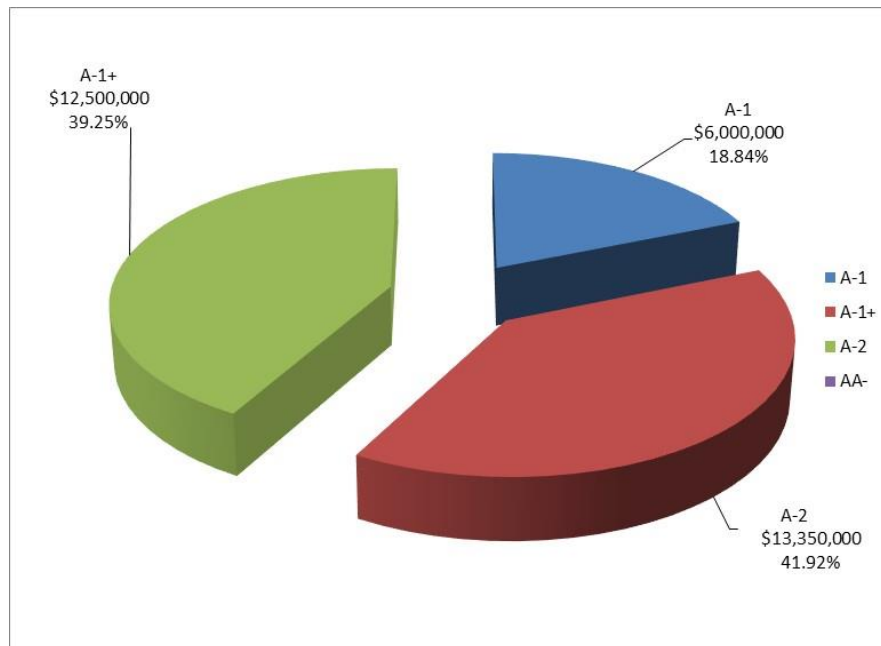
Investments are limited to those allowed by the most current Ministerial Investment Order that has been issued by the NSW Minister for Local Government.

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

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

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

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



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

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

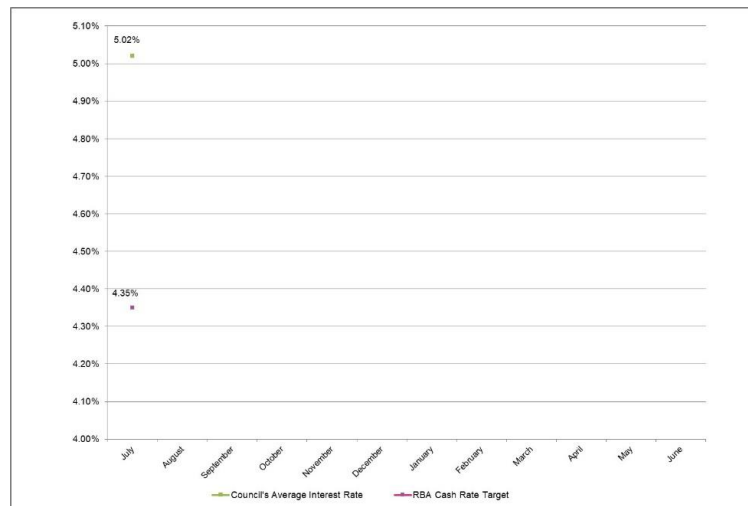
Any securities which are given a Moody's Investors Service Inc credit rating of ``Aaa'', ``Aa1'', ``Aa2'', ``Aa3'', ``A1''; ``A2'' or ``Prime-I'' or a Standard and Poor's Investors Service, Inc credit rating of ``AAA'', ``AA+'', ``AA'', ``AA-''; ``A+''; ``A''; A1+'' or ``A1''

5. Interest on Investment Income

2024-2025 estimated interest on investments amount is \$1,716,932 and has been included in the Budget. Performance of investments is monitored monthly.

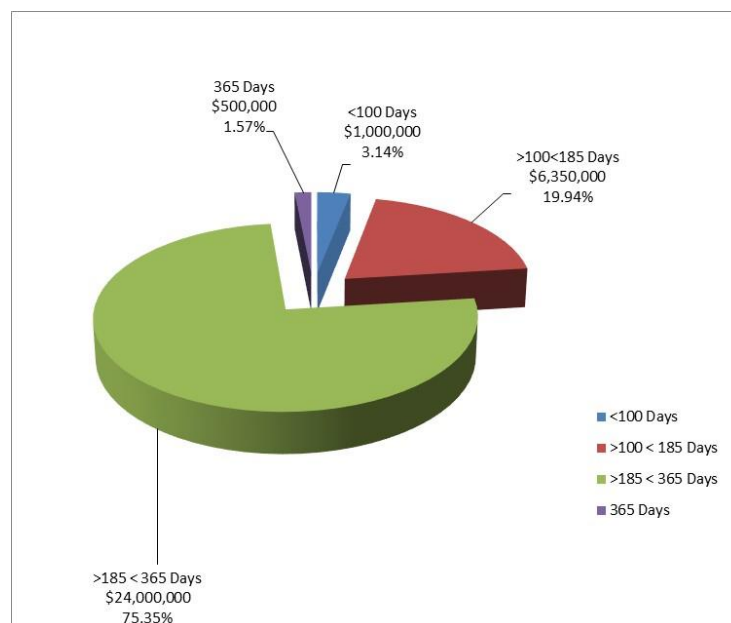
6. Term Deposit Average Monthly Interest Rate Compared to the RBA Cash Rate Target

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



7. Maturity Profile of Council's Investments

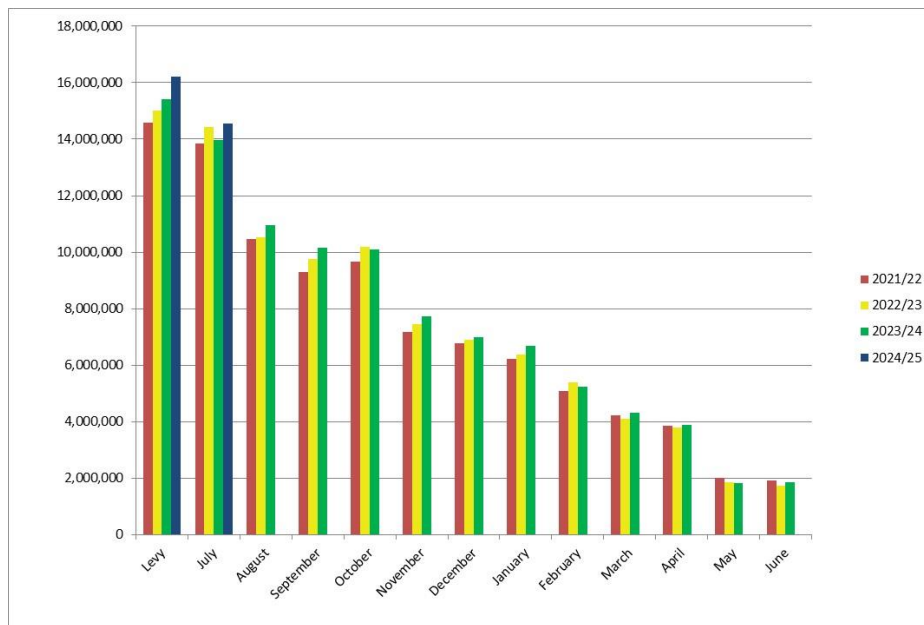
The following pie-chart shows the mix of Council investments for the month by maturity type.



Rates

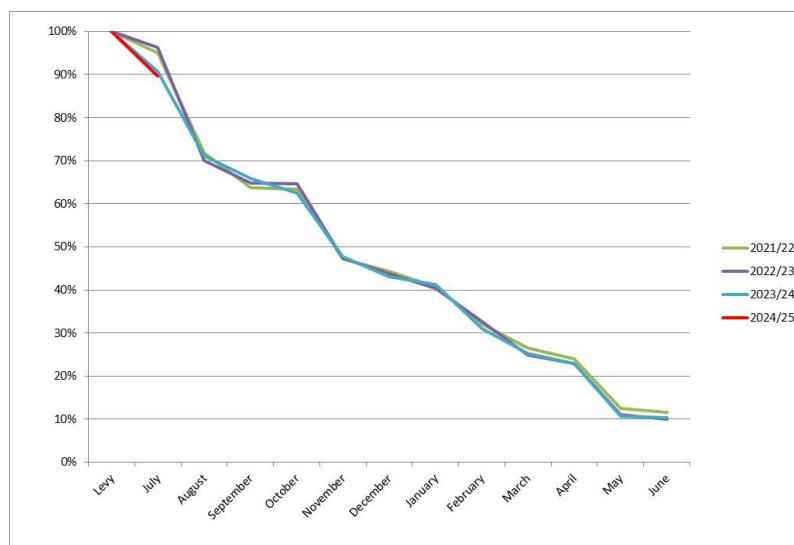
8. Comparison of Rate Collection Progress for 2024-2025 to prior years

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



9. Council Rate Levy - % Comparison

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



10. Council Rate Levy – Arrears and Recovery Action

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

Arears at 30 June 2024		\$1,232,569	
Collected in	July	124,490	124,490
Balance as at	31/07/24		1,108,079

11. Indicative Position of General Fund for the Current Year to 30 June 2025

The following table shows Council's budget result based on the budget set as per Council's Operational Plan for 2024-2025.

Budget Income Statement – 2024-2025 Operating Result - Before Capital Grants & Contributions							Budget Cash at End of Year – 2024-2025				
Resolution		Consolidated '000	General '000	Water '000	Sewer '000	Waste '000	Consolidated '000	General '000	Water '000	Sewer '000	Waste '000
	Adopted Budget	(1,747)	(951)	(103)	(915)	222	40,189	21,158	6,294	9,647	3,090
136/24	Rent of enclosed Dedicated Roads	(4)	(4)				-4	-4			
132/24	Dam Surveillance & Inspections	(29)	(29)				-29	-29			
144/24	Civic centre Theatre Seating						-40	-40			
	End of 1st Quarter - Prior to Review	(1,780)	(984)	(103)	(915)	222	40,116	21,085	6,294	9,647	3,090

Loans

12. Interest Rate

The average interest rate for Council's current loans is 5.63%. Weighted Average Interest Rate (based on principal outstanding) is 6.54%.

13. Loan Summary

Summary of Current Loans and Purpose as at 30 June 2025.

Loan No	Lender	Date Obtained	Due Date	Principal \$	Interest Rate %	Principal \$ Outstanding 31/7/24
<u>GENERAL</u>						
236	COMMONWEALTH (RIVER PK AMEN/VAUX DRAINAGE)	28/01/2005	1/02/2025	433,500	6.31	36,349
241B	COMMONWEALTH BANK (VAUX ST DRAINAGE WEST)	18/12/2006	18/12/2036	166,000	6.35	106,300
242B	COMMONWEALTH BANK (MULYAN OVAL AMENITIES)	22/08/2007	24/08/2037	95,000	6.80	64,722
249	NATIONAL AUST. BANK (CIVIC CENTRE REFURBISHMENT)	22/12/2008	22/12/2033	1,395,390	8.15	857,642
245	NATIONAL AUST. BANK (CIVIC CENTRE REFURBISHMENT)	29/06/2009	29/06/2029	234,000	8.33	96,179
246	NATIONAL AUST. BANK (SALEYARDS EFFLUENT SCREENS)	16/04/2010	16/04/2025	225,000	8.01	18,684
250	NATIONAL AUST. BANK (DRAINAGE IMPROVEMENTS)	28/06/2013	28/06/2028	250,000	6.36	91,152
253A	NSW TREASURY (DEPOT REDEVELOPMENT - STAGE 1)	27/06/2016	27/06/2026	400,000	2.63	88,630
253B	NSW TREASURY (AIRPORT SUBDIVISION)	27/06/2016	27/06/2026	1,478,993	2.63	327,680
253C	NSW TREASURY (CEMETERY EXPANSION)	27/06/2016	27/06/2026	250,000	2.63	55,376
254A	NSW TREASURY (DEPOT REDEVELOPMENT - STAGE 2)	11/05/2020	11/05/2040	512,120	2.41	428,308
254B	NSW TREASURY (CBD FOOTPATH REFURBISHMENT)	11/05/2020	11/05/2040	1,437,788	2.41	1,202,747
254C	NSW TREASURY (LOW LEVEL BRIDGE REPAIRS)	11/05/2020	11/05/2040	500,000	2.41	418,267
						3,792,036
<u>WASTE</u>						
247	NATIONAL AUST. BANK (RECYCLING PLANT)	16/04/2010	16/04/2025	538,500	8.01	44,716
255	NSW TREASURY (MRF AMENITIES/ADMINISTRATION BUILDING)	28/06/2024	28/06/1944	450,000	5.76	450,000
						494,716
<u>WATER</u>						
238	COMMONWEALTH (CBD MAINS RE_PLACEMENT)	22/02/2006	23/02/2031	1,000,000	6.03	439,887
241A	COMMONWEALTH BANK (WATER MAIN REPLACEMENT)	18/12/2006	18/12/2036	1,256,000	6.35	804,584
242A	COMMONWEALTH BANK (1C1 ZONE)	22/08/2007	24/08/2037	1,286,500	6.80	876,009
251	WESTPAC (EMERGENCY WATER SUPPLY CONSTRUCTION)	28/06/2013	27/06/2033	1,186,124	6.566	722,468
252	NATIONAL AUSTRALIA BANK (WATER TREATMENT PLANT AUTOMATION)	18/06/2014	18/06/2024	3,875,000	5.050	0
						2,842,947
<u>SEWERAGE</u>						
244	NATIONAL AUST. BANK (SEWER TREATMENT PLANT)	6/05/2010	04/05/2040	7,213,230	8.13	5,771,765
						5,771,765
GRAND TOTAL						\$12,901,464

4 DIRECTOR-ENVIRONMENTAL SERVICES REPORT

4.1 Draft Cowra Community Participation Plan (CPP) 2024

File Number: D24/1167

Author: Larissa Hackett, Director - Environmental Services

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.
-

Introduction

The requirement to endorse a Community Participation Plan (CPP) applies to all Councils (planning authorities) under the Environmental Planning and Assessment Act 1979 (EPA Act). This report provides Council with a copy of the final 2024 CPP after the public exhibition process.

Environmental Services prepared the Draft Cowra CPP 2024 and reported this to Council in April 2024. Council resolved to endorse the Draft Community Participation Plan for the purposes of public exhibition and this occurred from 6 May 2024 to 3 June 2024. No submissions were received from the general public.

A copy of the final Cowra CPP 2024 is included in Attachment A to this report.

What is a Community Participation Plan?

A CPP is intended to make it easier for the community to understand how to participate in planning matters in NSW. A CPP must set out how and when Council will engage with the community on the various planning functions that it performs, and sets out the minimum public exhibition timeframes for those planning functions, including:

- Draft Local Strategic Planning Statements.
- Planning Proposals.
- Draft Development Control Plans.
- Draft Contribution Plans.
- Development Applications.

A CPP must also have regard to the following community participation principles, as outlined in Section 2.23(2) of the EP&A Act:

- The community has a right to be informed about planning matters that affect it.
- Planning authorities should encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning.
- Planning information should be in plain language, easily accessible and in a form that facilitates community participation in planning.
- The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered.
- Community participation should be inclusive and planning authorities should actively seek views that are representative of the community.
- Members of the community who are affected by proposed major development should be consulted by the proponent before an application for planning approval is made.
- Planning decisions should be made in an open and transparent way and the community should be provided with reasons for those decisions (including how community views have been taken into account).
- Community participation methods (and the reasons given for planning decisions) should be appropriate having regard to the significance and likely impact of the proposed development.

Key features of the 2024 Plan compared to the 2020 document

The key features of the final Cowra CPP 2024 as compared to the 2020 documents are summarised as follows:

- An extension of the previous fourteen (14) day neighbour notification/exhibition period to twenty-one (21) days, following community feedback regarding postal delays, especially for rural residents on limited delivery services. This may marginally increase the average assessment timeframe for those DAs that require notification.
- Additional exemptions to the neighbour notification process in strict circumstances, listed below:
 - The Development Application is for a single storey dwelling, single storey alterations or additions to a dwelling or ancillary residential development (e.g. sheds, carports, swimming pools, fences etc.) where the applicant has not requested a variation to a Council policy.
 - The Development Application is for a farm building where the applicant has not requested a variation to Council policy.
 - The Development Application is for a boundary adjustment where the applicant has not requested a variation to Council policy.

These additional exemptions aim to reduce the assessment timeframes for minor development that complies with Council policy. Where applicable, it will also reduce the cost of the application to the applicant. Council's current neighbour notification fee is \$129.

- Formal newspaper public notice advertising no longer included in methods of community consultation (this does not limit other forms of media publication, however)
- 2024 document designed to incorporate Cowra Council Corporate Style, specifically brand colours, and include imagery wholly reflective of a variety of Council's projects

The key features generally of the plan remain:

- Section 1 includes an overview of the plan.
- Section 2 establishes the importance of community engagement and consistency with the principles of community participation prescribed by the legislation.
- Section 3 describes the various planning functions of Council to which the Draft CPP will apply.
- Section 4 outlines the notification and exhibition requirements for Council's development assessment processes.
- Section 5 outlines the notification and exhibition requirements for Council's plan making functions.
- Section 6 outlines the methods that Council will use to engage with the community.
- Section 7 provides advice in relation to the process for making a submission to Council on any matter that is subject to notification or exhibition under the plan.
- Section 8 provides advice on the processes that Council will follow when a submission is received in relation to a matter that is notified or exhibited under the plan.

Public Exhibition process.

With Council's endorsement, the Draft Cowra CPP 2024 was placed on public exhibition for the minimum period of 28 days, from 6 May 2024 to 3 June 2024. Simultaneously, the draft document was distributed via Council's Aboriginal Consultation Registered Stakeholders, as per Section 6.1 of that policy, deeming the plan to fit under the term 'Other' for plans and policies that will be referred to the Aboriginal Community.

Council did not receive any written submissions from the general public via either consultation processes; only one response seeking clarification regarding the main changes. No further communication was received from this respondent after a summary of the main changes was provided.

Internal review

The draft plan was work-shopped with Council's planning staff throughout the formation of the document.

Adoption of the plan

The (finalised) Cowra CPP 2024 is included for Council's information in Attachment 'A' to this report. A recommendation has also been included in this report seeking a resolution from Council to adopt the plan.

Subject to Council's adoption of the plan, the Director of Environmental Services will arrange for the document to be uploaded to the NSW Government's Planning Portal.

The adopted plan will be implemented immediately following Council's resolution and will supersede the notification and advertising requirements set out in Cowra CPP 2020. Council will apply the provisions of the adopted plan to any Development Application or other Council planning document that is lodged or prepared after the adoption date.

It is recommended the Cowra CPP 2024 be scheduled with a four-year review period, with the next proposed review year being 2027-2028.

Conclusion

Environmental Services has prepared a final CPP 2024 for Cowra. The purpose of the CPP is to set out how a Council will engage with its community on all of the planning functions that it performs.

The final Cowra CPP 2024 has been prepared in accordance with the requirements of the EP&A Act and relevant guidelines issued by the NSW Department of Planning and Environment.

The final Cowra CPP 2024 has four key changes compared to the 2020 policy document it is updating – an extension of the neighbour notification period from 14 to 21 days, additional exemptions to the neighbour notification process, the cessation of formal public notice newspaper advertising in regards to public exhibition and 2024 document design now incorporating Cowra Council corporate style.

Council resolved to endorse the CPP for the purposes of public exhibition and this occurred from 6 May to 3 June 2024. No submissions were received from the public.

Now that the exhibition period has concluded and after a final revision, Environmental Services staff seek Council's endorsement of the Cowra CPP 2024. Environmental Services will arrange for the implementation of the adopted plan.

ATTACHMENTS

1. Draft 2024 Community Participation Plan [↓](#)



2024

Community Participation Plan

Environmental Services - Cowra Council



Council
acknowledges the
Wiradjuri people
as the custodians
of this land and
pays respect to
their elders, past
present and
emerging



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01

An introduction to the plan

Cowra Council recognises that our rural communities are as diverse as our urban communities.

Our communities have a unique relationship with, and understanding of, the Cowra Shire. The community's range of experiences, interests and roles are essential in shaping the planning and land use decisions that affect our Shire and its villages.

The Community Participation Plan sets out the processes that Council will use to notify the Community of opportunities to provide feedback on planning matters being considered by the Cowra Shire Council.

This document supports the Cowra Community Strategic Plan 2036, to demonstrate leadership, transparency and accountability in decision making.

This plan meets the requirements of the Environmental Planning and Assessment act 1979.

1.1 Introduction

The NSW Government requires all Councils in NSW to prepare a Community Participation Plan (CPP) that sets out how and when Council will engage with the community on the planning functions of Council under the Environmental Planning and Assessment Act 1979.

Community participation is an overarching term covering how Council will engage the community in relation to planning functions delegated to Council by the NSW Department of Planning and Environment, including legislative reform, plan making and decisions on proposed developments.

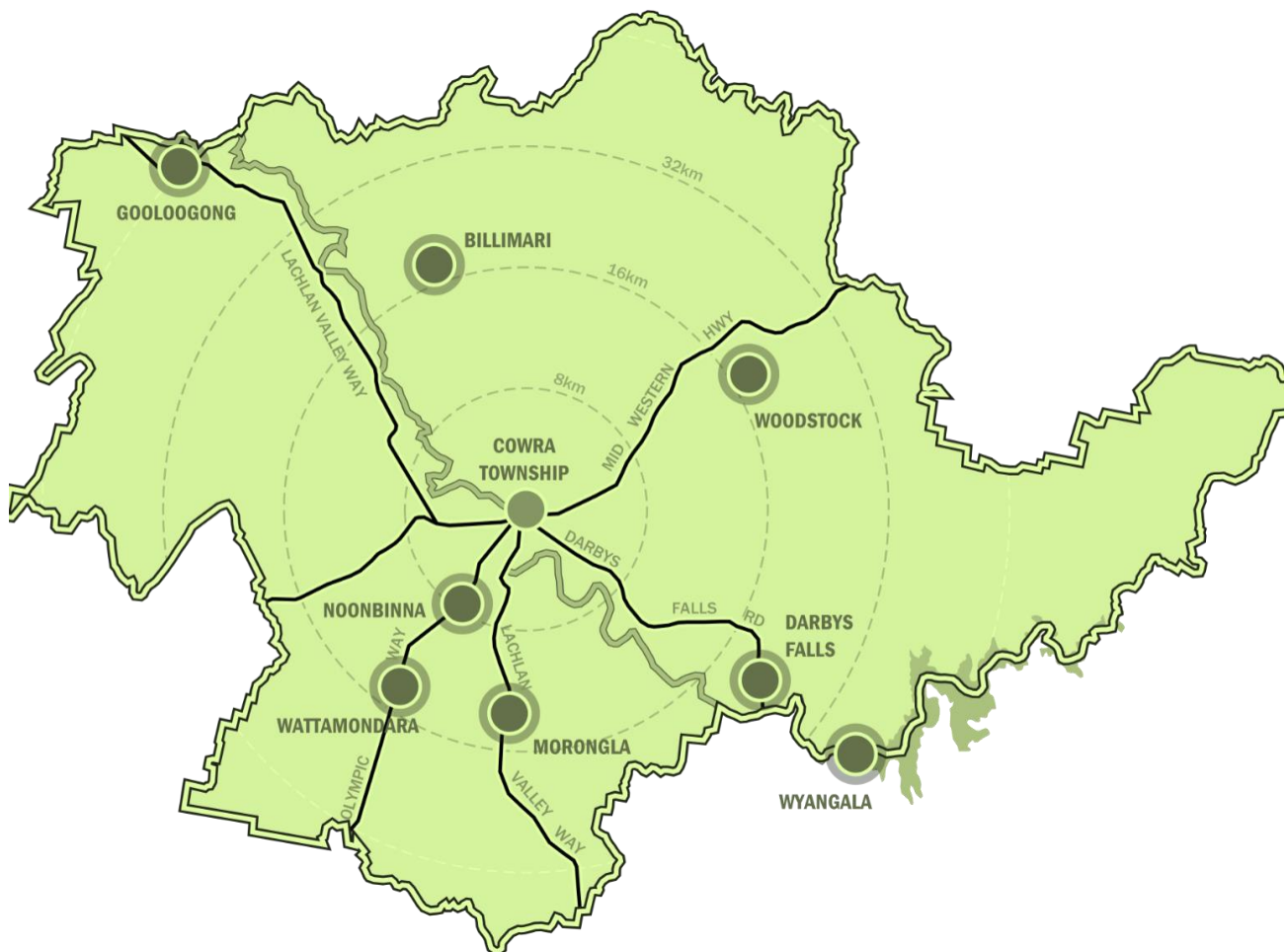
The level and extent of community participation will vary depending on the scope of the proposal under consideration and the potential impact of the decision.

1.2 Who is the community?

The community is anyone who is affected by the planning system and includes individuals, community groups, Aboriginal communities, peak bodies, stakeholders, businesses and Local, State and Commonwealth Government agencies.

1.3 Land to which this Plan applies

The Cowra Community Participation Plan applies to all land within the Cowra Shire Local Government Area (LGA).



1.4 What is community engagement?

Community engagement is a planned process with the specific purpose of working with identified groups of people, whether they are connected by geographic location, special interest, or affiliation.

The linking of the term 'community' to 'engagement' serves to broaden the scope, shifting the focus from the individual to the collective, with the associated implications for inclusiveness to ensure consideration is made of the diversity that exists within any community.

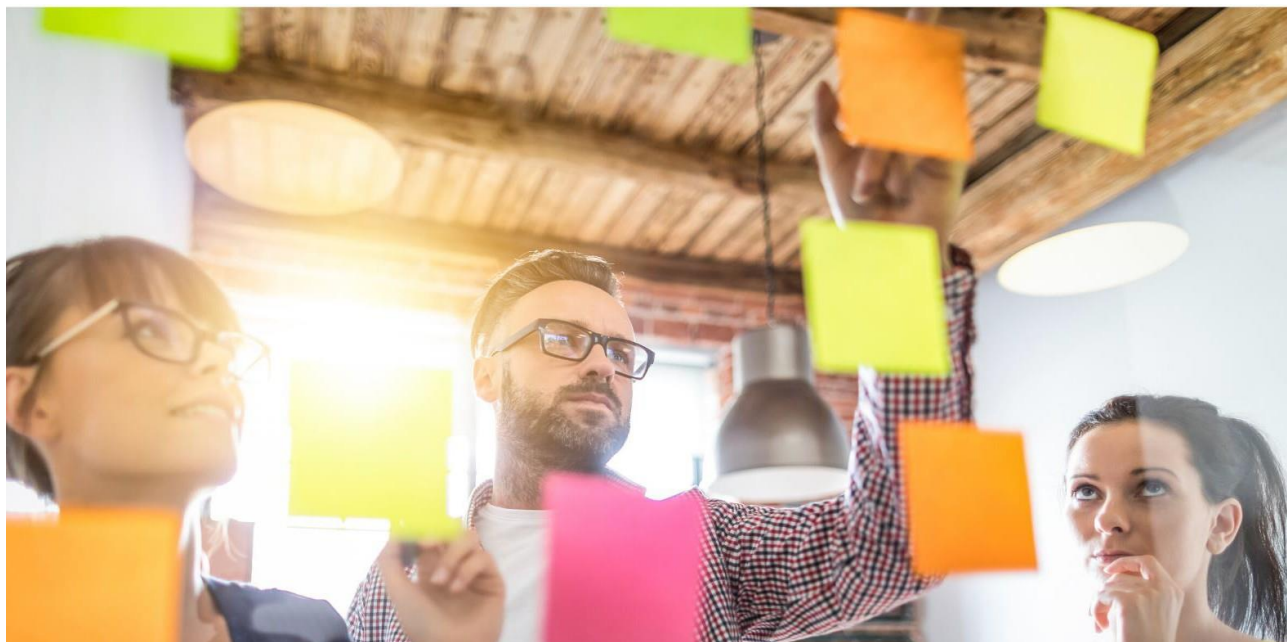
1.5 What is a Community Participation Plan?

Community participation is particularly important to successful planning outcomes.

The Cowra CPP sets out when and how Council will engage with the Cowra community across all of the planning functions which Council performs.

The Cowra CPP has been prepared in line with Division 2.6 and Schedule 1 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the Department of Planning and Environment's guidance material.

This plan outlines the Council's policy for community participation in planning processes.



PG. 5 | COWRA COMMUNITY PARTICIPATION PLAN | 2020

02

Why is community participation in planning important?

Planning helps to define the local community. It impacts on the quality of daily experiences for those who live, study and work or visit the Cowra Shire.

Council is committed to ongoing and meaningful engagement with the community and stakeholders to help improve this experience.

2.1 What are the aims of community engagement?

- + To enhance opportunities for all members of the community to participate in planning processes and decision making.
- + To ensure planning and decision making processes are carried out in an open, transparent, comprehensive and consistent manner.
- + To ensure the community is well informed about how they can participate in planning and decision making processes.
- + To ensure that planning decisions are made in an efficient manner without compromising opportunities for community participation.
- + To ensure that public submissions made in relation to development assessment and plan making processes are properly considered by Council.
- + To ensure adequate opportunities for community participation in planning and decision making processes, particularly by those who may be impacted.

2.2 What are the principles of community participation?

- + The community has a right to be informed about planning matters that affect it.
- + Planning Authorities should encourage effective and on-going partnerships with the community to provide meaningful opportunities for community participation in planning.
- + Planning information should be in plain language, easily accessible and in a form that facilitates community participation.
- + The community should be given opportunities to participate in strategic planning as early as possible to enable community views to be genuinely considered.
- + Community participation should be inclusive and Planning Authorities should actively seek views that are representative of the community.
- + Members of the community who are affected by a proposed major development should be consulted by the proponent before an application for planning approval is made.
- + Planning decisions should be made in an open and transparent way and the community should be provided with reasons for those decisions (including how community views have been taken into account).

- + Community participation methods (and the reasons given for planning decisions) should be appropriate having regard to the significance and likely impact of the proposed development.

2.3 What are the benefits of engaging with our community?

- + Engagement leads to better project and service delivery outcomes.
- + Engagement allows Council to build more resilient relationships with the local community.
- + Engagement provides Council with increased capacity to form partnerships and networks within the community.
- + Engagement can enhance Council's reputation within the local community.
- + Engagement can be used to gauge whether Council is upholding the expectations of the local community.
- + Engagement enables Council to increase its understanding of key issues within the community.
- + Engagement increases the capacity of Council to adequately deal with complex and emerging issues.
- + Engagement provides opportunities for diverse voices to be heard.
- + Engagement empowers the community to identify priorities for themselves and own the solutions.



“Planning helps to define the local community.
It impacts on the quality of daily experiences for
those who live, study and work or visit Cowra



03 What are Council's planning functions?

Council's planning functions are divided into two streams under the **Environmental Planning and Assessment Act 1979**: development assessment, and plan making.

3.1 Development Assessment

Local development

Local development is the most common type of development in NSW, with projects ranging from home extensions to commercial, retail and industrial developments.

Cowra Local Environmental Plan 2012 outlines those developments and land uses which require consent before the development can take place.

Nominated integrated development

Nominated integrated development means integrated development (not being threatened species development or Class 1 aquaculture development) that requires an approval (within the meaning of section 4.45 of the Act) under:

- + a provision of the *Heritage Act 1977* specified in section 4.46 (1) of the Environmental Planning and Assessment Act 1979, or
- + a provision of the *Water Management Act 2000* specified in section 4.46 (1) of the Environmental Planning and Assessment Act 1979, or

- + a provision of the *Protection of the Environment Operations Act 1997* specified in section 4.46 (1) of the Environmental Planning and Assessment Act 1979.

Designated development

Designated Developments are high-impact developments (e.g. likely to generate pollution) or that are located in or near an environmentally sensitive area (e.g. a wetland). There are two ways a development can be categorised as designated development:

- + the class of development can be listed in Schedule 3 of the Environmental Planning and Assessment Regulation 2021 as being designated development, or
- + a Local Environmental Plan (LEP) or State Environmental Planning Policy (SEPP) can declare certain types of development to be designated.

State significant development

State significant development is development that due to the size, economic value or potential impact is considered to be of State significance.

Development that is State significant development (SSD) is identified in the State and Regional Development SEPP. For all State significant development applications, the Minister for Planning is the consent authority.

Modification of development consents

After development consent has been issued, the applicant or anyone entitled to act on the applicant's behalf can apply to Council, or the approval authority, for approval to modify that development consent.

An application to modify a development consent is made under Section 4.55 of the Environmental Planning and Assessment Act 1979 (the Act) provided that the development is substantially the same.

If Council does not agree that the proposed modifications would result in substantially the same development as was originally approved, a new development application will need to be submitted for assessment.

3.2 Plan Making

Community Participation Plan

The Cowra CPP sets out when and how Council will engage with their communities across all the planning functions they perform and establish the minimum requirements for community participation for each type of document.

Regional or District Plans

Regional plans have been developed by the NSW Department of Planning and Environment to plan for our future populations needs for housing, jobs, infrastructure and a healthy environment. The Central West and Orana Regional Plan 2041 applies to the Cowra Local Government Area and the region.

Local Strategic Planning Statements

The Local Strategic Planning Statement will set out the 20-year vision for land-use in the Cowra Region and its 8 villages, the special character and values that are to be preserved, and how change will be managed into the future. The Local Strategic Planning Statement will support Council's Local Land Use Strategies.

The Local Strategic Planning Statement will implement actions from the Central West and Orana Regional Plan, as well as Council's own priorities identified in the Cowra Council Community Strategic Plan, its land use

strategies and other studies that support the growth of the Shire.

The Local Strategic Planning Statement must:

- + identify the planning priorities for an area,
- + explain how these priorities are to be delivered, and
- + demonstrate how Council will monitor and report on how the priorities will be implemented.

The statement will shape how the development controls in the local environmental plan (LEP) evolve over time to meet the community's needs, with the LEP the main planning tool to deliver Council's and the community's plan.

Strategic Land Use Plans, Strategies and Studies

Council develops a range of long-term plans and strategies for specific areas or development issues. Many of these plans and strategies will become Council policy after community consultation and will be implemented through Council's planning controls. Some Strategies and Plans also require endorsement from Government Agencies and support the Central West and Orana Regional Plan.

Planning Proposals

The Cowra Local Environmental Plan 2012 (LEP) guides planning decisions for the Cowra Shire. It does this through zoning and development controls, which provide a framework for the way land can be used. The LEP is the main planning tool to shape the future of communities and ensure local development is achieved appropriately.

A Planning Proposal is required to amend the Local Environmental Plan. A Planning Proposal must demonstrate the strategic merit of the proposed LEP amendment. A Planning Proposal is submitted to the NSW Department of Planning and Environment for a Gateway Determination. A Gateway Determination will identify whether there is merit in the proposed amendment proceeding further in the plan making process.

A Gateway Determination is issued by the NSW Department of Planning and Environment and will determine:

- + whether or not to proceed with the Planning Proposal
- + whether or not to impose conditions to the proposal
- + the minimum public exhibition period

Planning Agreements

Planning Agreements (also commonly referred to as VPAs) are voluntary agreements entered into by the Council and a developer to deliver public benefits.

These include the dedication of land to Council, monetary contributions, public infrastructure, community facilities, affordable housing, any other material public benefit or any combination of these.

Planning Agreements are prepared under the Environmental Planning and Assessment Act 1979 in relation to either a planning proposal or a development application.

Development Control Plans

The Development Control Plan 2021 (DCP) is prepared by Council and applies to specific types of development or areas of land and provides detailed guidelines and controls. The DCP applies to the Cowra Shire.

Council will periodically amend the DCP to introduce new controls relating to specific development types, to reflect legislative changes, or to clarify the intent of an existing control.

Developer and Infrastructure Contribution Plans

Subdivision 7 of Part 3 of the EP&A Act details the contributions that Council can levy for development. Council's 7.11 and 7.12 (formerly Section 94 and Section 94A) Contribution Plan 2016 allows Council to levy contributions on development consents issued for land within the Cowra Shire. These contributions assist with the provision of community facilities and / or infrastructure to meet demand created by development.

Council will periodically amend these plans, reflecting revised population growth, rezoning

of additional land, completion of works, or to amend the schedule of works to reflect Council's priorities.

The Local Government Act 1993 allows Council to levy contribution towards water and sewer infrastructure where the anticipated development will or is likely to increase the demand for water or sewer supply services via:

- + The Developer Servicing Plan for Water, and
- + The Developer Servicing Plan for Sewer.

Development excluded from notification under this Community Participation Plan

Some types of development do not need development consent from Council and therefore there is no pathway for formal community participation. This Plan does not relate to applications that fall within the following categories:

- + Development which is exempt development under the provisions of Clause 3.1 - Exempt Development of the LEP and or any applicable State Environmental Planning Policy.
- + Development which is complying development under the provisions of Clause 3.2 Complying Development of the LEP and or any applicable State Environmental Planning Policy.

3.3 Other Council Plans

Cowra Council Aboriginal Consultation Policy

Cowra Shire Council's Aboriginal Consultation Policy provides clarity regarding the consultation process for any development activities with the potential to impact on Aboriginal cultural heritage in the Cowra LGA. Section 5.2 of the Aboriginal Consultation Policy identifies the following types of Development Applications, irrespective of the proponent, that will be referred to the Aboriginal community for input:

- + DAs involving the proposed removal/destruction of an Aboriginal site or relic;
- + DAs where there is an identified Aboriginal site or relic either on the subject land or located in close proximity to the land (less than 100 metres from any works associated with the development).
- + DAs involving the proposed disturbance of two hectares or more of land that is within 100 metres of the bank of a river, or creek, or from the crest of a ridgeline or established timbered areas assessed to be more than 100 years old.

04

Development assessment consultation requirements

This section outlines the notification and exhibition requirements for development assessment processes within Council.

This plan supersedes and incorporates the notification and advertising requirements set out in the Cowra Development Control Plan 2021.

4.1 What is notified development?

To ensure a comprehensive, transparent and consistent approach to community consultation, all new Development Applications lodged with Cowra Council will be subject to the neighbour notification process, except for those exempted by Section 4.5 of this Plan.

4.2 What is exhibited development?

Exhibited development is development that is subject to notification; however, it is development that must also be advertised on Council's website in accordance with the requirements of this plan.

4.3 Mandatory exhibition timeframes – certain development application types

Section 2.21(2) of the EP&A Act details the types of proposals that must be considered in the CPP and Schedule 1 sets a minimum exhibition timeframe for most of these proposals.

Council will always exhibit a proposal for this minimum timeframe and will consider an extended timeframe for exhibition based on the scale and nature of the proposal.

The only requirements in this plan that are mandatory are those set out in the table below and these are the same as the mandatory minimum timeframes in Schedule 1 of the EP&A Act:

Development Assessment Type	Timeframe
Application for development consent for designated development	28 days (mandatory)
Application for development consent for state significant development	28 days (mandatory)
Environmental Impact Statement obtained under Division 5.1	28 days (mandatory)
Environmental Impact Statement for state significant infrastructure under Division 5.2	28 days (mandatory)
Environmental Impact Statement for State significant infrastructure under Division 5.2	28 days (mandatory)

4.4 Which applications will be notified and / or exhibited?

Notified Development	Exhibited Development
To ensure a comprehensive, transparent and consistent approach to community consultation, all new Development Applications lodged with Cowra Council will be subject to the neighbour notification process, except for those exempted by this Plan.	<p>The following development is exhibited development for the purposes of this Plan:</p> <ul style="list-style-type: none"> + Boarding houses + Caravan parks + Commercial development (in a commercial zone), excluding change of use and minor alterations and additions + Correctional centres + Crematoriums + Eco-tourist facilities + Entertainment facilities + Extractive industries + Freight transport facilities + Group homes + Hazardous or offensive industries + Heavy industrial storage establishments + Development involving heritage Items, including demolition + Highway service centres + Hotels / Motels + Industrial development (in an industrial zone) adjoining a residential zone + Intensive livestock agriculture + Applications involving 5 or more dwellings, regardless of whether there is a subdivision proposed. + Places of public worship + Registered clubs + Sex services premises + Subdivisions involving the creation of 10 or more new allotments <p>In addition to the developments identified above, where the Council or its delegated officers consider that community interest in a Development Application is wider than the immediate vicinity of the development site, notification may also be given on its website.</p>

4.5 Are there any exemptions to the consultation process?

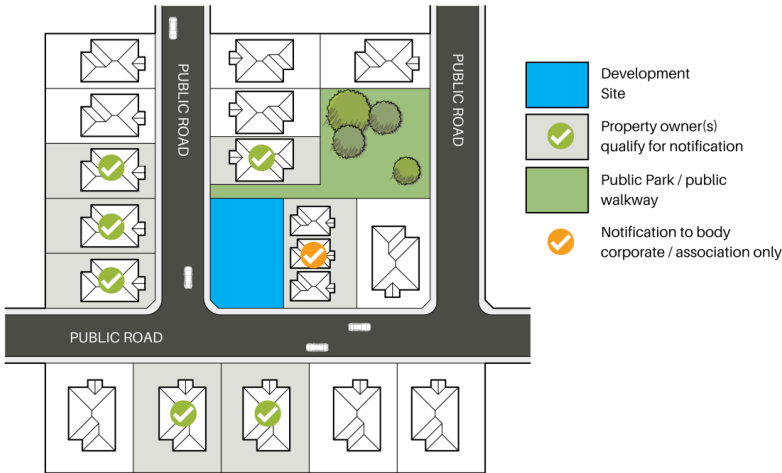
Notified Development	Exhibited Development
<p>Council may decide not to follow the neighbour notification procedure in the following circumstances:</p> <ul style="list-style-type: none"> + The development could have been carried out as exempt development in accordance with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, or the latest revision of that policy. + The Development Application is for internal alterations to a building only + The Development Application is for a single storey dwelling, single storey alterations or additions to a dwelling or ancillary residential development (e.g. sheds, carports, swimming pools, fences etc.) where the applicant has not requested a variation to a Council policy. + The Development Application is for a farm building where the applicant has not requested a variation to Council policy. + The Development Application is for a boundary adjustment where the applicant has not requested a variation to Council policy. + The Development Application is for renovation works such as re-cladding of buildings, replacement of windows, doors or shop fronts where the works are contained entirely within the building envelope + The development relates to an amendment that is a result of a condition imposed on an existing Development Application that has previously been notified in accordance with this Plan. + In relation to existing Development Consents, Section 4.55 (1) Modifications involving minor error, misdescription or miscalculation and Section 4.55(1A) Modifications involving minimal environmental impact. 	<p>Any development not prescribed in Section 4.4.</p>

4.6 How does Council consult?

Notified Development	Exhibited Development
Written letter to any person(s) identified in Section 4.7.	<div><div></div><div>+ Council will make the relevant plans, policies and development applications available for public inspection on Council’s website.</div></div> <div><div></div><div>+ Exhibition material to be made available for inspection at Council’s Customer Service Centre at 116 Kendal Street, Cowra</div></div>

4.7 Who does Council consult with?

Notified Development	Exhibited Development
<ul style="list-style-type: none">+ The owner(s) of land immediately adjoining to the side and rear boundaries of the subject land.+ The owner(s) of land adjacent to the subject land, including land that is separated from the subject land by a road, pathway, driveway, railway or similar thoroughfare.+ An association for a community, precinct or neighbourhood parcel within the meaning of the Community Land Development Act 2021 or a body corporate for a parcel within the meaning of the Strata Schemes Development Act 2015 and Strata Schemes Management Act 2015.+ The owner(s) of any other land which may, in the opinion of Council or its delegated officers, be affected by the proposed development, having regard to views, overshadowing, overlooking, noise impacts, visual impacts, drainage or any other relevant for consideration under Section 4.15 of the EP&A Act.+ See Diagram below for a simplistic illustration of properties which may qualify for notification.	<p>As per notified development, plus any interested person(s) from within the community as per Section 4.6.</p>



4.8 What information is provided as part of consultation?

Notified Development	Exhibited Development
<p>The following information shall be included in the written notification letter to any person(s) entitled to be notified:</p> <ul style="list-style-type: none"> + The property description and address of the subject land + A description of development + The name of the applicant + An invitation to inspect the Development Application + Details of where the application can be inspected + A statement that any person may make a written submission in relation to the application + The time within which written submissions must be received by Council + Advice that the content of written submission may be included in a report to Council and / or provided to the applicant. + Advice that Council is subject to the Government Information (Public Access) Act 2009 legislation and that copies of written submissions may be made available to any persons entitled to lodge an application under this legislation <p>The following plans and documentation will accompany the written notification:</p> <ul style="list-style-type: none"> + Scaled and dimensioned elevations, where building works are proposed + Scaled and dimensioned site plan, where building works are proposed + Scaled and dimensioned plan of existing and proposed allotment boundaries, where subdivision works are proposed + Statement of Environmental Effects 	<p>During the public exhibition period, Council must make available, upon request, extracts of the Development Application to any interested persons. This information shall include:</p> <ul style="list-style-type: none"> + Details of the applicant and the land to which the Development Application relates + Scaled and dimensioned elevations, where building works are proposed + Scaled and dimensioned site plan, where building works are proposed + Scaled and dimensioned plan of existing and proposed allotment boundaries, where subdivision works are proposed + Statement of Environmental Effects + Where relevant, a copy of the Environmental Impact Statement (EIS) accompanying the Development Application + Copies of the EIS will be made available from Council on request

4.9 What is the period of consultation?

Notified Development	Exhibited Development
For Development Applications requiring neighbour notification under this Plan, a neighbour notification period of not less than twenty-one (21) days shall be provided by Council. During the Christmas period, notification timeframe will be extended to reflect the requirements of Schedule 1 of the Environmental Planning & Assessment Act 1979.	The Development Application shall be made available for inspection for a period of not less than twenty-one (21) days, public holidays excluded, commencing from the date on which the public exhibition notice was placed on Council's website.

4.10 Who is entitled to make a submission?

Notified Development	Exhibited Development
A submission may be made by any person whether or not that person has been or is entitled to be, given notification of the Development Application under this Plan.	A submission may be made by any person.

4.11 When must a submission be received by Council?

Notified Development	Exhibited Development
<p>Submissions in respect of a Development Application that is notified under this Plan must be received by Council:</p> <ul style="list-style-type: none"> + Within twenty-one (21) days of the date appearing on the written notification letter, or + Alternatively within such additional period as may be deemed appropriate by the Council or its delegated officers. 	<p>Submissions in respect of a DA that is publicly exhibited under this Plan must be received by Council:</p> <ul style="list-style-type: none"> + Within twenty-one (21) days of the date appearing on the public exhibition notice, or + Alternatively within such additional period as may be determined by the Council or its delegated officers.

4.12 What happens if an application is amended post consultation but prior to determination?

Notified Development	Exhibited Development
<p>For Development Applications that are amended post neighbour notification and at any time prior to determination, the Development Application will be re-notified (in accordance with Sections 4.6 to 4.9 of this plan) when it is considered that there will be an additional likely environmental impact.</p> <p>If, in the opinion of the Council or its delegated officers, the likely environmental impact is the same or will be reduced as a result of the amendments, the Development Application will not need to be re-notified under this Plan.</p>	<p>For Development Applications that are amended post public exhibition and at any time prior to determination, the Development Application will be re-exhibited in accordance with this Plan when it is considered that there will be an additional likely environmental impact.</p> <p>If, in the opinion of the Council or its delegated officers, the likely environmental impact is the same or will be reduced as a result of the amendments, the Development Application will not need to be re-exhibited under this Plan.</p>

4.13 How does Council deal with applications to modify a consent?

Notified Development	Exhibited Development
Section 4.55(1) Modifications	Section 4.55(1) Modifications
Applications are not required to be notified.	Applications are not required to be exhibited
Section 4.55(1A) Modifications	Section 4.55(1A) Modifications
Applications are not required to be notified.	Applications are not required to be exhibited
Section 4.55(2) Other Modifications	Section 4.55(2) Other Modifications
Council is required to follow normal notification procedures in accordance with the requirements of this Plan, but only where the original Development Application was also notified. All persons who made submissions in relation to the original Development Application will be notified. Note: The EP&A Act 1979 and Regulation 2021 specify additional advertising and notification procedures for Section 4.55(2) Modification applications.	Council is required to follow normal public exhibition procedures in accordance with the requirements of this Plan, but only where the original Development Application was also publicly exhibited. All persons who made submissions in relation to the original Development Application will be notified. Note: The EP&A Act 1979 and Regulation 2021 specify additional advertising and notification procedures for Section 4.55(2) Modification applications.
Section 4.55(AA) Court Granted Modifications	Section 4.55(AA) Court Granted Modifications
Council is required to follow normal notification procedures in accordance with the requirements of this Plan, but only where the original Development Application was also notified. All persons who made submissions in relation to the original Development Application will be notified.	Council is required to follow normal public exhibition procedures in accordance with the requirements of this Plan, but only where the original Development Application was also publicly exhibited. All persons who made submissions in relation to the original Development Application will be notified.

4.14 How will Council deal with petitions?

Notified Development	Exhibited Development
<ul style="list-style-type: none"> + Where a petition is received in relation to a Development Application, Section 4.55 Modification Application or Section 82A Review Application, the head petitioner will be acknowledged for the purpose of future contact as to the progress of the Development Application. + Where a head petitioner is not nominated, one will be selected by Council or its delegated officers. + Only the head petitioner will be advised of committee meeting times or receive written confirmation of the determination of the Development Application. 	As per notified development.

4.15 How will Council deal with applications to review a consent?

Notified Development	Exhibited Development
<ul style="list-style-type: none"> + Where an applicant requests Council to review a determination of a Development Application in accordance with the requirements of Section 8.3 of the EP&A Act, the review application must be re-notified in the same manner as the original Development Application. + All persons who made submissions in relation to the original Development Application must also be notified. 	<ul style="list-style-type: none"> + Where an applicant requests Council to review a determination of a Development Application in accordance with the requirements of Section 8.3 of the EP&A Act, the review application must be re-exhibited in the same manner as the original Development Application. + All persons who made submissions in relation to the original Development Application must also be notified.

Note: The EP&A Act and Regulation specify additional advertising and notification procedures for Section 8.3 Review Applications.

4.16 Will Council consider an extension to the submission period?

Notified Development	Exhibited Development
<ul style="list-style-type: none"> + To ensure the efficient processing of Development Applications, Council will not provide an extension of time within which it will be possible to make submissions. + During the Christmas period, notification timeframe will be extended to reflect the requirements of Schedule 1 of the Environmental Planning & Assessment Act 1979. 	As per notified development.

4.17 What if the adjoining property is located in a different LGA?

Notified Development	Exhibited Development
<p>Where adjoining properties not within the Cowra Local Government Area are considered to be affected by a Development Application made in relation to land in the Cowra Local Government Area, the owner(s) of such properties will be notified in accordance with the provisions of this Plan.</p> <p>Notification of adjoining properties will require the adjoining Local Government Authority to provide Cowra Shire Council with the property details of requested properties within 48 hours of the request</p>	As per notified development.

05

Plan Making
Consultation Requirements

This section outlines how Council will consult with the community in relation to the preparation of draft planning documents, studies and strategies.

5.1 Exhibition timeframes

Public exhibition of draft planning documents requires Council endorsement before being released for comment. Exhibition timeframes for the various documents are shown in the table below.

Planning Document	Timeframe
Draft Community Participation Plans	28 days (mandatory)
Draft Regional or District Strategic Plan	45 days (mandatory)
Draft Local Strategic Planning Statement	28 days (mandatory)
Draft Development Control Plan	28 days (mandatory)
Draft Development Contributions Plan	28 days (mandatory)
Planning Proposal subject to a Gateway Determination	28 days or as specified in gateway
Draft Planning Agreement	28 days (mandatory)
Draft Planning Policy / Guideline	28 days (best practice)
Draft Land-use / Planning Strategy	28 days (best practice)
Draft Masterplanning documents	42 days (best practice)
Re-exhibition of any matter referred to above.	As per original exhibition period.

06

How will Council facilitate community consultation?

6.1 Facilitating community consultation



Direct Invitation

For notified development, Council will write to individual land owner(s) with relevant advice about the application / draft planning document and invite participation in the consultation process. The invitation will be provided to the registered owner(s) of the land as recorded by Council on the day the invitation is made.



Exhibition Centre

For exhibited development, Council will make all consultation material available for inspection at Council's Customer Service Centre, 116 Kendal Street Cowra.



Online

For exhibited development, Council will make all consultation material available for download from Council's website - www.cowracouncil.com.au



Community Workshops / Forums

For exhibited development considered by Council to be of high interest to the broader community, Council will organise one or a number of workshops and invite interested community members to attend.



Council will consult in this way every time for these projects.



Council may consult in this way for projects that are considered to be of high interest to the community.



Council will consult with individual landowners, stakeholders or interest groups where relevant.

	By direct Invitation	Exhibition Centre	Online	Community Workshops
Planning Document				
Development Application – Notified Development	✓			
Development Application – Exhibited Development	✓	✓	✓	✓
Planning Document				
Draft Community Participation Plans		✓	✓	✓
Draft Regional or District Strategic Plan		✓	✓	✓
Draft Local Strategic Planning Statement		✓	✓	✓
Draft Development Control Plan	✓	✓	✓	✓
Draft Development Contributions Plan	✓	✓	✓	✓
Planning Proposal subject to a Gateway Determination	✓	✓	✓	✓
Draft Planning Agreement	✓	✓	✓	✓
Draft Planning Policy / Guideline	✓	✓	✓	✓
Draft Land-use / Planning Strategy	✓	✓	✓	✓
Draft Masterplanning documents	✓	✓	✓	✓
Re-exhibition of any matter referred to above.	✓	✓	✓	✓
Other Documents				
Aboriginal Consultation Policy	✓	✓	✓	✓

07

What is the process for making a submission?

7.1 Making a Submission

- + Submissions must be made within the prescribed notification / exhibition period.
- + All submissions must clearly indicate the name and address of the person or household making the submission.
- + All submissions must clearly reference the planning application number / matter to which it relates.
- + The submission should relate directly to the planning application / document and if the submission is by way of objection, it must state the reasons for objection.
- + The submission must be made in writing (via mail, email, or hand delivered).
- + Verbal submissions will not be accepted.

Posted submissions should be addressed to:

General Manager
Cowra Shire Council
Private Bag 342
Cowra NSW 2794

Emailed submissions should be sent to:

council@cowra.nsw.gov.au

Submissions can be hand delivered to:

Cowra Shire Council
Customer Service Centre
116 Kendal Street
Cowra NSW 2794



08

How will Council measure and record community participation?

8.1 Recording of Submissions

Council has systems setup to manage hard copy and digital submissions.

At a minimum, Council commits to:

- + Registering each submission (through software or hard copy log)
- + Identifying the core issues and responding to these (as they relate to the DA)
- + Recording the name and contact details (address or email) for submission to be official
- + Sending a written or emailed acknowledgement of receipt of submission.

Submissions from the same household will be considered as a single submission.

A petition or pro-forma letter (including pro-forma letters with the same contextual content) signed or submitted by multiple persons from different households will be treated as a single submission.

8.2 Submission process – development assessment

Submissions that are received in relation to a development assessment process will be treated by Council in the manner described in the graphic to the right of this page.

Submission makers should also note:

- + Council may, but is not obligated to, consider a submission that is received outside of the period allowed for making submissions under this Plan, provided the DA has not already been determined by Council.
- + The content of any submission received by Council in relation to a planning application may be presented in a report at an appropriate monthly meeting of Council. The terms of any submission(s) may be presented in a summarised manner.
- + Council is not bound to adopt or support a submission when making a determination.
- + Any submission received by Council may be referred to the applicant for consideration.
- + Any submission received by Council may be the subject of freedom of information requests under the Government Information (Public Access) Act 2009.

Submission is made to Council and assigned to the corresponding planning application

Submission author or lead petitioners details are recorded, and submission is acknowledged

Council officer receives notification of submission

The submission is properly considered as part of the assessment and determination of the planning application

The submission maker is formally notified of the outcome

8.3 Submission process – plan making

Submissions that are received in relation to the plan making process will be treated by Council in the manner described in the graphic to the right of this page.

Submission makers should also note:

- + To ensure the efficiency of the plan making process, Council will not consider submissions received outside of the prescribed period of exhibition.
- + The content of any submission received by Council in relation to a draft plan will be presented in a report at an appropriate monthly meeting of Council. The terms of any submission(s) may be presented in a summarised manner.
- + Council is not bound to adopt or support a submission when deciding to adopt a draft plan.
- + Any submission received by Council may be the subject of freedom of information requests under the Government Information (Public Access) Act 2009.

Submission is made to Council and assigned to the corresponding planning matter

Submission author or lead petitioners details are recorded, and submission is acknowledged

Council officer receives notification of submission

Prior to formal adoption of the draft plan, the submission will be considered as part of a report to Council.

The submission maker is formally notified of the outcome

“

“Council is committed to ongoing and meaningful engagement with the community and stakeholders to help improve the planning process and create better outcomes for all who live and visit the shire



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

File Number: D24/1185

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

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, but due to staff shortages, was unable to be finalised at the time. This year the review re-commenced, 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 of Development Applications - including Track Changes [↓](#)
2. Draft 2023 - Code of Planning Practice - Processing of Development Applications [↓](#)



COUNCIL POLICY

Code of Planning Practice - Processing of Development Applications

Code of Planning Practice – Processing of Development Applications

~~Manex Council~~ Meeting Date ~~24 July 2018~~ August 2024

Council Department Environmental Services

Contact Officer Director-Environmental Services

Revision History

Version	Council Meeting Date	Responsible Officer
1	26 March 2007 - 112/2007	Director-Environmental Services
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Version	Council Meeting Date	Responsible Officer

Cowra Shire Council
Private Bag 342
Cowra NSW 2794
Phone: 02 6340 2000

Email: council@cowra.nsw.gov.au
Internet: www.cowracouncil.com.au

Code of Planning Practice

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Code of Planning Practice

1. Purpose

The purpose of this Code 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.

This Code is aimed at Council staff, Councillors, residents, applicants and the community in general.

2. Date of Adoption of this Code

This Code was adopted by Council on 26 March 2007 and is effective immediately. It was revised in 2014 and 2018; a complete revision history is provided on Page 2.

3. Application of this Code

This Code sets pathways for the lodgement, assessment and processing of development applications, reviews of determinations sought by applicants under ~~Section 8.3 of~~ the Environmental Planning and Assessment Act (EP&A Act) and any modifications sought under Section 4.55 of the EP&A Act.

4. Aims

This Code 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.

5. Background

The Independent Commission Against Corruption (ICAC) acknowledge there is often a lot at stake in the development process, as decisions can affect the quality of people's lives and financial situations. For these reasons the process used to determine development applications can give rise to many concerns and complaints. These issues were picked up in ICAC's Taking the Devil Out of Development - interim report and position papers (May 2002 and December 2002~~);~~ Corruption Risks in NSW Development Approval Process position paper (September 2007~~); and~~ in ICAC's report on Anti-Corruption Safeguards and the NSW Planning System (February 2012~~); and in~~ ICAC's Investigation into the Code of Conduct of Councillors of the Former Canterbury City Council and Others 2021. In these reports, ICAC identified key risk areas for state and local planning authorities in dealing with development applications and provided a number of recommendations designed to address these risks including the need to:

- Better inform applicants and objectors about council values and business ethics;

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Improve the community's (residents and developers) understanding of the roles that Councillors and staff are obliged to fulfill when assessing and determining development applications and of the matters that will be considered in assessment and the processes and systems involved;

- Ensure the notification process used for developments is open and transparent and takes account of the size, impact and importance of the development proposed;
- Ensure appropriate delegations and separation of responsibilities in considering development applications;
- Implement changes to the law to penalise applicants who gain an approval through corrupt means;
- Provide guidance on what constitutes a modification to an application, prescribe a minimum requirement for notification and limiting the use of delegated authority for the approval of modifications;
- Provide Councillors with guidelines about their role and responsibilities in the development assessment process;
- Clarify what to do when the council is both developer and consent authority; and in accordance with the Managing Conflicts of Interest for Council related Development Policy; and
- Ensure planning instruments are reviewed regularly by Council's and kept up-to-date.
- Ensure that planning authorities are required to provide regular information and updates to the public about development applications under assessment, including any significant changes made to an application.
- Ensure that planning staff maintain a professional distance from regular applicants.

Cowra Shire Council has already adopted ~~a~~ Code of Conduct ~~and~~, Code of Meeting Practice & Managing Conflicts of Interest for Council related Development policies that provides guidance on how Councillors and Council staff should properly conduct themselves in a local government context. Cowra Shire Council is committed to taking action that improves public confidence in the way development applications are processed and assessed in the Shire. This Code of Planning Practice - Development Applications provides specific guidelines on how Councillors and staff should properly process and determine development applications.

6. The Development Application (DA) Process

The following outlines 7 key steps in the process used by Cowra Shire Council for lodging and assessing development applications:

6.1 Preliminary DA information sought and provided:

The applicant is welcome to seek information from Council's Customer Service Centre or Department - Environmental Services to assist with the preparation of a DA. Council officers are able to provide any relevant environmental planning policies, standards and codes to assist with the preparation of a DA. Council has developed a DA Guide to assist proponents properly prepare a

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DA as well as understand the DA process that will be followed in relation to the type of development proposed. The DA fees can also be calculated at this stage. Counter-~~or~~, telephone or electronic advice and copies of council environmental planning policies, standards and codes are generally provided free of charge.

6.2 Pre-lodgement DA Form:

For a detailed response to a more complicated development proposal, an applicant is able to complete a 'Pre-Lodgement DA Form' and specialist assessment officers will provide written comments and be available for a meeting to discuss the proposal. Within this forum Council assessment officers make a broad assessment of the development proposed, the likely issues that will need to be addressed in the DA and comment if there is any doubt about the nature of the proposed project. The applicant will be formally advised in writing of the outcome of the pre-lodgement assessment within 14 days of lodgement. The pre-lodgement process is provided by Council free of charge. Please note this process is aimed at complex development, not standard single dwelling and or related ancillary development proposals

6.3 DA Lodgement:

Staff from Environmental Services will check the application for completeness at time of ~~lodgement~~ submission. Staff will complete a DA Checklist to streamline the process ~~at the counter~~. Provided the DA Checklist is completed and there are no obvious problems or deficiencies that need to be addressed prior to lodgement, the DA will be receipted by Council. Incomplete applications may be rejected by staff under Section ~~5+39~~ Rejection of development applications ~~of the EP&A Act Regulations~~, and will be returned to the proponent.

6.4 Preliminary Assessment:

Upon receipt of a DA, Council's Manager – Planning Services will review the DA to confirm its completeness, the type of development proposed, notification/advertising requirements and the assessment officer who will be responsible for the processing of the application. ~~It is at this stage that Council will write to the applicant acknowledging receipt of the application.~~ Council may contact the applicant to request clarification of a DA matter or seek additional information.

6.5 Advertising and notification:

Depending on the type of development proposed, development applications will either be notified or advertised in accordance with Council's ~~Development Control~~ Community Participation Plan ~~20+420~~.

The E&A Act provides for the advertising of designated development and integrated development.

Council reserves the right to extend the notification or advertising period for any development proposal beyond the minimum requirements where it is considered justified.

Where Council has an interest in a DA (eg Council is the applicant, owns the land the subject of the DA, or will likely benefit from the approval of the application) the DA will be advertised and a statement detailing Council's interest in the DA will be included in the public notice ~~as per Council's~~ Managing Conflicts of Interest for Council Related Development Policy.

Any written submissions received as a result of advertising and/or notification will be considered in the assessment of the development proposal.

6.6. Assessment:

The responsible assessment officer is required to assess the DA in accordance with the matters for consideration under Section 4.15 of the EP&A Act, including detailed comparative checks to assess whether the application complies with the requirements of any State Environmental Planning Policies, Regional Environmental Plans, Cowra Local Environmental Plan 2012, Council's Development Control Plan 2021⁴ and any additional Council policies.

The assessment may necessitate the Council seeking comments from other government authorities who may have an interest in the development application.

Where the development proposal is consistent with all environmental planning instruments and Council policies, and no objections are received, it may be appropriate for the responsible assessment officer to make the decision about the DA under delegated authority or forward to a more senior officer (ie the Manager – Planning Services or Director - Environmental Services) for determination under delegated authority. All assessments and recommendations undertaken under delegated authority are to be peer reviewed prior to determination by another staff member possessing the appropriate delegations. A record of the peer review is to be retained on file along with the assessment report.

Where the development proposal is inconsistent with an environmental planning instrument or Council policy, or where substantive written objections have been received, or where the proposal is considered to be contentious or involve Council interests, a report will be tabled at a Council Meeting for determination of the DA.

6.7 Determination:

Under Section 4.16 of the EP&A Act, Cowra Shire Council has the power to determine a DA by granting consent, either unconditionally or subject to conditions, or refusing consent to the application.

The determination of a DA will be communicated to the applicant in writing, with advice about the legal ability to review or appeal under the determination in accordance with the EP&A Act. Council will also write to any person who made a written submission/objection to the development proposal, advising its determination of the DA.

~~Regular Council has opted to continue regular public notice on its website of development consents granted by the Council-it, even though this is given in the Cowra Guardian, in accordance with Section 4.59 of the EP&A Act. It should be noted that the validity of the consent cannot be challenged in Court, unless the challenge is made within 3 months of the date of the public notice in the local newspaper-no longer required under legislation.~~

7. Waiving DA Fees

Any dealings the Council may have with a proponent or applicant regarding the waiving of Development Application Fees must not involve Environmental Services staff.

Environmental Services or Customer Service staff do not have delegated authority to waive fees. Development Applications will therefore not be receipted unless the appropriate DA Fees are paid, or unless there is a prior resolution of Council that the fees are not required to be paid by the applicant, and will be paid by the Council.

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Any person who wishes to make a request to the Council to waive fees must do so in writing, addressed to the General Manager of Cowra Shire Council. The grounds for the request to waive fees must be detailed in the letter.

Upon receipt of a request to waive fees the General Manager is required to report to the Council on the merits of the request, with a recommendation to either accede or not accede to the waiving of fees.

In such cases where Council accedes to a request to waive fees, the Council will offer to pay/refund the relevant fees as a donation pursuant to Section 356 of the Local Government Act 1993.

8. Development Applications Involving Council Interests

Where the Council has an interest in a development proposal, consideration should be given to utilising independent parties in the assessment and determination process. In such cases where Council does have an interest in a development application, ~~Cowra~~ Council is required to ensure that the application is processed in accordance with its Managing Conflicts of Interest for Council Related Development Policy 2023.

- ~~• For minor developments assessed to involve minimal risk of conflict of interests – DA to be assessed by Environmental Services staff after following correct advertising and notification procedures that state Council's interest in the matter. The assessment report to be reported to Council for determination of the development proposal. No delegation of authority to be used in the determination of the DA.~~
- ~~• For applications assessed to involve moderate to significant risk of conflict of interest – DA to be assessed by a suitable independent expert to undertake the assessment. The assessment report to be then reported to Council for determination of the development proposal. No delegation of authority to be used in the determination of the DA.~~
- ~~• For applications assessed to involve moderate to significant risk of conflict of interest – DA to be assessed by another Council. The assessment report to be then reported to Council for determination of the development proposal. No delegation of authority to be used in the determination of the DA.~~
- ~~• For applications assessed to involve moderate to significant risk of conflict of interest – DA to be assessed by a suitable independent expert or another Council and then reported to Council for determination. No delegation of authority to be used in the determination of the DA.~~

9. Review of a Determination

Under Section 8.32 of the EP&A Act an applicant can request Council to review a determination of a DA. ~~However~~, there is no right of review for a determination of a complying development certificate or for a determination in respect of Designated development, Integrated development or a determination made in respect of application made by the Crown. An application ~~form via the~~ NSW Planning Portal must be included together with a written statement listing the grounds of the review and the relevant fee.

10. Modify a Development Consent

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Under Section 4.55 of the EP&A Act an applicant can apply to modify a development consent to correct a minor error or to carry out modifications involving minimal environmental impact. This may be appropriate if the applicant disagrees with particular conditions of consent or decides to amend certain aspects of the proposal. An application ~~form~~via the NSW Planning Portal must be included together with a written justification for the proposed modification and plans indicating proposed modifications or changes. You must also pay an application fee. The application will be advertised and/or notified in accordance with Council's Development Control Plan 20214.

11. Appeal to the Land and Environment Court

An applicant who is dissatisfied with their notice of determination can appeal to the Land and Environment Court within ~~126~~ months of the day on which they received Council's notice of determination—after the. Separate application must be made with the NSW Land and Environment Court to appeal a determination.

12. Statement of Ethics for Development Applications

This section is to inform and guide applicants, objectors and all other people of Council's values and ethics in regard to development proposals that have to be assessed and then determined by Council. This Statement needs to be read in conjunction with and subject to Council's Code of Conduct.

"All parties need to appreciate that Council, (and its delegates) in their formal role of determining a development application has to consider the matters prescribed in legislation in a way that is open and fair and is seen to be open and fair to all parties.

Any member of the community may approach a Council assessment officer (during normal business hours) on any matter relating to a DA. Council assessment officers (in particular planning and environmental health and building surveyors) are employed by Council to process applications in a transparent, objective and fair manner. They will listen to the views of objectors and applicants alike and record them for consideration in their assessment. They will help all parties understand the project and process that has to be followed to obtain a decision.

Similarly, it is in order for any member of the community to approach a Councillor to explain their position in relation to a DA. However, no Councillor should be expected to offer support or oppose a DA. No Councillor should be asked to or expected to lobby other Councillors to support or oppose a project.

Do not expect a Councillor to indicate support for or take any part in lobbying for or against a development even if it is near their property. It would be totally inappropriate and a serious conflict of interest for any Councillor to be involved in a campaign of letter writing to other neighbours for or against a development that is near their property, or for that matter anywhere else in the shire. Do not expect a Councillor to speak to or lobby an assessment officer. Any such approach is contrary to Council's Code of Conduct and must be reported by the Officer. Such an approach could seriously delay the processing of the application.

In their role as decision-makers, Councillors need to behave in a way, almost like a judge, that gives confidence to all parties that no-one is being given any special consideration and the application is being dealt with on its merits. It is bad practice and an unacceptable practice for an application to be determined on the basis of "pressure" from objectors or applicants or other parties.

It is a criminal act and totally unacceptable for any party to offer inducements, such as free lunches or dinners, holidays, cash or donations to any Councillors or Council Officers to favourably or unfavourably consider an application. Should an unavoidable situation arise in regard to lunch, dinner or coffee, the Councillor or Council Officer must pay for their share of the costs, record the event in the Register of Interests

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and reclaim their expense from Council.”

An applicant or objector who forms an opinion that they are not getting a “fair go” in discussions with Council Officers over a DA, should formally request a more senior officer to become involved in an attempt to resolve differences. In such instances, the first approach should be to the Manager – Planning Services, then the Director - Environmental Services and then the General Manager.

13. Delegation of Authority

As consent authority, Cowra Shire Council has the power under Section 4.16 of the EP&A Act to determine a DA, provided due consideration is given to any limitations of its powers and due process is followed.

Under the Local Government Act 1993, Council can delegate certain powers to the General Manager who in turn can sub-delegate any of those functions to another person or council body. A current copy of all staff delegations ~~are~~*is* included in ~~Dataworks~~*CM9* (Council's Document Management System).

COUNCIL POLICY



Code of Planning Practice - Processing of Development Applications

Code of Planning Practice – Processing of Development Applications

Council Meeting Date August 2024

Council Department Environmental Services

Contact Officer Director-Environmental Services

Revision History

Version	Council Meeting Date	Responsible Officer
1	26 March 2007 - 11/2/2007	Director-Environmental Services
Version	Manex Meeting Date	Responsible Officer
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This Code sets pathways for the lodgement, assessment and processing of development applications, reviews of determinations sought by applicants under the Environmental Planning and Assessment Act (EP&A Act) and any modifications sought under Section 4.55 of the EP&A Act.

4. Aims

This Code 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.

5. Background

The Independent Commission Against Corruption (ICAC) acknowledge there is often a lot at stake in the development process, as decisions can affect the quality of people's lives and financial situations. For these reasons the process used to determine development applications can give rise to many concerns and complaints. These issues were picked up in ICAC's Taking the Devil Out of Development - interim report and position papers (May 2002 and December 2002); Corruption Risks in NSW Development Approval Process position paper (September 2007); in ICAC's report on Anti-Corruption Safeguards and the NSW Planning System (February 2012) and in ICAC's Investigation into the Code of Conduct of Councillors of the Former Canterbury City Council and Others 2021. In these reports, ICAC identified key risk areas for state and local planning authorities in dealing with development applications and provided a number of recommendations designed to address these risks including the need to:

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- Better inform applicants and objectors about council values and business ethics; Improve the community's (residents and developers) understanding of the roles that Councillors and staff are obliged to fulfill when assessing and determining development applications and of the matters that will be considered in assessment and the processes and systems involved;
- Ensure the notification process used for developments is open and transparent and takes account of the size, impact and importance of the development proposed;
- Ensure appropriate delegations and separation of responsibilities in considering development applications;
- Implement changes to the law to penalise applicants who gain an approval through corrupt means;
- Provide guidance on what constitutes a modification to an application, prescribe a minimum requirement for notification and limiting the use of delegated authority for the approval of modifications;
- Provide Councillors with guidelines about their role and responsibilities in the development assessment process;
- Clarify what to do when the council is both developer and consent authority in accordance with the Managing Conflicts of Interest for Council related Development Policy; and
- Ensure planning instruments are reviewed regularly by Council and kept up-to-date.
- Ensure that planning authorities are required to provide regular information and updates to the public about development applications under assessment, including any significant changes made to an application.
- Ensure that planning staff maintain a professional distance from regular applicants.

Cowra Shire Council has already adopted Code of Conduct, Code of Meeting Practice & Managing Conflicts of Interest for Council related Development policies that provides guidance on how Councillors and Council staff should properly conduct themselves in a local government context. Cowra Shire Council is committed to taking action that improves public confidence in the way development applications are processed and assessed in the Shire. This Code of Planning Practice - Development Applications provides specific guidelines on how Councillors and staff should properly process and determine development applications.

6. The Development Application (DA) Process

The following outlines 7 key steps in the process used by Cowra Shire Council for lodging and assessing development applications:

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prepare a DA as well as understand the DA process that will be followed in relation to the type of development proposed. The DA fees can also be calculated at this stage. Counter, telephone or electronic advice and copies of council environmental planning policies, standards and codes are generally provided free of charge.

6.2 Pre-lodgement DA Form:

For a detailed response to a more complicated development proposal, an applicant is able to complete a 'Pre-Lodgement DA Form' and specialist assessment officers will provide written comments and be available for a meeting to discuss the proposal. Within this forum Council assessment officers make a broad assessment of the development proposed, the likely issues that will need to be addressed in the DA and comment if there is any doubt about the nature of the proposed project. The applicant will be formally advised in writing of the outcome of the pre-lodgement assessment within 14 days of lodgement. The pre-lodgement process is provided by Council free of charge. Please note this process is aimed at complex development, not standard single dwelling and or related ancillary development proposals

6.3 DA Lodgement:

Staff from Environmental Services will check the application for completeness at time of submission. Staff will complete a DA Checklist to streamline the process. Provided the DA Checklist is completed and there are no obvious problems or deficiencies that need to be addressed prior to lodgement, the DA will be receipted by Council. Incomplete applications may be rejected by staff under Section 39 Rejection of development applications of the EP&A Act Regulations, and will be returned to the proponent.

6.4 Preliminary Assessment:

Upon receipt of a DA, Council's Manager – Planning Services will review the DA to confirm its completeness, the type of development proposed, notification/advertising requirements and the assessment officer who will be responsible for the processing of the application. Council may contact the applicant to request clarification of a DA matter or seek additional information.

6.5 Advertising and notification:

Depending on the type of development proposed, development applications will either be notified or advertised in accordance with Council's Community Participation Plan 2020.

The E&A Act provides for the advertising of designated development and integrated development.

Council reserves the right to extend the notification or advertising period for any development proposal beyond the minimum requirements where it is considered justified.

Where Council has an interest in a DA (eg Council is the applicant, owns the land the subject of the DA, or will likely benefit from the approval of the application) the DA will be advertised and a statement detailing Council's interest in the DA will be included in the public notice, as per Council's Managing Conflicts of Interest for Council Related Development Policy.

Any written submissions received as a result of advertising and/or notification will be considered in the assessment of the development proposal.

6.6. Assessment:

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The responsible assessment officer is required to assess the DA in accordance with the matters for consideration under Section 4.15 of the EP&A Act, including detailed comparative checks to assess whether the application complies with the requirements of any State Environmental Planning Policies, Regional Environmental Plans, Cowra Local Environmental Plan 2012, Council's Development Control Plan 2021 and any additional Council policies.

The assessment may necessitate the Council seeking comments from other government authorities who may have an interest in the development application.

Where the development proposal is consistent with all environmental planning instruments and Council policies, and no objections are received, it may be appropriate for the responsible assessment officer to make the decision about the DA under delegated authority or forward to a more senior officer (ie the Manager – Planning Services or Director - Environmental Services) for determination under delegated authority. All assessments and recommendations undertaken under delegated authority are to be peer reviewed prior to determination by another staff member possessing the appropriate delegations. A record of the peer review is to be retained on file along with the assessment report.

Where the development proposal is inconsistent with an environmental planning instrument or Council policy, or where substantive written objections have been received, or where the proposal is considered to be contentious or involve Council interests, a report will be tabled at a Council Meeting for determination of the DA.

6.7 Determination:

Under Section 4.16 of the EP&A Act, Cowra Shire Council has the power to determine a DA by granting consent, either unconditionally or subject to conditions, or refusing consent to the application.

The determination of a DA will be communicated to the applicant in writing, with advice about the legal ability to review or appeal under the determination in accordance with the EP&A Act. Council will also write to any person who made a written submission/objection to the development proposal, advising its determination of the DA.

Council has opted to continue regular public notice on its website of development consents granted by it, even though this is no longer required under legislation.

7. Waiving DA Fees

Any dealings the Council may have with a proponent or applicant regarding the waiving of Development Application Fees must not involve Environmental Services staff.

Environmental Services or Customer Service staff do not have delegated authority to waive fees. Development Applications will therefore not be receipted unless the appropriate DA Fees are paid, or unless there is a prior resolution of Council that the fees are not required to be paid by the applicant, and will be paid by the Council.

Any person who wishes to make a request to the Council to waive fees must do so in writing, addressed to the General Manager of Cowra Shire Council. The grounds for the request to waive fees must be detailed in the letter.

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Upon receipt of a request to waive fees the General Manager is required to report to the Council on the merits of the request, with a recommendation to either accede or not accede to the waiving of fees.

In such cases where Council accedes to a request to waive fees, the Council will offer to pay/refund the relevant fees as a donation pursuant to Section 356 of the Local Government Act 1993.

8. Development Applications Involving Council Interests

Where the Council has an interest in a development proposal, consideration should be given to utilising independent parties in the assessment and determination process. In such cases where Council does have an interest in a development application, Council is required to ensure that the application is processed in accordance with its Managing Conflicts of Interest for Council Related Development Policy 2023.

9. Review of a Determination

Under Section 8.2 of the EP&A Act an applicant can request Council to review a determination of a DA, however, there is no right of review for a determination of a complying development certificate or for a determination in respect of Designated development, Integrated development or a determination made in respect of application made by the Crown. An application via the NSW Planning Portal must be included together with a written statement listing the grounds of the review and the relevant fee.

10. Modify a Development Consent

Under Section 4.55 of the EP&A Act an applicant can apply to modify a development consent to correct a minor error or to carry out modifications involving minimal environmental impact. This may be appropriate if the applicant disagrees with particular conditions of consent or decides to amend certain aspects of the proposal. An application via the NSW Planning Portal must be included together with a written justification for the proposed modification and plans indicating proposed modifications or changes. You must also pay an application fee. The application will be advertised and/or notified in accordance with Council's Development Control Plan 2021.

11. Appeal to the Land and Environment Court

An applicant who is dissatisfied with their notice of determination can appeal to the Land and Environment Court within 6 months of the day on which they received Council's notice of determination after the Separate application must be made with the NSW Land and Environment Court to appeal a determination.

12. Statement of Ethics for Development Applications

This section is to inform and guide applicants, objectors and all other people of Council's values and ethics in regard to development proposals that have to be assessed and then determined by Council. This Statement needs to be read in conjunction with and subject to Council's Code of Conduct.

"All parties need to appreciate that Council, (and its delegates) in their formal role of determining a development application has to consider the matters prescribed in legislation in a way that is open and fair and is seen to be open and fair to all parties."

Code of Planning Practice

Any member of the community may approach a Council assessment officer (during normal business hours) on any matter relating to a DA. Council assessment officers (in particular planning and environmental health and building surveyors) are employed by Council to process applications in a transparent, objective and fair manner. They will listen to the views of objectors and applicants alike and record them for consideration in their assessment. They will help all parties understand the project and process that has to be followed to obtain a decision.

Similarly, it is in order for any member of the community to approach a Councillor to explain their position in relation to a DA. However, no Councillor should be expected to offer support or oppose a DA. No Councillor should be asked to or expected to lobby other Councillors to support or oppose a project.

Do not expect a Councillor to indicate support for or take any part in lobbying for or against a development even if it is near their property. It would be totally inappropriate and a serious conflict of interest for any Councillor to be involved in a campaign of letter writing to other neighbours for or against a development that is near their property, or for that matter anywhere else in the shire. Do not expect a Councillor to speak to or lobby an assessment officer. Any such approach is contrary to Council's Code of Conduct and must be reported by the Officer. Such an approach could seriously delay the processing of the application.

In their role as decision-makers, Councillors need to behave in a way, almost like a judge, that gives confidence to all parties that no-one is being given any special consideration and the application is being dealt with on its merits. It is bad practice and an unacceptable practice for an application to be determined on the basis of "pressure" from objectors or applicants or other parties.

It is a criminal act and totally unacceptable for any party to offer inducements, such as free lunches or dinners, holidays, cash or donations to any Councillors or Council Officers to favourably or unfavourably consider an application. Should an unavoidable situation arise in regard to lunch, dinner or coffee, the Councillor or Council Officer must pay for their share of the costs, record the event in the Register of Interests and reclaim their expense from Council."

An applicant or objector who forms an opinion that they are not getting a "fair go" in discussions with Council Officers over a DA, should formally request a more senior officer to become involved in an attempt to resolve differences. In such instances, the first approach should be to the Manager – Planning Services, then the Director - Environmental Services and then the General Manager.

13. Delegation of Authority

As consent authority, Cowra Shire Council has the power under Section 4.16 of the EP&A Act to determine a DA, provided due consideration is given to any limitations of its powers and due process is followed.

Under the Local Government Act 1993, Council can delegate certain powers to the General Manager who in turn can sub-delegate any of those functions to another person or council body. A current copy of all staff delegations is included in CM9 (Council's Document Management System).

- 4.3 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**

File Number: D24/1205

Author: Larissa Hackett, Director - Environmental Services

RECOMMENDATION

1. That Council notes that the reason for the decision is that the proposal largely complies with Section 4.15 of the Environmental Planning and Assessment Act 1979; and
2. That Section 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 Sheet 02	K. Ostini-Donnelly 9 December 2022	Received 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	Currajong Pty Ltd 14 April 2023	Received 14 April 2023

Sheet A.01 Rev E		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)

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 Development ¹	Levy Percentage	Total Contribution	Contribution Rate Remains Current Until
Section 94A Contribution ²	\$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

- I. 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.

INTRODUCTION

Development Application No. I/2023 proposes a Section 4.55(IA) Modification to 3 lot subdivision and the construction of two dwellings (modify sewer design) Mod I on Lot I DP 599492, 17 Walker Street Cowra. The application was lodged with Council by T Bruin on 22 July 2024.

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

A copy of the modified sewer layout plan for the proposed Section 4.55(IA) modification to 3 lot subdivision and the construction of two dwellings (modify sewer design) Mod I is included in Attachment 'I' to this report and a copy of the Mod-DA Report is included in Attachment '2'.

Description of Site

Lot I DP 599492, 17 Walker Street Cowra is a battle-axe shaped allotment of approximately 4,023m². The lot is located in the R1 General Residential zone under Cowra Local Environmental Plan (LEP) 2012. The site slopes gently down in a north-east direction away from Walker Street and contains an existing dwelling and two sheds, one located behind the dwelling and the other located near the northern boundary towards the rear of the site. The dwellings approved under DA I/2023 are under construction. An existing access crossing (currently unsealed) provides vehicular access from Walker Street.

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

Description of Proposal

DA 1/2023 for the construction of two additional dwellings and 3 lot subdivision was approved by Council on 23 October 2023. The original development consent is included in Attachment '5'. The application included a low-pressure sewerage scheme involving a pump, boundary kit and rising main construction to service the two new dwellings.

It has since been determined by the Applicant, in consultation with Council's Infrastructure and Operations Department, that the dwellings can be serviced by gravity sewerage at a minimum 1.25% grade connecting to the existing sewer main. This will simplify servicing and maintenance for sewer, reduce development costs and eliminate the potential environmental impacts associated with the possible failure of a low-pressure sewerage system.

Environmental Impact Assessment

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

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

Cowra Local Environmental Plan 2012

The subject land is zoned R1 General Residential under the provisions of the Cowra Local Environmental Plan (LEP) 2012. The S4.55(1A) Modification to 3 lot subdivision and the construction of two dwellings (modify sewer design) Mod I is permitted in the zone with development consent.

The proposed modification does not alter the original LEP assessment. The proposal as modified remains permissible and consistent with the zone objectives and all other relevant clauses.

State Environmental Planning Policies

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

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 (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	Not applicable

Parkland City) 2021	
SEPP (Primary Production) 2021	Not applicable
SEPP (Resilience and Hazards) 2021	No change to the original satisfactory assessment regarding the potential for land contamination.
SEPP (Resources and Energy) 2021	Not applicable
SEPP (Sustainable Buildings) 2022	No change to existing approved Basix Certification.
SEPP (Transport and Infrastructure) 2021	Not applicable

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

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

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

Cowra Shire Council Aboriginal Consultation Policy (Version 4 23/08/2021)

There are no identified AHIMS or signs observed of an Aboriginal Heritage item within 100 metres of the development site or on the subject land.

Cowra Shire Council Development Control Plan 2021

PART A – PLAN INTRODUCTION

A development application has been lodged in accordance with Part A.

PART B – LAND MANAGEMENT

Appropriate erosion and sediment controls to be implemented prior to the commencement of works. Relevant conditions of consent are recommended.

PART C – BIODIVERSITY MANAGEMENT

The application does not involve the removal of any significant vegetation.

PART D – SUBDIVISION DEVELOPMENT

The application as modified remains satisfactory with regard to Part D as originally assessed. The development will still be connected to sewer in accordance with Council's engineering standards.

PART E – URBAN AND VILLAGE DEVELOPMENT

Part E.2 Medium Density Housing

The application as modified remains satisfactory with regard to Part E.2 as originally assessed.

PART K – LAND USE BUFFERS

Cowra Airport Obstacle Limitation Surface

The subject land is located outside of the OLS and all other buffer zones.

PART M – PARKING, ACCESS AND MOBILITY

The application as modified remains satisfactory with regard to Part M as originally assessed.

PART N – LANDSCAPING

The application as modified remains satisfactory with regard to Part N as originally assessed.

PART O – ENVIRONMENTAL HAZARD MANAGEMENT

The application as modified remains satisfactory with regard to Part O as originally assessed.

PART P – CPTED PRINCIPLES

The application as modified remains satisfactory with regard to Part O as originally assessed.

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

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

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

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

- Clause 92 – The Government Coastal Policy does not apply to Cowra Shire and therefore Clause 92(1)(a) and (b) are not applicable to this development proposal. The proposal does not involve demolition of a building and therefore the requirements of AS 2601 do not need to be considered in accordance with Clause 92(2).
- Clause 93 – 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 93 is unnecessary.
- Clause 94 – The proposal does not involve the rebuilding, alteration, enlargement or extension of an existing building or place of public entertainment and therefore the requirement to consider the upgrading of buildings into total or partial conformity with the Building Code of Australia.
- Clause 94A – The proposal does not involve the erection of a temporary structure and therefore the requirements to consider fire safety and structural adequacy is unnecessary.

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

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

Context and Setting

The area is characterised primarily by residential development in the form of single dwellings and ancillary buildings. Some light industrial development exists to the northeast on sites fronting William Street and Grenfell Road. The proposal as modified is assessed as being consistent with the character of the locality and is appropriate given its local context and setting.

Access, Transport and Traffic

The proposal to modify the method of sewer connection does not impact on transport, traffic or access considerations which remain satisfactory as originally assessed.

Public Domain

No impact. Remains satisfactory.

Utilities

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

Heritage

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

Other Land Resources

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

Stormwater, Water and Sewerage

The proposal as modified will be connected to Council's reticulated water, sewer and stormwater services. The proposal to modify the sewer from the approved low-pressure sewerage scheme to gravity sewer in the manner proposed by the applicant is supported by Council's Infrastructure & Operations Department.

Soils

No impact. Remains satisfactory.

Air and Microclimate

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

Flora and Fauna

No impact. Remains satisfactory. 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

No impact. Remains satisfactory. Any construction waste will be removed from the site and appropriately recycled or catered for at a licensed waste management facility.

Energy

No impact. Remains satisfactory. A BASIX Certificate has been provided for each dwelling.

Noise and Vibration

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

Natural Hazards

The proposal as modified does not impact on the flood hazard.

Technological Hazards

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

Safety, Security and Crime Prevention

No impact. Remains satisfactory.

Social and Economic Impacts on the locality

The proposed development is unlikely to 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 as modified is not expected to generate any ongoing negative cumulative impacts.

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

The development as modified remains consistent with the zone objectives and consideration has been given to the impacts the development will have within the locality. It is considered that the proposed development will not create adverse impacts within its local setting. Appropriate services for water, waste disposal and other utilities are available to the site. It is assessed that the development as conditioned will not impact upon any existing services. The development site is not identified as bushfire prone. The design of the development satisfactorily addresses the flood

hazard as addressed in the original approval. The site is not otherwise unsatisfactorily constrained by natural features. The site is considered suitable for the development as modified subject to the imposition of appropriate conditions of consent.

S4.15(1)(d) Any Submissions ReceivedPublic Consultation

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

Public Authority Consultation:

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

S4.15(1)(d) The Public InterestCommunity Interest

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

S7.12 Fixed development consent levies

Development contributions under Section 7.12 (formerly Section 94A) of the Environmental Planning & Assessment Act 1979 are applicable to this development and contributions calculated in accordance with Cowra Council S94A Contributions Plan 2016 were included in the approved conditions of consent. Water and sewer headworks charges are also payable in accordance with Council's Developer Servicing Plans for water and sewer. This modification application does not alter the contributions payable.

Conclusion

Section 4.55(1A) Modification Application No. 1/2023 Mod 1 proposes to modify the method of sewer connection associated with the construction of 2 dwellings and 3 lot subdivision on Lot 1 DP 599492, 17 Walker Street Cowra. The application was lodged with Council by T Bruin on 22 July 2024.

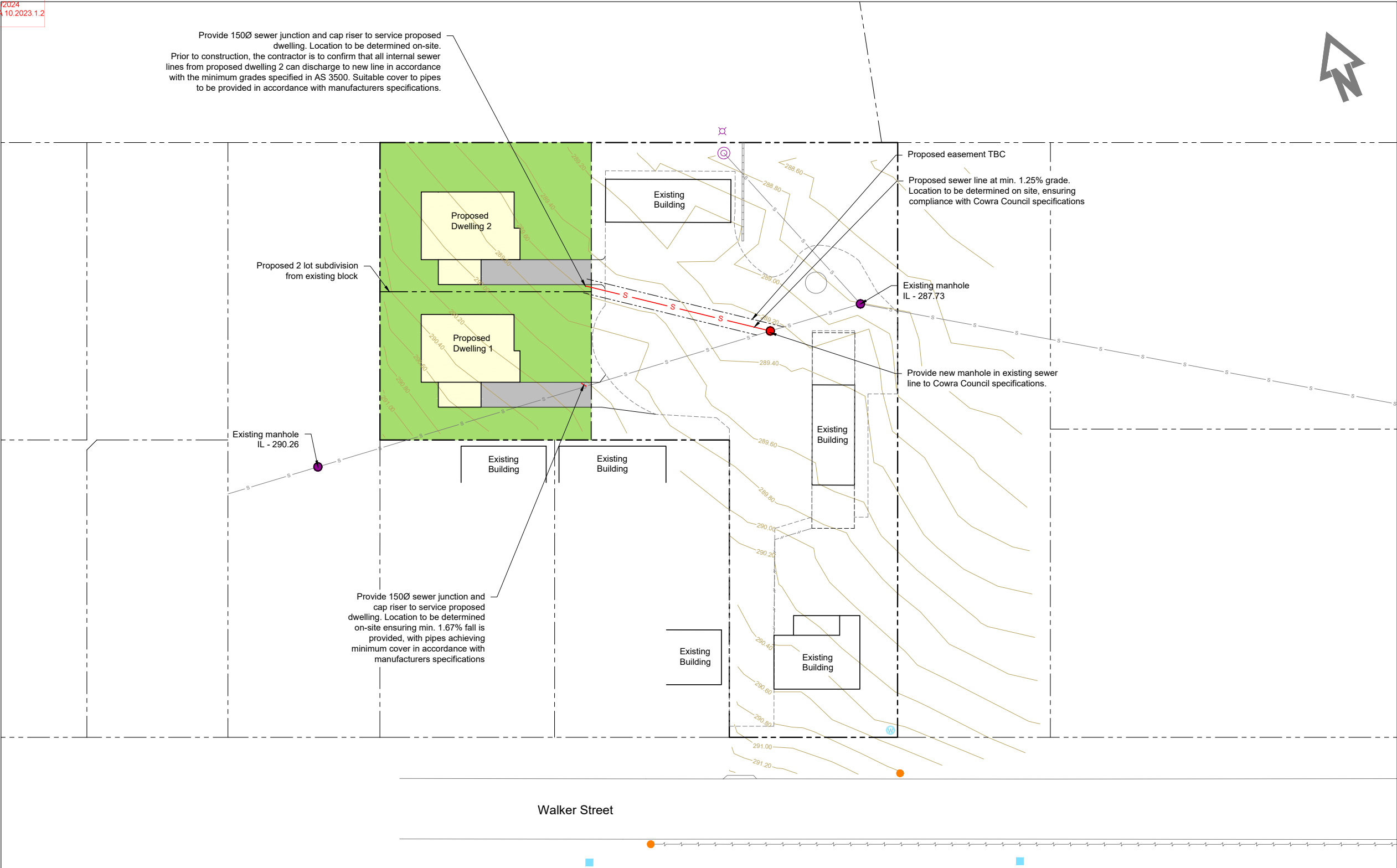
The application was supported by a modification report and an amended sewer design plan prepared by the applicant, which provide sufficient information to allow assessment of the proposal. The proposed development has been assessed to be consistent with the requirements of Cowra Local Environmental Plan 2012, relating to development in the R1 zone and is consistent with existing land-use activities of the locality.

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

ATTACHMENTS

1. Mod DA I.2023 - Sewer Layout Plan [↓](#)
2. Mod DA I/2023 - Mod DA Report from Currajong P/L [↓](#)
3. Mod DA I/2023 - Location Map [↓](#)
4. Mod DA I/2023 - Aerial View [↓](#)
5. Mod DA I.2023 - Original Development Consent [↓](#)

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Cowra Shire Council
22/7/2024
Plan No: DA 10.2023.1.2



PLOT INFO: ...\\2022.0956-Civil-G.dwg, DATE: May 09 2024 - 11:32:39									
G	08/05/24	AMENDED SEWER DESIGN	TM						
F	30/04/24	AMENDED STORMWATER DESIGN	TM						
E	06/04/23	ISSUED FOR APPROVAL	TM						
D	05/04/23	SEWER PLANS - FOR DISCUSSION	JB						
C	20/02/23	AMENDED DESIGN	TM						
B	28/11/22	AMENDED DESIGN	TM						
A	18/11/22	ISSUED FOR APPROVAL	TM						
Amend	Date	Description	By	Amend	Date	Description	By		

**DOCUMENT TITLE**

Mod-DA Report

CLIENT

T & G Bruin

PROJECT

3 Lot Subdivision and Construction of 2 Dwellings
Lot 1 DP 599492, 17 Walker Street, Cowra

REVISION

A

DOCUMENT CONTROL

PROJECT REPORT DETAILS

Document Title	Mod-DA Report 3 Lot Subdivision and Construction of 2 Dwellings 17 Walker Street Cowra
Principal Author	Claire Johnstone cjohnstone@currajong.com.au
Client	T & G Bruin
Project Reference	APC220812

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CURRAJONG

PLANNING, PROPERTY + PROJECT MANAGEMENT

DISCLAIMER

This Statement of Environmental Effects has been prepared by Currajong Pty Ltd with all reasonable skill, care and diligence, and taking account of the timescale and resources allocated to it by agreement with the Client. Information reported herein is based on the information provided by the client and has been accepted in good faith as being accurate and valid. This report is for the exclusive use of the client named above. No warranties or guarantees are expressed or should be inferred by any third parties. This report may not be relied upon by other parties without written consent from Currajong Pty Ltd. Currajong Pty Ltd disclaims any responsibility to the Client and others in respect of any matters outside the agreed scope of the work.

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01. INTRODUCTION

1.1. Project Overview

This Mod-DA Report has been prepared by Currajong Pty Ltd (Currajong) on behalf of T & G Bruin to support a proposal to modify Development Consent No. 1/2023 granted by Cowra Council on 23 October 2023 for a 3 Lot Subdivision and Construction of 2 x Dwellings on Lot 1 DP 599492, being 17 Walker Street, Cowra.

A breakdown of the works approved under DA 01/2023 is as follows:

- Subdivision of Lot 1 DP 599492 to create three new allotments under Torrens Title. Proposed Lot 1 is intended to be created for the purposes of accommodating the existing dwelling on the land and has an area of approximately 2,783m². Proposed Lots 2 and 3 are intended to be created for the purposes of accommodated a new dwelling each and have areas of approximately 619m².
- Construction of a new residential dwelling on Proposed Lot 2. The dwelling is to be constructed as a single storey, brick veneer, slab-on-ground construction with 2 bedrooms, combined kitchen, living and dining space, bathroom, laundry and outdoor dining area. The dwelling would be accessed from Walker Street via an easement for access.
- Construction of a new residential dwelling on Proposed Lot 3. The dwelling is to be constructed as a single storey, brick veneer, slab-on-ground construction with 2 bedrooms, combined kitchen, living and dining space, bathroom, laundry and outdoor dining area. The dwelling would be accessed from Walker Street via an easement for access.

T & G Bruin propose to modify Development Consent No. 1/2023 by changing the method of connecting Proposed Lots 2 and 3 to the Cowra Council Sewerage System.

Currently, the proposal is to connect the lots using a Low-Pressure Sewerage Scheme involving a pump, boundary kit and rising main construction.

An amended design has been prepared by Calare Civil as per Drawing CO1 (Issue G dated 8 May 2024). The amended proposal involves the installation of gravity sewerage at minimum 1.25% grade, connecting to the existing 150mm sewerage supply main at a suitable location within the subject land.

The purpose of this Mod-DA Report is to show full details of the proposed changes to Development Consent No. DA 1/2023 to justify proposed changes to the method of sewerage disposal in accordance with Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

1.2. Approvals Required

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

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

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

1.3. Application Details

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

Table 1 - Application Details

Detail	Description
Applicant	T & G Bruin
Landowner(s)	T & G Bruin
Site	Lot 1 DP 599492
Proposal	3 Lot Subdivision and Construction of 2 Dwellings
Zoning	R1 General Residential
Consent Authority	Cowra Council

1.4. Approval History

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

Table 2 - Approval History

Detail	Description
DA 1/2023	Granted by Cowra Council on 23 October 2023
CC 1/2023	Granted by Cowra Council on 27 December 2023
PD 65/2023	Granted by Cowra Council on 27 December 2023
S138 86/2023	Granted by Cowra Council on 16 November 2023

1.5. Reasons for Proposed Modification

The development approved by Cowra Council in accordance with DA 1/2023 and CC 1/2023 is currently under construction. Substantial progress has been made with key components of the project including partial construction of each dwelling and service installations (water, sewer, electricity, stormwater).

Since the date of original approval, Cowra Council has advised that it would now accept new connections to the gravity sewerage supply main at minimum 1.25% grade. Previously, Council was accepting new connections at minimum 2.5% grade which could not be achieved easily for the proposed subdivision design.

The applicant would prefer gravity connection to sewer as this solution removes the need for boundary kit / rising main installation and subsequently reduces ongoing costs and maintenance responsibilities for future owners.

Plans have been prepared by Calare Civil to demonstrate that connection of Proposed Lots 2 and 3 to the existing sewerage supply system can be achieved at suitable grade.

02. DESCRIPTION OF THE SITE

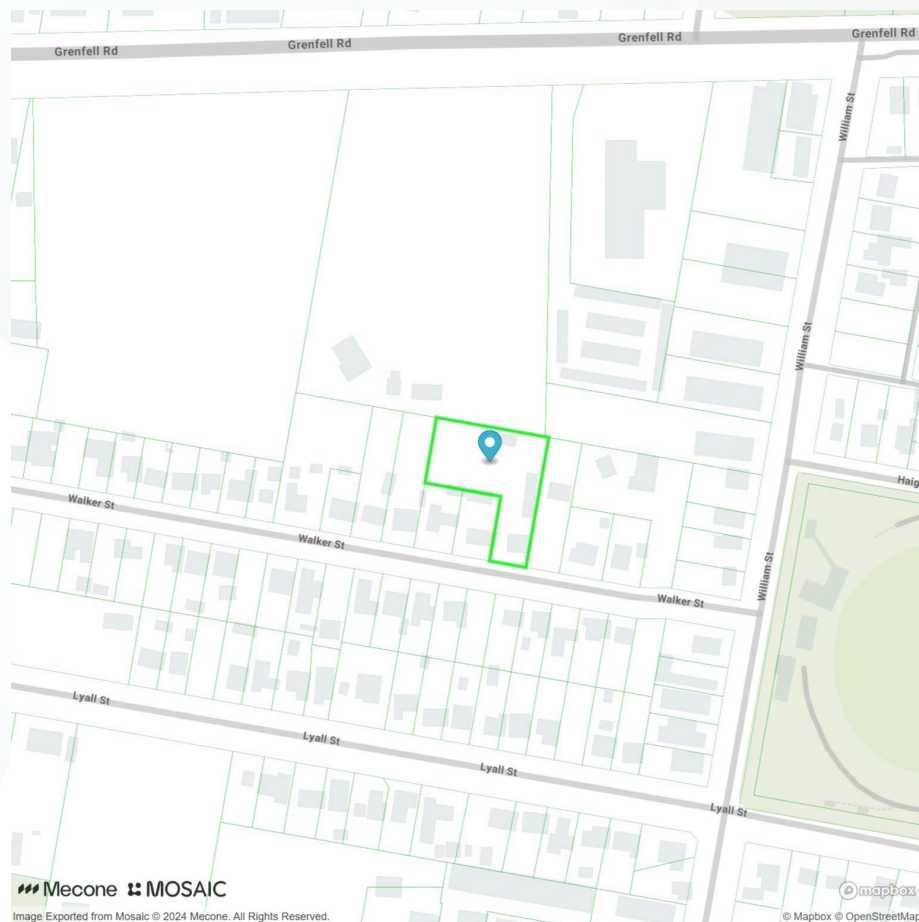
2.1. Site Description

The site is currently under construction for purposes approved in accordance with DA/CC 1/2023. There are now three dwellings on the land, as well as a number of existing shed buildings. The shed building located along the rear (northern) property boundary is approved by Cowra Council to be used for self-storage purposes.

Access to the site is gained from Walker Street via an existing crossing and driveway that is to be upgraded to meet with requirements of Cowra Council for servicing of the proposed development. Walker Street is a public road and forms part of the local road network owned and maintained by Cowra Council.

A locality map showing the site in the context of the surrounding area is included in Figure 1.

Figure 1 - Locality Map – Lot 1 DP 599492.



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2.2. Surrounding Land-use

Surrounding land-use is predominantly residential and there are existing dwellings located on all immediately adjoining properties. The land located immediately to the north is zoned for industrial purposes.

2.3. Land Zoning

The site is zoned R1 General Residential under the Cowra Local Environmental Plan (LEP) 2012, which permits the proposed development with consent.

Figure 2 includes a map that shows the zoning framework for the site and surrounding areas.

Figure 2 - Zoning Map



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

03. DETAILS OF APPROVED DEVELOPMENT

3.1. DA 01/2023

Development Consent No. 1/2023 was granted by Cowra Council on 28 November 2023 for a 3 lot subdivision and construction of 2 dwellings. Construction Certificate No. 1/2023 was issued by Cowra Council on 27 December 2023.

A breakdown of the works approved under DA 01/2023 is as follows:

- Subdivision of Lot 1 DP 599492 to create three new allotments under Torrens Title. Proposed Lot 1 is intended to be created for the purposes of accommodating the existing dwelling on the land and has an area of approximately 2,783m². Proposed Lots 2 and 3 are intended to be created for the purposes of accommodated a new dwelling each and have areas of approximately 619m².
- Construction of a new residential dwelling on Proposed Lot 2. The dwelling is to be constructed as a single storey, brick veneer, slab-on-ground construction with 2 bedrooms, combined kitchen, living and dining space, bathroom, laundry and outdoor dining area. The dwelling would be accessed from Walker Street via an easement for access.
- Construction of a new residential dwelling on Proposed Lot 3. The dwelling is to be constructed as a single storey, brick veneer, slab-on-ground construction with 2 bedrooms, combined kitchen, living and dining space, bathroom, laundry and outdoor dining area. The dwelling would be accessed from Walker Street via an easement for access.

04. DETAILS OF PROPOSED MODIFICATION

4.1. Scope of Proposed Modification

T & G Bruin propose to modify Development Consent No. 1/2023 by changing the method of connecting Proposed Lots 2 and 3 to Council's gravity sewerage supply system.

Currently, the proposal is to connect the lots using a Low-Pressure Sewerage Scheme involving a pump, boundary kit and rising main construction.

The amended proposal involves the installation of gravity sewerage at minimum 1.25% grade, connecting to the existing 150mm sewerage supply main at a suitable location within the subject land.

The Calare Civil Drawing C01 (Issue G, dated 8 May 2025) demonstrates that connection of Proposed Lots 2 and 3 to the existing sewerage supply system can be achieved at suitable grade.

4.2. Modification Instrument Particulars

Development Consent No. DA 1/2023 will be required to be modified in the following ways:

- Condition No. 1 to be amended to refer to updated plans.
- Condition No. 23 of DA 1/2023 is no longer relevant and is proposed to be deleted.

05. JUSTIFICATION OF PROPOSED MODIFICATION

Section 4.55 of the EP&A Act 1979 provides the relevant framework for the modification of consents generally. The modification of DA 1/2023 is proposed in accordance with Section 4.55(1A) of the Act. Section 4.55(1A) allows Cowra Council, as consent authority, to modify a consent if:

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

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

- The development still relates to the construction of 2 new dwellings and a 3 lot subdivision.
- There are no changes proposed to the approved use of the site.
- There are no changes to the approved site layout including position of the dwellings on the land or their relationship to adjoining properties and public domain.
- Excepting for the sewer design, there are no changes to other servicing arrangements to the proposed development.
- No additional earthworks, vegetation removal or the like will result from the proposal.
- No other changes to any other aspects of the approved development.
- The proposed changes do not create any unacceptable additional environmental impacts.

06. PLANNING AND LEGISLATIVE CONTEXT

Section 4 of the Statement of Environmental Effects approved as part of DA 1/2023 included a description of the applicable local planning policies, State and Federal legislation and guidelines and a statement outlining how the development addressed / complied with the legislation or policy.

Table 3 considers the modification against applicable instruments and policies.

Table 3 - Planning and Legislative Context Review

Name	Assessment
Commonwealth Legislation	
Environment Protection and Biodiversity Conservation Act 1999	The modification does not result in any changes to the likely impact of the proposal on relevant Matters of National Environmental Significance.
New South Wales Legislation	
Environmental Planning and Assessment (EP&A) Act 1979	T & G Bruin is applying for a modification application in accordance with Section 4.55(1A) of the Act. Relevant matters for consideration are addressed in this Mod-DA Report.
Local Government (LG) Act 1993	Approvals for water, sewerage and stormwater drainage work have already been obtained from Cowra Council. The Mod-DA seeks changes to the proposed method of sewer connection to the development.
National Parks and Wildlife (NPW) Act 1974	The modification does not result in new or additional heritage issues / impacts or the need for an approval under the NPW Act 1974.
Biodiversity Conservation (BC) Act 2016	The modification does not result in new or additional biodiversity impacts.
Water Management (WM) Act 2000	The modification does not result in new or additional water resource issues / impacts, or the need for an approval under the WM Act 2000
Heritage Act 1977	The modification does not result in new or additional heritage issues / impacts, or the need for an approval under the Heritage Act 1977.
Protection of the Environment Operations (PoEO) Act 1997	The modification does not result in the need for an Environment Protection Licence under the PoEO Act 1997.
Roads Act 1993	An approval has already been obtained under Section 138 of the Roads Act 1993 to complete construction work related to the upgrade of the existing access to the site. The modification does not require additional approvals.
Contaminated Land Management Act 1997	Contamination is not a key issue for the site. Further investigations are not warranted.
Rural Fires Act 1997	The land is not Bushfire Prone. Further investigations are not warranted.
State Environmental Planning Policies	
SEPP (Exempt and Complying Development Codes) 2008	The modification cannot be completed as exempt development.
SEPP (Planning Systems) 2021	Further consideration of this SEPP is not required.

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Name	Assessment
SEPP (Biodiversity and Conservation) 2021	The modification does not result in new or additional biodiversity impacts.
SEPP (Sustainable Buildings) 2022	The modification does not change aspects of the development which are affected by BASIX.
SEPP (Housing) 2021	The SEPP does not have applicability to the proposal.
SEPP (Industry and Employment) 2021	The SEPP does not have applicability to the proposal.
SEPP (Primary Production) 2021	The SEPP does not have applicability to the proposal.
SEPP (Precincts - Central River City) 2021	The SEPP does not have applicability to the proposal.
SEPP (Precincts - Eastern Harbour City) 2021	The SEPP does not have applicability to the proposal.
SEPP (Precincts - Western Parkland City) 2021	The SEPP does not have applicability to the proposal.
SEPP (Precincts - Regional) 2021	The SEPP does not have applicability to the proposal.
SEPP (Resilience and Hazards) 2021	Contamination is not a key issue for the site. Further investigations are not warranted.
SEPP (Resources and Energy) 2021	The SEPP does not have applicability to the proposal.
SEPP (Transport and Infrastructure) 2021	The modification does not result in a new reason for the proposal to be referred under Clauses 2.48 or 2.122 of the SEPP.
Cowra Local Environmental Plan 2012	
Clause 2.3 – Zone Objectives	The modification does not alter the permissibility of the development in the R1 General Residential zone.
Clause 2.6 – Subdivision – consent requirements	The modification does not remove the subdivision component to the development.
Clause 4.1 – Minimum Lot Size	The modification does not change the sizes of the proposed subdivision lots.
Clause 4.1C – Exceptions to minimum subdivision lot size for certain residential development.	The modification does not change the sizes of the proposed subdivision lots, which comply with the requirements of the clause.
5.21 – Flood Planning	The modification to the proposed method of sewer connection will not create implications for flood planning that have not already been considered as part of the original determination of DA 1/2023.
Clause 7.1 - Earthworks	The modification to the proposed method of sewer connection will not result in a net increase in earthworks required to be completed. The proposal, as modified, remains consistent with the requirements of Clause 7.1.
Clause 7.8 – Essential Services	<p>The essential servicing requirements for the development are not significantly altered. The modification demonstrates that the proposed development can be connected to sewer using gravity connections instead of low pressure connections.</p> <p>The proposed arrangements for water, electricity, and stormwater drainage remain unchanged.</p>
Cowra Council DCP 2021	
Part A - Introduction	The modification does not result in the need for a DCP variation.

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Name	Assessment
Part B – Land Management	The construction of the project will be finalised in accordance with the requirements of Part B of the DCP.
Part C – Biodiversity	The modification does not result in new or additional biodiversity impacts.
Part E – Urban Development	The modification does not create any inconsistencies with requirements of Parts E.1 or E.2 of the DCP.
Part M – Parking, Access and Mobility	The modification does not impact on the approved arrangements for parking and access to the development.
Part N – Landscaping	The modification does not impact on the approved arrangements for landscaping provision to the development.
Part P – CPTED	The modification does not result in adverse safety or security impacts.
Part O – Environmental Hazards	The modification to the proposed method of sewer connection will not create implications for flood planning that have not already been considered as part of the original determination of DA 1/2023.

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07. ASSESSMENT OF ENVIRONMENTAL ISSUES

Section 5 of the Statement of Environmental Effects approved under Development Consent No. DA 1/2023 included an assessment of the relevant matters for consideration of the proposal, as well as an outline of management and mitigation strategies to minimise impacts.

Table 4 considers the likely impacts of the proposed modification against relevant matters for consideration.

Table 4 - Environmental Issues Review

Name	Assessment
Visual Impacts and Amenity	The modification does not result in any new or additional visual or amenity impacts.
Building Code Compliance	The modification does not result in any new or additional BCA compliance issues.
Access and traffic	The modification does not result in any new or additional access and traffic impacts.
Soils and Water Quality	The modification does not result in any new or additional soil or water quality impacts.
Air Quality	The modification does not result in any new or additional air quality impacts.
Utilities and Services	The essential servicing requirements for the development are not significantly altered. The modification demonstrates that the proposed development can be connected to sewer using gravity connections instead of low-pressure connections. The proposed arrangements for water, electricity and stormwater drainage remain unchanged.
Noise and Vibration	The modification does not result in any new or additional noise and vibration impacts.
Heritage	The modification does not result in any new or additional impacts in terms of Aboriginal Cultural or built heritage.
Hazards	The modification to the proposed method of sewer connection will not create implications for flood planning that have not already been considered as part of the original determination of DA 1/2023.
Social and economic	On the basis that the nature and scale of the proposal remains unaltered, it is not anticipated that any new or additional social and economic impacts will result from the proposed modification.

08. EVALUATION AND JUSTIFICATION FOR THE PROPOSAL

8.1. Objectives of the EP&A Act 1979

A modification application is being sought under Section 4.55 of the EP&A Act 1979 and must therefore satisfy the objectives of the Act. The objectives of the Act are listed below:

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

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

8.2. Ecological Sustainable Development

ESD is a long-standing and internationally recognised concept. The concept has been affirmed by the 2002 World Summit for Sustainable Development and has been included in multiple pieces of Federal and State legislation. Australia's National Strategy for Ecologically Sustainable Development (1992) defines ecologically sustainable development as:

'Development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends.'

The original proposal has endeavoured to address long established ESD principles, as follows:

- The precautionary principle - No serious environmental threats have been identified. No delays to the final design investigations or assessment process are recommended to allow for additional information / studies / surveys to take place under different climatic or seasonal conditions.
- Inter-generational (social) equity - Social equity provides a notion of preservation of environmental aspects that cannot be replaced for the enjoyment of future generations. Generally, such aspects relate to biodiversity, cultural heritage, land-use and the transformation of the locality as a result of the development. By adopting the recommendations in the original

Statement of Environmental Effects and this Mod-DA Report, the operation of intergeneration equity can be maintained.

- Conservation of biological and ecological integrity - Given the highly disturbed / modified nature of the site, no significant flora or fauna issues have been identified. Procedures will be implemented during construction and operation of the premises to minimise potential risks on the environment.
- Improved valuation, pricing and incentive mechanisms - The small volumes of waste generated from the proposal will be appropriately managed to minimise impacts on common public areas, the appropriate pricing mechanism are used to reflect the user pays approach to environmental management.

The proposed development, as modified, is consistent with the above ESD principles.

8.3. Other Relevant Considerations

1.3.1. Safety, Security and Crime Prevention

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

1.3.2. Cumulative Impacts

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

1.3.3. Suitability of the Site for the Development

The environmental assessment work completed and detailed in the original SEE demonstrated that the subject land was suitable for the proposed development. The development has been designed to be consistent with Council's planning requirements, with any variations identified, justified and accepted by Council as part of the approval of DA 1/2023. The proposed modifications relate to minor aspects of the proposed site and building design and do not alter the suitability of the site for the development, as demonstrated by this Mod-DA report.

1.3.4. Public Interest

As part of the Council's original assessment of DA 1/2023, the proposal was notified in accordance with the requirements of the Cowra Community Participation Plan 2020. One submission was received by Council, and this was addressed as part of the assessment and reporting of the application. Due to the nature and scope of the proposed modifications, additional impacts on neighbours are unlikely.

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

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

09. CONCLUSION

This Mod-DA Report has been prepared by Currajong Pty Ltd on behalf of T & G Bruin to justify the modification of Cowra Council's Development Consent No. DA 1/2023 for a 3 lot subdivision and construction of 2 dwellings on Lot 1 DP 599492, 17 Walker Street, Cowra under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

The proposed modification application involves the changing of the method of sewage disposal from proposed Lots 2 and 3 to the Cowra Council Sewerage System from a low-pressure scheme to gravity sewerage.

The plans prepared by Calare Civil Drawing C01 (Issue G, dated 8 May 2025) demonstrates that connection of proposed Lots 2 and 3 to the existing gravity sewerage system can be achieved at suitable grade.

To affect the proposed changes to Development Consent No. DA 1/2023, it is proposed to modify the consent as follows:

- Change the wording in Condition No. 1 of the consent to refer to the Calare Civil Drawing C01 (Issue G, dated 8 May 2025).
- Delete Condition No. 23 of DA 1/2023.

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

It is recommended that sufficient information has been submitted with the Mod-DA Report to allow Cowra Council to make an informed decision on the proposal. It is the findings of this Mod-DA Report that the proposed modification of DA 1/2023 should be supported.



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Important Notice!

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



Drawn By: Cassandra Gailly

Projection: # GDA2020 / MGA zone 55

**Mod DA 1/2023 - 17
Walker Street Cowra**



Important Notice!

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Drawn By: Cassandra Gailly

Projection: # GDA2020 / MGA zone 55

**Mod DA 1/2023 - 17
Walker Street Cowra**



Cowra Shire Council
Private Bag 342
Cowra NSW 2794

Phone: 02 6340 2000
council@cowra.nsw.gov.au
www.cowracouncil.com.au

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

Issued to: Currajong Pty Ltd
205A Clarinda Street
PARKES NSW 2870

Development Application: 10.2023.I.I.

Description of Development: 3 lot subdivision and construction of 2 dwellings

Property Description: Lot 1 DP 599492 – 17 Walker Street, Cowra

Consent to Operate from: 23 October 2023

Consent to Lapse on: 24 October 2028

Determination: Consent granted subject to conditions described below:

GENERAL CONDITIONS

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

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

Plan No./ Supporting Document	Prepared by/Reference Details	Cowra Shire Council Reference
Site Plan Sheet 01	K. Ostini-Donnelly 9 December 2022	Received 3 January 2023 Stamped No. DA 1/2023
Floor Plans Sheet 02	K. Ostini-Donnelly 9 December 2022	Received 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

Plan No./ Supporting Document	Prepared by/Reference Details	Cowra Shire Council Reference
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 E Dwg No. C01	Calare Civil Consulting Engineers 6/04/23	Received 14 April 2023 Stamped No. DA 1/2023(A)
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)

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 Development ¹	Levy Percentage	Total Contribution	Contribution Rate Remains Current Until
Section 94A Contribution ²	\$560,00.00	1%	\$5,600.00	30 June 2023
<p>Notes</p> <p>¹ As shown on the Development Application/Construction Certificate Application/Complying Development Certificate Application</p> <p>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</p>				

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. The Applicant shall discharge sewerage to the Low Pressure Sewerage Scheme connected to the property. All work shall be carried out by a licensed plumber and drainer and to the requirements of NSW Environment and Health Protection Guidelines and Australian Standard/ New Zealand Standard 1547:2000 On-Site Domestic Wastewater Management, Australian Standard 3500, 'National Plumbing and Drainage' and the 'New South Wales Code of Practice; Plumbing and Drainage'.

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

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

Other Approvals:	N/A
Right of Review:	Division 8.2 of the Environmental Planning and Assessment Act 1979 confers the right for an applicant to request the Council to review its determination at any time, other than after the time limited for the making of an appeal under Division 8.3 expires (if no such appeal is made against the determination) or after an appeal under Division 8.3 against the determination is disposed of by the Court (if such an appeal is made against the determination). Any request for a review is required to be accompanied by a fee as set by Council's Revenue Policy.
Right of Appeal:	Division 8.3 of the Environmental Planning and Assessment Act 1979 confers the right for an applicant who is dissatisfied with Council's determination to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.
Signed:	On behalf of the consent authority:
Signature:	
Name:	Larissa Hackett Director - Environmental Services 25 October 2023

Reasons for Imposition of Conditions:

Development Application No. 1/2023 was assessed using current procedures developed by the Cowra Shire Council and other resource information. This includes:

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

Section 4.15(1) Matters for consideration – general

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

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



Cowra Shire Council
Private Bag 342
Cowra NSW 2794

Phone: 02 6340 2000
council@cowra.nsw.gov.au
www.cowracouncil.com.au

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

All development must comply with the following where relevant:

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

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

70 Erection of signs

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

71 Notification of Home Building Act 1989 requirements

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

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

72 Entertainment venues

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

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

73 Maximum capacity signage

- (1) This section applies to a development consent, including an existing development consent, for the following uses of a building, if the development consent contains a condition specifying the maximum number of persons permitted in the building—
- (a) an entertainment venue,
 - (b) a function centre,
 - (c) a pub,
 - (d) a registered club,
 - (e) a restaurant or cafe.
- (2) It is a condition of the development consent that a sign must be displayed in a prominent position in the building stating the maximum number of persons, as specified in the development consent, that are permitted in the building.

74 Shoring and adequacy of adjoining property

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

(3) This section does not apply if—

- (c) the person having the benefit of the development consent owns the adjoining land, or
- (d) the owner of the adjoining land gives written consent to the condition not applying.

75 Fulfilment of BASIX commitments

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

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

76 Deferred commencement consent

- (1) A development consent with a deferred commencement, as referred to in the Act, section 4.16(3), must be clearly identified as a “deferred commencement” consent, whether by using the expression, referring to that section or otherwise.
- (2) A deferred commencement consent must clearly distinguish between—
 - (a) conditions that relate to matters about which the consent authority must be satisfied before the consent can operate (the relevant matters), and
 - (b) other conditions.
- (3) A consent authority may specify the period within which the applicant must produce sufficient evidence to the consent authority to enable it to be satisfied about the relevant matters.
- (4) If the applicant produces evidence in accordance with this section, the consent authority must notify the applicant whether it is satisfied about the relevant matters.
- (5) If the consent authority does not notify the applicant within 28 days after the applicant produces the evidence, the consent authority is taken to have notified the applicant, on the day on which the period expires, that it is not satisfied about the relevant matters.
- (6) Subsection (5) applies for the purposes of the Act, section 8.7 only.

77 Conditions for ancillary aspects of development

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

- (3) For the purposes of the Act, section 4.17(3), the relevant period is the period of 28 days after the applicant's evidence is produced to the consent authority or a person specified by the consent authority.

78 Conditions for State significant development

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

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

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

Subdivision 2 Development permitted under State Environmental Planning Policy (Housing) 2021
80 Definitions
In this Subdivision—

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

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

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

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

81 Build-to-rent housing

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

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

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

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

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

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

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

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

(3) In this section—

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

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

82 In-fill affordable housing

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

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

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

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

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

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

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

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

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

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

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

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

(4) In this section—

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

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

83 Boarding houses

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) 50% of the dwellings to which the development consent relates must be used for affordable housing (the affordable housing dwellings), and

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

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

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

(4) In this section—

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

85 Co-living housing

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

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

(a) the co-living housing must be managed in accordance with a plan of management by a managing agent who is contactable 24 hours a day, and

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

(c) private rooms and communal living areas in the co-living housing must contain appropriate furniture and fittings, maintained in a reasonable state of repair, for the use of residents.

86 Seniors housing

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

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

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

(a) seniors or people who have a disability,

(b) people who live in the same household with seniors or people who have a disability,

(c) staff employed to assist in the administration and provision of services to the accommodation.

NOTE:
1. ALL MEASUREMENTS ARE APPROXIMATE ONLY AND ARE TO BE CONFIRMED ON SITE PRIOR TO WORK COMMENCING.
2. ALL GROUND LEVELS, FINISHED FLOOR LEVELS, CEILING HEIGHTS AND JOINT HEIGHTS ARE APPROXIMATE ONLY AND ARE TO BE CONFIRMED ON SITE PRIOR TO WORK COMMENCING.
3. ROOF PITCH & EAVE OVERHANG ARE APPROXIMATE ONLY. ADDITIONAL ROOF IS TO BE CONFIRMED WITH EXISTING ROOF PRIOR TO WORK COMMENCING.

SITE NOTES:
1. Written dimensions take precedence over scale.
2. Builder to verify all boundary clearances and site set-out dimensions prior to commencement of construction.
3. Levels & contours are based on assumed datum. Therefore the floor level is subject to change.
4. Retaining walls greater than 1m high (cut/fill) are required to be engineered designed & certified prior to building approval. Retaining walls are closer than 1500mm from boundary require a building relaxation. (If side only).
5. Batters to comply with appropriate soil classifications described in the table 3.1.1.1.1 BCA Vol 2.
6. Engineer to provide design address footings if built in close proximity to sewer, stormwater or easements.
7. Vehicular cross over to be constructed as per local council requirements and/or approval.

SERVICES:
1. services have been plotted from records of relevant authorities where available. Prior to any excavation or construction on site, the relevant authority should be contacted for possible location of further underground services.
2. All household sewerage and waste to be discharged to sewer system.
3. Stormwater and roof water to be connected to legal point of discharge in accordance with Pt 3 BCA Vol 2 and local authorities requirements. Approval to be obtained from local authority prior to work commencing.
4. Grade soil away from perimeter of building to prevent ponding. 1:20 minimum fall. Surface water to be channelled to legal point of discharge, ie. yard gully grate or similar.
5. Provide 1:20 ground surface fall towards gully pits. Final location of pits subject to change to suit site conditions. Contractor to check with builder before commencing work.

GENERAL NOTES:
1. Scrape away vegetation & cut & fill to provide a level building platform.
2. Floor slab to be in accordance with engineers drawings & details.
3. Termite protection is a visual barrier system with approved collars at penetrations in accordance with AS 3600.0-2000.
4. This site plan is transcription of the original contour survey & the builder is to verify all information contained herein prior to site start.
5. The driveway & path shown on the plan is the suggested layout - areas shown on plan.

APPROX. EXISTING

	AREA
HOUSE	159.0 m ²
SHEDS	296.0 m ²
TOTAL	455.0 m ²

PROPOSED DWELLINGS

	AREA
LIVING	95.7 m ²
VERANDAH	9.2 m ²
PATIO	22.8 m ²
CARPORT	21.0 m ²
TOTAL	148.7 m ²

2 X DWELLINGS AT 148.7 m²

	AREA
TOTAL	297.4 m ²

OVERALL TOTAL 752.4m²

LOT 1 DP 599492

SITE AREA 4064.0 m²

SITE COVER 18.5 %

NOTE:
1. APPROXIMATE LOCATION OF DOWNPIPES, PLUMBER TO DETERMINE FINAL LOCATION & NUMBER OF DOWNPIPES TO BCA & AUSTRALIAN STANDARDS. CONTRACTOR TO CHECK WITH THE BUILDER PRIOR TO WORK COMMENCING.
2. LOCATION OF STORMWATER LINES ARE AT THE DISCRETION OF THE PLUMBER & ARE TO COMPLY WITH BCA & AS REGULATIONS. CONTRACTOR TO CHECK WITH THE BUILDER PRIOR TO WORK COMMENCING.

NOTE:
MIN. OF 50m² OF LANDSCAPING THROUGHOUT THE SITE.

NOTE: APPROX PROPOSED BOUNDARIES - REFER TO DETAILED SUBDIVISION PLAN

SITE PLAN
SCALE : 1:200

NOTE: APPROX PROPOSED BOUNDARIES - REFER TO DETAILED SUBDIVISION PLAN

Cowra Shire Council
Development Consent

This plan depicts the proposal referred to in Development Application No: DA 1/2023
Date of Approval: 23 October 2023

Signed: [Signature]
Authorised Officer

CLIENT : T BRUIN & G BISCHOFF
PROJECT : PROPOSED MULT-DWELLINGS
ADDRESS : 17 WALKER STREET, COWRA NSW 2794

DESIGNED BY : OWNER
DRAWN BY : K. OSTINI-DONNELLY
ISSUE : PRELIMINARY 01
WIND CLASS : TBA DATE : 9/12/2022
SCALE : 1:200 SHEET : 01

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Cowra Shire Council
3/1/2023
Plan No: DA 1/2023

NOTE:

1. ALL MEASUREMENTS ARE APPROXIMATE ONLY AND ARE TO BE CONFIRMED ON SITE PRIOR TO WORK COMMENCING. FINAL ROOM SIZES ARE SUBJECT TO CHANGES ONCE MEASUREMENTS OF EXISTING STRUCTURES ARE CONFIRMED.

2. ALL GROUND LEVELS, FINISHED FLOOR LEVELS, CEILING HEIGHTS AND JOINERY HEIGHTS ARE APPROXIMATE ONLY AND ARE TO BE CONFIRMED ON SITE PRIOR TO WORK COMMENCING.

3. ROOF PITCH & EAVE OVERHANG ARE APPROXIMATE ONLY. ADDITIONAL ROOF IS TO BE CONFIRMED WITH EXISTING ROOF PRIOR TO WORK COMMENCING.

NOTE:

BASIC REQUIREMENT OF CEILING - 2.75 (UP) ROOF - FOIL/SARKING LIGHT SOLAR ABSORPTANCE LESS THAN 0.475 WALLS - 2.06 (OR 2.6 INCLUDING CONSTRUCTION)

UNIT 1 (EAST) FRONT ELEVATION
SCALE : 1:100

UNIT 1 (SOUTH) LEFT ELEVATION
SCALE : 1:100

UNIT 1 (NORTH) RIGHT ELEVATION
SCALE : 1:100

UNIT 1 (WEST) REAR ELEVATION
SCALE : 1:100

UNIT 2 (EAST) FRONT ELEVATION
SCALE : 1:100

UNIT 2 (SOUTH) LEFT ELEVATION
SCALE : 1:100

UNIT 2 (NORTH) RIGHT ELEVATION
SCALE : 1:100

UNIT 2 (WEST) REAR ELEVATION
SCALE : 1:100

NOTE:

FOR OPENING DIRECTIONS OF SLIDING GLASS DOORS AND WINDOWS PLEASE SEE ELEVATIONS.

NOTES :

1. Written dimensions take precedence over scale.

2. Builder to verify all dimensions and levels prior to commencement of construction.

3. All internal dimensions stated are to frame size - excluding linings.

4. This building has been designed in accordance with AS 1684.2-2006 (Residential timber framed construction).

5. Supplier may substitute timbers for those of equal strength to span ratio.

6. All structural sizes to be read in conjunction with structural engineers drawings and details.

7. Articulation joints to comply with Pt 3.1.8 BCA Vol. 2.

8. Mechanical Ventilation to comply with Pt 3.8.5 BCA Vol. 2.

9. Smoke alarms to comply with Pt 3.7.2 BCA Vol. 2 (wired in).

10. Protection against subterranean termites shall be in accordance with AS 3660-Pt 1 2001. Provide treatment: Visual Barrier System to perimeter with approved collars/barriers at slab penetrations.

11. Lift off hinge to all WC doors to comply with Australian Standards.

12. Solar construction to comply with Pt 3.9.1 and balustrading to comply with Pt 3.9.2 BCA Vol. 2.

13. DCP and flashing to comply with Pt. 3.3.4 BCA Vol. 2.

14. Lintel sizes to be provided by truss manufacture and or engineer specifications.

Cowra Shire Council
Development Consent

This plan depicts the proposal referred to in Development Application No: DA 1/2023
Date of Approval: 23 October 2023

Signed: 
Authorised Officer

CLIENT : T BRUIN & G BISCHOFF	
PROJECT : PROPOSED MULTI-DWELLINGS	
ADDRESS : 17 WALKER STREET, COWRA NSW 2794	
DESIGNED BY : OWNER	
DRAWN BY : K. OSTINI-DONNELLY	
ISSUE : PRELIMINARY 01	
WIND CLASS : TBA	DATE : 9/12/2022
SCALE : 1:100	SHEET : 03

Item 4.3 - Attachment 5

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Cowra Shire Council
14 April 2023
Plan No. 1/2023(C)



CURRAJONG
PLANNING, PROPERTY + PROJECT MANAGEMENT

250A Clarinda Street
PARKES NSW 2870

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

GENERAL NOTES:

1. Do not scale from drawings. Work to figured dimensions only. Site dimensions are subject to final survey and should not be relied upon for accuracy

E	ADD PROPOSED SEWER MAIN	DS	14.04.2023
D	DIMENSIONS / EASEMENT DETAILS	DS	22.03.2022
C	AMEND SERVICES / VEHICLE SURFACES	DS	07.03.2023
B	AMEND SEWER EASEMENT	DS	20.12.2022
A	FIRST ISSUE	DS	18.12.2022
REV	DESCRIPTION	BY	DATE

SHEET NO:
A.01

SHEET NAME:
Proposed Plan of Subdivision

DRAWING STATUS
FOR DA APPROVAL

CLIENT NAME
T & G Bruin

SITE DESCRIPTION
17 Walker Street
Cowra NSW 2794

PROJECT NAME
Proposed 3 lot subdivision &
construction of 2 dwellings

DRAWN:
14/04/23

SCALE
1:500 @ A3

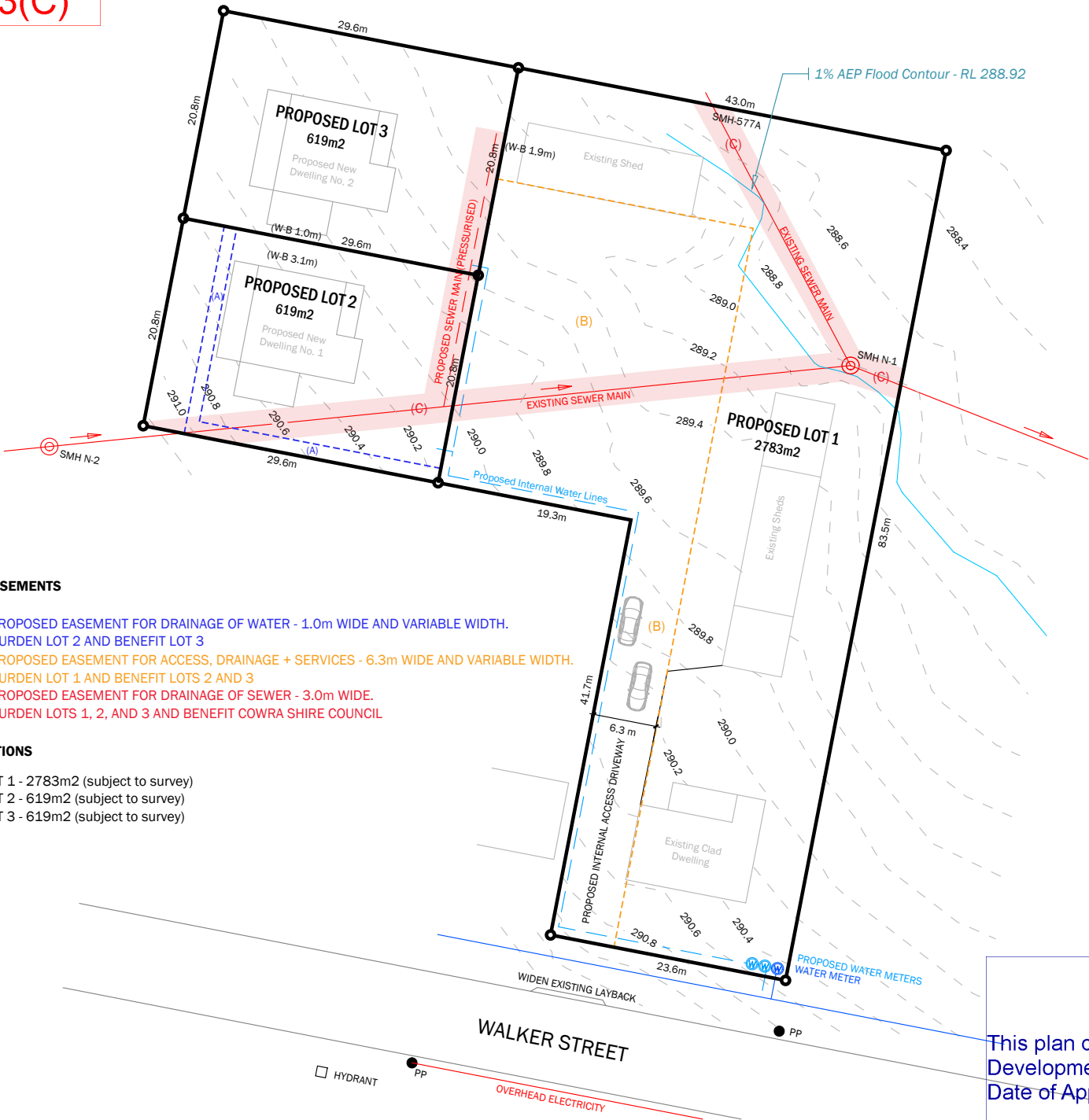


PROPOSED EASEMENTS

- (A) PROPOSED EASEMENT FOR DRAINAGE OF WATER - 1.0m WIDE AND VARIABLE WIDTH.
BURDEN LOT 2 AND BENEFIT LOT 3
- (B) PROPOSED EASEMENT FOR ACCESS, DRAINAGE + SERVICES - 6.3m WIDE AND VARIABLE WIDTH.
BURDEN LOT 1 AND BENEFIT LOTS 2 AND 3
- (C) PROPOSED EASEMENT FOR DRAINAGE OF SEWER - 3.0m WIDE.
BURDEN LOTS 1, 2, AND 3 AND BENEFIT COWRA SHIRE COUNCIL


LOT CALCULATIONS

PROPOSED LOT 1 - 2783m2 (subject to survey)
PROPOSED LOT 2 - 619m2 (subject to survey)
PROPOSED LOT 3 - 619m2 (subject to survey)

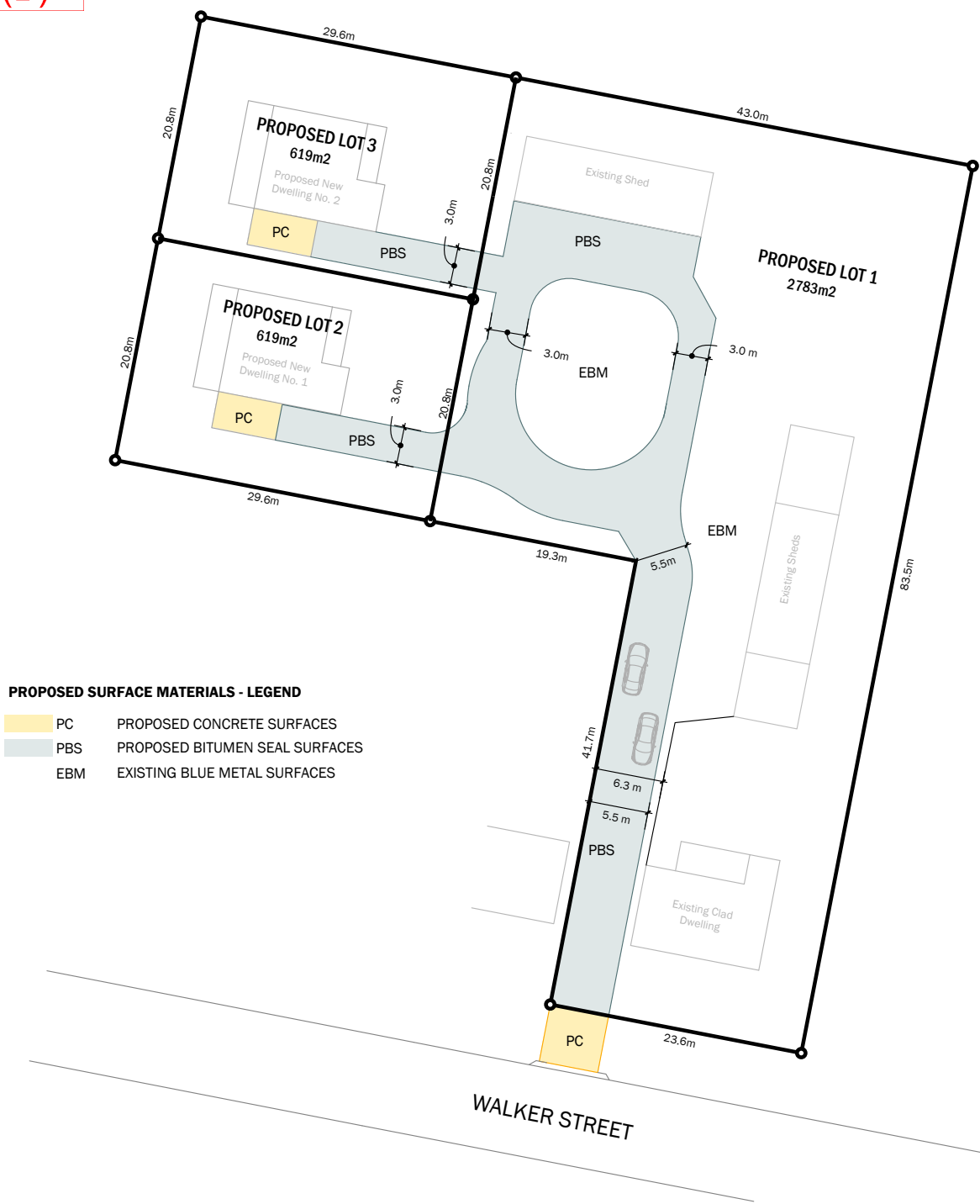


Cowra Shire Council
Development Consent

This plan depicts the proposal referred to in
Development Application No: DA 1/2023
Date of Approval: 23 October 2023

Signed: 
Authorised Officer

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Cowra Shire Council
22 March 2023
Plan No. 1/2023(B)



Cowra Shire Council
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Date of Approval: 23 October 2023

Signed: 
Authorised Officer



CURRAJONG
PLANNING, PROPERTY + PROJECT MANAGEMENT

250A Clarinda Street
PARKES NSW 2870

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

GENERAL NOTES:

1. Do not scale from drawings. Work to figured dimensions only. Site dimensions are subject to final survey and should not be relied upon for accuracy

D	DIMENSIONS ADDED - DRIVEWAY WIDTHS	DS	22.03.2022
C	AMEND SERVICES / VEHICLE SURFACES	DS	07.03.2023
B	AMEND SEWER EASEMENT	DS	20.12.2022
A	FIRST ISSUE	DS	18.12.2022
REV	DESCRIPTION	BY	DATE

SHEET NO:
A.02

SHEET NAME:
Proposed Vehicle Surfaces

DRAWING STATUS
FOR DA APPROVAL

CLIENT NAME
T & G Bruin

SITE DESCRIPTION
17 Walker Street
Cowra NSW 2794

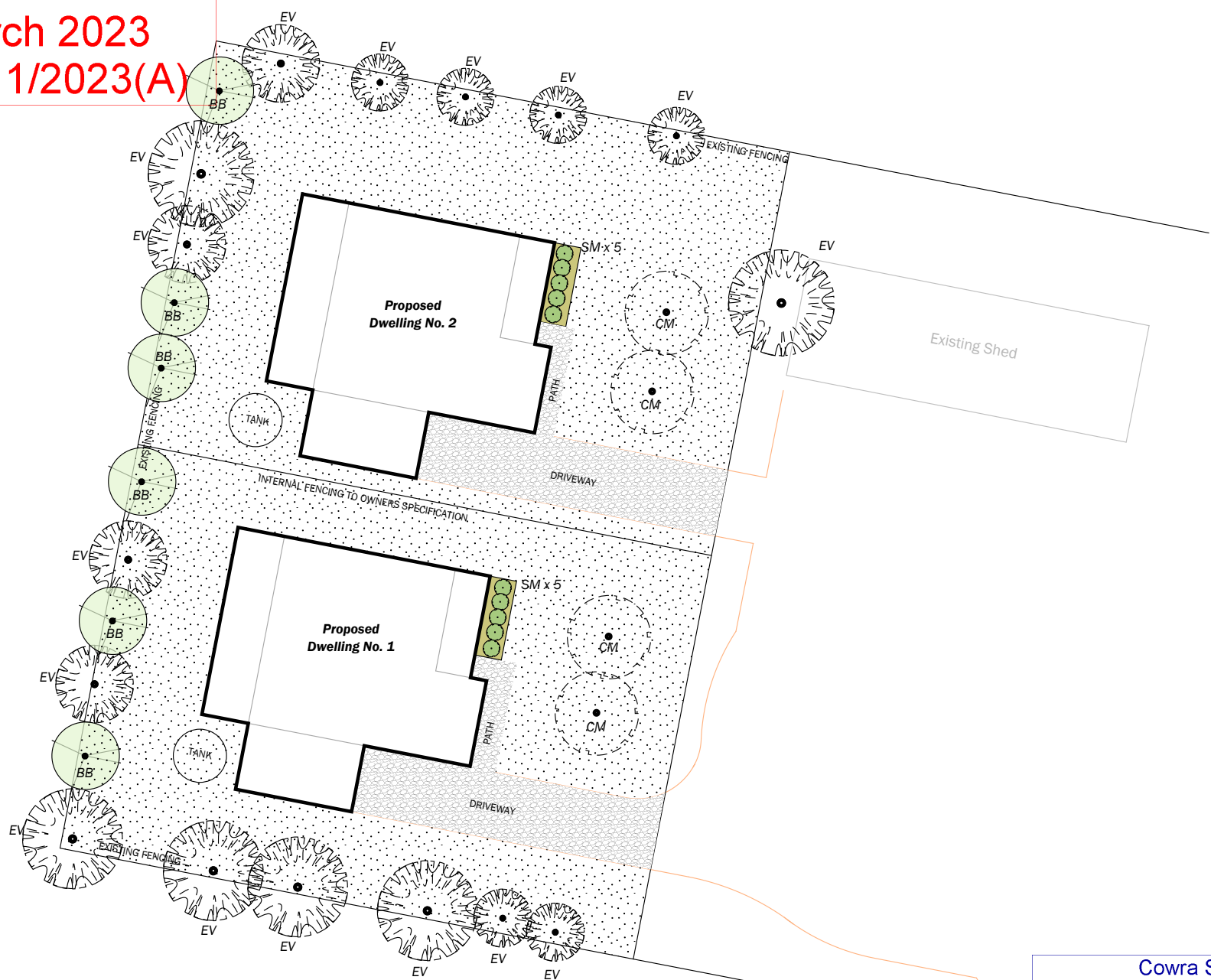
PROJECT NAME
Proposed 3 lot subdivision &
construction of 2 dwellings

DRAWN:
22/03/23

SCALE
1:500 @ A3



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22 March 2023
Plan No. 1/2023(A)




LANDSCAPE SCHEDULE

LEGEND	PLANT NAME / SIZE	NUMBER	MATURE SIZE
EV	RETAIN AS EXISTING VEGETATION - LOCATIONS SHOWN AS APPROXIMATE	N/A	N/A
SM	RHAPHIOLEPIS INDICA SNOW MAIDEN - 200mm POTS	x 10	75cm H x 50cm W
CM	LAGERSTROEMIA INDICI CREPE MYRTLE - MIN. 250mm POTS	x 4	6m H x 3m W
BB	CALLISTEMON VIMINALIS WILDERNESS WHITE BOTTLEBRUSH - 200mm POTS	x 6	2.5m H x 2m W

Cowra Shire Council
Development Consent

This plan depicts the proposal referred to in
Development Application No: DA 1/2023
Date of Approval: 23 October 2023

Signed: 

Authorised Officer



CURRAJONG
PLANNING, PROPERTY + PROJECT MANAGEMENT

250A Clarinda Street
PARKES NSW 2870

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

- GENERAL NOTES:
- Tree watering (1): Immediately after planting, tree shall be watered thoroughly regardless of weather conditions. Quantity of water will be adequate to saturate the root ball to its core.
 - Tree watering (2): Post planting, provide a minimum of 15 litres of water (for tree in 45 litre pot) to the newly planted tree per 7 days. Water at a slow rate so as not to displace mulch. For trees in pot size larger than 45 litres, provide quantity of water one third of that pot size.
 - All new landscaped areas are to be provided with an appropriate low usage automatic water system such as a drip, trickle or spray irrigation system.
 - Landscape works are not proposed for Lot 1 as this lot is intended to accommodate the existing dwelling and associated shed infrastructure,

B	LABEL AMENDMENTS	DS	22.03.2023
A	FIRST ISSUE	DS	20.12.2022
REV	DESCRIPTION	BY	DATE

SHEET NO:
A.03

SHEET NAME:
Landscaping Plan

DRAWING STATUS
FOR DA APPROVAL

CLIENT NAME
T & G Bruin

SITE DESCRIPTION
17 Walker Street
Cowra NSW 2794

PROJECT NAME
Proposed 2 lot subdivision &
construction of 2 dwellings

DRAWN:
22/03/23

SCALE
1:500 @ A3



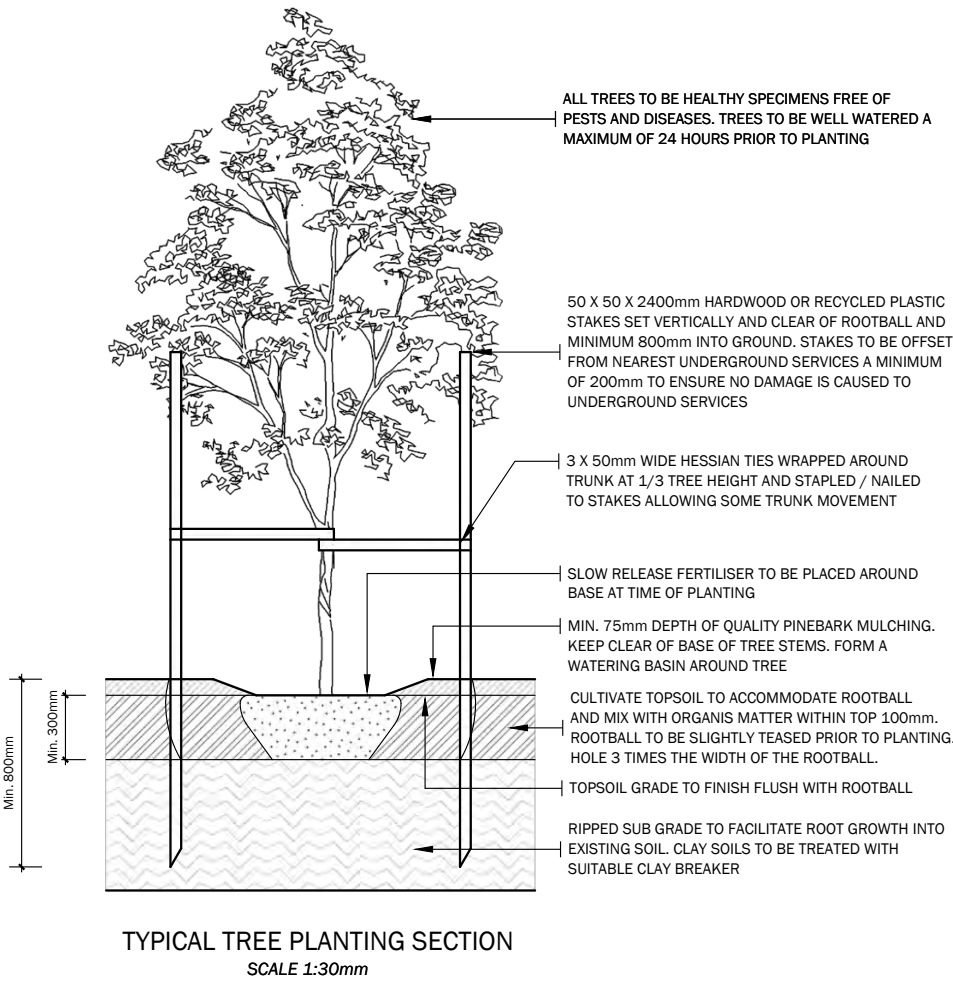
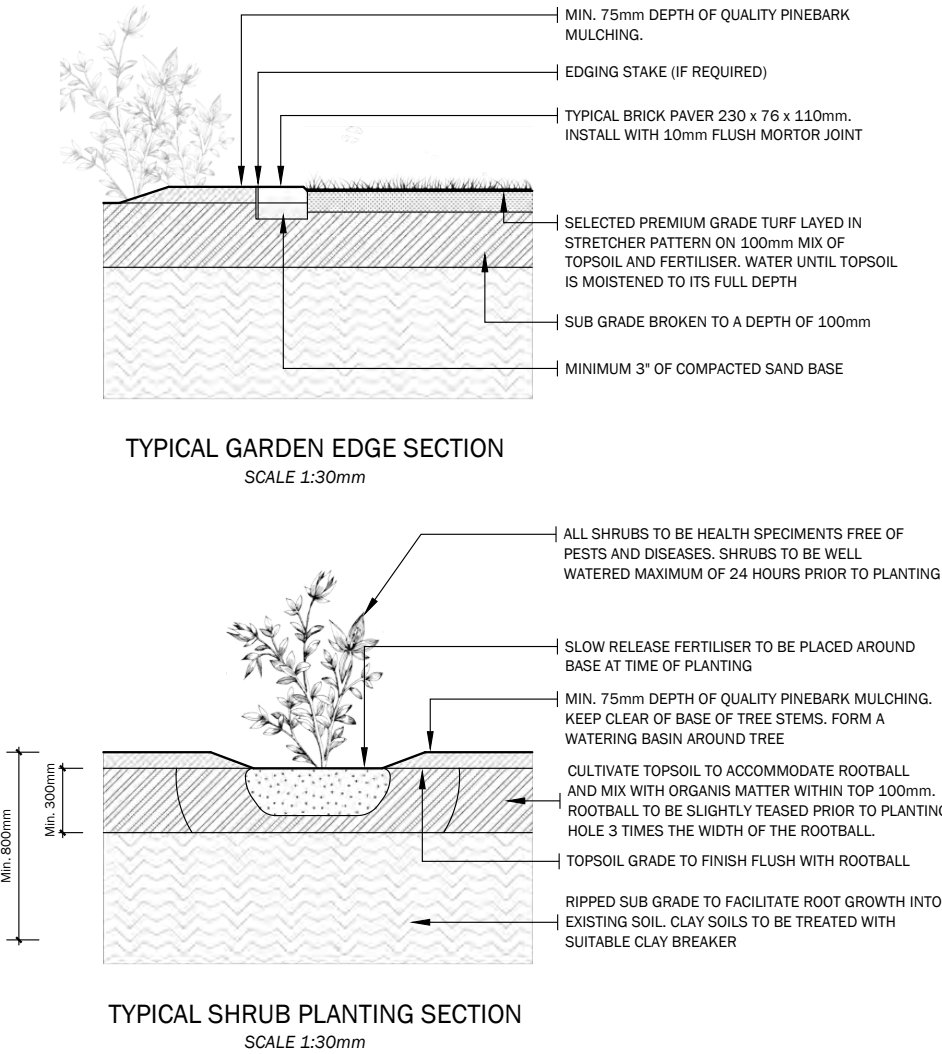
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3/1/2023
Plan No: DA 1/2023



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250A Clarinda Street
PARKES NSW 2870

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



- GENERAL NOTES:**
- Tree watering (1): Immediately after planting, tree shall be watered thoroughly regardless of weather conditions. Quantity of water will be adequate to saturate the root ball to its core.
 - Tree watering (2): Post planting, provide a minimum of 15 litres of water (for tree in 45 litre pot) to the newly planted tree per 7 days. Water at a slow rate so as not to displace mulch. For trees in pot size larger than 45 litres, provide quantity of water one third of that pot size.
 - All new landscaped areas are to be provided with an appropriate low usage automatic water system such as a drip, trickle or spray irrigation system.
 - Landscape works are not proposed for Lot 1 as this lot is intended to accommodate the existing dwelling and associated shed infrastructure,

A	FIRST ISSUE	DS	20.12.2022
REV	DESCRIPTION	BY	DATE

SHEET NO:
A.04

SHEET NAME:
Typical Landscape Details

DRAWING STATUS
FOR DA APPROVAL

CLIENT NAME
T & G Bruin

SITE DESCRIPTION
17 Walker Street
Cowra NSW 2794

PROJECT NAME
Proposed 2 lot subdivision &
construction of 2 dwellings

DRAWN:
20/12/22

SCALE
1:500 @ A3



Cowra Shire Council
Development Consent

This plan depicts the proposal referred to in
Development Application No: DA 1/2023
Date of Approval: 23 October 2023

Signed: 
Authorised Officer

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Plan No. 1/2023

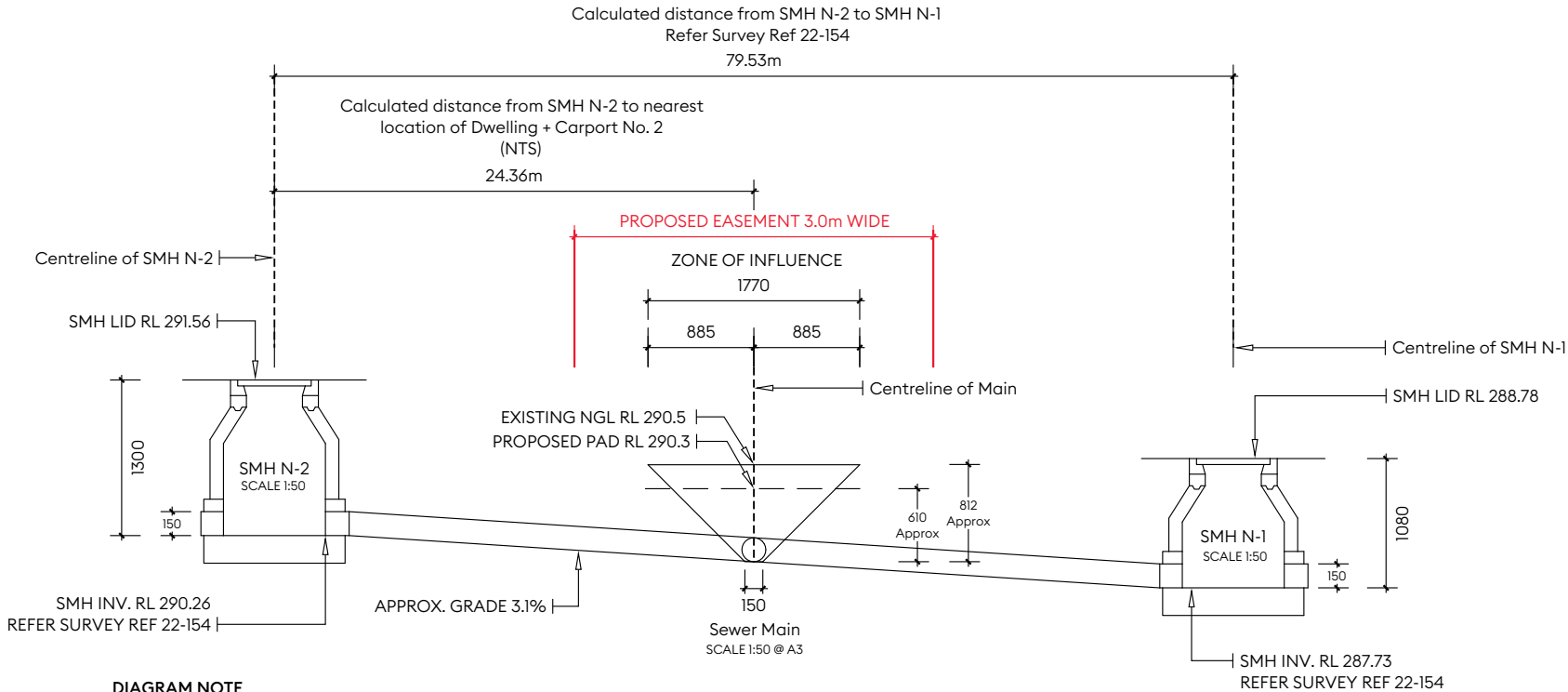



DIAGRAM NOTE
Details shown are diagrammatic only and are based on details calculations made by reference to the plan of survey prepared by Karl Lupis Surveyor dated 20.02.2023 Ref 22-154, and site plan submitted with DA 1/2023 by Kellie Ostini-Donnelly.


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

- GENERAL NOTES:**
1. Do not scale from drawings. Work to figured dimensions only. Site dimensions are subject to final survey and should not be relied upon for accuracy

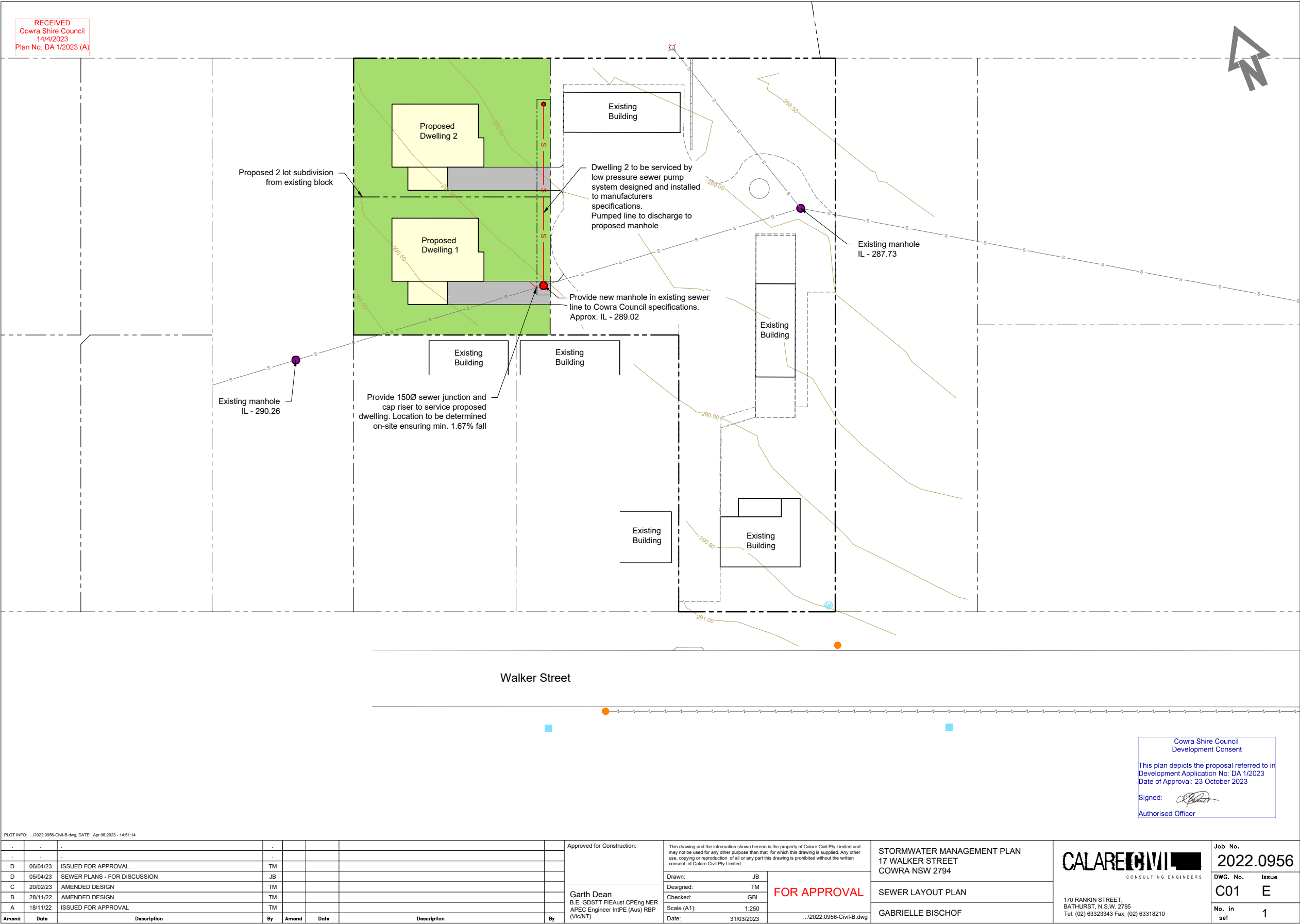
Cowra Shire Council
Development Consent

This plan depicts the proposal referred to in
Development Application No: DA 1/2023
Date of Approval: 23 October 2023

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Authorised Officer

A	FIRST ISSUE	DS	07.03.2023
REV	DESCRIPTION	BY	DATE
SHEET NO: A.05			
SHEET NAME: Zone of Influence Assessment			
DRAWING STATUS FOR DA APPROVAL			
CLIENT NAME T & G Bruin			
SITE DESCRIPTION 17 Walker Street Cowra NSW 2794			
PROJECT NAME Proposed 3 lot subdivision & construction of 2 dwellings			
DRAWN: 07/03/23			
SCALE AS NOTED			





<http://www.workcover.nsw.gov.au/health-and-safety/industry-safety/electrical-and-power/power-lines/publications/work-near-overhead-power-lines-code-of-practice-2006>

**FOR
GABRIELLE BISCHOF**



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LOCALITY PLAN
N.T.S.


DRAWING INDEX	
Dwg No.	Title
G01	COVER SHEET
G02	LEGEND AND GENERAL NOTES
C01	CIVIL WORKS PLAN
C02	CATCHMENT PLAN
C03	STORMWATER CALCULATIONS

**Cowra Shire Council
Development Consent**

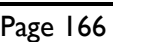
This plan depicts the proposal referred to in
Development Application No: DA 1/2023
Date of Approval: 23 October 2023

Signed: 

Authorised Officer

PLOT INFO: ...0202.0956-Civil-A.dwg DATE: Feb 20-2023 - 16:28:23																				Job No.										2022.0956																			
-	-	-	-	-	-	-	-	-	-	Approved for Construction: This drawing and the information shown hereon is the property of Calare Civil Pty Limited and may not be used for any other purpose than that for which this drawing is supplied. Any other use, copying or reproduction of all or any part of this drawing is prohibited without the written consent of Calare Civil Pty Limited. Drawn: TM Designed: TM Checked: GBL Scale (A1): AS SHOWN Date: 18/11/22 ... 0202.0956-Civil-A.dwg										STORMWATER MANAGEMENT PLAN 17 WALKER STREET COWRA NSW 2794										 CONSULTING ENGINEERS 170 RANKIN STREET, BATHURST, N.S.W. 2795 Tel: (02) 63323343 Fax: (02) 63318210										DWG. No.		Issue							
-	-	-	-	-	-	-	-	-	G01																															C									
C	20/02/23	AMENDED DESIGN			TM	FOR APPROVAL																																		COVER SHEET				No. in set				5	
B	28/11/22	AMENDED DESIGN			TM																																												
A	18/11/22	ISSUED FOR APPROVAL			BM																																												
Amend	Date	Description			By	Amend	Date	Description			By	Garth Dean B.E. GDSTT FIE Aust CPEng NER APEEC Engineer IntPE (Aus) RBP (Vic/N/T)										GABRIELLE BISCHOF																											

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Watercom Drains - Data

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7 March 2023
Plan No: DA 1/2023 (A)

SUB-CATCHMENT DETAILS									
Name	Pit or Node	Total Area (ha)	EIA %	Perv Area %	RIA %	EIA Time (min)	Perv Time (min)	RIA Time (min)	Rainfall Multiplier
Ex-Cat-Dwelling 1	N2	0.062		0	100	0	5	5	2
Dev-Cat-Dwelling 1	N3	0.062		33	67	0	5	5	2
Ex-Cat-Dwelling 2	N4	0.062		0	100	0	5	5	2
Dev-Cat-Dwelling 2	N5	0.062		33	67	0	5	5	2

Downpipe & Gutter Sizing - Dwelling 1 & Dwelling 2

5% AEP - 5min			
Assume	C	1	
	I	140	mm/hr
Roof Pitch		22.5	degrees
Roof Slope Area	A	149	m²
=>	Q	6.990	(l/sec)
Gutter design			
Gutter Type		AS3500 - Section 3	
Gradient	1:	Eave	200
Width of Eave Gutter			
		120	mm
Depth of Eave Gutter		65	mm
Number of Downpipes required		4	
Downpipe Size		90	mm

Watercom Drains - 20% AEP results

PIT / NODE DETAILS				Version 8			
Name	Max HGL	Max Pond HGL	Max Surface Flow Arriving (cu.m/s)	Max Pond Volume (cu.m)	Min Freeboard (m)	Overflow (cu.m/s)	Constraint
SUB-CATCHMENT DETAILS							
Name	Max Flow Q (cu.m/s)	EIA Max Q (cu.m/s)	Remaining Max Q (cu.m/s)	EIA Tc (cu.m/s)	RIA Tc (min)	PA Tc (min)	Due to Storm (min)
Ex-Cat-Dwelling 1	0.01	0	0.01	5	2		5 20% AEP, 10
Dev-Cat-Dwelling 1	0.01	0.004	0.007	5	2		5 20% AEP, 10
Ex-Cat-Dwelling 2	0.01	0	0.01	5	2		5 20% AEP, 10
Dev-Cat-Dwelling 2	0.01	0.004	0.007	5	2		5 20% AEP, 10
PIPE DETAILS							
Name	Max Q (cu.m/s)	Max V (m/s)	Max U/S HGL (m)	Max D/S HGL (m)	Due to Storm		
CHANNEL DETAILS							
Name	Max Q (cu.m/s)	Max V (m/s)	Due to Storm				
DETENTION BASIN DETAILS							
Name	Max WL	MaxVol	Max Q Total	Max Q Low Level	Max Q High Level		

Watercom Drains - 1% AEP results

PIT / NODE DETAILS				Version 8			
Name	Max HGL	Max Pond HGL	Max Surface Flow Arriving (cu.m/s)	Max Pond Volume (cu.m)	Min Freeboard (m)	Overflow (cu.m/s)	Constraint
SUB-CATCHMENT DETAILS							
Name	Max Flow Q (cu.m/s)	EIA Max Q (cu.m/s)	Remaining Max Q (cu.m/s)	EIA Tc (cu.m/s)	RIA Tc (min)	PA Tc (min)	Due to Storm (min)
Ex-Cat-Dwelling 1	0.025	0	0.025	5	2		5 1% AEP, 10
Dev-Cat-Dwelling 1	0.025	0.008	0.017	5	2		5 1% AEP, 10
Ex-Cat-Dwelling 2	0.025	0	0.025	5	2		5 1% AEP, 10
Dev-Cat-Dwelling 2	0.025	0.008	0.017	5	2		5 1% AEP, 10
PIPE DETAILS							
Name	Max Q (cu.m/s)	Max V (m/s)	Max U/S HGL (m)	Max D/S HGL (m)	Due to Storm		
CHANNEL DETAILS							
Name	Max Q (cu.m/s)	Max V (m/s)	Due to Storm				
DETENTION BASIN DETAILS							

AS THERE IS NO INCREASE IN RUNOFF IN THE POST DEVELOPED SCENARIO ON-SITE DETENTION OF STORMWATER RUNOFF IS NOT REQUIRED

PLOT INFO: ...I2022.0956-Civil-A.dwg, DATE: Feb 20,2023 - 16:28:25

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C	20/02/23	AMENDED DESIGN		TM					
B	28/11/22	AMENDED DESIGN		TM					
A	18/11/22	ISSUED FOR APPROVAL		TM					
Amend	Date	Description	By	Amend	Date	Description	By		

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(Vic/NT)		

Drawn:	TM
Designed:	TM
Checked:	GBL
Scale (A1):	AS SHOWN
Date:	18/11/22

FOR APPROVAL

STORMWATER MANAGEMENT PLAN	
17 WALKER STREET	
COWRA NSW 2794	
STORMWATER CALCULATIONS	
GABRIELLE BISCHOF	

CALARE CIVIL
CONSULTING ENGINEERS

170 RANKIN STREET,
BATHURST, N.S.W. 2795
Tel: (02) 63323343 Fax: (02) 63318210

Job No.	2022.0956	
DWG. No.	C03	Issue C
No. in set	5	

RECEIVED
Cowra Shire Council
29 August 2023
Plan No. 1/2023(B)

DATE

28.08.2023 (Rev E)

CLIENT

Thomas and Gabrielle Bruin

PROJECT

Proposed 3 lot subdivision (Torrens Title) + Construction of 2 x single dwellings
17 Walker Street, Cowra NSW 2794

DOCUMENT TITLE

Statement of
Environmental Effects

Cowra Shire Council
Development Consent

This plan depicts the proposal referred to in
Development Application No: DA 1/2023
Date of Approval: 23 October 2023

Signed: 

Authorised Officer

CURRAJONG

PLANNING, PROPERTY + PROJECT MANAGEMENT



Currajong Pty Ltd
205A Clarinda Street
Parkes NSW 2780
currajong.com.au

Item 4.3 - Attachment 5

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DOCUMENT CONTROL

PROJECT REPORT DETAILS		
Document Title	Statement of Environmental Effects	
Principal Author	Dean Steward, Senior Planner	
Client	Mr Thomas and Gabrielle Bruin	
Project Reference	APC220812	
DOCUMENT STATUS		
Issue	E	
Status	For Council approval	
Date	28.08.2023	
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Thomas Bruin	Emailed	28.08.2023
Gabrielle Bruin	Emailed	28.08.2023
Cowra Shire Council	NSW Planning Portal	28.08.2023 (Rev E)

DISCLAIMER

This report has been prepared by Currajong Pty Ltd with all reasonable skill, care and diligence, and taking account of the timescale and resources allocated to it by agreement with the Client. Information reported herein is based on the information provided by the client and has been accepted in good faith as being accurate and valid. This report is for the exclusive use of the client named above. No warranties or guarantees are expressed or should be inferred by any third parties. This report may not be relied upon by other parties without written consent from Currajong Pty Ltd. Currajong Pty Ltd disclaims any responsibility to the Client and others in respect of any matters outside the agreed scope of the work.

EXECUTIVE SUMMARY



This Statement of Environmental Effects (SEE) has been prepared by Currajong Pty Ltd (Currajong) on behalf of Thomas and Gabrielle Bruin for the proposed development of the land at Lot 1 DP 599492, being 17 Walker Street Cowra.

The proposed development is described as a three lot Torrens Title subdivision (creating two additional lots) and subsequent construction of two separate dwellings on the new allotments. The dwellings are to be constructed as single storey brick veneer structures, serviced by a common practical access to Walker Street. The proposed location of the dwellings on the property means that they will not have a streetscape presence to Walker Street.

The land at 17 Walker Street contains an existing dwelling and several ancillary shed structures. The existing structures are located generally along the eastern and northern boundaries of the site, leaving a large land area towards the rear of the holding that is under utilised and characteristically suitably for redevelopment.

The subject land is located within the R1 General Residential zone within West Cowra, which applies generally to all of the existing properties along Walker Street. The land located immediately to the north is zoned for light industrial purposes, however the current use of the land is for residential purposes. The land located to the northwest is zoned and used for light industrial purposes, and specifically for vehicle repair station (tractor mechanical repairs).

The land slopes generally away from Walker Street. A detailed contour survey has been completed, which shows that the land has a total fall of approximately 2.6m from the Walker Street frontage to the NE corner of the property. The survey has also discovered the locations of Council's gravity sewerage main within the boundaries of the subject land. The proposed dwellings have been carefully positioned on the land to avoid this infrastructure.

Cowra Local Environmental Plan 2012 (LEP) is the primary environmental planning instrument apply to the proposed development. The proposed development has been assessed against the relevant provisions of the LEP and is consistent with all requirements, without variation.

The Cowra Comprehensive Development Control Plan 2021 applies to all land in the Cowra LGA and contains standards and controls which must be considered. The proposed development is generally consistent with all DCP provisions, except that a variation is required to the following standard:

- + Control D.3.3 (f) relating to the design of battle-axe shaped subdivisions. Whilst the proposal does not create new battle-axe shaped lots, the practical arrangement of the subdivision lots carries similarities to battle-axe design given that access is to be achieved via a common internal access handle. The proposal does not comply with minimum requirements for lot size, which is prescribed to be 900m². Council is asked to support a variation to the DCP control, as the proposed lot sizes comply with Cowra Local Environmental Plan 2012 and the proposed design of the development is capable of achieving objectives related to safe practical vehicle / pedestrian access and acceptable resident and neighbour amenity.

An environmental impact assessment has also been completed under Section 4.15 of the Environmental Planning and Assessment Act 1979. The proposed development is assessed to be of acceptable impact as evidenced in this Statement of Environmental Effects.

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PROJECT INTRODUCTION

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1.1 Scope

This Statement of Environmental Effects (SEE) has been prepared by Currajong Pty Ltd (Currajong) on behalf of Thomas and Gabrielle Bruin for the proposed development of the land at Lot 1 DP 599492, being 17 Walker Street Cowra for the purpose of a 3 lot subdivision and construction of 2 single dwellings. The document has been prepared to accompany a Development Application to Cowra Shire Council.

Note - As a result of the public consultation process for DA 1/2023 (this DA) by Cowra Shire Council, a number of compliance related issues have been determined to relate to the land at 17 Walker Street Cowra. These issues relate to:

- + The use of an existing shed for self-storage purposes without Council approval.
- + The partial use of an existing shed as a dwelling without Council approval.
- + The construction of two carport structures on the without Council approval.

In order to address these issues, the landowners have:

- + Lodged a separate DA for the continued use of the existing shed for self-storage purposes.
- + Provided written notification to Council that the existing shed is no longer to be used for a residential purpose, and removed internal facilities to ensure the building is capable of being used only for purposes consistent with a Class 10a BCA classification.
- + Lodged a separate DA for the continued use of the existing carport structures, as well as a Building Information Certificate.

Whilst this Statement of Environmental Effects has been prepared in order to support Council's assessment of DA 1/2023, the impact assessment considers, as necessary, the likelihood that the compliance matters detailed above will also form part of the land-use description for the land at 17 Walker Street.

1.2 Overview

The land at 17 Walker Street contains an existing dwellings and several ancillary metal shed structures. The area of the land is calculated to be approximately 4064m². The site contains a number of existing mature trees and landscaped areas.

The subject land is located within the R1 General Residential zone within West Cowra. Figure 1 of this Statement of Environmental Effects shows the location of the site.

A high level overview of the proposed development is included as follows:

- + Proposed subdivision of the land to create three new allotments under Torrens Title.
- + Proposed lot 1 in the subdivision would be created for the purposes of accommodating the existing dwelling and existing shed structures on the land. The area of proposed lot 1 is calculated to be approximately 2783m².
- + Proposed lot 2 in the subdivision would be created for the purposes of a new residential dwelling (referred to as proposed dwelling No. 1 on the plans submitted with this DA). The area of proposed lot 2 is calculated to be approximately 619m²
- + Proposed lot 3 in the subdivision would also be created for the purposes of a new residential dwelling (referred to as proposed dwelling No. 2 on the plans submitted with this DA). The area of proposed lot 3 is calculated to approximately 619m².

- + The proposed dwellings are to be constructed as single storey brick veneer buildings with an attached skillion roof providing for undercover resident car parking.
- + With identical floor plans, the proposed dwellings have been designed to maximise site opportunities related to northern aspect and solar access, private open space provision and general site amenity.
- + The site design properly responds to identified constraints relating to existing public infrastructure locations and flooding.
- + Practical and legal access to the development is to be provided directly from Walker Street, which is an existing public road that is owned and maintained by Cowra Shire Council. Walker Street is a sealed constructed with kerb and gutter infrastructure.
- + The proposed development will be connected to all available urban services and utilities including reticulated water, sewer, electricity and NBN telecommunications.
- + Stormwater is proposed to be managed by discharging roofwater from the proposed dwellings (and the existing shed located adjacent to the northern boundary) directly to the public drainage system in Walker Street via a system of charged pipes. The stormwater design has considered the locations and depths of existing sewer mains located within the boundaries of the subject land.

Further details relating to the proposed development have been included in the following sections of this Statement of Environmental Effects.

1.3 Approvals required

The proposal requires development consent under Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

The proposal does not trigger the ‘integrated development’ provisions of the Environmental Planning and Assessment Act 1979.

The proposal does not trigger the Biodiversity Offsets Scheme (BOS) threshold, because it does not involve the removal of native vegetation within the meaning of the Biodiversity Conservation Act 2016.

In accordance with Part 4 of the EP&A Act a Development Application is to be lodged with Cowra Shire Council, along with a Statement of Environmental Effects (this report) and various plans in support of the proposed subdivision of the land.

1.4 Application particulars

Table 1 includes the various details and particulars relating to the Development Application:

Table 1 - Application particulars

Detail	Description
Applicant	Currajong Pty Ltd (on behalf of T & G Bruin)
Landowner	Grabrielle Bruin (Maiden Name Bischoff)
Site Description - Title	Lot 1 DP 599492
Site Description - Address	17 Walker Street, Cowra
Description of Proposal	Proposed subdivision of land into 3 lots and construction of 2 new single dwellings
Zoning	R1 General Residential
Consent Authority	Cowra Shire Council

01 | INTRODUCTION

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1.5 Format of this document

The information presented in this SEE covers all aspects of the proposal as specified under the EP&A Regulation. The SEE has been prepared as a single document of several sections as described in Table 2.

Table 2 - Format of the document

Detail	Description
Section 1	Introduces the proposal and the main project drivers
Section 2	Describes the main features of the site and surrounds.
Section 3	Provides a description of the proposal, including a description of proposed staging arrangements.
Section 4	Reviews the proposal against the relevant legislative requirements
Section 5	Assesses the potential environmental impacts of the proposal and documents the proposed mitigation and management strategies proposed to minimise impacts
Section 6	Provides the evaluation and justification of the proposed development against relevant environmental planning considerations.
Section 7	Provides the conclusion for the SEE

1.6 Schedule of plans and drawings

The information presented in this SEE is supported by a number of additional plans and drawings which are described in Table 3.

Table 3 - Schedule of Plans, Drawings and Reports

Ref	Prepared By	Sheet Description	Date
Sheet 01	Kellie Ostini	Site Plan	09/12/2022
Sheet 02	Kellie Ostini	Architectural Floor Plans	09/12/2022
Sheet 03	Kellie Ostini	Architectural Elevations	09/12/2022
Rev E	Currajong	Statement of Environmental Effects (this report)	28/08/2023
1355841S	Currajong	BASIX Certificate - Dwelling No. 1	08/12/2022
1361831S	Currajong	BASIX Certificate - Dwelling No. 2	08/12/2022
A.01 - Rev E	Currajong	Proposed Plan of Subdivision	14/04/2023
A.02 - Rev D	Currajong	Proposed Vehicle Surface Finishes `	22/03/2023
A.03, A.04 - Rev B	Currajong	Proposed Landscape Plan	22/03/2023
A.05 - Rev A	Currajong	Zone of Influence Assessment	07/03/2023
22-154	Karl Lupis Survey	Detailed site survey	20/02/2023
G01, Issue C	Calare Civil	Stormwater Management Plan	20/02/2023
C01, Issue E	Calare Civil	Sewer Layout Plan	06/04/2023

DESCRIPTION OF THE SITE

2.1 Site Description

The site is located at 17 Walker Street, Cowra. The total area of the site is calculated to be approximately 4064m2. There is an existing dwelling on the land as well as several metal shed structures.

There are several existing mature trees located on the land, aswell as established landscaped areas. There are no intact native vegetation communities located on the site.

The perimeter of the site is currently fenced to a reasonable standard. Colourbond fencing has been erected on all boundaries, except for the northern boundary which contains an existing wire netting fence, and except for the southern boundary which is unfenced.

The land slopes generally away from Walker Street. A detailed contour survey has been completed, which shows that the land has a total fall of approximately 2.6m from the Walker Street frontage to the NE corner of the property. The survey has also discovered the locations of Council's gravity sewerage main within the boundaries of the subject land.

Figure 1 of this Statement of Environmental Effects shows the location of the site in relation to the immediate and wider locality.

Photographs 1-6 show typical aspects of the subject land.



02 | DESCRIPTION OF THE SITE

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Photograph No. 1 - View SW from development site.



Photograph No. 2 - View NE from development site



Photograph No. 3 - View due south looking at internal access drive



Photograph No. 4 - Internal access driveway



Photograph No. 5 - Walker Street road reserve



Photograph No. 6 - View South East from site



02 | DESCRIPTION OF THE SITE

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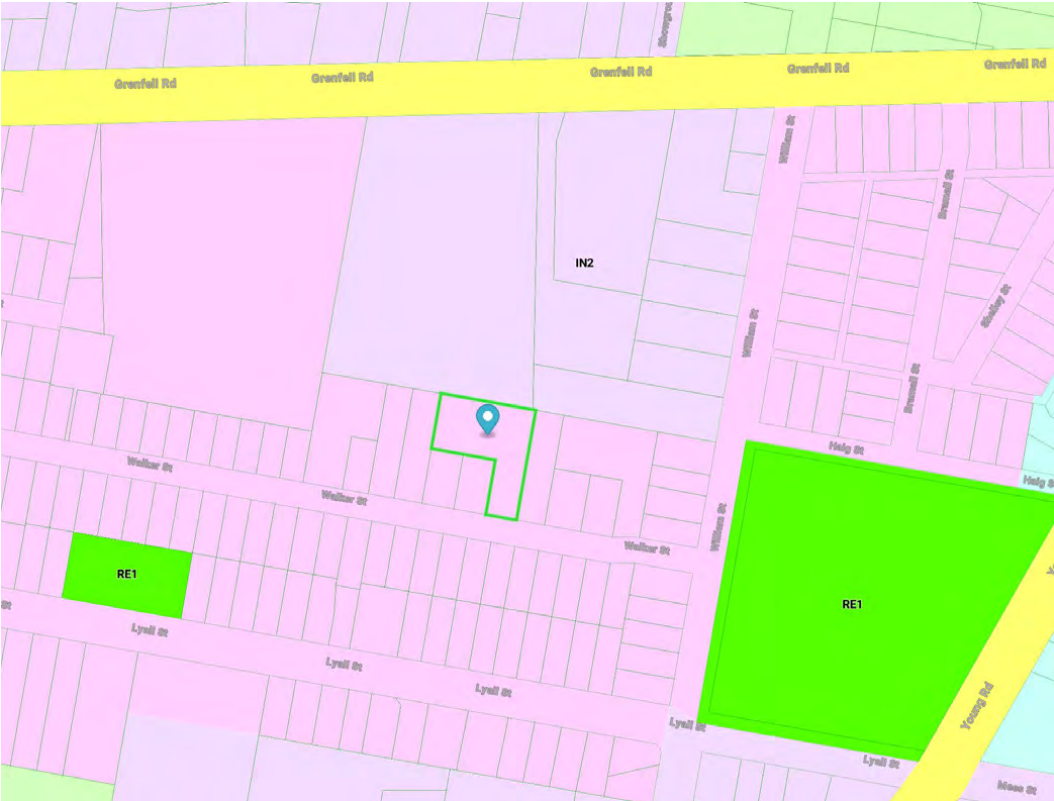
2.2 Land Zoning

The site is zoned R1 General Residential under the Cowra Local Environmental Plan 2012. Figure 2 includes a map that shows the zoning framework for the site and surrounding areas.

The development is permissible in the R1 zone with the consent of council. Special provisions are included in the LEP which have applicability to the proposed development and these are assessed in a further section of this SEE.

Figure 2 - Land Zoning Map - Cowra LEP 2012

Land Zoning	
B1	Neighbourhood Centre
B2	Local Centre
B5	Business Development
B7	Business Park
E1	National Parks and Nature Reserves
E2	Environmental Conservation
E3	Environmental Management
IN1	General Industrial
IN2	Light Industrial
R1	General Residential
R5	Large Lot Residential
RE1	Public Recreation
RE2	Private Recreation
RU1	Primary Production
RU3	Forestry
RU4	Primary Production Small Lots
RU5	Village
SP2	Infrastructure
SP3	Tourist
W2	Recreational Waterways



02 | DESCRIPTION OF THE SITE

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2.3 Surrounding Land-use

The site is surrounded by a mix of land-use activities. A broad description of these activities and the relationship to the subject land is included as follows:

- + All of the properties on Walker Street are zoned and used for residential purposes.
- + The land located immediately to the north is zoned for light industrial purposes, however the current use of the land is for residential purposes. There are other light industrial uses nearby, but these are generally accessed from Grenfell Road and do not immediately adjoin the subject land.
- + The land located to the northwest is zoned and used for light industrial purposes. The current business activity is Medway Machining, which is accessed from William Street.

The typical details of the surrounding area, as described above, are shown in Photographs 7 to 9.

Subject to further assessment in this SEE, it is suggested that the site is suitable for the proposed development having regard to the use of land within the immediate and wider locality.

Photograph No. 7 - Typical housing in Walker Street



Photograph No. 9 - Medway Machining



Photograph No. 8 - Typical land-use on Grenfell Road



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03

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DESCRIPTION OF THE PROPOSAL

3.1 Purpose

The land at 17 Walker Street contains an existing dwelling and several ancillary shed structures. The existing structures are located generally along the eastern and northern boundaries of the site, leaving a large land area towards the rear of the holding that is under utilised and which generally lends itself to redevelopment for residential purposes.

The Development Application seeks consent from Council to subdivide the land into 3 new Torrens Title lots and construct 2 separate single storey dwellings on the new lots. This Statement of Environmental Effects seeks to demonstrate to Cowra Council that the land is suitable for the proposed use.

3.2 The Proposal

3.2.1 Subdivision Works

A description of the proposed subdivision works is included as follows:

- + Proposed subdivision of the land to create three new allotments under Torrens Title.
- + Proposed lot 1 in the subdivision would be created for the purposes of accommodating the existing dwelling and existing shed structures on the land. The area of proposed lot 1 is calculated to be approximately 2783m2.
- + Proposed lot 2 in the subdivision would be created for the purposes of a new residential dwelling (referred to as proposed dwelling No. 1 on the plans submitted with this DA). The area of proposed lot 2 is calculated to be approximately 619m2 (subject to survey).
- + Proposed lot 3 in the subdivision would also be created for the purposes of a new residential dwelling (referred to as proposed dwelling No. 2 on the plans submitted with this DA). The area of proposed lot 3 is calculated to approximately 619m2 (subject to survey).

3.2.2 Building Works

A description of the proposed buildings works associated with the development is included as follows:

- + Construction of 2 x identical single storey brick veneer dwellings with an attached skillion roof providing for undercover resident car parking.
- + Perimeter fencing installations / upgrades to owners specification and subject to terms of the Dividing Fences Act.

- + All building works are to comply with the Building Code of Australia and engineering specifications as detailed on plans.

3.2.3 Practical and legal access

A description of the proposed access arrangements to the development is included as follows:

- + Primary access to the existing dwelling is to be maintained directly from Walker Street, which is an existing bitumen sealed road constructed to an 8 metre wide standard and is owned and maintained by Cowra Shire Council.
- + Primary access to the 2 x new dwellings is to be provided also directly from Walker Street. A Right of Access is intended to be provided over proposed lot 1 in the subdivision to the benefit of proposed lots 2 and 3.
- + The internal access driveway is constructed to a minimum 5.5m wide standard, narrowing to 4.5m for the part of the access that is forward of the existing front building line. The proposal is to ensure an unobstructed minimum 5.5m wide access is available for the entire length of the internal access handle. The proposed access will be sufficient to accommodate two-way traffic movement for all vehicles access the development including emergency service vehicles. The proposed surface finishes are shown on Plan A.02 submitted with the DA.

03 | DESCRIPTION OF THE PROPOSAL

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3.2.4 On-site car parking

A description of the proposed on-site car parking arrangements to the development is included as follows:

- + On-site car parking associated with the existing dwelling will continue to be provided in the existing shedding located on the development site.
- + Each of the two new dwellings will be constructed with an attached skillion roof providing for undercover resident parking.
- + On-site visitor parking will generally be possible due to the large amount of redundant site area, however formalised spaces are not proposed due to the nature and scale of the development, and are not required to be provided by Council's DCP.

3.2.5 Landscaping

A description of the proposed landscaping works to the development is included as follows:

- + Site landscaping for the existing dwellings to remain in-situ without further modification.
- + Site landscaping to be provided for proposed Dwellings 1 and 2 in accordance with BASIX Commitments, as a minimum.
- + Further site landscaping works are not proposed given the new works will have be visible from the public streetscape in Walker Street and are not required to be provided by Council's DCP (as single dwelling proposals).

3.2.6 Utilities and services

A description of the proposed servicing arrangements to the development is included as follows:

- + The development will be connected to all available urban services and utilities including reticulated sewer, water, electricity and NBN telecommunications.

- + The survey has discovered the location and depth of Council's gravity sewerage main within the boundaries of the subject land. The plans submitted with the DA have identified the zone of influence for the main. The proposed dwellings have been carefully positioned on the land to avoid the zone of influence. Refer Sheet A.03 - Zone of Influence Assessment.
- + Stormwater is proposed to be managed by discharging roofwater from the proposed dwellings (and the existing shed located adjacent to the northern boundary) directly to the public drainage system in Walker Street via a system of charged pipes. The stormwater design has considered the locations and depths of existing sewer mains located within the boundaries of the subject land.

3.2.7 Staging

The Development Application is lodged with Cowra Shire Council as a staged development. The proposed staging arrangements are described as follows:

- + Stage 1 - construction of the 2x new dwellings and associated site works and utility installations.
- + Stage 2 - subdivision of the land into 3 x new allotments.

04

PLANNING AND
LEGISLATIVE CONTEXT

PAGE 15

4.1 Commonwealth Legislation

Section 4.1 describes the applicable Federal legislation and guidelines followed by a statement outlining how the development will address and / or comply with the legislation or policy.

4.1.1 Environment Protection and Biodiversity Conservation Act 1999

Under the Federal Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), referral is required to the Australian Government for proposed actions that have the potential to significantly impact on Matters of National Environmental Significance (MNES) or the environment of Commonwealth land. The EPBC Act identifies the following as matters of national environmental significance for which Ministerial approval is required:

- + World heritage properties.
- + Wetlands of international significance.
- + Listed threatened species and communities.
- + Listed migratory species protected under international agreements.
- + National Heritage Places.
- + Protection of the environment from nuclear actions.
- + Commonwealth Marine environments.

Assessment of the proposal's impact on MNES confirms there is unlikely to be a significant impact on relevant MNES or on Commonwealth land. Accordingly, the proposal would not warrant referral under the EPBC Act.

4.2 New South Wales Legislation

Section 4.2 describes the applicable state legislation and guidelines followed by a statement outlining how the development will address and / or comply with the legislation or policy.

4.2.1 Environmental Planning and Assessment Act 1979

The EP&A Act forms the legal and policy platform for development assessment and approvals process in NSW. The objects of the EP&A Act are:

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

- + To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,
- + To provide increased opportunity for community participation in environmental planning and assessment.

Under the EP&A Act, local councils prepare Local Environment Plan (LEPs) that specify planning controls for specific parcels of land. The EP&A Act also provides for State Environmental Planning Policies (SEPPs) and Regional Environmental Plans (REPs). Applicable environmental planning instruments are discussed in later parts of this SEE.

In general, development consent is required for the proposed development, pursuant to the Cowra Local Environmental Plan 2012. The proposal is assessed to be consistent with relevant environmental planning instruments, as evidence in this Statement of Environmental Effects.

4.2.2 Local Government Act 1993

Section 68 of the Local Government Act 1993 (LG Act) specifies that approval is required for a number of activities carried out on operational land, including:

- + Structures or places of public entertainment.
- + Water supply, sewerage and stormwater drainage work.
- + Management of trade waste in the sewerage system.
- + Swing or hoist goods over a public road.

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The proposed development will require approval under the Local Government Act 1993 for water and sewerage connections.

4.2.3 National Parks and Wildlife Act 1974

The National Parks and Wildlife Act 1974 (NPW Act) is administered by the Office of Environment and Heritage and provides the basis for the legal protection of flora and fauna in NSW.

Unless a licence is obtained under the NPW Act (or the Threatened Species Conservation Act 1995), it is an offence to harm any animal that is protected or is a threatened species, population or ecological community. It is also an offence to pick any plant that is protected or is a threatened species, population or ecological community. In addition, a person must not, by act or omission, damage any critical habitat.

The NPW Act also provides the basis for the legal protection and management of Aboriginal sites within NSW. Sections 86, 90 and 91 of the NPW Act provide statutory protection for any physical / material evidence of Aboriginal occupation of NSW and places of cultural significance to the Aboriginal community.

The site largely comprises 'disturbed land', as defined under The National Parks and Wildlife Regulation 2019 (NPW Regulation) and an Aboriginal due diligence assessment is not considered necessary. A search of the Aboriginal Heritage Information Management System (AHIMS) has been completed and there are no Aboriginal Sites or Places identified to be located within 50 metres of the subject land. No heritage issues / impacts have been identified and approvals under the Heritage Act 1977 or NPW Act is not required to be obtained for the proposed development.

4.2.4 Biodiversity Conservation Act 2016

The Biodiversity Conservation Act 2016 (BC Act 2016) provides the framework for the management of flora and fauna on lands within NSW. Under this Act the principles of ecologically sustainable development are used to achieve the conservation and protection of biodiversity values. Clause 7.2 of the Biodiversity Conservation Act 2016 (BC Act) identifies the following circumstances where a development is likely to significantly affect threatened species:

- a. It is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or

- b. The development exceeds the biodiversity offsets scheme threshold if the biodiversity offset scheme applies to the impacts of the development on biodiversity values, or
- c. It is carried out in a declared area of outstanding biodiversity value.

There is no existing native vegetation on the land. The potential for the proposed development to impact on matters that are of biodiversity significance is assessed to be nil.

4.2.5 Water Management Act 2000

The objectives of this Act are to provide for the sustainable and integrated management of the water sources of the NSW for the benefit of both present and future generations through orderly, efficient and equitable sharing of water resources. The Act deals with the management of overland flows (including floodwater, rainfall run-off and urban stormwater) that is flowing over or lying on the ground as a result of rain or rising to the surface from underground. Importantly, the Act does not control water collected from a roof.

No specific approvals are required under the WM Act. Riparian land and vulnerable groundwater issues are not identified as key issues for the development.

4.2.6 Heritage Act 1977

The Heritage Act 1977 provides for the conservation of environmental heritage defined as places, buildings, works, relics, moveable objects, and precincts, of State or local heritage significance which are at least 50 years old. The Act applies to non-Aboriginal relics only, as Aboriginal relics are protected under the National Parks and Wildlife Act 1974. The subject site is not listed on the State Heritage Register and an approval from Heritage NSW is not required under the Heritage Act 1977.

Heritage issues are assessed under Section 5 of this SEE. In general, no built heritage issues / impacts have been assessed to apply, and no separate approvals are required under the Heritage Act.

4.2.7 Protection of the Environment Operations Act 1997

The Protection of the Environment Operations Act 1997 (POEO Act) regulates air, noise, land and water pollution.

The proposal will be not be required to operate under an Environment Protection Licence (EPL).

4.2.8 Roads Act 1993

Under Section 138 of the Roads Act 1993 a person must not erect a structure or carry out a work in, on or over a public road, or dig up or disturb the surface of a public road, otherwise than with the consent of the appropriate road authority.

New access are not proposed to be constructed to a public road. Works will be required to upgrade the existing surface condition of the access and therefore a permit under Section 138 of the Roads Act 1993 will be required from Cowra Shire Council prior to the commencement of any works.

4.2.9 Contaminated Land Management Act 1997

Cowra Shire Council is required to notify the EPA if contamination is discovered that presents a significant risk of harm. Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 1997 are available on the EPA website.

There are no known historic uses of the land which are likely to have resulted in the contamination of the land.

4.2.10 Rural Fires Act 1997

The Rural Fires Act (RF Act) 1997 requires approval of development on bushfire prone land as identified by a bushfire prone land map prepared under Section 146 of the EP&A Act.

According to the mapping prepared by the NSW Rural Fire Service, the subject land is not identified as being bushfire prone.

4.3 State Environmental Planning Policies

4.3.1 SEPP Overview

A high level assessment of the applicability of each SEPP to the proposed development is included in Table 3, with further assessment work completed in Section 4.3.1 as necessary.

Table 4 - Preliminary SEPP Assessment

Name of SEPP	Applicability	Further Assessment Warranted?
SEPP (Biodiversity and Conservation) 2021	Not applicable	No
SEPP (BASIX) 2004	Applicable	Yes. See Section 4.3.2
SEPP (Exempt and Complying Development Codes) 2008	Not applicable	No
SEPP (Housing) 2021	Potentially	Yes. See Section 4.3.2
SEPP (Industry and Employment) 2021	Not applicable	No
SEPP 65 (Design Quality of Residential Apartment Development)	Not applicable	No
SEPP (Planning Systems) 2021	Not applicable	No
SEPP (Primary Production) 2021	Not applicable	No
SEPP (Precincts - Central River City) 2021	Not applicable	No
SEPP (Precincts - Eastern Harbour City) 2021	Not applicable	No
SEPP (Precincts - Western Parkland City) 2021	Not applicable	No
SEPP (Precincts - Regional) 2021	Not applicable	No
SEPP (Resilience and Hazards) 2021	Potentially	Yes. See Section 4.3.2
SEPP (Resources and Energy) 2021	Not applicable	No
SEPP (Transport and Infrastructure) 2021	Potentially	Yes. See Section 4.3.2

4.3.2 SEPP Assessment

SEPP – Resilience and Hazards 2021

This SEPP requires that a consent authority must consider the contamination potential of the land, and if the land is contaminated, it is satisfied that the land is suitable for the development in its contaminated state, or that appropriate arrangements have been made to remediate the site prior to the development being carried out.

The land is currently used for residential purposes. There are no known historic uses of the land that are known to have been carried out at the site which might give rise to potential concerns of contamination. A site inspection of the site has not identified any obvious signs of activities, current or past, which might give rise to potential concerns of contamination. Further investigations are considered unnecessary in the circumstances and the land is considered suitable for the proposed development.

SEPP – Transport and Infrastructure 2021

There are provisions contained within this SEPP which are triggers for the referral of the Development Application to certain authorities prior to Cowra Council being able to grant consent. With particular regard to the nature of the development proposed by this DA, the potential triggers for referral are summarised as follows.

Development Likely to affect an electricity transmission or distribution network

Clause 2.48 of the Infrastructure SEPP requires Council to give written notice to the electricity supply authority (and consider any response received within 21 days) when a DA involves development that comprises of involves:

- ✦ The penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,
- ✦ Development carried out within or immediately adjacent to an easement for electricity purposes or substation, or within 5 metres of an exposed overhead electricity power line.

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- + Development involving the installation of a swimming pool within 30m of a structure supporting an overhead transmission line, or within 5m of an overhead electricity power line.
- + Development involving or requiring the placement of power lines underground.

Based on a review of the plans and documents submitted with the DA, the proposed DA is unlikely to trigger referral to the electrical supply authority, as the nearest overhead pole location is further than 5 metres of the proposed construction site.

Development in or adjacent to road corridors and road reservations

Clause 2.122 of the Infrastructure SEPP requires Council to give written notice to Transport for NSW (and consider any response received within 21 days) when a DA involves traffic generating development of a kind specified in Column 1 of Schedule 3 of the SEPP.

The nature and scale of the proposed development does not trigger referral of the application.

4.4 Local Environmental Plans

4.4.1 Relevant Local Environmental Plan

Cowra Local Environmental Plan 2012 (LEP) applies to the land. The site of the proposed development is zoned R1 General Residential.

An assessment has been completed to determine the potential applicability of key clauses in the LEP to the proposed development. This work is presented in Table 5 as follows.

Where it is identified that a clause of Cowra Local Environmental Plan 2012 applies to the proposed development, this assessment work is presented in Section 4.4.2

Table 5 - Preliminary LEP Assessment

Clause	Clause Name / Summary	Statement of applicability
1.9A	Suspension of covenants, agreements & instruments	Not applicable to proposal
2.3	Zone objectives	Assessment Required. See Section 4.4.2
2.5	Additional permitted uses for particular land	Not applicable to proposal
2.6	Subdivision - consent requirements	Assessment Required. See Section 4.4.2
2.7	Demolition requires development consent	Not applicable to proposal
2.8	Temporary use of land	Not applicable to proposal
	Land-use Table	Assessment Required. See Section 4.4.2
4.1-4.1C	Minimum Lot Size Standards	Assessment Required. See Section 4.4.2
4.1D	Boundary changes between lots in certain rural, residential and enviro zones	Not applicable to proposal
4.2	Rural Subdivision	Not applicable to proposal
4.2A	Subdivision for the purposes of intensive livestock agriculture	Not applicable to proposal
4.2B	Erection of dwelling houses on land in certain rural zones	Not applicable to proposal
4.2C	Erection of rural workers dwellings	Not applicable to proposal
4.6	Exceptions to development standards	Not applicable to proposal
5.1	Relevant acquisition authority	Not applicable to proposal
5.2	Classification and reclassification of public land	Not applicable to proposal
5.3	Development near zone boundaries	Not applicable to proposal
5.4	Controls relating to miscellaneous uses	Not applicable to proposal
5.5	Controls relating to secondary dwellings on land in a rural zone	Not applicable to proposal
5.8	Conversion of fire alarms	Not applicable to proposal

Table 5 - Preliminary LEP Assessment - Continued

Clause	Clause Name / Summary	Statement of applicability
5.10	Heritage Conservation	Not applicable to proposal
5.11	Bushfire Hazard Reduction	Not applicable to proposal
5.12	Infrastructure development and use of existing buildings of the Crown	Not applicable to proposal
5.13	Eco-tourist facilities	Not applicable to proposal
5.16	Subdivision of, or dwellings on, land in certain rural, residential and cons. zones	Not applicable to proposal
5.18	Intensive livestock agriculture	Not applicable to proposal
5.19	Pond-based, tank based and oyster aquaculture	Not applicable to proposal
5.20	Standards that cannot be used to refuse consent - playing music	Not applicable to proposal
5.21	Flood planning	Assessment Required. See Section 4.4.2
5.22	Special flood considerations	Not applicable to proposal
7.1	Earthworks	Assessment Required. See Section 4.4.2
7.3	Terrestrial Biodiversity	Assessment Required. See Section 4.4.2
7.4	Riparian land and watercourses	Not applicable to proposal
7.5	Wetlands	Not applicable to proposal
7.6	Groundwater vulnerability	Assessment Required. See Section 4.4.2
7.7	Airspace operations	Not applicable to proposal
7.8	Essential Services	Assessment Required. See Section 4.4.2
7.9	Local of sex services premises	Not applicable to proposal
7.10	Industrial development on land in Zone RU1	Not applicable to proposal
7.11	Development on land in karst areas	Not applicable to proposal

4.4.2 LEP Assessment

Clause 2.3 - Zone Objectives

Clause 2.3 of Cowra Local Environmental Plan 2012 states that Cowra Shire Council must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The objectives of the R1 General Residential are to:

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

The proposed development is assessed to be consistent with the objectives for the R1 General Residential zone. The project involves the redevelopment of underutilised residential zoned land for future housing purposes. It will positively contribute to housing supply and variety within the Cowra community, which is identified to be in short supply at the moment. The site is located within an established residential neighbourhood.

Clause 2.6 - Subdivision Consent Requirements

Clause 2.6 of Cowra Local Environmental Plan 2012 states that land may be subdivided, but only with development consent from Cowra Shire Council.

This Statement of Environmental Effects has been prepared to support the lodgement of a Development Application with Cowra Shire Council. Subject to consent being granted by Council, a Subdivision Works Certificate and Subdivision Certificate Application will be prepared and submitted to Council.

Land-use Table - R1 General Residential zone

The proposed development is for the purpose of a residential subdivision and construction of 2 x single dwellings. The development is permissible in the R1 General Residential zone with the consent of Council.

Clause 4.1 - Minimum Lot Size

The objective of the Clause is to ensure land use and development are undertaken on appropriately sized parcels of land.

Clause 4.1 requires that the size of any lot resulting from a subdivision is not to be less than the minimum size shown on the Lot Size Map relating to Cowra Local Environmental Plan 2012.

A review of Cowra Local Environmental Plan 2012 has been completed to determine the relevant lot size applying to the subdivision of the land. The site is shown on Map Tile 002C. The minimum lot size is 700m². The proposed subdivision creates lots that are less than 700m² however, the provisions of Clause 4.1C allow an exception to the minimum lot size where the development is for certain residential purposes. The provisions of Clause 4.1C are assessed in a following section of this report.

Clause 4.1C - Exceptions to minimum subdivision lot sizes for certain residential development

The objective of the Clause is to encourage housing diversity without adversely impacting on residential amenity.

Clause 4.1C(3) provides that Council may grant development consent to a single Development Application for development that is both of the following:

- + the subdivision of land into 2 or more lots.
- + the erection of a dwelling house, an attached dwelling or a semi-detached dwelling on each lot resulting from the subdivision, if the size of each lot is equal to or greater than 300m².

This Development Application proposes a scenario that is consistent with the provisions of Clause 4.1C and specifically:

- + Proposed Lot 1 is to be created for the purposes of an existing dwelling and has an area that is calculated to be 2783m² (note - this lot complies with Clause 4.1 and does not rely on the provision of Clause 4.1C)
- + Proposed Lot 2 is to be created for the purposes of a new single dwelling and has an area that is calculated to be 619m². Plans for this dwelling are lodged in support of the Development Application.
- + Proposed Lot 3 is to be created for the purposes of a new single dwelling and has an area that is calculated to be 619m². Plans for this dwelling are lodged in support of the Development Application.

The proposed development is assessed to be consistent with the provisions of Clause 4.1C of Cowra Local Environmental Plan 2012.

Clause 5.21 - Flood Planning

Clause 5.21 of Cowra Local Environmental Plan 2012 applies to any new development that the consent authority considers to be within the Flood Planning Area.

The objectives of Clause 5.21 are as follows

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

Clause 5.21(2) requires that Cowra Shire Council must not grant consent to development on land within the Flood Planning Area unless it is satisfied the development:

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- a. Is compatible with the flood function and behaviour on the land, and
- b. Will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
- c. Will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
- d. Incorporates appropriate measures to manage risk to life in the event of a flood, and
- e. Will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

Clause 5.21(3) requires that Council must consider the following matters in deciding whether to grant development consent to land within the Flood Planning Area:

- a. The impact of the development on projected changes to flood behaviour as a result of climate change,
- b. The intended design and scale of buildings resulting from the development,
- c. Whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,
- d. The potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.

The subject land is not shown to be located within the Flood Planning Area. This is shown on Flood Planning Map FLD_002C in Cowra Local Environmental Plan 2012, an extract of which is shown in Figure 3. However, detailed site survey confirms that part of the land is below the Flood Planning Level, having regard to the information derived from a review of the Cowra and Gooloogong Floodplain Risk Management Study and Plan.

A Flood Planning Report has been prepared and included as Appendix A to this Statement of Environmental Effects. The Flood Report includes the following work:

- + An assessment of the proposed development against the requirements of Clause 5.21 of Cowra Local Environmental Plan 2012.
- + Presentation of the findings of registered survey work completed in order to establish the Flood Planning Level for the subject land and it's relationship to the proposed building and site design.
- + An assessment of the relevant flood planning requirements under Part O of the Cowra Comprehensive Development Control Plan 2021.



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Clause 7.1 - Earthworks

The objective of Clause 7.1 is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Before granting development consent for earthworks, the following issues must be considered:

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

The proposed development has been carefully designed to ensure that any changes to existing landform is kept to a minimum. The site plan submitted in support of the DA shows that approximately 400mm cut/fill will be required in order to provide for a level building pad for the proposed dwellings. Retaining walls will not be necessary. No significant impacts on environmental functions, stormwater drainage, neighbouring uses, cultural or heritage items or features of the surrounding land have been identified that cant be addressed through appropriate soil and erosion control techniques where required.

Clause 7.3 - Terrestrial Biodiversity Map

Clause 6.3 of Cowra Local Environmental Plan 2012 applies to the subject land as parts of the property are mapped as containing vegetation that is of biodiversity significance. See Sheet BIO_002 of the Terrestrial Biodiversity Map.

Before granting development consent, the following issues must be considered:

- + whether the development is likely to have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and
- + whether the development is likely to have any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and
- + whether the development is likely to have any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and
- + whether the development is likely to have any adverse impact on the habitat elements providing connectivity on the land, and
- + whether the development is likely to have any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

There is no proposal to remove any existing vegetation (native or otherwise). The site area proposed for the dwellings is a disturbed area and does not contain any existing native vegetation. The potential for the proposed development to impact on matters that are of terrestrial biodiversity significance is assessed to be low. There are no mitigating measures considered necessary to ensure the proposal avoids or minimises likely impacts.

Clause 7.6- Groundwater Vulnerability

Clause 7.6 of Cowra Local Environmental Plan 2012 applies to land that has been identified as 'Groundwater Vulnerable' on the Groundwater Vulnerability Map.

The subject land has been mapped in Cowra Local Environmental Plan 2012 as containing vulnerable groundwater.

The objectives of the Clause are:

- a. To maintain the hydrological functions of key groundwater systems.
- b. To protect vulnerable groundwater resources from depletion and contamination as a result of development.

Before determining a development on land to which the clause applies, Council must consider the following:

- a. The likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),
- b. Any adverse impacts the development may have on groundwater dependent ecosystems,
- c. The cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),
- d. Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Council must not grant consent to development unless:

- a. The development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
- b. If that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- c. If that impact cannot be minimised—the development will be managed to mitigate that impact.

The proposed development is unlikely to result in significant impacts on groundwater resources in the locality. The development will be connected to urban services including reticulated water and sewer. There will be no on-

site storage or disposal of domestic waste. The likelihood that the proposed development will intercept groundwater in the locality is assessed to be low.

Clause 7.8 - Essential Services

Clause 7.8 of Cowra Local Environmental Plan 2012 requires that development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development or available or that adequate arrangements have been made to make them available when required:

- a. The supply of water
- b. The supply of electricity
- c. The disposal and management of sewage
- d. Stormwater drainage or on-site conservation
- e. Suitable vehicle access.

Urban services and utilities are connected to the existing dwelling located on the land are available for connection to the proposed dwellings.

There is an existing connection to reticulated water supply located in the south eastern corner of the site. Any upgrades to the water service necessary to provide for the proposed development will be completed at no cost to Council.

Electricity supply infrastructure is available for connection. The provision of an electrical supply to the proposed development is subject to further application with the supply authority and completion of any necessary connection / upgrade works.

The subject land is connected to reticulated sewer. A detailed site survey has confirmed the location and depths of the existing sewer main and manhole infrastructure that is located within the boundaries of the site. The proposed development has been carefully designed to ensure the placement of built structures outside of the zone of influence of the sewer main. New connections to the main are subject to the relevant engineering requirements of Cowra Shire Council.

Stormwater is proposed to be managed on-site using a system of on-site rainwater storage tanks to capture roofwater from proposed buildings,

with overflow diverted to Walker Street. The stormwater system has been properly engineered to ensure that post-developed flows do not exceed pre-developed flows. The stormwater design has considered the locations and depths of existing sewer mains located within the boundaries of the subject land.

A description of the proposed access arrangements to the development is included as follows:

- + Primary access to the existing dwelling is to be maintained directly from Walker Street, which is an existing bitumen sealed road constructed to an 8 metre wide standard and is owned and maintained by Cowra Shire Council.
- + Primary access to the 2 x new dwellings is to be provided also directly from Walker Street. A Right of Access is intended to be provided over proposed lot 1 in the subdivision to the benefit of proposed lots 2 and 3.
- + The internal access driveway is constructed to a minimum 5.5m wide standard, narrowing to 4.5m for the part of the access that is forward of the existing front building line. The proposal is to ensure an unobstructed minimum 5.5m wide access is available for the entire length of the internal access handle. The proposed access will be sufficient to accommodate two-way traffic movement for all vehicles access the development including emergency service vehicles. The proposed surface finishes are shown on Plan A.02 submitted with the DA.

It is assessed that adequate arrangements have been made for the provision of access to the proposed development.

The proposed subdivision is capable of being connected to essential services in accordance with the requirements of Clause 7.8. Council is asked to grant consent subject to normal conditions relating to the servicing of the development to the requirements of the relevant service providers.

4.5 Development Control Plans

4.5.1 Relevant Development Control Plan

The Cowra Shire Development Control Plan 2021 (the DCP) applies to all land within the Cowra Local Environmental Plan Area.

The DCP is comprised of 16 separate Parts, with each part applying standards and controls depending on the type of development being proposed.

An assessment has been completed to determine the potential applicability of each Part of the DCP to the proposed development. This work is presented in Table 6 as follows.

Where it is identified that a clause of Cowra Local Environmental Plan 2012 applies to the proposed development, this assessment work is presented in Section 4.5.2

Table 6 - Preliminary DCP Assessment

Part	Name	Statement of applicability
A	Plan Introduction	Considered. Detailed assessment not necessary.
B	Land Management	Applicable. Assessment required.
C	Biodiversity Management	Applicable. Assessment required.
D	Subdivision Development	Applicable. Assessment required.
E	Urban and Village Development	Applicable. Assessment required.
F	Rural Development	Not applicable to proposal
G	Large Lot Development	Not applicable to proposal
H	Commercial Development	Not applicable to proposal
I	Industrial Development	Not applicable to proposal
J	Cowra Regional Airport	Not applicable to proposal
K	Land-use Buffers	Not applicable to proposal
L	Advertising and Signage	Not applicable to proposal
M	Parking, Access and Mobility	Applicable. Assessment required.
N	Landscaping	Not applicable to proposal
O	Environmental Hazard Management	Applicable. Assessment required.
P	CPTED principles	Applicable. Assessment required.

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4.5.2 DCP Assessment

Part B - Land Management

Part B outlines the Council's requirements for soil erosion and sediment control on construction sites in the Cowra Local Government Area.

A review of Part B has been completed and an assessment of consistency against key standards and controls included in Table 7.

Table 7 - DCP Assessment - Part B

Clause	Requirement (Summarised)	Statement of Consistency
B.1.4	Submission of an Erosion and Sediment Control Plan	Soil erosion and sediment control measures will be detailed on the final plans for construction of the proposed development and submitted with the application for Construction Certificate.
B.1.7	Guiding principles for preparing an Erosion and Sediment Control Plan	As above.
B.1.8	Guidelines for erosion and sediment control techniques	As above.

Part C - Biodiversity Management

Part C applies to all development in the Cowra Shire that proposes to directly remove or indirectly impact native vegetation or is in the proximity of an area that contains native vegetation.

A review of Part C has been completed and an assessment of consistency against key standards and controls included in Table 8.

Table 8 - DCP Assessment - Part C

Clause	Requirement (Summarised)	Statement of Consistency
C.1.4	Provides guidance on relevant assessment pathways which determine the level of biodiversity assessment and information required to support a development application.	<p>The proposed development does not trigger entry into the Biodiversity Offset Scheme according to the Biodiversity Conservation Act 2016. The following information is provided in support of this statement:</p> <ul style="list-style-type: none">+ The minimum lot size applying to the development site is 700m2, and the proposed development does not require the clearing of native vegetation that has an area exceeding the nominated threshold of 0.25ha.+ The proposed development does not involve the clearing of native vegetation (or other action prescribed by Clause 6.1 of the BC Regulation) on land identified on the Biodiversity Values Map.+ A Test of Significance is not deemed to be necessary for this proposal as there is to be no clearing of native vegetation. The development is unlikely to affect threatened species or ecological communities. <p>Assessment pathway No. 1 is considered to apply (assessment under Part 4 of the EP&A Act)</p>
C.1.5.1	Specifications for information to accompany DA's that have the potential to impact biodiversity.	A response to the threatened species test of significance set out under s7.3(1) of the BC Act is not considered necessary, as there is to be no clearing of native vegetation.

Part D - Subdivision Development

Part D applies to any subdivision development in the Cowra Local Government Area. Part D.3 in particular provides the relevant standards and controls for infill residential subdivision.

A review of Part D.3 has been completed and an assessment of consistency against key standards and controls included in Table 9.

Table 9 - DCP Assessment - Part D

Clause	Requirement (Summarised)	Statement of Consistency
Objectives		
H.3.2	Objectives for infill residential subdivision	The project involves the redevelopment of underutilised residential zoned land for future housing purposes. It will positively contribute to housing supply and variety within the Cowra community, which is identified to be in short supply at the moment. The site is located within an established residential neighbourhood and all essential services are readily available for connection. The proposal is capable of integrating with existing road and transport networks. This Statement of Environmental Effects seeks to demonstrate that the nature and scale of the proposed development is acceptable in terms of environmental impact and amenity.
Lot Size, layout and dimensions		
D.3.3	Allotments should have minimum frontage and square width that is consistent with the dominant lot size and configuration along the street, or within the immediate vicinity of the site.	The proposed design of the subdivision will not result in new allotments with direct frontage to Walker Street. The proposal is not inconsistent.
	Allotments should be of sufficient size and shape to enable efficient siting of a dwelling and provision for outbuildings, acceptable private outdoor space, vehicle access and parking.	The plans submitted with the DA demonstrate that the proposed lot sizes are sufficient for their intended purposes. The dwelling sizes are modest and adequate area has been provided for ancillary purposes including private open space, vehicle access and undercover resident parking. The proposal complies.
	Higher densities, where provided, should be located in areas closer to shops, parks, community facilities and public transport routes.	The site has a larger area of approximately 4064m2. The proposed development will result in a total of 3 dwellings on the land, yielding an average of 1 dwelling per 1,354m² of site area. The proposal is not considered to be a higher density development, although the site has established connections to nearby shops, parks and community facilities. The proposal complies.
	Allotments should be orientated and configured, where possible, to maximise opportunities for solar access.	The plans submitted with the DA demonstrate that adequate solar access into the living rooms and private open space areas of the two new dwellings can be achieved. The proposal complies.

Table 9 - DCP Assessment - Part D (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
	Corner allotments should be designed to enable the construction of a dwelling that can comply with the prevailing setback requirements along both street frontages.	The subdivision does not involve the creation of a corner allotment. The proposal complies.
	<p>Battle-axe shaped allotments should be avoided in the subdivision where possible, but where these are proposed and Council is satisfied that there is no other means of gaining access to the public road system, they should meet the following requirements:</p> <p>i. The total area of the allotment should not be less than 900sqm, exclusive of the access handle.</p> <p>ii. Single access handles should have a minimum width of 4 metres and maximum length of 30 metres.</p> <p>iii. Dual access handles should have a minimum combined width of 5 metres (with reciprocal right of carriageway) and maximum length of 30 metres.</p> <p>iv. Adequate provision should be made for the collection of garbage.</p> <p>v. Adequate provision should be made for the manoeuvring of vehicles.</p> <p>vi. The access handle should be sealed, paved or concreted for it's entire length.</p>	<p>17 Walker Street is an existing battle-axe shaped allotment. The proposed subdivision does not create new battle-axe shaped lots, notwithstanding that the practical arrangement of the subdivision layout bears similarities with traditional battle-axe subdivision design. An assessment of the proposal against the controls for battle-axe shaped lots is included as follows:</p> <p>+</p> <p>The proposed lots are created at 619m2, which is less than the 900m2 minimum prescribed by control D.3.3(f)(i) for battle-axe shaped lots. A variation is requested and the following justifications are provided for Council's consideration:</p> <ul style="list-style-type: none">- The proposed lot sizes are consistent with the (prevailing) special provisions contained in Clause 4.1C of the Cowra LEP which allows for the creation of smaller lot sizes where the dwelling design is incorporated into the application for subdivision.- In the case of the proposed development, the plans show that 619m2 of lot area is more than sufficient to accommodate the proposed dwelling design. The design generally exceeds minimum standards and controls relating to setbacks, private open space provision, visual / acoustic privacy and sunlight access.- The design does not create any unacceptable amenity impacts on neighbouring properties. <p>+</p> <p>Practical and legal access to the proposed lots will be provided via an internal access handle providing a minimum 5.5m wide trafficable surface. The length of the handle (at 41m) exceeds the maximum length of 30m prescribed control D.3.3(f)(ii). A variation is requested and the following justifications are provided for Council's consideration:</p> <ul style="list-style-type: none">- The access handle length is the result of the existing lot configuration.- It is not possible to shorten the handle through a change to the design of the proposed development.- The site design allows for the adequate movement of vehicles.

Table 9 - DCP Assessment - Part D (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
		<div><div></div><div>The collection of garbage will occur roadside on Walker Street. Adequate space exists along the frontage of 17 Walker Street for the placement of 6 bins.</div></div> <div><div></div><div>The access handle is currently constructed with a mix of crushed rock and patchy concrete. Plan A.02 prepared by Currajong and submitted with the DA shows the proposed surface finishes for the access components of the proposed development. Apart from the site access on Walker Street which is to be concreted, a bitumen sealed surface is proposed for the access handle and internal manoeuvring areas of the development. The proposal complies.</div></div>
Street Design		
D.3.4	This Section of the DCP provides the standards for street design where new public roads are created by infill subdivision proposals.	The proposed development does not involve the creation of new public streets.
Access Provision		
D.3.5	Site frontages of new allotments should be sufficient to permit practical and legal access to the site	Practical and legal access to the proposed lots will be provided from the existing access location on Walker Street. The proposal complies.
	The subdivision design should provide a safe and convenient access to each proposed allotment in accordance with Cowra Shire Council Engineering Standards. Access locations must have adequate sight distance in both directions.	Practical and legal access to the proposed lots will be provided from the existing access location on Walker Street. There are no sight distance issues identified to be present at this location. The proposal complies.
	Vehicle access to proposed allotments should be gained onto the Council's public local road network, and not directly onto a classified road or highway.	Practical and legal access to the proposed lots will be provided from the existing access location on Walker Street, which is a local road that is owned and maintained by Cowra Shire Council. The proposal complies.

Table 9 - DCP Assessment - Part D (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
D.3.5 (cont.)	The subdivision design should limit the number of vehicle accesses provided to the proposed allotments	Practical and legal access to the proposed lots will be provided from the existing access location on Walker Street. No new access to the public road system are required. The proposal complies.
	Vehicle access points should be grouped at existing or limited access points whenever feasible to minimise the traffic impact and risk on additional access points to the public road system.	As above. The proposed complies.
	Existing access abutting the subdivision, including roads, driveways and concrete footpaths, should be upgraded / replaced where they are assessed to be in poor condition.	The existing access to the site from Walker Street is assessed to be in fair and reasonable condition. The layback is proposed to be widened to accommodate the access needs of the development. The proposal complies.
	Access required to be constructed and / or upgraded to service the subdivision must be in accordance with Cowra Shire Council Engineering Standards, with all costs associated with the work borne by the developer.	As above. The proposed complies.

Table 9 - DCP Assessment - Part D (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
Utility provision		
D.3.6	The design and installation of sewerage, water and stormwater should be in accordance with Cowra Shire Council Engineering Standards.	<p>The proposed development is intended to be connected to Council's reticulated water and sewerage supply system. Connections will be provided in accordance with the relevant engineering requirements of Council. The proposal is capable of compliance.</p> <p>Stormwater is proposed to be managed by discharging roofwater from the proposed dwellings (and the existing shed located adjacent to the northern boundary) directly to the public drainage system in Walker Street via a system of charged pipes. The stormwater design has considered the locations and depths of existing sewer mains located within the boundaries of the subject land.</p>
	The design and installation of electricity, street lighting, telephone and gas services should be in accordance with the requirements of the relevant servicing authorities.	Electricity will be connected to the new dwellings in accordance with the requirements of Essential Energy. NBN infrastructure will be connected to the dwellings in accordance with the requirements of the NBN Co. Street lighting is not proposed or required. The proposal is capable of compliance.
	Electricity and telecommunications infrastructure should be provided as underground services.	As above. The proposal is capable of compliance.
	Compatible public utility services should be coordinated in common trenching to minimise construction costs for underground services and reduce restrictions on landscaping within road reservations.	Detailed designs for service and utility installations will be commissioned as part of the Construction Certificate and / or Subdivision Works Certificates process. Common trenching of services will be completed where practical and as permitted by relevant servicing authorities. The proposal is capable of compliance.
	All new residential allotments (including Torrens Title, Strata Title and Community Title) should be provided with a separate and distinct connection to the Council's reticulated water and sewerage supply system.	Separate connections will be provided in accordance with the relevant engineering requirements of Cowra Shire Council. The proposal is capable of compliance.

Table 9 - DCP Assessment - Part D (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
Stormwater, Drainage and Waterways		
D.3.7	Post-development runoff rates should be equal to or less than pre-development runoff rates for the full range of design storm events. Drainage from the proposed lots should not significantly alter predevelopment stormwater patters and flow regime.	A stormwater design for the proposed subdivision / dwelling development has been prepared by Calare Civil and submitted in support of the DA for assessment by Cowra Shire Council. Stormwater is proposed to be managed by discharging roofwater from the proposed dwellings (and the existing shed located adjacent to the northern boundary) directly to the public drainage system in Walker Street via a system of charged pipes. The stormwater design has considered the locations and depths of existing sewer mains located within the boundaries of the subject land.
	Stormwater drainage systems should be designed using the major and minor event philosophy, where the major event is the 100 year Average Recurrence Interval (ARI) design storm and the minor event is the 5 year ARI design storm.	As above. The proposal complies.
	The adopted method of stormwater control should not result in unacceptable environmental damage within existing water courses and receiving waters	The proposed method of stormwater is unlikely to result in unacceptable environmental damage. There are no water courses of receiving waters within close proximity to the subject land. The proposal complies.
	Stormwater from the proposed allotments in the subdivision should discharge to the street gutter or inter-allotment drainage system.	As above. The proposal complies.
	Easements to drain stormwater should be provided over all pipelines, inter-allotment drainage, channels and overland flow paths (except natural water courses).	The proposed plan of subdivision identifies appropriate easements for the inter-allotment drainage of stormwater within the proposed development. The proposal complies.

Table 9 - DCP Assessment - Part D (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
D.3.7 (cont.)	Easements for drainage over downstream properties should be secured for any proposed allotment that does not discharge stormwater flows directly to the street or inter-allotment drainage system.	The stormwater design for the proposed development does not require the procurement of easements of adjoining properties.
	Water Sensitive Urban Design principles should be designed and implemented where applicable throughout the development to promote sustainable and integrated land and water resource management. Best practice stormwater, water conservation and environmental protection measures should be incorporated into the subdivision design.	Due to the nature and scale of the proposed subdivision, there are limited opportunities to incorporate WSUD principles into the stormwater design. The design has been prepared with the principal aim of ensuring that roofwater from the proposed development is discharged to the public street drainage system in Walker Street.
	Subdivisions of land adjacent to or within the catchment of waterways, water bodies and riparian vegetation should be designed appropriately.	Not relevant to the proposed development.
	Where the stormwater drainage system requires upgrading, the developer should make all necessary arrangements for the extension of these services to service each allotment in the subdivision, with all costs associated with the extension of services borne by the developer.	The proposed subdivision is unlikely to require upgrading of the public stormwater drainage system.

Part E - Urban and Village Development

Part E provides the standards and controls for residential development types in urban and village areas within the Cowra Shire Local Government Area.

Part E.1 in particular applies to new dwellings and is therefore relevant for consideration in relation to the proposed development.

Part E.2 in particular applies to medium density development and is also relevant for consideration as the proposal represents medium density housing if were not for the subdivision component.

A review of Parts E.1 and E.2 has been completed and an assessment of consistency against key standards and controls included in Table 10.

Table 10 - DCP Assessment - Part E

Clause	Requirement (Summarised)	Statement of Consistency
Objectives		
E.1.2	Objectives for new dwellings.	The proposal relates to the construction of two new single storey brick veneer dwellings. The dwellings are consistent in scale with existing built form on adjoining properties and within the locality generally. Due to the location of the dwellings on the site, they will not be immediately visible from the public streetscape in Walker Street, however they are well designed and will present acceptably from nearby private land. The dwellings will be capable of achieving adequate visual and acoustic privacy from each other, from the existing dwelling on the land and from existing dwellings on adjoining properties. Good solar access is available to internal living spaces and proposed private open space and outdoor dining areas. Practical and legal access can be achieved and connections to all available urban utilities and services will be provided for. The proposed development is generally consistent with all objectives for new dwellings.
Site analysis planning		
E.1.3	This section provides guidance on the range of issues that should be considered as part of the initial site planning of the development.	The proposed development has been carefully designed in response to a site opportunities and constraints analysis. Key issues relate to residential amenity, protecting existing public infrastructure (sewer), flood p[lan]ning, stormwater management and site access. These issues are assessed generally in appropriate sections of this Statement of Environmental Effects.
Soil erosion and sedimentation control		
E.1.4	This section provides controls relating to the proper management of soil erosion during construction phases of the proposed development.	Soil erosion and sediment control measures will be detailed on the final plans for construction of the proposed development and submitted with the application for Construction Certificate. The proposal is capable of compliance.
Cut and fill controls		
E.1.5	Development Applications for new dwellings on sloping sites must be accompanied by a cut and fill plan, prepared to scale, showing the extent of all cut and fill proposed for the development.	The site plan submitted with the Development Applications shows the extent of cut and fill proposed on the land. The proposal complies.

Table 10 - DCP Assessment - Part E (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
E.1.5 (cont.)	Split level or pier foundation house designs are encouraged for sloping sites to minimise site disturbance and achieve a design response that relates to the topography of the site.	Not necessary for the proposed development.
	Cut areas should be setback from boundaries a minimum of 0.9 metres, and fill areas are to be setback from boundaries a minimum of 1.5 metres.	All cut areas will be setback a minimum distance of 0.9m from existing property boundaries. All filled areas will be setback a minimum distance of 1.5m from existing property boundaries. The proposal complies.
	Cut and fill batters should not exceed a slope of 1:2 (v:h) unless a geotechnical report has been submitted to Council certifying site stability. All batters are to be provided with both short term and long term stabilisation to prevent soil erosion, and adequate drainage is to be provided to divert water away from batters	The proposal is capable of complying.
	Stormwater or surface water runoff should not be redirected or concentrated onto adjoining properties so as to cause a nuisance.	Cut and fill will not result in stormwater being redirected or concentrated onto adjoining properties. The proposal complies.
	Cut and fill levels for new dwellings should generally not exceed one metre	The proposal complies.
Streetscape controls		
E.1.6	This section provides standards and controls which aim to ensure there is consistency in built and landscape form along streets on private sites.	The proposed development will not result in new built form that is visible from Walker Street. A more detailed assessment of controls is not considered to be necessary.

Table 10 - DCP Assessment - Part E (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
Height controls		
E.1.7	The maximum height to the ridge of the roof of the building should not exceed 9.0 metres above the natural ground level vertically below that point.	The dwellings are single storey structures and are below the 9.0m height limit. The proposal complies.
	Where steep or sloping sites exist, the building should not protrude from the landscape but should be designed to be staggered or stepped into the natural slope of the land to accommodate the height control.	The land is not steeply sloping. A special design response is not considered to be necessary in order to stop the buildings protruding from the landscape. The proposal complies.
	For dwelling proposals involving two (or more) storeys, or where there is any uncertainty relating to the overall height of a development, Council may require plans to show reduced levels (RL), taken from a fixed datum point, for the maximum ridge height and natural ground levels.	Not relevant to the proposal. The buildings are single storey structures.
Solar Access Controls		
E.1.8	Residential buildings should be designed to ensure that living areas of adjoining dwellings and at least 50% of their usable private open space, receive a minimum of 3 hours sunlight between 9am and 3pm on 21 June (winter solstice). Where such areas already receive less than 3 hours of sunlight, new development should not further reduce sunlight access.	The scale of the proposed buildings and site position means that solar access will not be compromised for adjoining dwellings or their private open space areas. Shadow diagrams are not considered to be necessary. The proposal complies.

Table 10 - DCP Assessment - Part E (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
E.1.8 (cont.)	Shadow diagrams should be provided by the applicant where there is a reasonable likelihood of the development causing overshadowing impacts on adjoining property. Shadow Diagrams should show magnetic and true north.	Shadow diagrams are not considered to be necessary.
	Where possible, new residential buildings should be orientated on a north-south or east-west axis to maximise solar access, with living spaces to be located predominantly to the north.	The proposed dwelling been been design with floor plans and site positions which allow penetration of northern sunlight into the primary living areas, private open space areas and outdoor dining areas. The proposal complies.
Front setback controls		
E.1.9.1	This section describes the front setback requirements for new residential dwellings.	The proposed dwellings do not have frontage to Walker Street. Front setback controls are assessed not to apply in the circumstances.
E.1.9.2	This section describes the front setback requirements alterations and additions to existing dwellings.	Not relevant for consideration.
E.1.9.3	This section describes the setback requirements for articulation features on new dwellings.	Not relevant for consideration.
E.1.9.4	This section describes the setback requirements for new dwellings on corner lots.	Not relevant for consideration.
Side setback controls		
E.1.10	Single storey buildings should be setback a minimum 0.9 metres from the boundary (eaves must be a minimum 0.45 metres from the boundary).	The proposal complies.

Table 10 - DCP Assessment - Part E (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
E.1.10 (cont.)	Two storey buildings should be setback a minimum 1.5 metres from the boundary (eaves must be a minimum 0.45 metres from the boundary)	Not relevant for consideration.
Rear setback controls		
E.1.11	All dwellings on a lot having an area of 700m2 or less should be setback a minimum 5 metres from the rear boundary.	The proposal complies.
	All dwellings on a lot having an area of more than 700m2 should be setback a minimum 8 metres from the rear boundary.	Not relevant for consideration.
Visual and Acoustic Privacy		
E.1.12	Dwellings or additions should be designed so that windows, balconies and decks are not situated directly opposite windows of primary (living, kitchen, dining) rooms of any adjoining dwellings, unless privacy can be addressed	The proposed dwellings are adequately separated from each other and existing dwellings on adjoining properties. The use of existing and proposed fencing will assist in achieving acceptable levels of acoustic and visual privacy for residents. The proposal complies.
	Visual privacy for adjoining properties and within dwellings should be achieved by using windows in elevated positions which are narrow, translucent, or obscured and ensuring that windows do not face directly onto the windows, balconies, or courtyards of adjoining dwellings.	As above. The proposal complies.

Table 10 - DCP Assessment - Part E (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
	Noise generating areas of development (e.g. air conditioning plant, swimming pool areas and the like) should be adequately screened or located away from the bedroom areas of neighbouring properties to minimise their impact.	As above. The proposal complies.
	Where a proposed dwelling adjoins land in an industrial or commercial zone, the design of the proposed dwelling should avoid sound being reflected into noise-sensitive rooms. In this regard, bedrooms and other sensitive areas should be located furthest from a potential noise source, with the kitchen, bathroom and garage areas located closest to a potential noise source).	The proposed dwellings will be adjoined by light industrial zoned land on the north, however the property is currently used for residential purposes. In any instance, the floor plan designs for the dwellings places the bedrooms on the southern side of the buildings. The proposal complies.
Landscaped area controls		
E.1.13	Single dwelling proposals are not required to submit a Landscape Plan for approval in accordance with the requirements of Part N of this DCP, however a minimum of 40% of the total site area should be comprised of landscaped area	Approximately 70% of the site area for the proposed lots around Dwellings No. 1 and 2 will be dedicated to landscaped spaces. The proposal complies.
	Development plans submitted to Council for approval should include calculations demonstrating compliance with control (b)	As above.

Table 10 - DCP Assessment - Part E (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
Sustainable Building Design		
E.1.14	Development Applications for new housing proposals and specified alterations and additions must be accompanied by a BASIX Certificate, issued by the NSW Government.	Separate BASIX certificates have been prepared for the proposed dwellings and submitted in support of the DA. The proposal complies.
	Applicants should consider the potential sustainability performance of the development when the proposal is being designed and commit to a range of measures offered in BASIX to ensure that the development meets (or exceeds) the NSW Government's sustainability targets.	As above.
	Council will check that the details of the proposed development contained in the BASIX certificate are consistent with the details contained in the Development Application, and that the relevant BASIX commitments are shown on plans.	Noted.
	The design of new dwellings should adopt the nominated principles which promote sustainable building practices.	The proposed dwellings have been designed with floor plans that allow sunlight penetration into primary living spaces, outdoor dining areas and private open space areas. Awnings, verandahs and eaves are used appropriately. The proposal complies.
Liveable Housing Design		
E.1.15	This section requires the proposed dwellings to achieve a silver performance level in accordance with the Livable Housing Guidelines.	<p>The proposal is assessed to comply. The following design features will allow the dwellings to achieve the required silver performance level:</p> <ul style="list-style-type: none">+ A step free path of travel from Walker Street to the dwelling locations.+ Step free entrance provided to main entry. This can be achieved with minimal grading of the concrete entry porch.

Table 10 - DCP Assessment - Part E (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
E.1.15 (cont.)		<div><div>+</div>Internal doors and corridors that facilitate comfortable and unimpeded movement between space. The floor plan is based around open plan living principles.</div> <div><div>+</div>A bathroom that is capable of accommodating a hobless shower. Further details can be shown on the application for CC if necessary.</div> <div><div>+</div>A toilet that is located on the ground (and only) floor of the dwellings.</div> <div><div>+</div>A bathroom design that allows for the installation of grab-rails at a later date. Further details can be shown on the application for CC if necessary.</div>

Table 10 - DCP Assessment - Part E (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
Site Analysis		
E.2.3	Site Analysis	The proposed site design has been developed in response to existing site conditions, opportunities and constraints. A detailed site survey has been used to inform key aspects of the design. The proposed complies.
Soil Erosion and Sedimentation Control		
E.2.4	This section provides controls relating to the proper management of soil erosion during construction phases of the proposed development.	Soil erosion and sediment control measures will be detailed on the final plans for construction of the proposed development and submitted with the application for Construction Certificate. The proposal is capable of compliance.
Landscaping		
E.2.5	This section requires the preparation of a landscape plan for new medium density housing proposals that complies with the requirements of Part N.	A Landscape Plan has been prepared and submitted with the DA. The proposal complies.
Cut and Fill		
E.2.5.a	Development Applications for new dwellings on sloping sites must be accompanied by a cut and fill plan, prepared to scale, showing the extent of all cut and fill proposed for the development.	The site plan submitted with the Development Applications shows the extent of cut and fill proposed on the land. The proposal complies.
E.2.5.b	Split level or pier foundation house designs are encouraged for sloping sites to minimise site disturbance and achieve a design response that relates to the topography of the site.	Minimal fall exists across the proposed building sites. Split level design is not necessary for this project.

Table 10 - DCP Assessment - Part E (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
E.2.5.c	Cut areas should be setback from boundaries a minimum of 0.9 metres, and fill areas are to be setback from boundaries a minimum of 1.5 metres.	The proposal complies. Cut and filled areas are located the recommended distances from existing property boundaries.
E.2.5.d	Cut and fill batters should not exceed a slope of 1:2	The proposal complies.
E.2.5.e	Stormwater ruoff should not be redirected or concentrated onto adjoining properties so as to cause a nuisance.	A Stormwater Management Plan has been prepared and engineered for the project. Stormwater is proposed to be directed to the public drainage system in Walker Street via a system of charged pipes. Stormwater will not be directed to adjoining properties.
E.2.5.e	Cut and fill should not exceed 1m.	The proposal complies.
Site Area and Frontage Controls		
E.2.7a	A minimum site area of 300m2 per dwelling is required.	The proposal complies.
E.2.7.b	A minimum site frontage of 18 metres is required for medium density housing proposals.	The proposal complies.
Streetscape Controls		
E.2.8.a	Developments in existing urban areas must be consistent with the scale and character of adjoining dwellings.	The proposed dwellings are single storey structures consistent with the scale of existing dwellings on adjoining properties. The proposal complies.
E.2.8.b	Developments on sites with two or more street frontages must address both frontages.	Not relevant to the proposed development.
E.2.8.c	Each dwelling to provide a major window to a habitable room directly overlooking the street.	The proposed dwellings are not visible from Walker Street or any other public place. Notwithstanding, the dwelling designs include a major window overlooking the proposed internal access. The proposal is not inconsistent.

Table 10 - DCP Assessment - Part E (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
E.2.8.d	Site and building design should consider the existing topographic setting and characteristics of other buildings along the street.	The proposed dwellings are not visible from Walker Street or any other public place. Walker Street does not contain special characteristics that are identified to be of particular importance to the design of the proposal. The proposal complies.
E.2.8.e	New development should provide landscaping that enhances the appearance of the development and surrounding area.	A Landscape Plan has been prepared and submitted with the DA. The proposal complies.
E.2.8.f	Walls along side and rear boundary setbacks should be broken or staggered to avoid the appearance of unduly massive of long walls.	The scale and location of the proposed dwellings does not necessitate a special design response. The proposal complies.
E.2.8.g	Carports visible from the public domain should be compatible with the design of the residential building.	The proposed carport structures are not visible from Walker Street.
E.2.8.g	Removal of street trees is not permitted without prior approval of Council.	The proposal does not necessitate the removal of street trees.
Height controls		
E.2.9	This section contains controls which aim to limit the height of dwellings, particularly on sloping sites.	The dwellings are less than the required height limited (9.0m). The proposal complies.
Solar Access Controls		
E.2.10.a	Medium density housing should be designed to ensure that living areas of adjoining dwellings and at least 50% of their usable private open space, receive a minimum of 3 hours sunlight between 9am and 3pm on 21 June (winter solstice).	The proposed dwellings will not reduce the solar access of living areas / private open spaces to neighbouring dwellings given the dwellings are proposed as single storey structures and are setback sufficiently from existing / proposed boundaries. The proposal is capable of complying.

Table 10 - DCP Assessment - Part E (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
E.2.10.b	Medium density housing should be designed to ensure that the living areas and private open spaces of 75% of the dwellings receive a minimum of 3 hours of sunlight between 9am and 3pm on 21 June.	The proposed dwellings have been designed with floor plans and site positions which allow penetration of northern sunlight into the primary living areas, private open space areas and outdoor dining areas. The proposal complies.
E.2.10.b	Council may request shadow diagrams where there is a reasonable likelihood of the development causing overshadowing impacts on adjoining properties.	Shadow diagrams are not assessed to be necessary unless specifically requested by Council.
Front setback controls		
E.2.11.1	This section describes the front setback requirements for new residential dwellings.	The proposed dwellings do not have frontage to Walker Street. Front setback controls are assessed not to apply in the circumstances.
E.2.11.2	This section describes the setback requirements for articulation features on new dwellings.	Not relevant for consideration.
E.2.11.3	This section describes the setback requirements for corner lots	Not relevant for consideration.
Side setback controls		
E.2.12	Single storey buildings should be setback a minimum 0.9m from the boundary.	The proposal complies.
Rear setback controls		
E.2.13	Single storey buildings should be setback a minimum 3m from the boundary	The proposal complies.

Table 10 - DCP Assessment - Part E (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
Visual and Acoustic Privacy		
E.2.14.a	Building elements such as balconies and decks should be designed to minimise overlooking of living areas and private open space areas of adjoining dwellings	The dwellings are designed with front porches and rear outdining areas. These areas do not directly overlook neighbouring properties. The proposal complies.
E.2.14.b	The windows of dwellings should be located and designed so they do not provide direct and close views into the living area windows or courtyards of other dwellings	The proposed dwellings are adequately separated from each other and existing dwellings on adjoining properties. The use of existing and proposed fencing will assist in achieving acceptable levels of acoustic and visual privacy for residents. The proposal complies.
E.2.14.c	A minimum separation of 12 metres should be provided between buildings where habitable rooms / balconies face habitable rooms/ balconies	The proposed new dwellings have the same orientation on the land. The design does not result in habitable rooms or spaces directly facing each other. A 12m separation is assessed not be required.
E.2.14.d	A minimum separation of 9 metres should be provided between buildings where non habitable rooms / balconies face habitable rooms/ balconies	The proposed new dwellings have the same orientation on the land. The design does not result in habitable rooms/spaces or non habitable rooms/spaces directly facing each other. A 9m separation is assessed not be required.
E.2.14.e	A minimum separation pf 3 metres should be provided between buildings where non-habitable rooms / blank walls face other non-habitable rooms / blank walls	The proposed new dwellings have the same orientation on the land. A 3m separation is required and is achieved. The proposal complies.
E.2.14.f	Separation distance may be reduced by up to 25% where privacy issues can be addressed by other means to the satisfaction of Council.	Not relevant.
E.2.14.g	Dwellings within each development should be designed to minimise noise transmission by locating busy, noisy areas next to each other and quieter areas next to other quieter areas.	The proposed dwellings have the same orientation on the land. Adequate separation is available to ensure that acoustic privacy will not be an issue for the future residents of the dwelling. The proposal is capable of complying.

Table 10 - DCP Assessment - Part E (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
Private Open Space Controls		
E.2.15.a	Private open space should be oriented to have a north easterly aspect where possible.	The private open space will have access to northern sunlight. The proposal complies.
E.2.15.b	Living areas should open out into the private open space area.	The dwellings are design with open plan living areas. These areas open directly onto the outdoor dining and private open space areas. The proposal complies.
E.2.15.c	Private open space is to be clearly defined by walls, fencing and landscaping so as to provide a self contained space, but	Private open space areas will be delineated by existing and proposed fencing. The proposal complies.
E.2.15.d	The recommended amount of private open space is 40m2 per dwelling, minimum width 3m in any direction.	The proposal complies. Each dwelling will be provided with in excess of 120m2 of private open space in the rear yard section of their respective sites.
Sustainable Building Design Controls		
E.2.16.	Development Applications for new medium density housing proposals and specified alterations and additions must be accompanied by a BASIX Certificate, issued by the NSW Government.	Separate BASIX certificates have been prepared for the proposed dwellings and submitted in support of the DA. The proposal complies.
	The design of new dwellings should adopt the nominated principles which promote sustainable building practices.	The proposed dwellings have been designed with floor plans that allow sunlight penetration into primary living spaces, outdoor dining areas and private open space areas. Awnings, verandahs and eaves are used appropriately. The proposal complies.
Livable Housing Design		
E.2.17	This section requires the proposed dwellings to achieve a silver performance level in accordance with the Livable Housing Guidelines.	<p>The proposal is assessed to comply. The following design features will allow the dwellings to achieve the required silver performance level:</p> <ul style="list-style-type: none">+ A step free path of travel from Walker Street to the dwelling locations.+ Step free entrance provided to main entry. This can be achieved with minimal grading of the concrete entry porch.

Table 10 - DCP Assessment - Part E (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
		<div><div>+</div>Internal doors and corridors that facilitate comfortable and unimpeded movement between space. The floor plan is based around open plan living principles.</div> <div><div>+</div>A bathroom that is capable of accommodating a hobless shower. Further details can be shown on the application for CC if necessary.</div> <div><div>+</div>A toilet that is located on the ground (and only) floor of the dwellings.</div> <div><div>+</div>A bathroom design that allows for the installation of grab-rails at a later date. Further details can be shown on the application for CC if necessary.</div>

Part M - Parking, Access and Mobility

Part M applies to all new development in the Cowra Shire Local Government Area. Parts M. 1 and M.2 have particular relevant to the proposed development.

A review of Parts M.1 and M.2 have been completed and an assessment of consistency against key standards and controls included in Table 11.

Table 11 - DCP Assessment - Part M

Clause	Requirement (Summarised)	Statement of Consistency
Objectives		
M.1.2	Objectives for parking	The proposed development is assessed to be consistent with the objectives. On-site car parking is provided for the existing and proposed dwellings on the land in locations that are practical and accessible to residents.
Application of Standards and Guidelines		
M.1.3	Section M.1.3 describes the relevant Australian Standards and policies which generally apply to the design of off-street car parking areas.	The design of the car parking areas has been designed to meet the relevant requirements of the listed Australian Standards and guidelines. The proposal complies.
Off street parking calculations		
M.1.5	Car parking will generally be required to be provided on the site of the proposed development at the rate set out in the table.	For new dwellings, 1 space per dwelling behind the building line is required. Visitor car parking is not required. Each new dwelling is provided with an attached skillion roof carport. The proposal complies.

Table 11 - DCP Assessment - Part M (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
Site access design and location		
M.2.1	This sections provides the standards and controls relating to the provision of new access to a residential development.	Practical and legal access to the proposed lots will be provided from the existing access location on Walker Street. No new access to the public road system is required. The proposal complies.
Driveway widths		
M.2.2	For medium density housing where the number of off-street car parking spaces required to be provided is less than 5 spaces, the minimum width of a new driveway should be 5.5m where the entry and exit are combined.	The driveway access to Walker Street will comply with the standard.
Car parking design		
M.2.3	This section sets out the requirements for car parking design where visitor car parking is required for a proposed development.	Visitor car parking is not required for the proposed development.
Internal road design		
M.2.4	Where internal roads and / or driveways are proposed as part of the design of new residential development, the development should be serviced by vehicle manoeuvring areas that allow all vehicles to safely enter and exit the site in a forwards facing direction.	The site plan submitted with the DA shows that a large amount of land is proposed to be retained (centrally within the property) as existing hardstand area. This area will provide ample space for the movement of all vehicles associated with the development. All traffic can enter and leave the site in a forwards facing direction. Turning paths are not considered to be necessary in the circumstances. The proposal complies.

Table 11 - DCP Assessment - Part M (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
M.2.4 (cont.)	For medium density housing where the number of off-street car parking spaces required to be provided is less than 5 spaces, the minimum width of internal roads is required to be 5.5m for two way traffic operation.	<div><div></div><div>The internal access driveway is constructed to a minimum 5.5m wide standard, narrowing to 4.5m for the part of the access that is forward of the existing front building line. The proposal is to ensure an unobstructed minimum 5.5m wide access is available for the entire length of the internal access handle. The proposed access will be sufficient to accommodate two-way traffic movement for all vehicles access the development including emergency service vehicles.</div></div>
	Despite controls (b) and (c) , complex developments (particularly where shared use of roads by cars and service vehicles is anticipated) the design of internal roads is to be determined from a study of the site traffic generation and vehicle characteristics.	Not relevant for consideration.
Car parking surfaces		
M.2.5	This section describes the acceptable surface finishes for car parking areas and their associated site accesses and vehicle manoeuvring areas.	<div><div>The DCP requires the following finishes for identified components of the site design:</div><div><div></div><div>Site access (to property boundary) - concrete.</div><div></div><div>Vehicle manoeuvring areas - concrete / bitumen seal.</div><div></div><div>Car parking spaces - concrete / bitumen seal.</div><div></div><div>Accessible path of travel - Not relevant to this proposal.</div></div></div>

Table 11 - DCP Assessment - Part M (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
M.2.5 (cont.)		Plan A.02 prepared by Currajong and submitted with the DA shows the proposed surface finishes for the access components of the proposed development. Apart from the site access on Walker Street which is to be concreted, bitumen seal is proposed for vehicle manoeuvring areas and driveways to the new dwellings. The proposal complies

Part N - Landscaping

Part N.1 prescribes that a landscaping plan must be provided for new proposals relating to medium density housing forms. The proposal represents medium density housing if were not for the subdivision component. In this regard, the proposal must be assessed against the requirements of N.3.1 and N.3.2 of the DCP.

A review of the relevant controls has been completed and an assessment of consistency against key standards and controls included in Table 12.

Table 12 - DCP Assessment - Part N

Clause	Requirement (Summarised)	Statement of Consistency
Landscape Plan Requirements		
N.2	This section prescribes the minimum requirements for information needing to be presented on a Landscape Plan	A Landscape Plan has been prepared - refer to Currajong Plans A.03 and A.04. The plans include the necessary minimum information including property boundary details, existing and proposed trees / plantings, existing and proposed built structures, fencing details, and typical planting details. The proposal complies
General Landscape Controls		
N.3.1.1	This section prescribes general controls relating minimum planting requirements.	A Landscape Plan has been prepared - refer to Currajong Plans A.03 and A.04 which includes typical planting sections and installation instructions that are generally consistent with the prescribed standards. The proposal is capable of complying.
N.3.1.2	Retention of existing trees	The proposal does not involve the removal of existing street trees in Walker Street.

Table 12 - DCP Assessment - Part N (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
N.3.1.3	This section prescribes the street tree requirements for greenfield / infill subdivisions and non-subdivision developments	The proposed development will require street tree contributions. The applicant expects that Council will impose a condition of consent.
Residential landscape controls		
N.3.2	This section prescribes the design requirements for landscaping provided as part of new residential developments, including medium density housing.	<p>A Landscape Plan has been prepared - refer to Currajong Plans A.03 and A.04. The Landscape design shows minimal new works as the proposed dwellings will not have a visible presence to Walker Street. Notwithstanding, the landscape design complies generally with the requirements of Section N.3.2 as follows:</p> <ul style="list-style-type: none">+ The landscape works will soften the impact of new built form on the land.+ The landscape works retain existing mature trees, which exist along the southern, western and northern boundaries of the site.+ New landscaped areas will be provided with a suitable automatic watering systems.+ Selected tree species will be in scale with the size of the proposed development, and are appropriate for site conditions.+ Native species have been selected for landscape enhancements along the western boundary.+ The landscape design does not include the use of weed species.

Part O - Environmental Hazard Management

Part O applies to all new development in the Cowra Shire Local Government Area. Part O. 1 has particular relevance to the proposed development as part of the land is located within the Flood Planning Area.

A review of Part O.1 as been completed and an assessment of consistency against key standards and controls included in Table 13.

Table 13 - DCP Assessment - Part O

Clause	Requirement (Summarised)	Statement of Consistency
Objectives		
O.1.2	Objectives for flood risk management.	Refer to Appendix A for a detailed assessment of the proposed development against the flood planning controls in Part O of the DCP.
Information to Accompany a Development Application		
O.1.8	The DCP prescribes the minimum information that must be submitted with a DA for developments on land within the Flood Planning Area.	<div>A Flood Planning Report has been prepared and included as Appendix A to this Statement of Environmental Effects. The Flood Report includes the minimum information prescribed by Control O.1.8 of the DCP including:<ul style="list-style-type: none">+ A statement or justification as to why the proposed development is appropriate on flood prone land.+ A survey plan, prepared by a registered surveyor showing existing natural ground levels and proposed site works relevant to the 1% AEP.+ Reporting that seeks to demonstrate that consistency with the requirements of Section O.1.8(c)(i)-(v).</div>
Flood Controls		
O.1.9	The DCP contains controls that apply generally to all development, and specifically to residential development types that are located within a Flood Planning Area.	Refer to Appendix A for a detailed assessment of the proposed development against the flood planning controls in Part O of the DCP.

Part P - CPTED Principles

Part P applies to all development in the Cowra Shire Local Government Area on both public and private land. Part P.2 in particular, provides design suggestions to ensure that crime risk is minimised in accordance with the principles of 'Crime Prevention Through Environmental Design'.

A review of Part P.2 has been completed and an assessment of consistency against key standards and controls included in Table 14.

Table 14 - DCP Assessment - Part P

Clause	Requirement (Summarised)	Statement of Consistency
Design suggestions		
P.2.1	Objectives	The proposed development is assessed to be consistent with the objectives, and in particular: <ul style="list-style-type: none">+ The co-location of the two new dwellings will allow natural surveillance between the sites.+ The building designs have their own private open space and front yard areas, creating a sense of ownership for occupants and users of the site.+ Opportunities for unauthorised access will be limited through the use of security fittings to doors and windows, security lighting as appropriate and use of boundary and internal site fencing.+ The existing entry to the site from Walker Street is lit by existing street lighting.
P.2.2	Section 2.2 provides guidance to help new developments achieve appropriate orientation and access to the public street.	Due to the existing configuration of the property, it is not possible to create new dwelling opportunities on the land in a way that allows each dwelling to achieve direct orientation and access to Walker Street. The co-location of the two new dwellings will however allow natural surveillance between the sites.
P.2.3	Section 2.3 requires building entrances to be in prominent positions, designed to allow users to see into the building and facing the street where possible.	As above.
P.2.4	Section 2.4 includes a suite of controls aimed at ensuring communal and public areas are appropriately designed.	The proposed development does not involve the creation of communal or public spaces.
P.2.5	Section 2.5 requires site and building design to limit the use of blind corners.	The proposed development does not create any new blind corners.
P.2.6	Section 2.6 encourages appropriate buildings materials which reduce opportunities for vandalism.	The proposed dwellings are typical brick veneer constructions. The chosen building materials are acceptable in terms of the nature and scale of the proposal.

Table 14 - DCP Assessment - Part P (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
P.2.7	Section P.2.7 includes a suite of standards and controls which aim to increase the security of new development	The recommended security measures can be incorporated into the building design. As a minimum, all window and roller door openings will be fitted with locking mechanisms. The dwellings have large windows on the eastern elevation to allow residents to see who is visiting the site and / or knocking at the door.
P.2.8	Section P.2.8 requires the provision of appropriate lighting to new development.	There is existing street lighting in Grenfell Road.
P.2.9	Section P.2.9 requires the provision of appropriate measures to properly identify new buildings.	The subject land is addressed to 17 Walker Street. Appropriate arrangements will be made for the display of an appropriate street number on the front facade of the proposed building, and on a purpose built mailbox at the Walker Street frontage to the site.
P.2.10	Section 2.10 includes a suite of controls aimed at improving the safety and security of new shopfronts.	The proposed development is not a shopfront.
P.2.11	Section 2.10 includes a suite of controls aimed at improving the safety and security of public facilities.	The proposed development does not include public facilities.
P.2.12	Section 2.12 includes a suite of controls aimed at improving the safety and security of car parking areas.	The proposed development is not required to provide visitor car parking.

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ASSESSMENT OF ENVIRONMENTAL ISSUES

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5.1 Introduction

The main environmental issues that have been raised and investigated as part of the design process for the proposed development have been documented in this section. Each issue is investigated by way of introducing the key issue(s), documenting existing conditions, assessing impacts and proposing management and mitigation measures.

5.2 Visual impacts and amenity

5.2.1 Assessment of existing condition

The subject land contains an existing clad dwellings and several ancillary metal shed structures. Single storey buildings predominant in the streetscape.

5.2.2 Assessment of potential impact

An assessment of the potential impacts of the proposed development on visual amenity has been undertaken, including an assessment of the likely visual impacts of the development on private landowners in the vicinity of the development and key vantage points in the public domain.

The proposed dwellings are to be constructed as single storey brick veneer structures, with metal roofs, fascias and gutters. The buildings will be of similar bulk and scale to the existing buildings and structures on the subject land on adjoining properties. The building designs will not enable direct overlooking of adjoining private open space areas.

The new buildings are located on a part of the site that is not visible from the nearest public place (Walker Street).

The site is not heritage listed and is not part of a heritage streetscape or conservation area.

5.2.3 Management and mitigation

No additional mitigation measures are proposed.

5.3 Building Code Compliance

5.3.1 Assessment of existing condition

The landowner is aware that the existing shed on the land located along the northern boundary has not received a Final Occupation Certificate from Council. Previous communication with Council on this issue confirms that the issue of the Final Occupation Certificate will be possible upon completion of necessary stormwater management works.

There are no known building code compliance issues associated with other existing structures on the land.

5.3.2 Assessment of potential impact

The proposed site layout and building design complies with the relevant requirements of the Building Code of Australia.

The Stormwater Design submitted for the proposed development incorporates measures to manage the stormwater generated from the roofed areas of the existing shed located along the northern boundary.

5.3.3 Management and mitigation

Structural engineering certification will be required for elements of the proposed building design including slab and frame and this will be procured and submitted to Council as part of the application for a Construction Certificate.

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5.4 Access and Traffic

5.4.1 Assessment of existing condition

The subject land is currently accessed from Walker Street, which forms part of the local road network owned and maintained by Cowra Shire Council. Walker Street is constructed to an 8m wide bitumen sealed standard and has kerb and gutter and public street light infrastructure.

The land contains an existing dwelling house and several existing shed structures.

As a result of the public consultation process for DA 1/2023 (this DA) by Cowra Shire Council, a number of compliance related issues have been determined to relate to the land at 17 Walker Street Cowra. These issues relate to:

- + The use of an existing shed for self-storage purposes without Council approval.
- + The partial use of an existing shed as a dwelling without Council approval.
- + The construction of two awning structures on the without Council approval.

In order to address these issues, the landowners have:

- + Lodged a separate DA for the continued use of the existing shed for self-storage purposes.
- + Provided written notification to Council that the existing shed is no longer to be used for a residential purpose, and removed internal facilities to ensure the building is capable of being used only for purposes consistent with a Class 10a BCA classification.
- + Lodged a separate DA for the continued use of the existing carport structures, as well as a Building Information Certificate.

Whilst the above matters are subject to separate applications and assessment processes, it is likely that Council will need to understand the traffic loads associated with these uses in order to make an informed assessment of the traffic impacts associated with DA 1/2023. In this regard, the following account of trip movements is provided having regard to the guidance provided within the '[Guide to Traffic Generating Developments](#)' by [NSW Roads](#).

- + Existing Dwelling (17 Walker Street) - 7.4 trips per day.
- + Self-storage (home business. In the absence of any guidance within the NSW Roads Guideline, an estimate of 4 trips per week) or 0.57 trips (per day) is provided based on a single weekly trip per rented bay in the existing shed.

5.4.2 Assessment of potential impact

A description of the proposed access arrangements to the development is included as follows:

- + Primary access to the existing uses at 17 Walker Street is to be maintained directly from Walker Street. Resident car parking is to be retained from within the existing sheds at the rear of the property.
- + Primary access to the 2 x new dwellings is to be provided also directly from Walker Street. A Right of Carriageway is intended to be provided over proposed lot 1 in the subdivision to the benefit of proposed lots 2 and 3.
- + On-site car parking to be provided for residents of each new dwelling in an undercover skillion roofed carport attached to each building.
- + The internal access driveway is constructed to a minimum 5.5m wide standard, narrowing to 4.5m for the part of the access that is forward of the existing front building line. The proposal is to ensure an unobstructed minimum 5.5m wide access is available for the entire length of the internal access handle. The proposed access will be sufficient to accommodate two-way traffic movement for all vehicles access the development including emergency service vehicles. The proposed surface finishes are shown on Plan A.02 submitted with the DA and comply with Council's minimum standards.

The proposed development will have the result of increasing the number of daily traffic numbers utilising Walker Street. Based on the 'Guide to Traffic Generating Developments' by NSW Roads, the expected number of daily vehicle trips for low density residential dwellings is estimated to be in the order 7.4 per dwelling. The proposed subdivision will therefore increase the number of daily vehicle trips using Walker Street by 14.8 (two dwellings/lots).

Taking into account the traffic load associated with the existing uses associated with the land (noting that a DA is required for the continued use

of the secondary dwelling, and home business (self storage), the total traffic load likely for the site is assessed to be in the order of 23 vehicle movements per day.

Walker Street, in its current form and condition, is considered suitable to accommodate the proposal for the following reasons:

- + The plans submitted with the Development Application demonstrate that adequate arrangement will be made for vehicles using the land to enter and leave their respective lots in a forwards facing direction
- + The intersection of the site access with Walker Street is not assessed to be in a dangerous location. There is adequate sight distance in both directions and street lighting on the pole directly opposite the entry (southern side of Walker Street Avenue).
- + Traffic and transport impacts are assessed to be within acceptable limits, based on existing local road conditions and the limited additional traffic generation proposed.
- + The internal accesses will be constructed to Council's minimum standards.

On the basis of the above, it is assessed that adequate arrangements will be made to accommodate the access needs of the proposed development. The road network servicing the development is in good condition and has capacity to accommodate the likely increase in trip movements associated with the proposed development. Road upgrades are not necessary to be necessary. Section 7.12 Contributions will be made towards public infrastructure costs.

5.4.3 Management and mitigation

Upgrades are proposed to the existing internal road surface construction in order to comply with Council requirements. A Section 138 Permit will be obtained from Council prior to the commencement of any works within a road reserve.

No other specific transport or traffic mitigation measures have been identified as being necessary.

5.5 Site Design

5.5.1 Assessment of existing condition

The subject land contains an existing clad dwelling and several ancillary metal shed structures. The structures are predominantly located along the northern and eastern boundaries of the land, leaving a significant part of the site under utilised and generally suited to redevelopment. The site contains established landscaped gardens and several existing mature trees.

A detailed site survey of the land has discovered the location and depth of Council's gravity sewerage main (and associated manholes) within the boundaries of the subject land.

5.5.2 Assessment of potential impact

The proposed dwellings have been positioned on the land to ensure compliance with the relevant setback requirements of the Building Code of Australia and Council policy requirements, taking into account the locations of existing and planned property boundaries.

The proposed dwellings are to be located generally at the rear of existing dwellings (and their associated private open spaces) in Walker Street. To ensure an acceptable level of impact, the dwelling designs have been kept to single storey and setback sufficient distances from boundaries to minimise impacts related to acoustic and visual privacy.

A shared access arrangement is proposed. The existing and proposed dwellings will gain access to the public road system via a common internal access drive and entry location to Walker Street. The proposed plan of subdivisions shows the location of propose easements for access to ensure that practical and legal access is achieved for the longevity of the development.

The plans submitted with the DA have identified the zone of influence relating to the existing sewer main located within the property boundaries. The proposed dwellings have been carefully positioned on the land to avoid the zone of influence.

5.5.3 Management and mitigation

The site layout will be pegged out by survey prior to the commencement of works to ensure that building and other site features are properly located.

5.6 Soil and Water Quality

5.6.1 Assessment of existing condition

The subject land is mapped in Cowra Local Environmental Plan 2012 as containing vulnerable groundwater. There are no riparian lands, water courses or wetland environments impacting the site. The land is mapped as being flood prone.

The land is currently vegetated or laid with hardstand material and there are no exposed areas that are shown to be causing soil erosion and related impacts on the land.

5.6.2 Assessment of potential impact

The proposed development will require site earthworks to be completed as part of the construction phases of the project. The land is relatively flat and significant alterations to existing landform are not required in order to facilitate the proposed site design.

The proposed development is unlikely to result in significant impacts on groundwater resources in the locality. The development will be connected to reticulated water and sewer supply and there is no proposal for groundwater extraction or on-site waste disposal. The likelihood that the proposed development will intercept groundwater in the locality during construction is assessed to be low.

Part of the land is identified to be located within the floodplain to the Lachlan River. The location of new construction works (dwelling / site access upgrades etc), are however located above the Flood Planning Level.

5.6.3 Management and mitigation

The proposed management measures to reduce impacts on water resources are as follows:

- + No groundwater will be taken.
- + Changes to existing landform to be kept to minimum levels. All reasonable and practical measures will be implemented to control / manage sedimentation and erosion during construction phases associated with the proposed development.

5.7 Air Quality

5.7.1 Assessment of existing condition

The existing use of the land for residential purposes does not generate air quality impacts on the locality. An assessment is required to determine whether the proposed development will create adverse air quality impacts on nearby uses in the area.

5.7.2 Assessment of potential impact

Due to the nature and scale of the proposed development, an air quality assessment by a qualified professional is not considered to be necessary or warranted. Dust pollution is not expected to be an issue with the proposed development as all trafficable surfaces are to be constructed of hardstand materials (concrete or bitumen).

The nature and scale of the proposed development is such that air pollution from excessive motor vehicle impurities is not identified to be a key issue.

5.7.3 Management and mitigation

No additional mitigation measures are proposed.

5.8 Noise and Vibration

5.8.1 Existing conditions assessment

The site is located within an established residential area area. The predominant use of land within the immediately and wider locality is for residential purposes. Light industrial land-uses are present within the wider locality, but these do not directly adjoining the site and are currently not causing any noise nuisance to existing residential uses in the area.

5.8.2 Assessment of potential impact

The POEO Act sets and the statutory framework for managing air quality in NSW and the POEO (Clean Air) Regulation 2010 sets standards of concentration for emissions to air from both scheduled and non-scheduled activities, including odour, dust, emissions and excessive motor vehicle air impurities. This statutory framework has been used to establish criteria and assessment findings for the proposed subdivision.

An assessment of the potential impacts of the proposed development on noise and vibration has been undertaken, including an assessment of the likely impacts associated with the continued residential use of the land. No impacts are expected to result.

5.8.3 Management and mitigation

No additional mitigation measures are proposed.

5.9 Heritage

5.9.1 Assessment of existing condition

A search of the Aboriginal Heritage Information System (AHIMS) has been completed for the subject land. The search was completed to determine whether there are any items of cultural heritage significance either on the subject land or within 50m of the subject land. The search result found that:

- + There are 0 Aboriginal sites recorded in or near the subject land.
- + There are 0 Aboriginal places that have been declared in or near the above location.

The site largely comprises 'disturbed land', as defined under The National Parks and Wildlife Regulation 2019 (NPW Regulation).

The subject land is not listed as a heritage item under the Cowra Local Environmental Plan 2012 or State Heritage Register.

5.9.2 Assessment of potential impact

Based on the AHIMS search results, there is a low possibility that the proposed development will impact on a known item of Aboriginal cultural heritage significance. The proposal is considered a "low impact activity" and an Aboriginal Due Diligence is not considered necessary.

No impacts on European heritage are likely to occur.

5.9.3 Management and mitigation

No additional mitigation measures are proposed.

5.10 Hazards

5.10.1 Assessment of existing condition

The subject land is not shown to be located within the Flood Planning Area. This is shown on Flood Planning Map FLD_002C in Cowra Local Environmental Plan 2012, an extract of which is shown in Figure 3. However, detailed site survey confirms that part of the land is below the Flood Planning Level, having regard to the information derived from a review of the Cowra and Gooloogong Floodplain Risk Management Study and Plan.

According to the mapping prepared by the NSW Rural Fire Service, the subject land is not identified as being within a bushfire prone area.

5.10.2 Assessment of potential impact

Flooding

A Flood Planning Report has been prepared and included as Appendix A to this Statement of Environmental Effects. The Flood Report includes the following work:

- + An assessment of the proposed development against the requirements of Clause 5.21 of Cowra Local Environmental Plan 2012.
- + Presentation of the findings of registered survey work completed in order to establish the Flood Planning Level for the subject land and it's relationship to the proposed building and site design.
- + An assessment of the relevant flood planning requirements under Part O of the Cowra Comprehensive Development Control Plan 2021.

On the basis of the information that has been included in Appendix A, the risk of impact of floodwaters on the proposed development is assessed to be acceptable in the circumstances. The proposed buildings will be located above the Flood Planning Level and flood-free access can be achieved to Walker Street.

Contamination

The land is currently used for residential purposes. There are no known historic uses of the land that are known to have been carried out at the site which might give rise to potential concerns of contamination. A site inspection of the site has not identified any obvious signs of activities, current or past, which might give rise to potential concerns of contamination. Further investigations are considered unnecessary in the circumstances and the land is considered suitable for the proposed development.

Bushfire

The land is located within an urban area. Bushfire has not been identified as a risk for the subject land.

5.10.3 Management and mitigation

The site design for the proposed development has been prepared in order to ensure that the proposed buildings and site access are above the Flood Planning Level.

No additional mitigation measures are proposed in order to deal with contamination or bushfire.

5.11 Services and Utilities

5.11.1 Assessment of existing condition

The land has an existing connection to Council's reticulated water supply network. There is a water meter located in the south eastern corner of the land.

The existing dwelling on the land is connected to the Council's reticulated sewerage system. A detailed site survey of the land has discovered the location and depth of Council's gravity sewerage main (and associated manholes) within the boundaries of the subject land.

The existing dwelling is connected to grid electricity.

5.11.2 Assessment of Impacts

Water

The proposed development will require connection to the Council's reticulated water supply network. An application to Cowra Shire Council will be required and approval obtained prior to the commencement of any work. As the proposed development increases the demand on the reticulated water supply network, headworks contributions are expected to apply.

Where required, easements for water supply will be created over the new supply lines in the development.

Sewer

The proposed development will require connection to the Council's reticulated sewer supply system. An application to Cowra Shire Council will be required and approval obtained prior to the commencement of any work. As the proposed development increases the demand on the reticulated water supply network, headworks contributions are expected to apply.

The plans submitted with the DA have identified the zone of influence relating to the existing sewer main located within the property boundaries. The proposed dwellings have been carefully positioned on the land to avoid the zone of influence.

NBN Telecommunications

The proposed development will require connection to the NBN telecommunications network. A check with the NBN confirms that a connection to the NBN broadband access network is available as Fibre to the Node (FTTN). An application to NBN co. will be required and approval obtained prior the commencement of work.

Electricity

The proposed development will require connection to grid electricity. Connection of the development to the electricity network is subject to the requirements of Essential Energy as the relevant service provider for the area. If any upgrades to existing infrastructure are required to facilitate the proposed development, such works will be carried out at full cost to the proponent.

Stormwater

A stormwater design for the proposed subdivision / dwelling development has been prepared by Calare Civil and submitted in support of the DA for assessment by Cowra Shire Council. Stormwater is proposed to be managed by discharging roofwater from the proposed dwellings (and the existing shed located adjacent to the northern boundary) directly to the public drainage system in Walker Street via a system of charged pipes. The stormwater design has considered the locations and depths of existing sewer mains located within the boundaries of the subject land.

Summary

The location of existing service and utility locations have been identified as part of the site planning process. The proposed development will demand new connections to identified essential services and infrastructure and these will be arranged prior to commencement of use. The servicing requirements for the proposed development are assessed to be within the capacity of the relevant networks.

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5.11.3 Mitigation and Management

The following mitigation measures are proposed:

- + New connections to service and utilities to be completed in accordance with the requirements and specifications of the relevant service providers.
- + No physical works to commence without a Construction Certificate / Subdivision Works Certificate from Cowra Council and any other relevant permits / approvals and / or licenses from relevant servicing authorities.
- + The site layout will be pegged out by survey prior to the commencement of works to ensure that building and other site features are properly located.
- + Stormwater works to be installed in accordance with the engineering design.
- + No physical works to commence without first completing a Dial Before You Dig (DBYD) search.

5.12 Social and economic

5.12.1 Assessment of existing condition

The site is located within an established urban area. The predominant use of land within the immediately and wider locality is single storey low density residential development.

5.12.2 Assessment of potential impact

An assessment of potential impacts of the proposed development has been undertaken with regards to scoping methodology outlined in the Social Impact Assessment Guideline 2017 (SIA Guideline), published by the Department of Planning and Environment. Table 14 provides an assessment of the proposed development against the criteria in the SIA Guideline.

Considering the proposal in the context of surrounding land-use as well as the previously addressed issues related to water, soil and air quality, noise, traffic, heritage, hazards, servicing and utilities, the proposal would be unlikely to have an unacceptable impact on the environment within or surrounding the site. The social and economic impacts of the proposal are expected to be positive.

5.12.3 Management and mitigation

Management and mitigation measures for each of the elements comprising a potential social impact (e.g. noise, traffic, visual amenity and air quality) have been addressed in their relevant sections of the SEE.

Table 14 - SIA Guideline - Impact Assessment

Matters	Key links to social impacts	Risk of impact without mitigation	Nature of Impact	Explanation
Amenity				
Acoustic	Way of life;	Unlikely	Negative	The development is not a noise generating activity.
Visual	Surroundings	Likely	Negative	The site and building design is likely to have an acceptable impact in terms of visual amenity
Odour	Surroundings	Unlikely	Negative	The proposal will not produce odour.
Micro climate	Surroundings	N/A	Nil	The proposal will not significantly impact micro climate.
Access				
Access to property	Way of life;	N/A	Nil	The proposal will not impact on access to neighbouring properties.
Utilities and public transport	Access to infrastructure, services and facilities;	Unlikely	Negative	Connection to urban service and utilities is required and will be completed to requirements of relevant authorities.
Road and rail	Personal and property rights.	Unlikely	Negative	The proposed development is within the capacity of local road conditions.
Built Environment				
Public domain	Community;	Unlikely	Nil.	The proposal will not impact the public domain as it will be located on private land.
Public infrastructure	Access to infrastructure, services and facilities;	Unlikely	Negative	Connection to urban service and utilities is required and will be completed to requirements of relevant authorities.
Other built assets	Surroundings; Personal and property rights	Unlikely	Nil.	The proposal will not preclude public access to built assets.

Table 06 - SIA Guideline - Impact Assessment (continued)

Matters	Key links to social impacts	Risk of impact without mitigation	Nature of Impact	Explanation
Heritage				
Natural	Way of life;	N/A	Nil	Natural heritage of the site is not compromised by the proposed development.
Cultural	Community;	Unlikely	Negative	The proposal will not impact on cultural values in the public domain.
Aboriginal culture	Culture;	Unlikely	Negative	The proposal has considered the likelihood that the land contains items of Aboriginal cultural significance.
Built	Surroundings.	Unlikely	Negative	There are no built heritage items registered on the site.
Community				
Health	Health and wellbeing;	Unlikely	Negative	The proposal does not create any health risks.
Safety	Surroundings	Unlikely	Negative	The proposal has been assessed as not increasing a known safety risk.
Services and facilities	Way of life, Access to infrastructure, services and facilities;	Unlikely	Nil	The proposal does not impact access to public services or facilities.
Cohesion, capital and resilience	Way of life; Community; Culture	Unlikely	Nil	The proposal does is unlikely to generate impacts.
Housing	Way of life, Personal and property rights.	Unlikely	Positive	The proposal creates new housing opportunities.

Table 06 - SIA Guideline - Impact Assessment (continued)

Matters	Key links to social impacts	Risk of impact without mitigation	Nature of Impact	Explanation
Economic				
Natural resource area	Way of life;	Unlikely	Negative	The proposal will utilise available natural resources in a sustainable manner.
Livelihood	Surroundings;	N/A	Nil	The proposal is unlikely to generate impacts.
Opportunity cost	Personal and property rights	N/A	Nil	The proposal is unlikely to generate impacts.
Air				
Air emissions.	Surroundings	Unlikely	Negative	The proposal is unlikely to generate impacts.
Biodiversity				
Native vegetation and fauna	Surroundings	Unlikely	Negative	Vegetation clearing is not proposed on site.
Land				
Stability/structure, land capability, topography	Surroundings	Unlikely	Negative	The proposal will not result in significant disturbance to the receiving environment.
Water				
Quality, availability, hydrological flows	Surroundings	Unlikely	Negative	The proposal is unlikely to generate impacts.

06

EVALUATION AND JUSTIFICATION

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6.1 Objectives of the EP&A Act 1979

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

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

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

6.2 Ecological Sustainable Development

ESD is a long-standing and internationally recognised concept. The concept has been affirmed by the 2002 World Summit for Sustainable Development and has been included in multiple pieces of Federal and State legislation. Australia's National Strategy for Ecologically Sustainable Development (1992) defines ecologically sustainable development as:

Development that improves the total quality of life, both now and in the future, in a way that maintains the ecological processes on which life depends.

The proposal has endeavored to address long established ESD principles, as follows:

- + The precautionary principle - No serious environmental threats have been identified.
- + Inter-generational (social) equity - Social equity provides a notion of preservation of environmental aspects that cannot be replaced for the enjoyment of future generations. Generally, such aspects relate to biodiversity, cultural heritage, land-use and the transformation of the locality as a result of the development. The proposal has considered such aspects and the SEE assessment concludes that environmental impacts will be within acceptable limits.
- + Conservation of biological and ecological integrity - The proposal has been designed to avoid impacts to flora and fauna.
- + Improved valuation, pricing and incentive mechanisms - Any waste generated from the proposal will be appropriately managed to minimise impacts on common public areas, the appropriate pricing mechanism are used to reflect the user pays approach to environmental management.

6.3 Other relevant considerations

6.3.1 Safety, security and crime prevention

The proposed development is unlikely to result in unacceptable outcomes in terms of safety, security or crime risk. An assessment of the proposal against the principles of CPTED (Crime Prevention Through Environmental Design) has been completed and this work is presented in the section of this SEE dealing with Part P of the Cowra Council DCP 2021.

The proposed development will create a public safety risk that needs to be properly considered as part of the site is identified to be located below the Flood Planning Level. A detailed assessment of the likely risks associated with the flooding issue has been completed and included in Appendix A to this SEE. On the basis of the information that has been included in Appendix A, the risk of impact of floodwaters on the proposed development is assessed to be acceptable in the circumstances. The proposed dwellings and associated site access will be located above the flood planning level.

6.3.2 Cumulative Impacts

The potential environmental impacts of the proposal have been detailed in the relevant sections of the SEE. The proposal will not generate unacceptable environmental impacts. Overall, the proposal makes a neutral / positive contribution to the environment. The proposal is considered compatible with the site and its surrounds and does not contribute to having a significant cumulative impact.

6.3.3 Suitability of the site for the development

The environmental assessment work completed and detailed in this SEE demonstrates that the subject land is suitable for the proposed development. The proposed site and building design has been proposed in direct response to a detailed analysis of the key constraints and opportunities of the land.

6.3.4 Public interest

Due to the nature and scale of the proposed development, the public interest in the matter is assessed to be low, with the likely impacts concentrated on nearby land-use.

The proposal has been subject to consultation in accordance with the Cowra Community Participation Plan. The consultation resulted in two separate submissions being received by Cowra Shire Council, each of which raised a number of issues / concerns with the proposed development.

Cowra Shire Council has provided Currajong and the landowners with an opportunity to consider the issues / concerns raised in the submissions and as a result a number of design changes have been made and detailed in amended plans. These changes relate to the following:

- + Stormwater is now proposed to be discharged directly to the public drainage system in Walker Street via a system of charged pipes. On-site disposal of roofwater from the dwellings (and existing shed on the northern boundary) is no longer proposed.
- + The internal access driveways are proposed to be constructed with bitumen sealed surfaces to comply with Council's minimum standards and mitigate against potential vehicle noise.

Relevant State Government planning policies and guidelines have been identified and considered as part of the preparation of the subdivision design and assessed in this report. Compliance can be achieved.

There are no covenants, easements or agreements that affect the proposal in the long term.

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

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THE CONCLUSION

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This Statement of Environmental Effects (SEE) has been prepared by Currajong Pty Ltd (Currajong) on behalf of Thomas and Gabrielle Bruin for the proposed development of the land at Lot 1 DP 599492, being 17 Walker Street Cowra.

The proposed development is described as a three lot Torrens Title subdivision (creating two additional lots) and subsequent construction of two separate dwellings on the new allotments. The dwellings are to be constructed as single storey brick veneer structures, serviced by a common practical access to Walker Street. The proposed location of the dwellings on the property means that they will not have a streetscape presence to Walker Street.

The land at 17 Walker Street contains an existing dwelling and several ancillary shed structures. The existing structures are located generally along the eastern and northern boundaries of the site, leaving a large land area towards the rear of the holding that is under utilised and which generally lends itself to redevelopment.

The assessment of the proposed development has been documented in this Statement of Environmental Effects to visualise all aspects of the relevant matters for consideration under the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021. The assessment concludes the proposed development is permissible in the R1 General Residential zone and is generally consistent with the Cowra Comprehensive Development Control Plan 2021 except that a variation is required to the following standards:

- + Control D.3.3 (f) relating to the design of battle-axe shaped subdivisions. Whilst the proposal does not create new battle-axe shaped lots, the practical arrangement of the subdivision lots carries similarities to battle-axe design given that access is to be achieved via a common internal access handle. The proposal does not comply with minimum requirements for lot size, which is prescribed to be 900m2.

Council is asked to support a variation to the DCP control, as the proposed lot sizes comply with Cowra Local Environmental Plan 2012 and the proposed design of the development is capable of achieving objectives related to safe practical vehicle / pedestrian access and acceptable resident and neighbour amenity.

It is recommended that sufficient information has been submitted with the Development Application to allow the Cowra Shire Council to make an informed decision on the proposal. It is the findings of this Statement of Environmental Effects that the proposed development is capable of being supported by Council.



FLOOD PLANNING REPORT

1. Purpose of this Report

This Flood Planning Report has been prepared in support of the lodgement of a Development Application for a 3 lot subdivision and construction of 2 single dwellings on the land at 17 Walker Street, being Lot 1 DP 599492. More specifically, this report has been prepared in order to address the requirements of:

- + Clause 5.21 of Cowra Local Environmental Plan 2012.
- + Part O of the Cowra Council Comprehensive Development Control Plan 2021 which is required to be considered when new development is proposed on flood prone land.

The report has also been prepared in order to present the findings of registered survey work completed in order to establish the Flood Planning Level for the subject land and it's relationship to the proposed site and building design.

2. Flood Planning Policy Context

The following policies / legislative provisions form the flood planning framework for land in the Cowra Shire:

- + Cowra and Gooloogong Floodplain Risk Management Plan and Study 2006, prepared by SMEC.
- + Cowra and Gooloogong Flood Studies 1999, prepared by Lyall and Macoun Consulting Engineers.
- + Cowra Local Environmental Plan 2012 (the LEP) and specifically the provisions contained in Clause 5.21 - Flood Planning, and the accompany Flood Planning Maps.
- + Cowra Comprehensive Development Control Plan 2021 (the DCP) and specifically the provisions contained in Part O.1 - Flood Risk Management.
- + Building Code of Australia.

A detailed review of the flood planning framework has been completed as part of the preparation of this report. The following information has been determined to be particularly relevant for consideration as part of the proposed development.

- + It appears the technical information in the Cowra and Gooloogong Floodplain Risk Management Plan 2006 is based on the same data in the Cowra and Gooloogong Flood Studies 1999. The difference in the two studies is that the 2006 study has been prepared in accordance with the guiding framework in the NSW Government's Flood Prone Land Policy and the Floodplain Development Manual. In determining the relevant flood planning requirements for the subject land, both studies are of particular relevance and have been considered conjointly.

- + The subject land is not shown to be located within the Flood Planning Area. This is evidenced on Flood Planning Map FLD_002C in Cowra Local Environmental Plan 2012, an extract of which is shown in Figure 1.
- + The land is shown to be within the Probable Maximum Flood (PMF) area. This is evidenced in Map 1 - Flood Hazard Category Map (Lachlan River) in Appendix A of Part O of the DCP. An extract of this map is shown in Figure 2. Cowra Council does not apply flood controls to land between the 1% AEP and the PMF level.
- + Despite the above two assessment findings, a detailed site survey confirms that part of the land is in fact below the Flood Planning Level. This assessment finding is based on the practical application of the AHD levels informing the 1% AEP Flood Level in the Cowra and Gooloogong Floodplain Risk Management Study and Plan.
- + The Flood Hazard Category for the subject land is identified to be High Hazard Flood Fringe.

APPENDIX A - FLOOD PLANNING REPORT

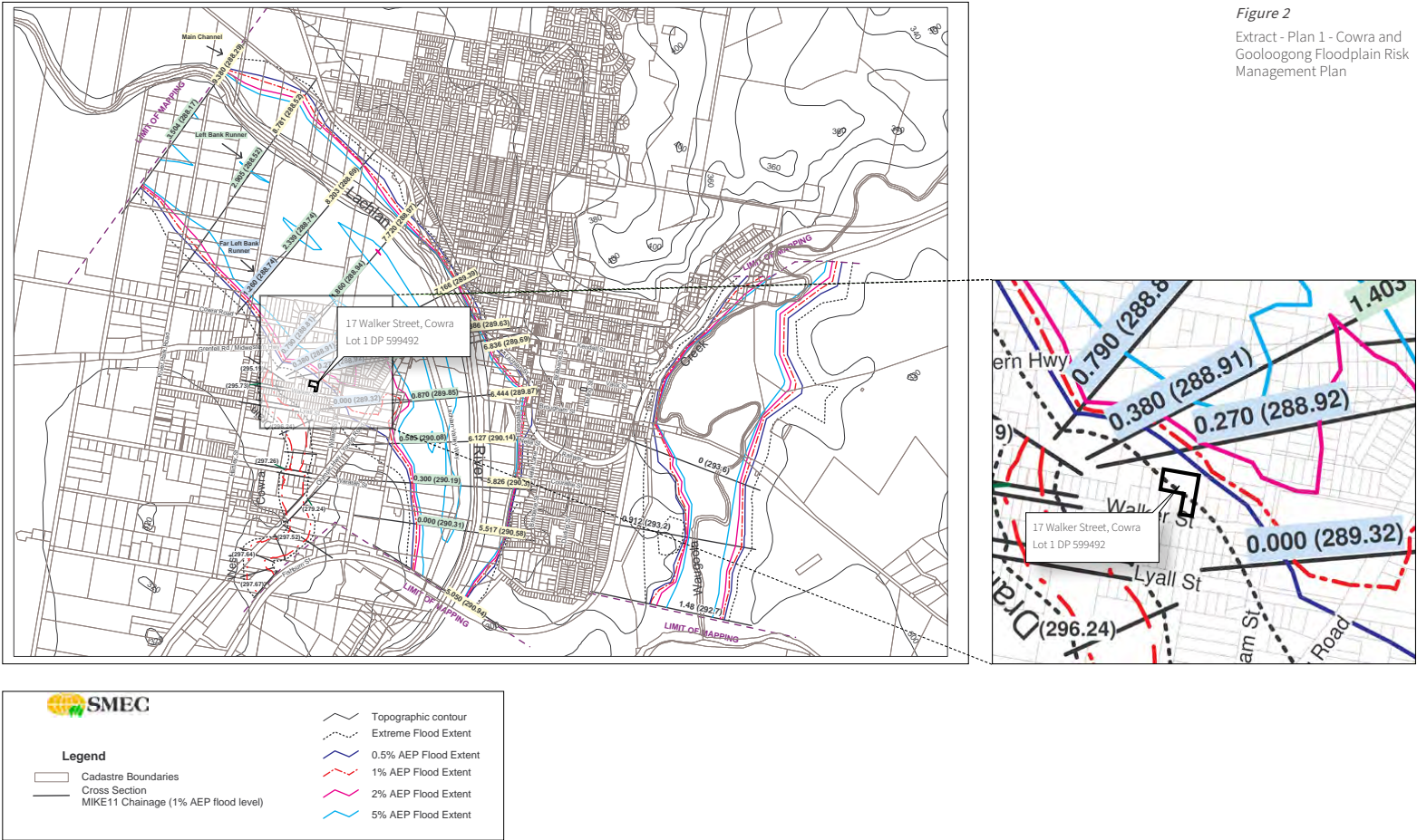
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Figure 1
Flood Planning Map Sheet
FLD_002C - Cowra LEP 2012

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CURRAJONG
PLANNING, PROPERTY + PROJECT MANAGEMENT

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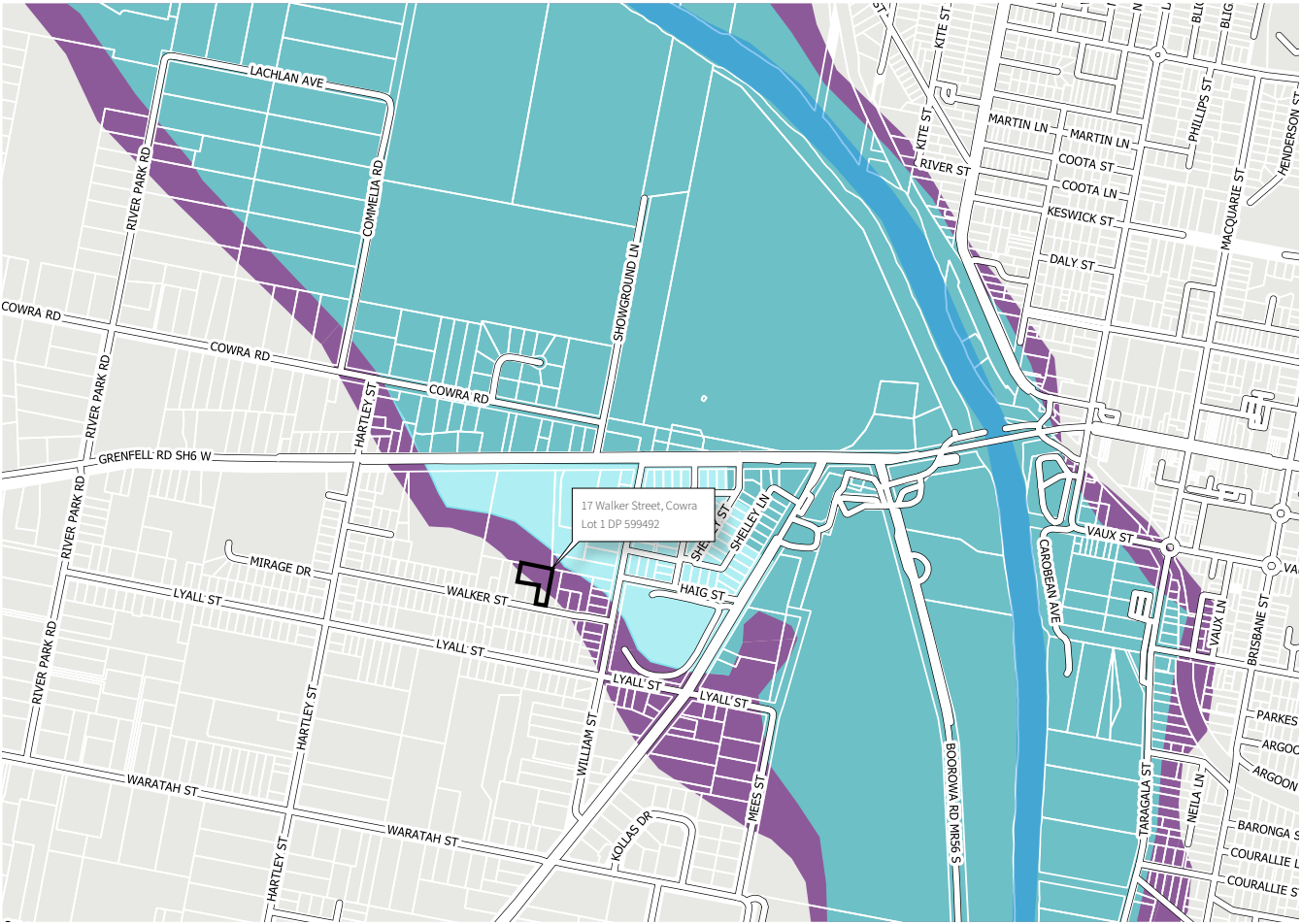


Figure 3
Extract - Flood Hazard Category
Map - Cowra DCP 2021

Legend: Flood Hazard Categories

- High Hazard Floodway
- High Hazard Flood Fringe
- Extreme Hazard
- Lachlan River

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3. Establishing the Flood Planning Level

A review of the following flood studies have been undertaken in order to establish the relevant Flood Planning Levels for the proposed development:

- + Cowra and Gooloogong Floodplain Risk Management Plan and Study 2006, prepared by SMEC. Referred to in this section as the SMEC Study.
- + Cowra and Gooloogong Flood Studies 1999, prepared by Lyall and Macoun Consulting Engineers. Referred to in this section as the Lyall and Macoun Study.

The relevant levels are described in Table 1.

For the purposes of Part 0.1 of the DCP, the Flood Planning Level means the level of a 1% flood event plus 0.5 metre freeboard. The Flood Planning Level determines the Flood Planning Area. In Cowra and Gooloogong, the Flood Planning Level has been set as the 1% AEP Flood even plus 0.5m for residential and commercial development.

The Flood Planning Level for Lot 1 DP 599492 is therefore the 1% AEP level + 0.5m freeboard. The Flood Planning Level is therefore calculated to be 288.92 AHD + 0.5m = 289.42AHD.

A detailed site survey and contour plan has been prepared for this project. The location of the 1% AEP has been clearly marked on the plan. The development plans for the proposed dwellings also show the finished surface level for the proposed building pads will be:

- + 290.3 AHD for proposed dwelling No. 1
- + 289.8 AHD for proposed dwelling No. 2.

In order to understand the expected depth of floodwaters on the land, a calculation can be completed which compares the identified Flood Planning Levels to the site levels established by the survey and architectural design work This work is presented in Tables 2 and 3.

A copy of the plan prepared by the registered surveyor and used to inform the above calculations is included in Figure 4.

Table 1 - Flood Levels

AEP	Translation	Identified Level	Policy Reference
1%	1 in 100 year Flood	288.92 AHD	Lyall & Macoun Study, Table 4.1 (P.26) - Mike 11 Chainage 0.270 SMEC Study, Plan 1 - Mike 11 Chainage 1.190
2%	1 in 50 year Flood	Not Identified	Lyall & Macoun Study, Table 4.1 (P.26) - Mike 11 Chainage 0.270
5%	1 in 20 year Flood	Not identified	Lyall & Macoun Study, Table 4.1 (P.26) - Mike 11 Chainage 0.270

Table 2 - Expected Flood Water Depths - Relative to Natural Ground Level (NGL)

AEP	Translation	Identified Level (AHD)	NGL (highest point)	NGL (lowest point)	Min / Max Floodwater Depth
1%	1 in 100 year Flood	288.92 AHD	291.0 AHD	288.4 AHD	- / 0.52m
2%	1 in 50 year Flood	Not Identified			
5%	1 in 20 year Flood	Not Identified			

Table 3 - Expected Flood Water Depths - Relative to Finished Floor Level

AEP	Translation	Flood Planning Level *	Finished Ground Level (Dwelling 1 / 2)	Floodwater Depth
1%	1 in 100 year Flood	289.42 AHD	290.3 AHD / 289.8 AHD %	Nil.
2%	1 in 50 year Flood	Not Identified		
5%	1 in 20 year Flood	Not Identified		

Identified Level (AHD) + 0.5m Freeboard
% Add 200mm (approx) for Finished Floor Level

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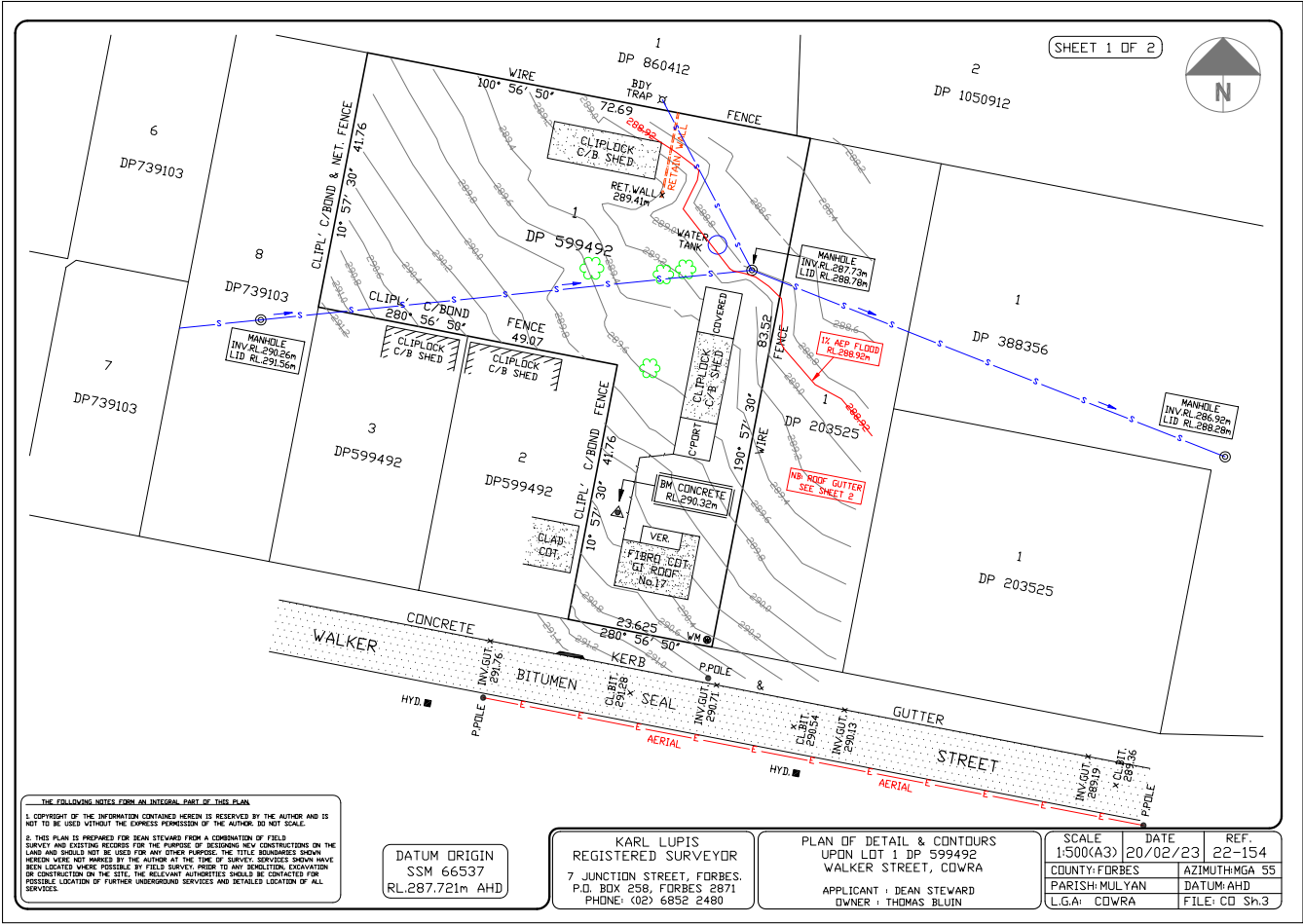


Figure 4
Site survey

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4. Establishing the Peak Floodwater Velocity

A review of the following flood studies has been undertaken in order to establish the expected peak floodwater velocity for the subject land:

- + Cowra and Gooloogong Floodplain Risk Management Plan and Study 2006, prepared by SMEC. Referred to in this section as the SMEC Study.
- + Cowra and Gooloogong Flood Studies 1999, prepared by Lyall and Macoun Consulting Engineers. Referred to in this section as the Lyall and Macoun Study.

The expected peak floodwater velocities for the various flood events are described in Table 4.

Part O.1.9 of the DCP requires a DA to demonstrate that proposed structures within the Flood Planning Area can withstand the force of floodwaters on the land.

Table 4 - Flood Velocities - Lachlan River

AEP	Translation	Peak Velocity	Policy Reference
1%	1 in 100 year Flood	0.22 m/s	Lyall & Macoun Study, Table 4.3 (P.30) - Mike 11 Chainage 0.270
2%	1 in 50 year Flood	Not identified	
5%	1 in 20 year Flood	Not identified	

As the proposed buildings are to be constructed above the Flood Planning Level, they do not require engineering certification.

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5. Establishing Permissibility of Use

Cowra Local Environmental Plan 2012

The site is zoned R1 General Residential under the Cowra Local Environmental Plan 2012. Figure 2 of the Statement of Environmental Effects includes a map that shows the zoning framework for the site and surrounding areas.

Development for the purposes of residential land subdivision and associated dwelling development is permissible in the R1 zone with consent of Council.

Special provisions are contained in Clause 5.21 of Cowra Local Environmental Plan 2012 relating to development generally in flood prone areas and this is assessed in a further section of this report.

Cowra Comprehensive Development Control Plan 2021

Section O.1.7 of the Cowra Comprehensive Development Control Plan 2012 (the DCP) establishes a framework to guide the permissibility of certain uses on land that is located within the Flood Planning Area.

The DCP requires the flood hazard category for the land to be established in the first instance. The Flood Hazard Category for the subject land is identified to be High Hazard Floodfringe, although this is assumed given the subject land is not shown to be affected by flooding on Map 1 - Flood Hazard Category Map (Lachlan River) in Appendix A of Part O of the DCP.

Table 2 of the DCP provides that residential development, limited to single dwellings, is permissible on land in High Hazard Flood Fringe Areas, subject to compliance with the DCP. Medium or high density residential developments are not permissible. Subdivision development is also not permissible.

The proposed dwelling development is not prohibited by the DCP as it has been suitably demonstrated that the buildings are to be positioned on land that is above the Flood Planning Level. Residential land-uses are not proposed on the part of the site which is below the Flood Planning Level, being 289.42 AHD.

The proposed subdivision is not prohibited by the DCP as it has been suitably demonstrated that:

- + Proposed Lot 1 will be created for the purposes of accommodating the existing dwelling and shed infrastructure. Proposed Lot 1 contains the majority of land that is below the Flood Planning Level. No new residential development is proposed on this lot. The creation of this lot does not have the result of increasing the density of residential development on land below the Flood Planning Level.
- + Proposed Lot 2 will be created for the purposes of accommodating Dwelling No. 1. This lot does not contain any land area that is below the Flood Planning Level. Flood free access is available to this lot from Walker Street.
- + Proposed Lot 3 will be created for the purposes of accommodating Dwelling No. 2. A small amount of land area within this lot would be below the Flood Planning Level, however the proposed dwelling and site access are located above this level.

6. Designing for flood compatibility

With the flood planning requirements for the land having been established, the site and building design process has subsequently been completed in a way that minimises potential impacts from flooding on both the subject land and nearby properties and land-uses.

The following components of the site design have been purposefully created with this focus:

- + Positioning of proposed dwellings on land that is above the Flood Planning Level.
- + Provision of site access (vehicles and pedestrians alike) to Walker Street via land that is above the Flood Planning Level.
- + Minimisation of cut and fill to ensure that the existing natural landform is retained where possible. Small amounts of earthworks will however be necessary in order to allow for the practical construction of the car parking area.

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7. Environmental Impact Assessment

Clause 5.21 - Cowra Local Environmental Plan 2012

Clause 5.21 of Cowra Local Environmental Plan 2012 applies to any new development that the consent authority considers to be within the Flood Planning Area.

The objectives of Clause 5.21 are as follows

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

The proposed development is generally consistent with the objectives of Clause 5.21. Appropriate measures have been incorporated into the site and building design to ensure that flooding will not impact the use of the land for residential purposes.

Clause 5.21(2) requires that Cowra Shire Council must not grant consent to development on land within the Flood Planning Area unless it is satisfied in relation to a number of matters. These matters are listed in Table 5 including an appropriate assessment response.

Table 5 - Clause 5.21(2) Assessment

Clause	Provision	Assessment Response
5.21(2)(a)	The consent authority must be satisfied that the development is compatible with the flood function and behaviour of the land.	The proposed development is likely to be compatible with the flood prone nature of the land for the reasons specified in Section 6 of this report.
5.21(2)(b)	The consent authority must be satisfied that the development will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties	<p>The analysis presented in Sections 3 and 4 of this Flood Report identifies that a small part of the site is likely to be affected by floodwaters in a 1% AEP event and that the waters are likely to be shallow and slow moving.</p> <p>As the proposed dwellings are to be located on land that is above the Flood Planning Level, the consent authority can be satisfied that the proposed development will not affect flood behaviour. The proposed site layout eliminates any risk that the built form will have the potential to increase the flood affectation of other nearby development or properties.</p>
5.21(2)(c)	The consent authority must be satisfied that the development will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood	<p>The analysis presented in Sections 3 and 4 of this Flood Report identifies that a small part of the site is likely to be affected by floodwaters in a 1% AEP event and that the waters are likely to be shallow and slow moving. When this information is compared to the site contour survey presented in Figure 4, it can be determined that residents of the proposed dwellings can evacuate safely, if necessary, via flood free land to Walker Street. On this basis, the consent authority can be satisfied that development will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood.</p>
5.21(2)(d)	The consent authority must be satisfied that the development incorporates appropriate measures to manage risk to life in the event of a flood	<p>Recent floods in the Lachlan River have shown that adequate warning and evacuation procedures are generally in place for the Cowra community, managed by the NSW State Emergency Service and Cowra Shire Council.</p> <p>In the context of the development, the risk to life is minimised by:</p> <ul style="list-style-type: none">+ The likelihood that floodwater is likely to be shallow and slow moving.

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Table 5 - Clause 5.21(2) Assessment (cont.)

Clause	Provision	Assessment Response
		<p>✚ An appropriate site design that locates proposed building and site access above the Flood Planning Level.</p> <p>On this basis, the consent authority can be satisfied that appropriate measures have been incorporated to manage risk to life in the event of a flood.</p>
5.21(2)(e)	The consent authority must be satisfied that the development will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.	<p>The Statement of Environmental Effects submitted in support of the Development Application contains confirms that the proposed development is likely to have an acceptable environmental impact. Appropriate measures have been identified to help minimise likely impacts related to soil and water quality.</p> <p>The land does not contain any riparian vegetation and is sufficiently distanced from the banks of the Lachlan River. Impacts are unlikely.</p>

Clause 5.21(3) requires that Cowra Shire Council, in deciding whether to grant consent to the proposed development, must consider a number of matters. These matters are listed in Table 6 including an appropriate assessment response.

Table 6 - Clause 5.21(3) Assessment

Clause	Provision	Assessment Response
5.21(3)(a)	The consent authority must consider the impact of the development on projected changes to flood behaviour as a result of climate change	The proposed development has been designed to comply with current planning controls which aim to protect the development from flooding impacts based on known historical flood data. The changes to the expected flood levels in the Lachlan River as a result of climate change are difficult to predict with any certainty. In the absence of any credible scientific analysis it is difficult to form an assessment opinion that the proposed development should be refused on the basis of climate change impacts on flooding in the Lachlan River.
5.21(3)(b)	The consent authority must consider the intended design and scale of buildings resulting from the development.	The proposed buildings are located above the Flood Planning Level. The design and scale of the proposed buildings are therefore acceptable and will not be impacted by flooding.

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Table 6 - Clause 5.21(3) Assessment (cont.)

Clause	Provision	Assessment Response
5.21(3)(c)	The consent authority must consider whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood	<p>Recent floods in the Lachlan River have shown that adequate warning and evacuation procedures are generally in place for the Cowra community, managed by the NSW State Emergency Service and Cowra Shire Council.</p> <p>In the context of the development, the risk to life is minimised by:</p> <ul style="list-style-type: none">✚ The likelihood that floodwater is likely to be shallow and slow moving.✚ An appropriate site design that locates proposed building and site access above the Flood Planning Level. <p>On this basis, the consent authority can be satisfied that appropriate measures have been incorporated to manage risk to life in the event of a flood.</p>
5.21(3)(d)	The consent authority must consider the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.	<p>The proposed buildings are located above the Flood Planning Level. Modification, relocation or removal of the buildings will not be necessary.</p>

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Part O - Cowra DCP 2021

Part O applies to all new development in the Cowra Shire Local Government Area. Part O. 1 has particular relevance to the proposed development as part of the land is located within the Flood Planning Area.

A review of Part O.1 has been completed and an assessment of consistency against key standards and controls included in Table 6.

Table 6 - DCP Assessment - Part O

Clause	Requirement (Summarised)	Statement of Consistency
Information to accompany a Development Application		
O.1.8.a	A statement or justification as to why the proposed development is appropriate on flood prone land.	<p>The proposed development is considered to be appropriate on flood prone land for the following reasons:</p> <ul style="list-style-type: none">+ The proposed dwellings on the land have been positioned above the Flood Planning Level.+ The dwellings are provided with site access (vehicles and pedestrians alike) to Walker Street via land that is above the Flood Planning Level.+ Cut and fill has been minimised to ensure that the existing natural landform is retained where possible.+ The proposed use is permissible under the zoning framework for the land in Cowra Local Environmental Plan 2012.+ The proposed use is permissible under the land-use guidelines established in the Cowra Comprehensive DCP 2021 for the relevant flood hazard category assigned to the land.+ An environmental impact assessment confirms that the proposed development is within acceptable limits.
O.1.8.a	A survey plan showing the proposed building, existing ground levels to AHD around the perimeter of the building, the level of the 1% AEP Flood, and the proposed floor levels relative to the 1% AEP Flood.	<p>A survey plan has been prepared and is included in Figure 4 of this Flood Report. A detailed analysis of levels is also included in Section 3 of this Flood Report.</p>

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Table 6 - DCP Assessment - Part O (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
Information to accompany a Development Application		
O.1.8.a	<p>A report from a qualified engineer that demonstrates that:</p> <ul style="list-style-type: none">+ The development will not increase the flood hazard or risk to other properties;+ The structure of the proposed buildings will be adequate to deal with flooding situations;+ The proposed building materials are suitable;+ The buildings are sited in the optimum position to avoid flood waters and allow safe flood access for evacuation;+ The proposed redevelopment will not expose any resident to unacceptable levels of risk, or any property to unreasonable damage; and	<p>This Flood Report is provided in support of the Development Application to address the requirements of O.1.8.a of the DCP. Currajong is suitably qualified urban planning consultancy with experience in flood planning and environmental impact assessment.</p> <p>This Flood Report includes a detailed assessment of the matters prescribed by Clause 5.21 of Cowra Local Environmental Plan 2012. This assessment finds that the proposed development should not impact flood behaviour or increase flood risk to vulnerable properties adjacent or nearby to the subject land.</p> <p>The proposed buildings are located above the Flood Planning Level and as a result do not need to be engineered to withstand floodwaters.</p> <p>The proposed building and construction materials are as noted on the plans submitted with the Development Application. Flood compatible buildings materials are not necessary given the buildings are located above the Flood Planning Level.</p> <p>The proposed buildings have been positioned on the site to be above the Flood Planning Level.</p> <p>The proposed will not expose any resident to unacceptable levels of risk, or any property to unreasonable damage.</p>
Flood Controls		
O.1.9.1.a	<p>Cut and fill should be minimised for all development at or below the FPL.</p>	<p>The proposed site and building design ensures that the existing natural landform is retained where possible. Small amounts of earthworks will be necessary in order to allow for the practical construction of the proposed dwellings.</p>

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Table 6 - DCP Assessment - Part O (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
Flood Controls - Generally		
O.1.9.1.b	All buildings at or below the FPL should be constructed of flood compatible materials. Refer to Appendix B for flood compatible materials.	The proposed dwellings will be constructed on land that is above the Flood Planning Level.
O.1.9.1.c	All development applications should demonstrate that the proposed structure can withstand the force of floodwater, debris and buoyancy	The proposed buildings are located above the Flood Planning Level and as a result do not need to be engineered to withstand floodwaters.
O.1.9.1.d	Solid fences that impede the flow of floodwaters are not permissible. Fences should be at least 50% open to allow the progress of floodwaters.	Solid fencing is not proposed along the northern property boundary.
Flood Controls - Residential Development		
O.1.9.2.a	Floor levels of all habitable rooms or rooms with connection to sewer infrastructure should not be less than the Flood Planning Level (which means the level of a 1:100 ARI flood even plus a 0.5m freeboard).	The proposed development complies. The assessment work presented in this Flood Report suitably demonstrates that the finished floor level of the proposed dwellings will be above the Flood Planning Level.
	Upon completion and prior to the occupation (where relevant) a certificate by a registered surveyor should be submitted to Council showing that the finished ground and floor levels conform to approved to approved design levels.	The applicant expects that Council will apply a condition of consent. The proposal is capable of complying.

Table 6 - DCP Assessment - Part O (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
O.1.9.3.c	Despite controls (a) and (b) above and the controls contained in Section 0.1.7, this plan permits alterations and additions to existing dwellings with floor levels below the Flood Planning Level, subject to certain prescribed requirements.	Not relevant to the proposed development.
Flood Controls - Subdivision		
O.1.9.6.a	Council will not support any Development Application for a residential subdivision where it is evident that a flood free building envelope and safe internal access from / to the public road network cannot be provided. The building envelope and access should be flood free in a 1% AEP event.	The proposed development complies. The assessment work presented in this Flood Report suitably demonstrates that the finished floor level of the proposed dwellings and site access will be located above the Flood Planning Level.
	Subdivision will not be permitted where creation of such lot will create the potential for increased intensity of development within the Flood Planning Area.	<p>The proposed subdivision will not create the potential for increased intensity of development within the Flood Planning Area for the following reasons:</p> <ul style="list-style-type: none">+ Proposed Lot 1 will be created for the purposes of accommodating the existing dwelling and shed infrastructure. Proposed Lot 1 contains the majority of land that is below the Flood Planning Level. No new residential development is proposed on this lot. The creation of this lot does not have the result of increasing the density of residential development on land below the Flood Planning Level.+ Proposed Lot 2 will be created for the purposes of accommodating Dwelling No. 1. This lot does not contain any land area that is below the Flood Planning Level. Flood free access is available to this lot from Walker Street.+ Proposed Lot 3 will be created for the purposes of accommodating Dwelling No. 2. A small amount of land area within this lot would be below the Flood Planning Level, however the proposed dwelling and site access are located above this level.

APPENDIX A - FLOOD PLANNING REPORT

PAGE 84

8. Conclusion

This Flood Planning Report has been prepared in support of the lodgement of a Development Application for a 3 lot subdivision and construction of 2 single dwellings on the land at 17 Walker Street, being Lot 1 DP 599492. The report has also been prepared in order to present the findings of registered survey work completed in order to establish the Flood Planning Level for the subject land and it's relationship to the proposed site and building design.

The Flood Report concludes that the proposed use of the land is generally appropriate having regard to an assessment of the relevant policy / legislative considerations contained in Cowra LEP 2012 and the Cowra Comprehensive DCP 2021.

The proposed development is considered to be appropriate on flood prone land for the following reasons:

- + The proposed dwellings on the land have been positioned above the Flood Planning Level.
- + The dwellings are provided with site access (vehicles and pedestrians alike) to Walker Street via land that is above the Flood Planning Level.
- + Cut and fill has been minimised to ensure that the existing natural landform is retained where possible.
- + The proposed use is permissible under the zoning framework for the land in Cowra Local Environmental Plan 2012.
- + The proposed use is permissible under the land-use guidelines established in the Cowra Comprehensive DCP 2021 for the relevant flood hazard category assigned to the land.
- + An environmental impact assessment confirms that the proposed development is within acceptable limits.



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

File Number: D24/1234

Author: Larissa Hackett, Director Environmental Services

RECOMMENDATION

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

INTRODUCTION

The Minutes and recommendations of Cowra Shire Council's Section 355 Committee – Cowra Natural Resource Management Advisory Committee are presented for noting and consideration.

BACKGROUND

Attached for the information of Councillors are the Minutes from the meeting held on Wednesday 19 June 2024.

A school's forum has been organised, for Friday 9 August at the Civic Centre, that will be presented by Lisa Blair, an environmentalist who sailed around the world and who will be talking about microplastics and their impact in our waterways. Approximately 240 local school children will be attending, the NRM committee will be contributing \$2000 plus Civic Centre Fees to enable the children to attend the event for free.

ATTACHMENTS

- I. Natural Resource Management Advisory Committee - Draft Minutes 19 June 2024 [↓](#)



MINUTES

Natural Resource Management Advisory Committee Meeting Wednesday, 19 June 2024

**NATURAL RESOURCE MANAGEMENT ADVISORY
COMMITTEE MEETING MINUTES**

19 JUNE 2024

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**NATURAL RESOURCE MANAGEMENT ADVISORY
COMMITTEE MEETING MINUTES**

19 JUNE 2024

**MINUTES OF COWRA COUNCIL
NATURAL RESOURCE MANAGEMENT ADVISORY COMMITTEE MEETING
HELD AT COMMITTEE ROOM 1, COUNCIL ADMINISTRATION BUILDING, 116
KENDAL STREET, COWRA
ON WEDNESDAY, 19 JUNE 2024 AT 1PM - 3PM**

PRESENT: Chairperson Councillor Peter Wright, Mr John Rankin, Mr Dylan Gower, Mr Rob Davidson, Mr Ian McColl, Mr Jayden Gunn

IN ATTENDANCE: Cassandra Gailey (Secretariat)

1 APOLOGIES Larissa Hackett (Director-Environmental Services), Casey Proctor, Ian Packer

2 CONFIRMATION OF MINUTES

COMMITTEE RESOLUTION

That the minutes of the Natural Resource Management Advisory Committee Meeting held on 24 April 2024 be confirmed.

Moved R Davidson **Seconded** J Rankin

CARRIED

3 BUSINESS ARISING FROM PREVIOUS MINUTES

3.1 NRM Committee Meeting Action Items

The Action List as presented was received and updated.

3.2 Microplastics Presentation – Science Week Event

Schools Presentation by Lisa Blair organised for 9 August over 2 sessions at Cowra Civic Centre. Approximately 240 school children in attendance per session.

Jayden Gunn from Birdlife proposing to undertake a presentation on Birds as part of School Presentation.

COMMITTEE RESOLUTION

That the NRM committee supports the Schools event by contributing \$2,000 towards Lisa Blair's presentation fees and cover the cost of Civic Centre booking fees of approximately \$516 from the NRM Trust Account.

Moved I McColl **Seconded** R Davidson

CARRIED

**NATURAL RESOURCE MANAGEMENT ADVISORY
COMMITTEE MEETING MINUTES****19 JUNE 2024****3.3 Tidy Towns & RAFCA**

Cr Judi Smith presented to the committee projects the Tidy Towns committee were involved in and proposing for 2024; including RAFCA.

4 REPORTS OF COUNCIL OFFICERS

Nil

5 GENERAL BUSINESS**5.1 NRM Projects**

Further discussions to workshop ideas and develop a plan of action to be considered at the next NRM workshop in July.

5.2 Intrepid Landcare

Update provided by Jayden Gunn of Intrepid Landcare's programs to support and inspire young people to create environmental change and participate in Landcare in their community.

5.3 Archibird

Report for 2023 to be finalised and presented to the committee. Consideration will be given to allocation of resources to enable this to continue in 2024.

6 ACTION ITEMS

Attached

7 NEXT MEETING DATE

The next meeting will be held on Wednesday, 21 August 2024 at 1pm-3pm in the Committee Room 1, Council Administration Building, 116 Kendal Street, Cowra.

8 NEXT WORKSHOP DATE

The next workshop will be held on Wednesday, 24 July 2024 at 1pm in the Committee Room 1, Council Administration Building, 116 Kendal Street, Cowra.

9 MEETING CLOSE

The Meeting closed at 2.40pm.

.....
CHAIRPERSON

5 LATE REPORTS

6 NOTICES OF MOTIONS

Nil

7 CONFIDENTIAL MATTERS

Nil