



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

1.1 Recording & Publishing

The Mayor advised that the meeting was being recorded.

1.2 Acknowledgement of Country

The Mayor delivered the Acknowledgment of Country.

1.3 Apologies and Applications for Leave of Absence by Councillors

Apology

COMMITTEE RESOLUTION

Moved: Cr 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

1.4 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.

1.5 Presentations

Nil

1.6 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 I, 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 I on Lot 363 DP 752948, 14 Shelley Street Cowra be approved subject to the following conditions:

GENERAL CONDITIONS

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

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

| Plan No./ Supporting Document | Prepared by/Reference Details | Cowra Shire Council Reference |
|--|---|--|
| Proposed Site Plan | Currajong Drawn 29/06/24 REV B | Received 12 June 2024 Stamped No. DA 10.2024.14.2 |
| Engineering Certification Letter to Kate Wilson | Calare Civil Pty Ltd 2 February 2024 | Received 15 February 2024 Stamped No. DA 10.2024.14.1 |

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

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

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

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

- 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 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 I1 | 30/04/2024 Job 22090 Issue J | 1 May 2024 Stamped No. 10.2023.80.1 (C) |
| Shadow Diagrams Drawing I2 | McKinnon Design 30/04/2024 Job 22090 Issue J | Received 1 May 2024 Stamped No. 10.2023.80.1 (C) |
| Shadow Diagrams Drawing I3 | McKinnon Design 30/04/2024 Job 22090 Issue J | Received 1 May 2024 Stamped No. 10.2023.80.1 (C) |
| Cover Sheet, Locality Plan and Drawing Schedule Drawing C00 | TTW 26.02.24 Project 231867 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) |

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| Vehicle Scraping Details Sheet 2 Drawing C21 | TTW July 2024 Project 231867 Revision P1 | Received 20 March 2024 Stamped No. 10.2023.80.1 (A) |
| Vehicle Scraping Details Sheet 3 Drawing C22 | TTW July 2024 Project 231867 Revision P1 | Received 20 March 2024 Stamped No. 10.2023.80.1 (A) |
| Stormwater Reticulation Layout Sheet 1 of 2 | Heath Consulting Engineers June 2024 Job 24_015 Rev B | Received 12 June 2024 Stamped No. 10.2023.80.1 (A) |
| Sewer and Water Reticulation Layout Sheet 2 of 2 | Heath Consulting Engineers June 2024 Job 24_015 Rev B | Received 12 June 2024 Stamped No. 10.2023.80.1 (A) |
| Asbestos Identification | Safe Work and Environments 14 September 2023 SWE Ref SI 12330.1 | Received 9 November 2023 Stamped No. 10.2023.80.1 |
| BASIX Certificate No. 1392974M | Marc Kiho Issued: 28 July 2023 | Received 30 August 2023 Stamped No. 10.2023.80.1 |
| Statement of Environmental Effects V04032024 | Saunders Property 4 March 2024 | Received 8 March 2024 Stamped No. DA 10.2023.80.1 (C) |
| Additional Information V280424 | Saunders Property 28 April 2024 | Received 29 April 2024 Stamped No. DA 10.2023.80.1 |

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

2. The applicant shall comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the Environmental Planning and Assessment Regulation 2021 (see attached Advisory Note).
3. The development is to be undertaken in the following stages:

Stage 1 - The demolition of the existing dwelling.

Stage 2 – The construction of four new dwellings and associated infrastructure including access crossings, driveways, landscaping and all service connections.

Stage 3 – Four lot Torrens Title subdivision.

- 4. Pursuant to Section 4.17(4) of the Environmental Planning & Assessment Act 1979, the outcome that this development must achieve is the establishment of a single dwelling on each allotment. This is to be achieved by ensuring that all stages of the development are completed in accordance with condition 3.**
- 5. Any cutting and filling on the site shall be either battered at a maximum slope of one vertical to two horizontal (1V:2H) and revegetated or suitably retained by a retaining structure, designed and constructed to appropriate engineering standards. A retaining wall that does not comply with State Environmental Planning Policy (Exempt & Complying Development Codes) 2008 will require the prior consent of Council. The erection of retaining walls may require the approval and certification of a suitably qualified structural engineer. All works are to be carried out within the boundaries of the property and without affecting the structural integrity of boundary fencing or neighbouring structures.**
- 6. Where the proposed building works necessitate the cutting-in of new stormwater outlets into the existing street kerb, the Applicant and plumbing/drainage contractor shall ensure that the following procedures are carried out:**
 - (i) A kerb adaptor suitable for the particular kerb profile and capable of withstanding vehicle loadings is to be utilised;**
 - (ii) The opening in the kerb is created by either a saw cut or bored hole only. Breaking out the kerb by impact methods is not permitted;**
 - (iii) The kerb adaptor is to be kept flush with the top and outside face of the kerb; and**
 - (iv) The fixing of the kerb adapter and filling in of side gaps is to be undertaken by the use of an epoxy resin. Mortar or concrete is not to be used.**
- 7. Traffic movements from proposed lots 3 & 4 out of the development to Short Street must turn left.**

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE 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

²Council'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.

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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 [↓](#)

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 [↓](#)

3.3 Investments and Financial Report

File Number: D24/1224

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

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

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:
 - o 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.
 - o The Development Application is for a farm building where the applicant has not requested a variation to Council policy.
 - o 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 [↓](#)

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 [↓](#)

- 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.**
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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.

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 '1' 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 [↓](#)

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 [↓](#)

5 LATE REPORTS

6 NOTICES OF MOTIONS

Nil

7 CONFIDENTIAL MATTERS

Nil