



AGENDA

General Committee Meeting

Date: Tuesday, 13 June 2023

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 May 2023



MINUTES

General Committee Meeting Monday, 8 May 2023

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**MINUTES OF COWRA COUNCIL
GENERAL COMMITTEE MEETING
HELD AT THE COWRA COUNCIL CHAMBERS, 116 KENDAL STREET, COWRA
ON MONDAY, 8 MAY 2023 AT 5PM**

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

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

I INTRODUCTION

1.1 Recording & Publishing

The Mayor advised that the meeting was being recorded.

1.2 Acknowledgement of Country

The Mayor delivered the Acknowledgment of Country.

1.3 Apologies and Applications for Leave of Absence by Councillors

Nil

1.4 Disclosures of Interest

Nil

1.5 Presentations

Nil

1.6 Public Forum

Nil

2 CONFIRMATION OF MINUTES

COMMITTEE RESOLUTION

Moved: Cr Nikki Kiss

Seconded: Cr Cheryl Downing

That the minutes of General Committee Meeting held on 11 April 2023 be confirmed.

CARRIED

3 DIRECTOR-CORPORATE SERVICES REPORT**3.1 Investments****COMMITTEE RESOLUTION**

Moved: Cr Judi Smith

Seconded: Cr Ruth Fagan

That Council note the Investments and Financial Report for April 2023.

CARRIED

4 DIRECTOR-INFRASTRUCTURE & OPERATIONS REPORT**4.1 Committee Minutes - Traffic Committee****COMMITTEE RESOLUTION**

Moved: Cr Paul Smith

Seconded: Cr Sharon D'Elboux

- 1. That the minutes of the Traffic Committee meeting held on 11 April 2023 be noted.**
- 2. That Council note the traffic classifier information recording traffic speeds through the school zone on the State highway at Holmwood School has been forwarded to NSW Police through the Local Traffic Committee.**
- 3. That Transport for New South Wales (TfNSW) upgrade the SCHOOL ZONE & SCHOOL DAYS signage to "C" size, reflective, and flashing annulus, to improve the advance warning of the 40km/h school zone around Holmwood Public School.**

CARRIED

5 LATE REPORTS

Nil

6 NOTICES OF MOTIONS

Nil

The Meeting closed at 5.10 pm.

The Minutes of this meeting were confirmed at the General Committee Meeting held on 13 June 2023.

.....
CHAIRPERSON

3 DIRECTOR-CORPORATE SERVICES REPORT

3.1 Investments

File Number: D23/715

Author: Michael Jones, Director - Corporate Services

RECOMMENDATION

That Council note the Investments and Financial Report for May 2023.

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. Rates & Investments Report - May 2023 [↓](#)

ATTACHMENT

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Investments

I. Investments Portfolio as at 1 June 2023

I hereby certify that all of the above investments have been placed in accordance with the Act, the regulations and Council's investment policy.

	S&P Rating	Date Lodged	Term (Days)	%	Date Due	Principal \$
COMMONWEALTH BANK OF AUSTRALIA	A-1+	31/01/2023	126	4.23%	6/06/2023	500,000.00
IMB LTD	A-2	31/01/2023	126	4.00%	6/06/2023	250,000.00
SUNCORP-METWAY LTD	A-1	7/03/2023	91	4.18%	6/06/2023	500,000.00
SUNCORP-METWAY LTD	A-1	30/06/2022	348	3.74%	13/06/2023	500,000.00
SUNCORP-METWAY LTD	A-1	13/12/2022	182	4.21%	13/06/2023	500,000.00
ST GEORGE BANK	A-1+	14/09/2022	273	3.10%	14/06/2023	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	28/03/2023	91	4.28%	27/06/2023	500,000.00
SUNCORP-METWAY LTD	A-1	26/07/2022	336	3.83%	27/06/2023	500,000.00
SUNCORP-METWAY LTD	A-1	2/08/2022	336	3.57%	4/07/2023	500,000.00
SUNCORP-METWAY LTD	A-1	21/12/2022	195	4.23%	4/07/2023	500,000.00
IMB LTD	A-2	10/01/2023	183	4.10%	12/07/2023	600,000.00
ING BANK	A-2	14/03/2023	126	4.12%	18/07/2023	500,000.00
ING BANK	A-2	21/12/2022	216	3.80%	25/07/2023	500,000.00
ST GEORGE BANK	A-1+	23/08/2022	336	3.00%	25/07/2023	500,000.00
ST GEORGE BANK	A-1+	20/09/2022	308	3.20%	25/07/2023	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	4/10/2022	308	4.29%	8/08/2023	1,000,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	6/09/2022	336	3.96%	8/08/2023	500,000.00
NEWCASTLE PERMANENT BUILDING SOCIETY LTD	A-2	16/05/2023	91	4.10%	15/08/2023	1,000,000.00
ST GEORGE BANK	A-1+	4/10/2022	315	3.20%	15/08/2023	500,000.00
ST GEORGE BANK	A-1+	4/10/2022	322	3.20%	22/08/2023	500,000.00
ST GEORGE BANK	A-1+	23/05/2023	91	3.88%	22/08/2023	500,000.00
ING BANK	A-2	6/12/2022	273	4.01%	5/09/2023	1,000,000.00
ING BANK	A-2	8/11/2022	308	4.07%	12/09/2023	500,000.00
BENDIGO & ADELAIDE BANK LTD	A-2	11/04/2023	161	4.35%	19/09/2023	1,000,000.00
IMB LTD	A-2	16/05/2023	126	4.65%	19/09/2023	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	25/10/2022	336	4.36%	26/09/2023	500,000.00
SUNCORP-METWAY LTD	A-1	28/03/2023	182	4.46%	26/09/2023	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	8/12/2022	306	4.26%	10/10/2023	1,000,000.00
NATIONAL AUSTRALIA BANK LTD	A-2	10/01/2023	274	4.44%	11/10/2023	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-2	28/03/2023	210	4.45%	24/10/2023	500,000.00
BANK OF QUEENSLAND (Wyangala Sewer Handover)	A-2	3/05/2023	181	4.60%	31/10/2023	1,000,000.00
ING BANK(Wyangala Sewer Handover)	A-2	3/05/2023	181	4.12%	31/10/2023	920,914.23
NATIONAL AUSTRALIA BANK LTD	A-1+	2/05/2023	182	4.55%	31/10/2023	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	4/04/2023	217	4.34%	7/11/2023	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	9/05/2023	182	4.75%	7/11/2023	500,000.00
ING BANK	A-2	24/01/2023	294	4.30%	14/11/2023	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	23/05/2023	182	4.85%	21/11/2023	1,000,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	2/05/2023	210	4.55%	28/11/2023	1,000,000.00
NATIONAL AUSTRALIA BANK LTD	A-2	23/05/2023	196	4.85%	5/12/2023	500,000.00
ING BANK	A-2	14/03/2023	273	4.83%	12/12/2023	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	30/05/2023	203	4.70%	19/12/2023	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	2/05/2023	273	4.45%	30/01/2024	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	4/05/2023	271	4.58%	30/01/2024	500,000.00
SUNCORP-METWAY LTD (BARP)	A-1	30/05/2023	245	4.96%	30/01/2024	2,000,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	18/04/2023	336	4.40%	19/03/2024	500,000.00
Total						\$ 28,270,914.23

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

Scott Ellison
Manager – Finance
 1/6/23

2. Interest Rate

The average interest rate for Council's investments held is 4.18%. At the time of preparing this report, average (market rates) interest rates were as follows as at 31 May 2023:

30 Days	60 Days	90 Days	120 Days	150 Days	180 Days	270 Days	1 YR
2.58%	2.77%	4.46%	4.52%	4.59%	4.71%	4.76%	4.79%

3. General Fund Balance

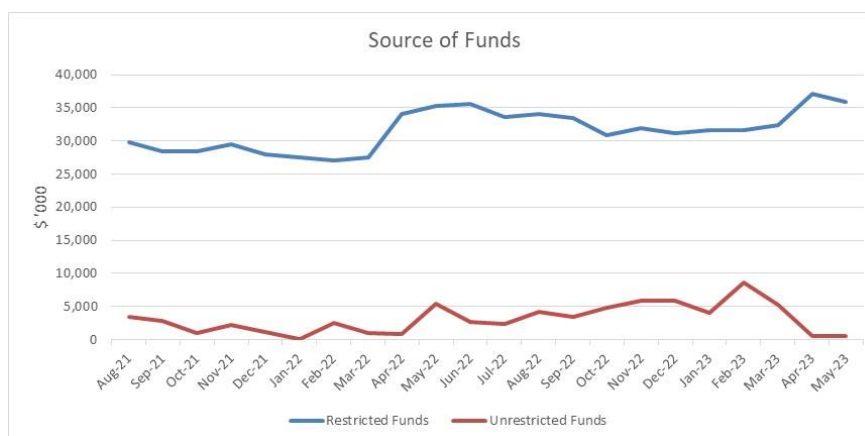
As at 1 June 2023 balances for Cowra Shire Council for Transaction Accounts and Cash in hand were as follows:

CBA General Account	\$'000
General Fund bank account	1,824
On-Call account balance	7,000
Cash in hand	4
TOTAL	\$8,828

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

The table and graph below show Council's source of funds with the split between Restricted and Unrestricted. The unrestricted funds representing the operating capital available to Council at any given time.

Source of Funds	\$'000
Investment Portfolio	28,271
Cash and Cash Equivalents - General Ledger	8,828
TOTAL	\$ 37,099
Represented By:	
Restricted Funds	36,522
Unrestricted Funds	577
TOTAL	\$ 37,099



4. Council's Investments – Mix of Investment Ratings

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

“6. Approved Investments

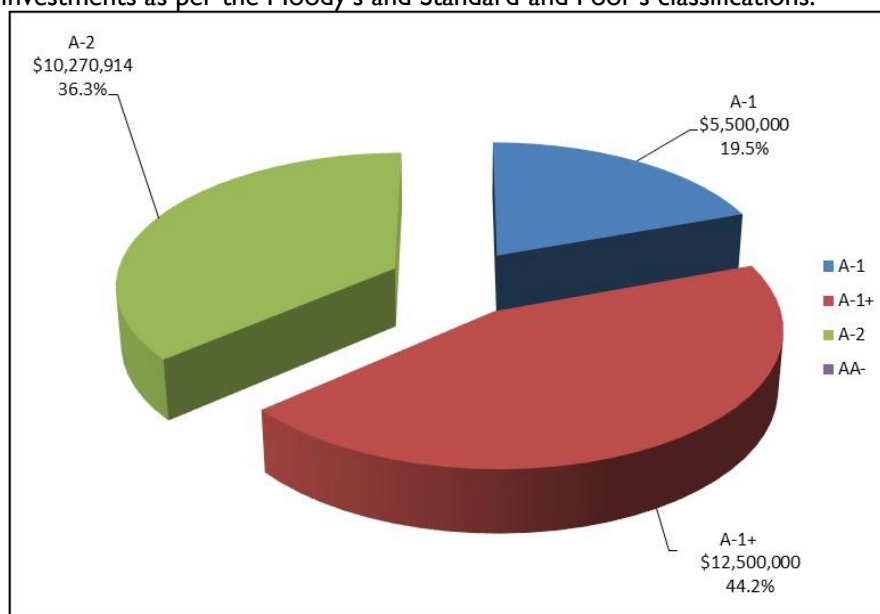
Investments are limited to those allowed by the most current Ministerial Investment Order that has been issued by the NSW Minister for Local Government.

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

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

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

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



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

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

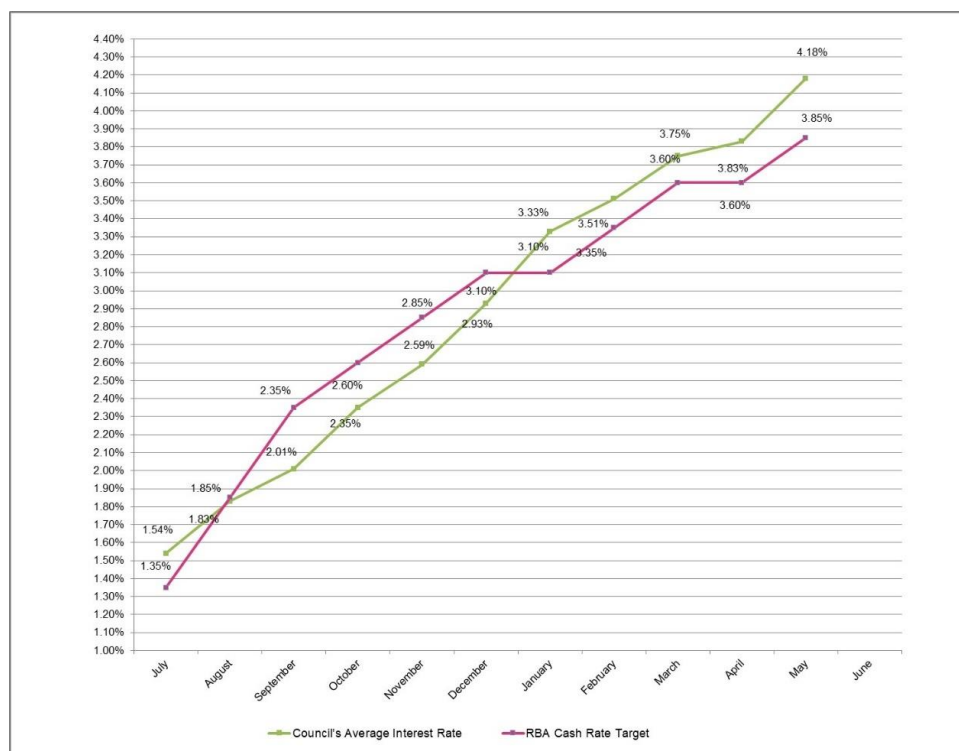
Any securities which are given a Moody's Investors Service Inc credit rating of "Aaa", "Aa1", "Aa2", "Aa3", "A1", "A2" or "Prime-1" or a Standard and Poor's Investors Service, Inc credit rating of "AAA", "AA+", "AA", "AA-", "A+", "A", "A1+" or "A1"

5. Interest on Investment Income

Interest on investments income of \$741K has been included in the 2022/2023 Budget. Performance of investments is monitored monthly.

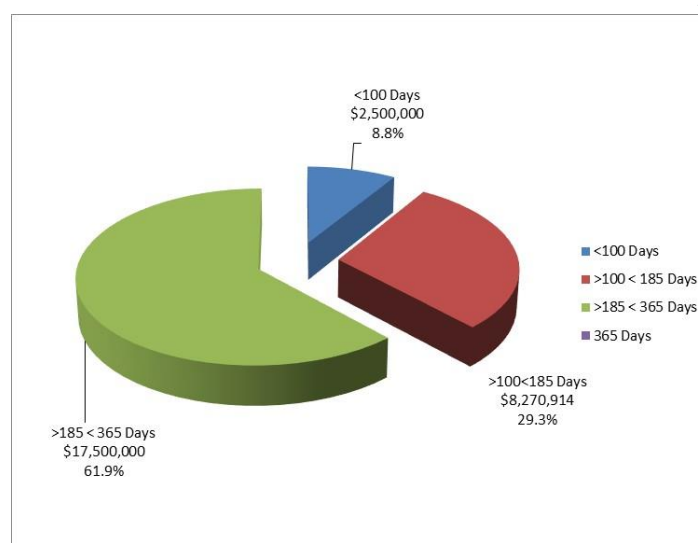
6. Term Deposit Average Monthly Interest Rate Compared to the RBA Cash Rate Target

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



7. Maturity Profile of Council's Investments

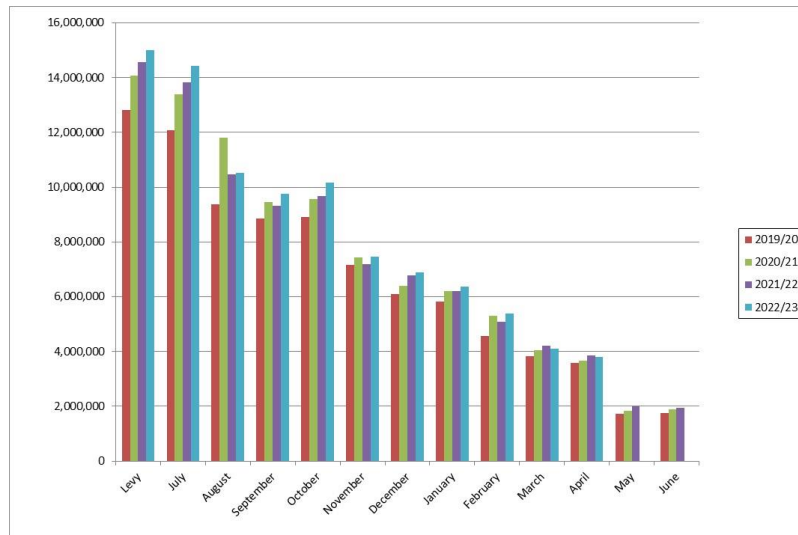
The following pie-chart shows the mix of Council investments for the month by maturity type.



Rates

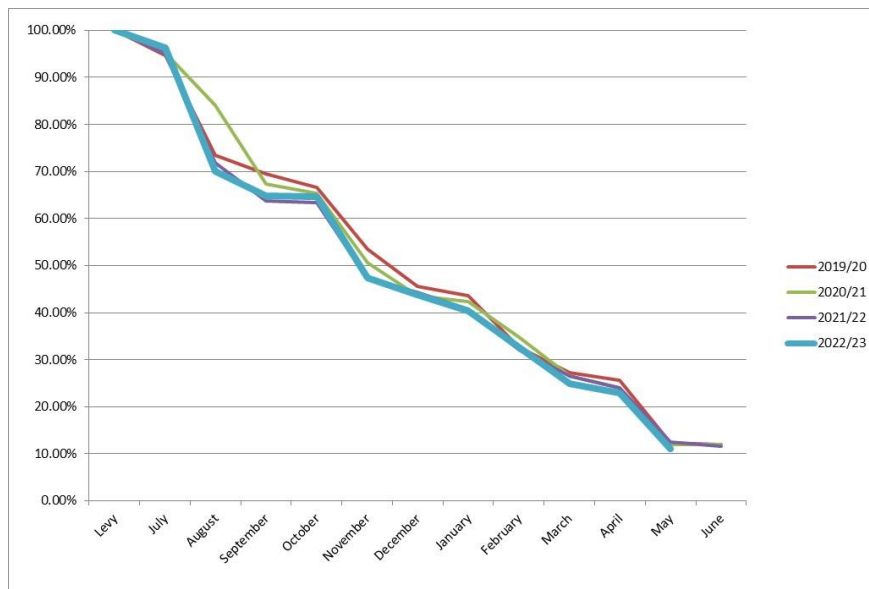
8. Comparison of Rate Collection Progress for 2022/23 to prior years

The following graph shows the total rate levy and arrears carried forward at the time of the rate levy in July 2022. Council's debt collection policy has the objective of having no more than 10% of rates outstanding by the end of each financial year.



9. Council Rate Levy - % Comparison

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



10. Council Rate Levy – Arrears and Recovery Action

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

Arrears at 30 June 2022		\$	1,877,308
Collected – Year to Date (as per last month's report)	\$	962,443	
Collected in May 2023	\$	33,997	\$ 996,440
Balance as at 1 June 2023		\$	880,868
Rates – Currently under legal proceedings	\$	123,274	
Arrangements (Repayment Schedules)	\$	757,594	
	\$	880,868	

11. Indicative Position of General Fund for the Current Year to 30 June 2023

The following table shows Council's budget result based on the budget set as per Council's Operational Plan for 2022/2023.

Budget Income Statement - 2022/2023 Operating Result - Before Capital Grants & Contributions						Budget Cash At End Of Year - 2022/2023				
Resolution	Consolidated	General	Water	Sewer	Waste	Consolidated	General	Water	Sewer	Waste
	'000	'000	'000	'000	'000	'000	'000	'000	'000	'000
Adopted Budget	(465)	404	187	(1,264)	207	25,752	12,846	3,475	7,574	1,857
150/22 Cowra Gasworks Voluntary Management Proposal	(121)	(121)				(121)	(121)			
226/22 2022 Cowra Christmas Festival Contribution	(35)	(35)				(35)	(35)			
End of 1st Quarter - Prior to Review	(621)	248	187	(1,264)	207	25,596	12,690	3,475	7,574	1,857
1st Quarter Budget Review	-1,147	-258	203	-1,302	210	32,281	15,376	7,118	7,706	2,081
End of 2nd Quarter - Prior to Review	-1,147	-258	203	-1,302	210	32,281	15,376	7,118	7,706	2,081
2nd Quarter Budget Review	-1,770	-1,309	-872	69	342	32,593	14,014	6,921	9,404	2,254
End of 3rd Quarter - Prior to Review	-1,770	-1,309	-872	69	342	32,593	14,014	6,921	9,404	2,254
3rd Quarter Budget Review	-2,385	-1,644	-1,045	27	277	34,895	16,673	6,724	9,362	2,136
	(2,385)	(1,644)	(1,045)	27	277	34,895	16,673	6,724	9,362	2,136

Loans

12. Interest Rate

The average interest rate for Council's current loans is 5.65%. Weighted Average Interest Rate (based on principal outstanding) is 6.43%.

13. Loan Summary

Summary of Current Loans and Purpose as at 31 May 2023.

loan No	lender	Date Obtained	Due Date	Principal \$	Interest Rate %	Principal \$ O/S 31/05/2023
GENERAL						
233	NATIONAL AUST. BANK (SALEYARDS)	29/05/2003	29/11/2022	220,000	6.20	0
234	NATIONAL AUST. BANK (POOL KIOSK)	13/06/2003	13/06/2023	1,600,000	5.81	64,247
236	COMMONWEALTH (RIVER PK AMEN/VAUX DRAINAGE)	28/01/2005	1/02/2025	433,500	6.31	70,877
241B	COMMONWEALTH BANK (VAUX ST DRAINAGE WEST)	18/12/2006	18/12/2036	166,000	6.35	114,347
242B	COMMONWEALTH BANK (MULYAN OVAL AMENITIES)	22/08/2007	24/08/2037	95,000	6.80	67,637
249	NATIONAL AUST. BANK (CIVIC CENTRE REFURBISHMENT)	22/12/2008	22/12/2033	1,395,390	8.15	929,179
245	NATIONAL AUST. BANK (CIVIC CENTRE REFURBISHMENT)	29/06/2009	29/06/2029	234,000	8.33	118,678
246	NATIONAL AUST. BANK (SALEYARDS EFFLUENT SCREENS)	16/04/2010	16/04/2025	225,000	8.01	47,464
250	NATIONAL AUST. BANK (DRAINAGE IMPROVEMENTS)	28/06/2013	28/06/2028	250,000	6.36	115,206
253A	NSW TREASURY (DEPOT REDEVELOPMENT - STAGE 1)	27/06/2016	27/06/2026	400,000	2.63	141,710
253B	NSW TREASURY (AIRPORT SUBDIVISION)	27/06/2016	27/06/2026	1,478,993	2.63	523,926
253C	NSW TREASURY (CEMETERY EXPANSION)	27/06/2016	27/06/2026	250,000	2.63	88,540
254A	NSW TREASURY (DEPOT REDEVELOPMENT - STAGE 2)	11/05/2020	11/05/2040	512,120	2.41	449,999
254B	NSW TREASURY (CBD FOOTPATH REFURBISHMENT)	11/05/2020	11/05/2040	1,437,788	2.41	1,263,658
254C	NSW TREASURY (LOW LEVEL BRIDGE REPAIRS)	11/05/2020	11/05/2040	500,000	2.41	439,449
						4,434,916
WASTE						
247	NATIONAL AUST. BANK (RECYCLING PLANT)	16/04/2010	16/04/2025	538,500	8.01	113,597
						113,597
WATER						
238	COMMONWEALTH (CBD MAINS REPLACEMENT)	22/02/2006	23/02/2031	1,000,000	6.03	489,111
241A	COMMONWEALTH BANK (WATER MAIN REPLACEMENT)	18/12/2006	18/12/2036	1,256,000	6.35	865,492
242A	COMMONWEALTH BANK (1C1 ZONE)	22/08/2007	24/08/2037	1,286,500	6.80	915,452
251	WESTPAC (EMERGENCY WATER SUPPLY CONSTRUCTION)	28/06/2013	27/06/2033	1,186,124	6.566	793,338
252	NATIONAL AUSTRALIA BANK (WATER TREATMENT PLANT AUTOMATION)	18/06/2014	18/06/2024	3,875,000	5.050	597,307
						3,660,701
SEWERAGE						
244	NATIONAL AUST. BANK (SEWER TREATMENT PLANT)	6/05/2010	04/05/2040	7,213,230	8.13	5,981,595
						5,981,595
GRAND TOTAL						\$14,190,810

3.2 Section 355 Committee Minutes – Cowra Sport & Recreation Council

File Number: D23/674

Author: Michael Jones, Director - Corporate Services

RECOMMENDATION

That the Draft Minutes of the Cowra Sport & Recreation Council meeting held on 10 May 2023 be noted.

INTRODUCTION

Attached for the information of Councillors are the Draft Minutes from the recent Section 355 Committee meeting for the Cowra Sport & Recreation Council.

BUDGETARY IMPLICATIONS

Nil

ATTACHMENTS

- I. Minutes of Cowra Sports & Recreation Committee - 10 May 2023 [↓](#)



MINUTES

Cowra Sports & Recreation Committee Meeting Wednesday, 10 May 2023

**COWRA SPORTS & RECREATION COMMITTEE MEETING
MINUTES****10 MAY 2023****Order Of Business**

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**COWRA SPORTS & RECREATION COMMITTEE MEETING
MINUTES****10 MAY 2023****MINUTES OF COWRA COUNCIL
COWRA SPORTS & RECREATION COMMITTEE MEETING HELD AT THE
NGULUWAY ROOM, COWRA LIBRARY
ON WEDNESDAY, 10 MAY 2023 AT 6PM**

PRESENT: Lee Wilson (Jnr Cricket, Jnr Soccer), Louise Johnson (Community Health), Marc McLeish (Snr Rugby League), Tom Perfect (Golf), Krisha Tysoe (Little Athletics), Jason Munday (Swimming),

COUNCIL DELEGATE: Cr Cheryl Downing

IN ATTENDANCE: Phillipa Childs (Manager–Cowra Services), Charlotte Forester (Team Leader – Aquatic Centre)

APOLOGIES: Committee - Eliot Morgan (Mountain Bike), Amanda Hawkins (Riding for Disabled)

ABSENT: Other - David Porter (Triathlon), Gaye Tremble (Netball), Flynn Bennett (Snr Soccer)

1 APOLOGIESApology

That the apology received from Eliot Morgan (mountain bike event) and Amanda Hawkins (Riding for Disabled commitment) be accepted and leave of absence granted.

2 CONFIRMATION OF MINUTES

That the minutes of Cowra Sports & Recreation Committee Meeting held on 23 November 2022 be confirmed.

3 BUSINESS ARISING FROM PREVIOUS MINUTES

All items included in agenda to follow.

4 REPORTS**4.1 Grants and Financials Update**

It was recommended that at future meetings a summary of Council's quarterly budget for sports fields be tabled.

The committee discussed the fact that 2023/2024 fees for sport clubs have been reviewed to reflect the resources allocated, for example the fees for cricket has now been reviewed based on staff and equipment costs to prepare the ground per game.

4.2 Infrastructure**Netball**

**COWRA SPORTS & RECREATION COMMITTEE MEETING
MINUTES****10 MAY 2023**

The committee was informed that the tender for construction has been awarded to Bernie Wilkinson and construction work is due to commence in September following the current netball season. There have been some changes to the project scope due to budget, specifically the earthworks to expand the room available on the lower courts and to form a viewing embankment will not form part of the project.

Aquatic Centre Upgrade

The committee was informed that a community information meeting was held on the 7th May attended by representatives from swimming club, MIPS and swim teachers. At the meeting, plans extracted from the concept design were shown and those attending were informed of the current project timeframes and funding plan. The extracted plans were tabled for the committee and were received with positive feedback.

Minor projects

It was noted that Council has carried out works to the Junior Rugby League field including installation of a new scoreboard that was obtained by the club through grant funding. Council have also replaced the canteen cupboards and sink after the existing canteen was badly damaged by the flood and no longer compliant with health standards.

Committee discussed West Cowra Rec Ground and the need for upgrade works. The committee mentioned that the facility lends itself to expansion and utilisation by more clubs. The greyhound track and equipment limit the facility to expansion of the ground.

Committee commented on the importance of parks and their use in recreation for example Park Run and various walking areas. The committee was informed of completion of Saburo Nagakura park and planning underway for playground upgrades at Harry Chapman Park.

Aquatic Centre minor works currently underway include new BBQ's and shelter areas after the existing were damaged beyond repair in the November 2022 flood.

4.3 Networking night

Council are currently planning to host a networking night with increased involvement with the clubs.

- The night will include a grants information sessions with Council's Grants Officer.
- Regional sports stakeholders will also be invited to provide information for example NSW Sport.
- First aid assistance will be discussed to assist sporting teams especially with defibrillators.
- The committee would be interested in information about general coaching sessions for volunteers that is hands on, not online.
- There is no annual sporting awards in Cowra and this could become part of the Networking Evening. The committee reported that the Cowra Sportsperson of the Year awards is starting to become active again.

4.4 Club Updates

- Jnr cricket was nominated for the NSW Cricket Community Junior Cricket Initiative award and won. The committee passed on their congratulations to the club. This was a

**COWRA SPORTS & RECREATION COMMITTEE MEETING
MINUTES****10 MAY 2023**

highly competitive process and now the club has been nominated for the Australian Cricket Community Junior Cricket Initiative.

Cricket has also put in a grant for upgrades to the cricket nets however that was not successful. This is a safety matter as there are holes in the nets and pedestrian access behind the nets.

- Soccer. There are some infrastructure issues with the Edgell Park amenities and these are starting to be repaired by Council.

There is a sewerage and stormwater issue that is presenting a health hazard and also creating an earthworks problem on the field.

The committee discussed the ongoing stormwater issues at Edgell Park.

The committee discussed the safety issue with the parking at Edgell Park and noted that the 40km/hr zone is not being enforced when soccer is on.

- Swimming Club. The season was very successful. The club was grateful for the cooperation in returning to business as usual after the flood. The club may look to do some winter training at a nearby facility for example Blayney pool.
- Jnr Rugby League is going really well this season and there has been talk to look to combine with Rugby League to utilise West Cowra Rec Ground better.
- Athletics club was unfortunately not insured for flood damage due to their proximity to the river. The athletics season was very successful. The club obtained a Council grant that helped replace some equipment. Little A's NSW has obtained some second hand high jump mats that will be donated to the club. Conversations are happening with Canowindra club to look to merge with Cowra Athletics club. There were a lot of tiny tots (3-5year olds) that joined the club last year and a state government grant for \$7,000 worth of equipment for this age group has been awarded to the club. The committee is looking at new ways to better manage the large numbers that are attending on a weekly basis. The committee will look at encouraging older age groups that have benefited from the club to come back to the club to assist. The club will also be focussing on training for volunteers.
- Golf. A professional level event was held and the competition was great. The bunkers have been renewed following flooding and are very good quality. The numbers are the same with juniors picked up. There is currently a good option for people to get a golf community coaching accreditation.
- Magpies – The current season is running well. The club has decided to become a minor division club that will better suit the clubs competition. Compliance is a challenge and the volunteers are finding the training sessions for coaching difficult and expensive with many hoops to jump through. League tag is going well with good collaboration with the senior and junior girls and great numbers.

**COWRA SPORTS & RECREATION COMMITTEE MEETING
MINUTES****10 MAY 2023****Section 355**

The committee was informed that General Manager Paul Devery has requested answers to various questions to review Councils section 355 committees. The club noted the following.

1. The club has reconvened to be an effective conduit between Council and the sporting clubs and to support Councils sporting strategic plans.
2. The sport and rec networking night has demonstrated commitment to the committee, and attendance at meetings are good. The committee is a very great communication device for those who choose to use it.
3. The committee adds value to Council in supporting their strategic plans.
4. The committee can be more effective with more collaboration with the clubs.
5. The committee could benefit from more frequent meetings with the suggestion being every second month. The committee may also look to recruit another one or two members.
6. Council staff resources is all that is required.

5 GENERAL BUSINESS**5.1 Grants**

Grant support and information for clubs needs to be improved so that clubs are aware of what grants are available and what grants Council is applying for.

Notable achievements

- Nicole Tarbot has won an international gold medal for Muay Thai.
- Kai Garret won the National Champion hammer throw.
- Casey Thompson obtained a Women in Golf scholarship as a training professional.
- Karly Woods has been selected for Western NSW Youth Academy Squad female under 16's.

Council is making enquiries to live stream the FIFA Women's World Cup at West Cowra Rec Ground.

6 NEXT MEETING DATE

The next meeting will be held on 12 July at 6pm.

7 MEETING CLOSE

The Meeting closed at 8pm.

.....
CHAIRPERSON

**3.3 Section 355 Committee Minutes - Cowra Regional Art Gallery
Advisory Committee**

File Number: D23/708

Author: Michael Jones, Director - Corporate Services

RECOMMENDATION

**That the Minutes of the Cowra Regional Art Gallery Advisory Committee meeting
held on 8 March and 14 April 2023**

be noted.

INTRODUCTION

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

BUDGETARY IMPLICATIONS

Nil

ATTACHMENTS

1. Minutes of the Advisory Committee of Cowra Regional Art Gallery Meeting - 8 March 2023
 [!\[\]\(eb2da236c8e866008a78d7aa69bcc6c9_img.jpg\)](#)
2. Minutes of the Advisory Committee of Cowra Regional Art Gallery Meeting - 14 April 2023
 [!\[\]\(41bd65de259e5aa2d4856c839edd4f76_img.jpg\)](#)

MINUTES OF THE ADVISORY COMMITTEE OF COWRA REGIONAL ART GALLERY MEETING HELD WEDNESDAY, 8 MARCH 2023 COMMENCING 5.00PM AT THE COWRA REGIONAL ART GALLERY

Council Delegate: Cr S. D'Elboux

Committee Present: J. Ware (Acting Chair), L. Foster, Cr S. D'Elboux

In Attendance: B. Langer (Gallery Director)

1. APOLOGIES:

J. Fagan, D. Henley, L. Murray, C. Bennett

2. CONFIRMATION OF THE PREVIOUS MINUTES:

2.1 Motion

Moved: J. Ware Seconded: Lois Foster

Due to the lack of a quorum the minutes of the Gallery Advisory Committee meeting held on 8 February 2023 will be confirmed at the next meeting on 12 April 2023.

Carried

3. BUSINESS ARISING FROM LAST MEETING

Nil

4. CORRESPONDENCE:

4.1 Letter from the General Manager re the review of Section 355 Committees

5. BUSINESS ARISING FROM CORRESPONDENCE:

5.1 Following the receipt of the letter from the General Manager the Gallery Advisory Committee held a special meeting on 24 February to prepare a response.

A letter highlighting several of the achievements of the committee during the past five years as well as committing to the future development of the Gallery was forwarded to the General Manager prior to the March meeting.

MINUTES OF THE ADVISORY COMMITTEE OF COWRA REGIONAL ART GALLERY MEETING HELD WEDNESDAY, 8 MARCH 2023 COMMENCING 5.00PM AT THE COWRA REGIONAL ART GALLERY

Attached with the letter was an updated outline of the *Instrument of Delegation* for the Cowra Regional Art Gallery Advisory Committee.

6. FRIENDS FINANCIAL REPORT:

6.1 Motion

Moved: L. Foster Seconded: J. Ware

That the Friends of the Gallery financial report balance was noted that the balance as at 8 March 2023 was \$6,221.90.

Carried

7. GALLERY DIRECTOR'S REPORT - 8 FEBRUARY TO 8 MARCH 2023

7.1 Program Activities

- The official launch of the children's exhibition **Operation Art** took place with the handover of 6 artworks donated from the Westmead Children's Hospital collection to the Cowra Hospital on Tuesday 21 February, Pauline Rowston – Cowra and Grenfell Health Services received the artworks on behalf of the Cowra Hospital. **Operation Art** exhibition dates were 31 January to Saturday 4 March 2023. The exhibition was presented as an outreach project in collaboration with the Cowra Library.
- A special primary school art teachers workshop presented by the Arts Unit - NSW Department of Education his took place on Wednesday 22 February for the day in the Nguluway room. The workshop was a practical "hands-on" activity presented in association with *Operation Art*. Two of the Gallery children's workshop tutors and a member of staff also attended the workshop.
- The Gallery was closed for the changeover of exhibitions from 5 to 10 February 2023.
- The opening of the exhibition **SIXTY: The Journal of Australian Ceramics 60th Anniversary 1962–2022** took place on Saturday 11 February at 2pm. Guest speaker was Lisa Cahill, exhibition co-curator and Artistic Director Australian Design Centre. The exhibition consists of a unique selection of ceramic works by 22 Australian ceramic artists. Exhibition dates are 12 February to Sunday 19 March.

MINUTES OF THE ADVISORY COMMITTEE OF COWRA REGIONAL ART GALLERY MEETING HELD WEDNESDAY, 8 MARCH 2023 COMMENCING 5.00PM AT THE COWRA REGIONAL ART GALLERY

- Sally McInerney contacted the Gallery with an offer to donate a portrait painting of Olive Cotton by Joy Ewart to the Gallery Collection. The artwork was a finalist in the 1945 Archibald Prize.
- Promotion/marketing for March/April included monthly program listings and exhibition advertising in selected art journals; editorial information in local media such as Discover magazine and poster/flyer distribution to Cowra tourism organizations and local businesses as well as the Council Noticeboard information in the Cowra Guardian
- Social media posting included Facebook, Instagram, and Mailchimp.
- Exhibition and program planning for 2024/2025 ongoing - new exhibitions confirmed are the **National Photographic Portrait Prize 2023** (National Portrait Gallery, Canberra) from December 2023 to February 2024 (Cowra Regional Art Gallery is the only Regional Art Gallery in NSW to host the exhibition) and **Behind the Lines** – Political Cartoons (Museum of Democracy Canberra) from February to March 2024.

7.2 Upcoming program activities April 2023

- Marketing/Website and social media updates to continue.
- Production Autumn Newsletter, invitations and mailout next exhibitions
- Promotional advertising re exhibitions **Red Heart** - aboriginal paintings on loan from the National Museum of Australia and **Utopia Batiks: Textile Artworks from the Utopia Collection Bequest** on loan from Tamworth Regional Gallery.
- De-installation of **Sixty** exhibition + installation of new exhibitions 19 – 24 March 2023
- Exhibition opening for new exhibitions on Saturday 25 March @ 2pm 2023.
- Development of the **“After School Art Club”** project proposed for May 2023.

7.3 Motion

Moved: Janet Ware Seconded: Lois Foster

That the Gallery Director’s report be accepted and confirmed.

Carried

8. GENERAL BUSINESS

8.1 Following a viewing of the painting of Olive Cotton by Joy Ewart to be

MINUTES OF THE ADVISORY COMMITTEE OF COWRA REGIONAL ART GALLERY MEETING HELD WEDNESDAY, 8 MARCH 2023 COMMENCING 5.00PM AT THE COWRA REGIONAL ART GALLERY

donated by Sally McInerney to the Gallery (as mentioned in the Gallery Directors report) the committee members present endorsed the donation but recommended that due to a lack of a quorum a final decision will need to be made at the next committee meeting with a quorum.

- 8.2 Committee assistance re Next opening - Saturday 25 March at 2pm. FOH and catering setup required from 1.15pm. Support to be provided by L. Foster (FOH assistance) and J. Ware (Catering setup assistance).

9. BUSINESS ARISING WITHOUT NOTICE

- 9.1 Cr S. D'Elboux reported that Arts OutWest will hold its 2023 AGM in Cowra on Sunday 25 June 2023. More information will be provided as it becomes available.
- 9.2 Cr S. D'Elboux reported that the *Chalk Festival* she is planning will take place on Saturday 28 October 2023. More information will be provided as it becomes available

10. EXHIBITION CHANGEOVERS

- 10.1 The next changeover of exhibitions is from 2pm Sunday 19 March to Friday 24 March – assistance during this period was discussed by the committee members present with the Gallery Director.

11. NEXT MEETING DATE:

- 11.1 The next meeting of the Gallery Advisory Committee is at the Cowra Regional Art Gallery on Wednesday 12 April 2023 at 5pm

12. MEETING CLOSED:

6.15pm J. Ware (Acting Chair)

MINUTES OF THE ADVISORY COMMITTEE OF COWRA REGIONAL ART GALLERY MEETING HELD WEDNESDAY, 14 APRIL 2023 COMMENCING 5.00PM AT THE COWRA REGIONAL ART GALLERY

Council Delegate: Cr S. D'Elboux

Committee Present: L. Murray (Acting Chair), L. Foster, C. Bennett, Cr S. D'Elboux

In Attendance: B. Langer (Gallery Director) and R. Gillard (proposed new committee member)

1. APOLOGIES and WELCOME:

- 1.1 Welcome by committee members present to R Gillard to the meeting
- 1.2 Apologies were accepted from J. Fagan, J. Ware, D. Henley and L. Chant.

2. CONFIRMATION OF PREVIOUS MINUTES:

2.1 Motion

Moved: L. Murray Seconded: L. Foster

That the minutes of the Gallery Advisory Committee meetings held on Wednesday 8 February 2023 and Wednesday 8 March 2023 be confirmed.

Carried

3. BUSINESS ARISING FROM LAST MEETING:

3.1 Motion

Moved: C. Bennett Seconded: L. Murray

That the Gallery Advisory Committee endorses the recommendation from the 8 March meeting to add to the Gallery Collection a portrait painting of Olive Cotton by artist and Archibald Prize finalist Joy Ewart donated by Sally McInerney.

This is Page 1 of 4 of the Minutes of the Cowra Regional Art Gallery Advisory Committee held on Wednesday 12 April 2023.

MINUTES OF THE ADVISORY COMMITTEE OF COWRA REGIONAL ART GALLERY MEETING HELD WEDNESDAY, 14 APRIL 2023 COMMENCING 5.00PM AT THE COWRA REGIONAL ART GALLERY

Carried

- 3.2 The Gallery Director reported that the purchase at auction of a painting by Cowra artist Ivan Goodacre was unsuccessful. This was due to the final bid exceeding the committees reserve amount.

4. CORRESPONDENCE:

Nil

5. BUSINESS ARISING FROM CORRESPONDENCE:

Nil

6. FRIENDS FINANCIAL REPORT:

- 6.1 It was noted that the Friends of the Gallery financial report balance is unchanged from the March meeting at \$6,221.90.

7. GALLERY DIRECTOR'S REPORT - 9 MARCH TO 14 APRIL 2023

7.1 Program Activities

- **SIXTY: The Journal of Australian Ceramics 60th Anniversary 1962-2022** on tour with the assistance of the Australian Design Centre closed Sunday 19th March 2023. The planned ceramics workshop was cancelled due to unforeseen circumstances relating the availability of artists to travel to Cowra during the exhibition dates.
- The exhibition openings of **Red Heart of Australia** – aboriginal paintings on loan from the National Museum of Australia ('NMA') and **Utopia Batiks: Textile Artworks from the Utopia Collection Bequest** on loan from Tamworth Regional Gallery took place on Saturday 25 March 2023 at 2pm. Guest speaker was Rauny Worm, Head of Visitor Experience at the NMA
- Promotion/marketing for March/April included 2023 Calleen Art Award Call for Entry advertising and listings in selected art journals; editorial information re exhibition events in local magazines including the regional tourism Magazine Discover.

This is Page 2 of 4 of the Minutes of the Cowra Regional Art Gallery Advisory Committee held on Wednesday 12 April 2023.

MINUTES OF THE ADVISORY COMMITTEE OF COWRA REGIONAL ART GALLERY MEETING HELD WEDNESDAY, 14 APRIL 2023 COMMENCING 5.00PM AT THE COWRA REGIONAL ART GALLERY

- Design/Publication and distribution of poster/flyer for new exhibitions to Cowra tourism organizations and local businesses
- Information published in the Council Noticeboard in the Cowra Guardian
- Social media posting included Facebook, Instagram, and Mailchimp.

7.2 Upcoming program activities April/May 2023

- Marketing/Website and social media updates to continue.
- Production Winter Newsletter, invitations and mailout next exhibitions
- Mailout invitations for **Lachlan Valley Biennial Art Award 2023 (LVBAA 2023)**
- Preparation of promotional advertising regarding the exhibition **Lachlan Valley Biennial Art Award 2023 and Calleen Art Award 2023** 'Call for Entries' adverts
- De-installation of **Red Heart and Utopia** exhibitions + installation of **LVBAA2023** exhibition 30 April 2023
- Exhibition opening of **LVBAA2023** on Saturday 6 May 2023 at 2pm.

7.3 Motion

Moved: L. Murray Seconded: L. Foster

That the Gallery Director's Report for 9 March to 14 April 2023 be accepted and confirmed.

Carried

8. GENERAL BUSINESS

- 8.1** Committee assistance will be required at the next opening – **Lachlan Valley Biennial Art Awards 2023** on Saturday 6 May 2023 at 2pm.

9. BUSINESS ARISING WITHOUT NOTICE

- 9.1** General discussion re volunteers

This is Page 3 of 4 of the Minutes of the Cowra Regional Art Gallery Advisory Committee held on Wednesday 12 April 2023.

MINUTES OF THE ADVISORY COMMITTEE OF COWRA REGIONAL ART GALLERY MEETING HELD WEDNESDAY, 14 APRIL 2023 COMMENCING 5.00PM AT THE COWRA REGIONAL ART GALLERY

10. EXHIBITION CHANGEOVERS

- 10.1** The next changeover of exhibitions is from 2pm Sunday 30 April to Friday 5 May 2023 – assistance during this period was discussed by the committee members present with the Gallery Director.

11. NEXT MEETING DATE:

- 11.1** The next meeting of the Gallery Advisory Committee is at the Cowra Regional Art Gallery on Wednesday 10 May 2023 at 5pm

12. MEETING CLOSED:

6.15pm L. Murray (Acting Chair)

This is Page 4 of 4 of the Minutes of the Cowra Regional Art Gallery Advisory Committee held on Wednesday 12 April 2023.

3.4 Donation - Gooloogong Log Cabin Hall Inc.- Esky Ball

File Number: D23/679

Author: Michael Jones, Director - Corporate Services

RECOMMENDATION

That Council decline a request from Gooloogong Log Cabin Hall Inc for a donation of the bin charges for the Gooloogong Esky Ball event held on 18 June, 2022

INTRODUCTION

Gooloogong Log Cabin Hall Inc have written to council requesting a donation of the bin hire and removal of waste charges for the Gooloogong Esky Ball event held on 17 June 2023.

BACKGROUND

The waste charges have been calculated as follows in accordance with Council's Revenue Policy for 2022-2023 and for an estimated 15 bins, similar to previous years:

Fees and charges: \$16 per 240L MGB for an estimated 15 bins - Total charge \$240.

It has been a practice of Council in the past to provide a 50% donation of bin charges. However, on review of this practice as the Revenue Policy for these charges over recent years has not significantly increased, it is suggested that Council should decline the request.

It should also be noted that the cost to provide this service outweighs the fees charged. The current fee for 2022-2023 is deemed "reasonable" within the Revenue Policy, particularly as it is already heavily subsidised.

Despite a recommendation to the July 2022 Council meeting to decline a similar request, Council resolved as follows for the event held in June 2022:

RESOLUTION 1/22

Moved: Cr Sharon D'Elboux

Seconded: Cr Cheryl Downing

- 1. That the report from the Director – Corporate Services is noted.**
- 2. That Council provides a 50% waiver of the bin charges for the Gooloogong Log Cabin Hall Inc Esky Ball event that was held on 18 June 2022 from s356 donations.**

As the Committee on this occasion is requesting a similar donation from the same financial period, it is again requested that Council decline the request for a donation of the bin charges for the Esky Ball event held on 17 June, 2023.

BUDGETARY IMPLICATIONS

\$4,480 is the current balance in the 2022-2023 Budget for Section 356 Donations

ATTACHMENTS

1. Donation request from Gooloogong Log Cabin Hall received 16 May 2023 [↓](#)

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

Cowra
Council

Application for Financial Assistance/Donation

Applicant Information

Local Sporting Team/Organisation	
<small>(applications must be made by the local team of which the individual is a member)</small>	
Contact Name/ Sporting Applicant:	GOOROOONG LHC CABIN HALL.
Mailing address:	1 Post Office GOOROOONG 2805
Phone: (Home)	FUNCTION SECRETARY (Business) - Ann Marie McArdle
annemariemcardle@hotmail.com	Email:
Signature: <i>Per Chris Mear</i>	Date: / /

Organisation Details

Organisation responsible for the event/activity:	ESKY BALL COMMITTEE
President/Secretary Contact Details:	Ann Marie McArdle 188-0404547565
Organisation Type (please circle): Non Profit / Charity / Incorporated / Business / other:	
Do membership fees apply?	YES <input checked="" type="radio"/> NO <input type="radio"/>
If yes, annual membership/fees	\$

Event Details

Description of the event/project/request/person for which assistance is sought	CHARITY BALL, ALL MONIES TO UPKEEP OF HALL
Date/s of the proposed event/project	17.6.23
Venue where will the event/project take place?	GOOROOONG LHC CABIN HALL

Financial Details

Amount of assistance being sought:	COST OF RSN HIRE FOR THE EVENT.
Total Estimated cost of the total event/project	\$
How are funds to be raised?	TICKET SALES / SPONSORSHIP.
Funds available at present to go towards event	\$
Will the event/project support charities	YES <input checked="" type="radio"/> NO <input type="radio"/>
If YES, value of support	\$ ALL PROFITS
Previous / Other Assistance:	
Has Council previously assisted you/your organisation?	YES <input checked="" type="radio"/> NO <input type="radio"/>
If so what was the amount of the assistance from Council?	\$?
When was it provided?	LAST YEAR.
Have you applied for funding from other organisations?	YES <input checked="" type="radio"/> NO <input type="radio"/>
If YES, how much has been sought	\$

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

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

Request Details – Please complete either A or B below

A.	Sporting applications – Please select relevant sporting category below Australian/NSW/Territory Representative or team competing overseas Australian/NSW/Territory Representative or team competing in NSW or interstate <i>PLEASE NOTE: Sporting applications will only be considered when made by the local organisation/club of which the individual/team is a member, and must be supported by a letter of confirmation from the State or National body.</i>
Attachments required for sporting applications: <ul style="list-style-type: none"> <input type="checkbox"/> Supporting letter from local organisation body <input type="checkbox"/> Supporting letter from State/Australian Supporting body <input type="checkbox"/> Please attach any other information to support your application to Council 	
B. Community/Event applications – Please ensure all questions are answered Council Community Objectives - To enable Council to consider your application, Council requires details of how this event/project will meet Council's objectives.	
Objective 1: To provide benefit to the residents of Cowra Shire Council. THIS ANNUAL EVENT IS THE LOG CABINS MAJOR FUNRAISER WITH ALL PROFITS PUT BACK INTO THE UPKEEP OF THE NUMBER 1 COMMUNITY ASSETT	
Objective 2: To conduct quality cultural, sporting and community service programs or events which cannot attract sufficient funds from other sources. <i>[Please indicate why you are running the event]</i> THE LOG CABIN IS A SHIRE ASSETT AND THE FOCAL POINT OF THE GOODWOODONG COMMUNITY. ALL FUNDS ARE DRIVEN BACK TO THE LARGE UPKEEP REQUIRED IN THIS BUILDING.	
Objective 3: To provide access and usage of community resources, services and facilities, and equity of access for special needs groups THE ANNUAL ESKY BALL IS OPEN TO ANYONE FORTUNATE TO BUY TICKETS. THE COMMITTEE SEEK SPONSORSHIP LOCALLY WHICH ENCOURAGES OTHERS TO SUPPORT THEM AND THE COMMUNITIES THEY LIVE IN	

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

THE ESKY BALL IS AN OPEN EVENT AND EXTREMELY POPULAR.
TRANSPORT IS PROVIDED TO ALLOW SAFE JOURNEY HOME
THE ORGANISERS TRY TO USE ONLY LOCAL SERVICE
PROVIDERS KEEPING MONIES WITHIN SMALLER COMMUNITIES

Attachments required for Community/Event applications:

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

Please check:

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

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Page | 1

To Whom This Concerns,

THANKYOU FOR YOUR CONSIDERATION IN THIS MATTER

WE ARE LOOKING FOR COUNCILS SUPPORT IN THE
HIRE OF RUSSISH GINS FOR THE NIGHT. COUNCIL

HAS ALWAYS BEEN SUPPORTIVE OF THIS GREAT FUNDRAISING
ACTIVITY.

PLEASE CONTACT OUR SECRETARY ANNE MARIE ON THE
SUPPLIED NUMBER IF YOU REQUIRE ANY FURTHER
INFORMATION.

REGARDS CHRIS MARR

3.5 Donation – Ky Garratt

File Number: D23/743

Author: Michael Jones, Director - Corporate Services

RECOMMENDATION

That Council provide a donation of \$500 from the Section 356 expenses budget to assist Ky Garratt in attending the Australian Track and Field Championships on 13-16 April 2023 in Brisbane.

INTRODUCTION

Mr Ky Garratt has written to Council requesting consideration of a financial donation to assist him with the cost associated in attending the Australian Track and Field Championships to be held 13-16 April 2023 in Brisbane.

BACKGROUND

Council has assisted Mr Garratt once previously at below:

Donation – Ky Garratt

309/17 Moved Cr JA Smith, Seconded Cr MA Nobes:

That Council provide a donation of \$400 from the Section 356 expenses budget to assist Ky Garratt in attending the School Sport Australia 10th Pacific School Games to be held in Adelaide from 3-9 December 2017 as a member of the New South Wales Team for Athletics.

CARRIED

The request meets the eligibility requirements of Clause 9 of Council's Donations Policy in the following area in respect of sporting representatives and cultural and academic pursuits:

- *Australian/NSW/Territory Representative or team competing in NSW or interstate to a maximum of \$400 in total.*

In view of the current policy which provides a donation of \$400 has been in force since 2014 and taking into account that the Applicant is funding the majority of the costs associated with attending the event himself, it is recommended that the \$500 requested be provided to the applicant on this occasion and also that the Applicant be advised that in order to fully comply with Council's donation policy that future requests should be made in advance of the event.

BUDGETARY IMPLICATIONS

\$4,480 is the current balance in the 2022/23 Budget for Section 356 Donations

ATTACHMENTS

- I. Donation Request from Ky Garratt - 31 May 2023 [↓](#)



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

Application for Financial Assistance/Donation

Applicant Information

Local Sporting Team/Organisation

Ky Garratt - trains locally
[applications must be made by the local team of which the individual is a member]

Contact Name/ Sporting Applicant: Ky Garratt
Mailing address: [REDACTED], Cowra
Phone: (Home) [REDACTED] (Business) [REDACTED]
Email: Hgarratt3@gmail.com
Signature: [REDACTED] Date: 31 / 05 / 2023

Organisation Details

Organisation responsible for the event/activity: Athletics NSW
President/Secretary Contact Details: Maddy Smith 029746 1122
Organisation Type (please circle): Non Profit / Charity / Incorporated / Business / other:
Do membership fees apply ? ☐ YES ☐ NO
If yes, annual membership/fees \$130

Event Details

Description of the event/project/request/person for which assistance is sought Australian Track and Field Championships
Date/s of the proposed event/project 13-16 April, 2023
Venue where will the event/project take place? Brisbane

Financial Details

Amount of assistance being sought: \$500
Total Estimated cost of the total event/project \$2000
How are funds to be raised? Self funded

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

Has Council previously assisted you/your organisation? ☐ YES ☐ NO
If so what was the amount of the assistance from Council? \$500
When was it provided? 2017
Have you applied for funding from other organisations? ☐ YES ☒ NO
If YES, how much has been sought \$

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

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

A. Sporting applications – Please select relevant sporting category below

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

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

Attachments required for sporting applications:

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

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

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

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

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

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

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

Attachments required for Community/Event applications:

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

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



31 May 2023

To Whomever it may concern.

RE – Ky Garratt Cowra Council Sports Grant

Ky Garratt has been member of Temora Athletic Club for the 2022-23 Season and for several years prior. Ky resides in Cowra, with Temora Athletic Club being the closest club for him to be a member of.

At the recent NSW State Junior Championships held in February, Ky won the U17 Men's Hammer event, which gained him automatic selection to represent the State of NSW at the Australian Junior Championships that were held in Brisbane from Thursday 13th to Sunday 16th April 2023.

Whilst at the Australian Junior Championship, Ky placed first in the U17 Men's Hammer, throwing a distance of 58.09m.

If you require any further information, please contact me.

Yours Sincerely,



Madeleine Smith
General Manager of Community
Athletics New South Wales

Athletics NSW Limited ABN 11 330 775 869
Sydney Olympic Park Athletics Centre
Edwin Flack Drive, Homebush NSW 2129
PO Box 595, Sydney Markets NSW 2129

Telephone +61 2 9746 1122
Facsimile + 61 2 9746 1168
Email Info@nswathletics.org.au
Web www.nswathletics.org.au



4 DIRECTOR-INFRASTRUCTURE & OPERATIONS REPORT

4.1 Section 355 Committee Minutes - Tidy Towns Committee

File Number: D23/719

Author: Dirk Wymer, Director-Infrastructure & Operations

RECOMMENDATION

That the minutes of the Tidy Towns & Urban Landcare Committee meetings held on 26 April 2023 and 24 May 2023 be noted.

INTRODUCTION

The Minutes of Cowra Shire Council Section 355 Committee are presented to Council for noting.

BACKGROUND

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

BUDGETARY IMPLICATIONS

N/A

ATTACHMENTS

1. Minutes of the Tidy Towns Committee meeting held on 26 April 2023 [↓](#)
2. Minutes of the Tidy Towns Committee meeting held on 24 May 2023 [↓](#)



MINUTES

Tidy Towns & Urban Landcare Committee Meeting Wednesday, 26 April 2023

**TIDY TOWNS & URBAN LANDCARE COMMITTEE
MEETING MINUTES****26 APRIL 2023****Order Of Business**

1	Apologies	3
2	Confirmation of Minutes.....	3
3	RAFCA.....	3
4	July School Holiday Workshops	3
5	Section 355 Committee Review	4
6	General Business.....	4
	6.1 Garbage Truck Artworks.....	4
	6.2 Agenda Items for Next Meeting	4
7	Next Meeting Date	4
8	Meeting Close.....	4

**TIDY TOWNS & URBAN LANDCARE COMMITTEE
MEETING MINUTES****26 APRIL 2023****MINUTES OF COWRA COUNCIL
TIDY TOWNS & URBAN LANDCARE COMMITTEE MEETING HELD AT THE
COWRA COUNCIL CHAMBERS, 116 KENDAL STREET, COWRA
ON WEDNESDAY, 26 APRIL 2023 AT 10.30AM****PRESENT:** Cr Judi Smith (Deputy Mayor), Ms Jan Saurine, Cr Ruth Fagan**IN ATTENDANCE:** Ms Philippa Childs (Manager – Cowra Services)**1 APOLOGIES**

Ms Carolyn Waldon, Mr Michael Waldon

2 CONFIRMATION OF MINUTES**COMMITTEE RESOLUTION**

Moved: Ms Jan Saurine

Seconded: Cr Ruth Fagan

**That the minutes of Tidy Towns & Urban Landcare Committee Meeting held on
22 March 2023 be confirmed.**

CARRIED

3 RAFCA

- Manager – Cowra Services will check that the RAFCA letters and brochures have been distributed.
- The Committee asked if hi vis vests could be supplied to members who are asking for RAFCA raffle donations or selling tickets to demonstrate credibility.

4 JULY SCHOOL HOLIDAY WORKSHOPS

- Martina from Cowra Art Group has agreed to run the July School Holiday Workshops.
- Cr Smith will contact Martina to lock in a date. The dates will either be the 4th and 5th of July or the 11th and 12th of July.

**TIDY TOWNS & URBAN LANDCARE COMMITTEE
MEETING MINUTES****26 APRIL 2023****5 SECTION 355 COMMITTEE REVIEW**

A submission has been made by Cr Judi Smith on behalf of the Tidy Towns Committee in response to the Review of Section 355 committees.

The Tidy Towns Committee AGM will be deferred to a meeting date following the Section 355 committee review.

6 GENERAL BUSINESS**6.1 Garbage Truck Artworks**

The garbage truck artworks have been finalised and the artworks are being made. Once the artworks are on the trucks we will organise a presentation to the winning students.

6.2 Agenda Items for Next Meeting

The Tidy Towns three year plan will be deferred to the next meeting due to several members being absent from this meeting.

7 NEXT MEETING DATE

The next meeting will be held on Wednesday, 24 May 2023 at 10.30am in the Public Meeting Room, Cowra Council Chambers, 116 Kendal Street, Cowra.

8 MEETING CLOSE

The Meeting closed at 11.15.

.....
CHAIRPERSON



MINUTES

Tidy Towns & Urban Landcare Committee Meeting Wednesday, 24 May 2023

**TIDY TOWNS & URBAN LANDCARE COMMITTEE
MEETING MINUTES****24 MAY 2023****Order Of Business**

1	Apologies	3
2	Confirmation of Minutes.....	3
3	RAFCA.....	3
4	July School Holiday Workshops	3
5	General Business.....	4
	5.1 Keep Australia Beautiful Tidy Towns Sustainability Awards	4
6	Next Meeting Date	4
7	Meeting Close.....	4

**TIDY TOWNS & URBAN LANDCARE COMMITTEE
MEETING MINUTES****24 MAY 2023**

**MINUTES OF COWRA COUNCIL
TIDY TOWNS & URBAN LANDCARE COMMITTEE MEETING HELD AT THE
PUBLIC MEETING ROOM, COWRA COUNCIL CHAMBERS, 116 KENDAL
STREET, COWRA
ON WEDNESDAY, 24 MAY 2023 AT 10.30AM**

PRESENT: Cr Judi Smith (Chairperson), Ms Carolyn Waldon, Mr Michael Waldon, Ms Lynne Donley, Ms Jan Saurine

IN ATTENDANCE: Mr Mark Tucker (Technical Officer - Cowra Services)

1 APOLOGIES

Cr Ruth Fagan, Ms Philippa Childs (Manager – Cowra Services)

2 CONFIRMATION OF MINUTES**COMMITTEE RESOLUTION**

Moved: Ms Jan Saurine

Seconded: Cr Judi Smith

That the minutes of Tidy Towns & Urban Landcare Committee Meeting held on 26 April 2023 be confirmed.

CARRIED

3 RAFCA

- Committee members to source volunteers for the RAFCA event to run the BBQ.
- Committee to organise jumping castle hire, coffee van, stalls, dancers and the Town Band.
- Committee to contact Cowra businesses seeking sponsorship for the event.
- Advertising on the Council webpage, in the Cowra Guardian and Cowra Phoenix.
- Committee to seek permission from Aldi to sell raffle tickets in front of the shop.
- Raffle ticket sale dates Wednesday 30th August, Saturday 2nd, Wednesday 6th, and Saturday 9th September 2023.
- Cowra Tidy Towns banners to be made prior to selling raffle tickets 30th August 2023.

4 JULY SCHOOL HOLIDAY WORKSHOPS

Martina Lindsay from the Art Gallery had committed to running the July School Holidays Workshops but now is unable to do so.

Karen Clarke will now be running the workshops and they will run Tuesday 11th and

Page 3

**TIDY TOWNS & URBAN LANDCARE COMMITTEE
MEETING MINUTES****24 MAY 2023**

Wednesday 12th July 2023 in the Cowra Art Group Room “The Little Gallery”.

Workshop bookings can be made by contacting Cr Judi Smith.

5 GENERAL BUSINESS**5.1 Keep Australia Beautiful Tidy Towns Sustainability Awards**

Committee discussed entries for the Keep Australia Beautiful NSW Tidy Towns Sustainability Awards 2023. Ideas to be presented to the next meeting.

Action:

Committee members to report any ideas to the next meeting for the Tidy Towns Sustainability Awards.

6 NEXT MEETING DATE

The next meeting will be held on Wednesday, 28 June 2023 at 10.30am in the Public Meeting Room, Cowra Council Chambers, 116 Kendal Street, Cowra.

7 MEETING CLOSE

The Meeting closed at 11.31am.

.....
CHAIRPERSON

4.2 Section 355 Committee Minutes - Saleyards Committee

File Number: D23/754

Author: Dirk Wymer, Director-Infrastructure & Operations

RECOMMENDATION

- 1. That the minutes of the Saleyards Committee meeting held on 1 June 2023 be noted.**
 - 2. That Council note that the Saleyards Committee support the draft 2023-2024 Saleyards fees and charges.**
-

INTRODUCTION

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

BACKGROUND

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

BUDGETARY IMPLICATIONS

N/A

ATTACHMENTS

1. Minutes of the Saleyards Committee meeting held on 1 June 2023 [↓](#)



MINUTES

Saleyards Committee Meeting Thursday, 1 June 2023

SALEYARDS COMMITTEE MEETING MINUTES**1 JUNE 2023****Order Of Business**

1	Apologies	3
2	Confirmation of Minutes.....	3
3	Business arising from previous minutes	3
4	Reports of Council Officers	3
4.1	Stock Figures Update	3
4.2	Cowra Saleyards 2022-2023 Financial Figures and Proposed 2023/2024 Budget and Fees and Charges.....	4
4.3	Update on eID Implementation	4
4.4	Saleyards Software	4
4.5	Saleyards Induction	4
5	General Business.....	5
5.1	Feeding of Stock	5
5.2	Memorial for the late John Bargwanna.....	5
5.3	New Agent.....	5
6	Next Meeting Date	5
7	Meeting Close.....	5

SALEYARDS COMMITTEE MEETING MINUTES**1 JUNE 2023**

**MINUTES OF COWRA COUNCIL
SALEYARDS COMMITTEE MEETING HELD AT THE SALEYARDS CANTEEN,
YOUNG ROAD, COWRA
ON THURSDAY, 1 JUNE 2023 AT 8.30AM**

PRESENT: Cr Bill West (Chairperson), Cr Peter Wright, Mr Craige Oliver, Mr Ian Wright, Mr Patrick Waters (Agent's Representative)

IN ATTENDANCE: Ms Philippa Childs (Manager - Cowra Services), Mr Peter Seary (Airport, Cemeteries & Saleyards Supervisor)

1 APOLOGIES

Mr John Sullivan, Mr Brett Treasure, Mr Ross Chivers

2 CONFIRMATION OF MINUTES**COMMITTEE RESOLUTION**

Moved: Mr Patrick Waters

Seconded: Mr Craige Oliver

That the minutes of Saleyards Committee Meeting held on 2 March 2023 be confirmed.

CARRIED

3 BUSINESS ARISING FROM PREVIOUS MINUTESRe-transporting Charges

Staff are paying close attention to re-transporting activities at the yards and are charging in accordance with Council's fees and charges. There is still an ongoing challenge with recording all re-transporting activities, especially those that occur outside of business hours. Council staff reported that Dubbo Regional Livestock Markets are implementing fees of \$5 per head for cattle and \$0.50 per head for sheep for re-transporting. Saleyards staff have been asked by the Committee to further investigate re-transporting charges at other yards and how the charge is being enforced.

With regards to re-transporting fees, the message needs to be clear that this fee does not apply to sale stock.

4 REPORTS OF COUNCIL OFFICERS**4.1 Stock Figures Update**

The stock figures were noted and it was observed that figures are slightly below anticipated. Current sheep prices indicate that numbers to the end of the financial year may be below expected.

SALEYARDS COMMITTEE MEETING MINUTES**1 JUNE 2023**

4.2 Cowra Saleyards 2022-2023 Financial Figures and Proposed 2023/2024 Budget and Fees and Charges

The budget was reviewed by the Committee and the Committee noted that the budget is on track to the end of financial year. The Committee acknowledges that the presentation of financial figures with work order breakdown gives a good indication of expenses.

The 2023 to 2024 fees and charges were noted and it was noted that there is a price rise in all areas due to the high CPI increase. This is not a concern to the Committee as it is expected to be on par with other centres. The fees and charges are noted as satisfactory.

COMMITTEE RESOLUTION

Moved: Mr Patrick Waters

Seconded: Mr Craige Oliver

That the Committee support the draft 2023-2024 Saleyards fees and charges.

CARRIED

4.3 Update on eID Implementation

The eID grant for design and planning has been successfully obtained.

Conversations are ongoing with the DPI eID team to demonstrate Cowra Saleyard's commitment to the project and eagerness to implement eID infrastructure at Cowra Saleyards when funding becomes available.

At the next meeting the Committee will require an update on the timeframe of the project rollout and any other progress on the design.

The Saleyards will continue to support community engagement and consultation on the project and eID rollout so that the community is well informed of the changes.

4.4 Saleyards Software

The Saleyards is moving to engage AgriNous to supply sale software as the current Outcross software is becoming outdated and is not cloud based. The AgriNous software will enable the agents to more accurately record sale data and provide a more efficient process for receipting the sale. A cost comparison with existing software is currently underway.

4.5 Saleyards Induction

The new Cowra Saleyards Induction is now live and has been distributed to all agents. Cowra Council is requesting the induction be completed online by all workers at the yards including staff, agents, transporters, drovers, buyers, vendors and attendees. The induction is accessible online and will automatically record names of those that complete the induction so that it can be well policed.

The induction is available at the following link

<https://www.cowracouncil.com.au/Facilities/Saleyards>

SALEYARDS COMMITTEE MEETING MINUTES**1 JUNE 2023****5 GENERAL BUSINESS****5.1 Feeding of Stock**

The Saleyards staff are working with parties to better communicate the requirements and logistics to make sure that all stock are being fed.

5.2 Memorial for the late John Bargwanna

The Committee asked that the Late John Bargwanna be added to the Wall of Remembrance and that his wife Margie Bargwanna be notified by letter and an appropriate photo be provided.

5.3 New Agent

KMWL is now operating at the Saleyards. Advertising will be put in place to match existing agents advertising.

6 NEXT MEETING DATE

The next meeting will be held on 7 September at 8.30am in the Saleyards Canteen.

7 MEETING CLOSE

The Meeting closed at 9.30am.

.....
CHAIRPERSON

5 DIRECTOR-ENVIRONMENTAL SERVICES REPORT

5.1 Development Application No. 28/2023, Lot 11 DP 737301, 13 Grenfell Road Cowra, awning addition to rural supplies, lodged by P Newbery

File Number: D23/746

Author: Larissa Hackett, Director - Environmental Services

RECOMMENDATION

1. That Council notes that the reason for the decision is that the proposal largely complies with Section 4.15 of the Environmental Planning and Assessment Act 1979. The variations to I.1.4 of Part I 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 a variation to Section I.1.4 of Part I of Council's Development Control Plan 2021 for this development to allow for the front setback of 4.978m; and
3. That Development Application No. 28/2023, for the construction of an awning addition to rural supplies on Lot 11 DP 737301, 13 Grenfell Road 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 Drawing 01	Cowra Design Drafting March 2023	Received 28 April 2023 Stamped No. DA 28/2023
Floor Plan Drawing 02	Cowra Design Drafting March 2023	Received 28 April 2023 Stamped No. DA 28/2023
Elevations and Section Drawing 03	Cowra Design Drafting March 2023	Received 28 April 2023 Stamped No. DA 28/2023
Elevations	Cowra Design Drafting	Received 28 April 2023

Drawing 04	March 2023	Stamped No. DA 28/2023
Statement of Environmental Effects	Mr Rodney McFarlane	Received 28 April 2023 Stamped No. DA 28/2023
Engineering Certification Letter to Cowra Design Drafting	Calare Civil Pty Ltd 31 January 2023	Received 28 April 2023 Stamped No. DA 28/2023

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. All stormwater runoff shall be properly drained in accordance with the Plumbing Code of Australia and connected to the stormwater system associated with the existing shed which drains to Council's stormwater system on Grenfell Road.
4. All loading, unloading and storage of goods associated with the use of the premises shall be carried out within the confines of the property. No loading or unloading of goods on the public roadway system shall be permitted.

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE COMMENCEMENT OF WORKS

5. The Applicant is to obtain a Construction Certificate from either Council or an Accredited Certifying Authority, certifying that the proposed works are in accordance with the Building Code of Australia and applicable Cowra Shire 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.
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 Works' and 'Appointment of Principal Certifying Authority'.
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. Any batters are to be appropriately stabilised and/or vegetated. The erosion and sediment control measures are to comply with Part Q of Cowra Shire Council Development

Control Plan 2014 at all times.

- 8. All building rubbish and debris, including that which can be windblown, shall be contained on site in a suitable container for disposal at an approved Waste Landfill Depot. The container shall be erected on the building site prior to work commencing and shall be maintained for the term of the construction to the completion of the project. No building rubbish or debris shall be placed or permitted to be placed on any adjoining public reserve, footway or road. The waste container shall be regularly cleaned to ensure proper containment of the building wastes generated on the construction site.**

CONDITIONS TO BE COMPLIED WITH DURING CONSTRUCTION

- 9. In accordance with Clause 109E(3)(d) of the Environmental Planning and Assessment Act 1979, where Council is nominated as the Principal Certifying Authority, the works must be inspected by Council at the times specified below:**
 - (a) After excavation for, and prior to the placement of, any footings;**
 - (b) Prior to pouring any in-situ reinforced concrete building element;**
 - (c) Prior to covering of the framework for any floor, wall, roof or other building element;**
 - (d) Prior to covering waterproofing in any wet areas;**
 - (e) Prior to covering any stormwater drainage connections; and**
 - (f) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.**

Failure to obtain an inspection of the works at the times specified above may prevent an Occupation Certificate being issued for the development. Where Cowra Council is required to carry out inspections the principal contractor for the building site, or the owner-builder, must notify Council at least 48 hours before each required inspection needs to be carried out.

- 10. 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 operation commencing on the affected land.**
- 11. 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.**
- 12. 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.

13. 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.
14. 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.

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

15. The Applicant must not commence occupation or use of the awning addition until an Occupation Certificate has been issued from the Principal Certifying Authority appointed for the subject development.

ADVICE

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

INTRODUCTION

Development Application No. 28/2023 proposes an awning addition to an existing building used for rural supplies on Lot 11 DP 737301, 13 Grenfell Road Cowra. The application was lodged by P Newbery on 28 April 2023.

The application is being reported to Council because it proposes to vary the front setback and does not incorporate a landscaping strip required as per section 1.4 of Part 1 of Cowra Development Control Plan 2021.

A copy of the site and elevation plans of the proposed awning addition are included in Attachment '1' to this report and a copy of the Statement of Environmental Effects is included in Attachment '2'.

Description of Site

Lot 11 DP 737301, 13 Grenfell Road Cowra is a trapezoidal allotment of approximately 886.9m². The lot is located in the E4 General Industrial under Cowra Local Environmental Plan (LEP) 2012. The site contains a rural supplies outlet. The property contains an approved shed (DA 89/85) which is located at a minimum setback of 7 metres to Grenfell Road. The property is accessible from Grenfell Road by an existing access crossover. A total of four car parking spaces including one

disabled car parking already exist in the front setback of the existing shed. The lot is almost flat and affected by flood hazard as identified in the Flood Planning Map in Cowra Local Environmental Plan (LEP) 2012. The adjoining allotments of the subject property are used for industrial activities.

Development Application 52/2016 was approved by Cowra Council 6 July 2016 for a change of use of warehouse (book distribution) to rural supplies.

Development Application No. 2/2018 was approved by Cowra Council 26 February 2018 for an awning. Works had not commenced by 26 February 2023 and consent for DA 2/2018 has now lapsed. The proposed development is generally similar to the previously approved awning.

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

Description of Proposal

The applicant proposes to construct an awning addition to the existing rural supplies shed incorporating a minimum front setback of 4.978 metres. The awning is to be constructed 22.6 metres long and 10 metres wide. The proposed structure will extend 587mm above the height of the existing shed, to a maximum of 5.426 metres. The proposed addition would be used to provide all weather shelter for customers accessing the existing rural supplies outlet.

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 28/2023:

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

Cowra Local Environmental Plan 2012

The subject land is zoned E4 under the provisions of the Cowra Local Environmental Plan (LEP) 2012. The Awning addition to Rural Supplies is permitted in the zone with development consent.

Other relevant clauses:

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

E4 General Industrial

- To provide a range of industrial, warehouse, logistics and related land uses.
- To ensure the efficient and viable use of land for industrial uses.
- To minimise any adverse effect of industry on other land uses.
- To encourage employment opportunities.
- To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.

- To ensure the nature and scale of new industrial development in West Cowra is compatible with existing residential land uses in the surrounding area.

The current use of land for rural supplies is permitted in the zone with development consent. The proposed awning addition will facilitate the ongoing operation of the existing rural supplies business without creating any adverse impact on the surrounding industrial land uses of the locality. It is assessed that proposal is consistent with the E4 General Industrial zone objectives.

Clause 7.2 Flood Planning

Clause 7.2 of Cowra LEP 2012 includes a number of objectives and provisions relating to development located in the Flood Planning Area identified by the Flood Planning Map. Clause 7.2(3) states development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- (a) is compatible with the flood hazard of the land, and
- (b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
- (c) incorporates appropriate measures to manage risk to life from flood, and
- (d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.

The proposed development comprises an awning addition that is to be attached to an existing industrial shed. As the awning is an open structure, it is unlikely to significantly affect flood behaviour. As there are no changes to the existing use of the land, the proposal is unlikely to increase any risks posed to human life or properties. The development will not cause avoidable erosion of river banks, siltation or destruction of riparian areas or a reduction in the stability of river banks or watercourses. The proposed development will not result in any unsustainable social or economic costs to the community. All goods stored in the facility could be removed from the premises prior to a flood occurring and persons at the facility can exit via Grenfell Road. The proposed development is consistent with the objectives and provisions of Clause 7.2 Flood Planning.

Clause 7.6 Groundwater Vulnerability

The land is identified as 'Groundwater vulnerable' on the groundwater vulnerability map in the Cowra LEP 2012. The following Clauses 7.6(3) & (4) apply:

- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following:
 - (a) the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),
 - (b) any adverse impacts the development may have on groundwater dependent ecosystems,

- (c) the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),
 - (d) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
 - (b) if that impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that impact, or
 - (c) if that impact cannot be minimised - the development will be managed to mitigate that impact.

It is assessed that the proposed awning addition is unlikely to impact adversely on either the supply or quality of groundwater in the locality. The development is suitably designed and sited to avoid any significant environmental impacts and complies with the requirements of Clause 7.6.

State Environmental Planning Policies

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

State Environmental Planning Policy (SEPP) No 55—Remediation of Land

Under SEPP 55 a consent authority must not consent to the carrying out of any development on land unless:

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

There are no known prior land-uses on the site that are likely to have resulted in the contamination of the land. A site inspection did not reveal any evidence of contamination of the site. The Statement of Environmental Effects submitted with the application does not mention any previous land use likely to have resulted in contamination of the site. In the circumstances, and having regard to the nature and scale of the proposal, further investigations are unwarranted.

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

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

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

Cowra Council Development Control Plan 2021

The proposed development complies with the relevant requirements of the DCP with the exception of the following clauses:

Part I Industrial Development

Section 1.4a) of Part I of the DCP requires a minimum 8m front setback incorporating a minimum 3 metre landscaping strip.

It is noted that the front boundary line of the allotment is angled to Grenfell Road. The applicant proposes a minimum 4.978 metre front setback without incorporation of any landscaping strip. This represents a 3.022 metre variation to the front setback requirement and an exemption of the landscaping requirement under Section 1.4a).

A planning assessment has been carried out to determine whether the proposed variations are capable of being supported by Council and the following comments are made:

- The existing shed achieves a front setback of 7 metres to the Grenfell Road and no landscaping is provided within the front setback area. This is an existing arrangement that has been approved by Council prior to the commencement of the Cowra Council DCP 2021.
- Streetscape analysis associated with Grenfell Road reveals that the front setbacks of the industrial buildings in the proximity of the subject property vary from 0 metre to 8.4 metres. It is noted that the lot containing a service station located to the immediate east of the subject property has zero front setback to Grenfell Road.
- The skyline of the Grenfell Road is dominated by the large foliage of trees on the both sides of the road reserve. It is assessed that the proposed setback variation will not create any significant adverse impact on the existing streetscape and visual amenity from the adjoining property.
- The site plan submitted with the Development Application shows that all existing landscaped areas are proposed to be retained.

On the basis of the above, it is recommended that the DCP variations be approved.

The applicant proposes 520mm side setback to the east property boundary. Since the adjoining property located to the east of the subject lot is being used for industrial activities the side setback is considered appropriate as per Section 1.4.2.(c) of Part I of DCP 2021.

The proposal complies with the remainder of Part I of the DCP.

Part O Environmental Hazard Management

The proposed awning addition is to be constructed on a lot identified as flood prone as per Council's Flood Map. Section 1.9 of Part O of Cowra DCP recommends all habitable rooms or rooms with sewer infrastructure to be constructed not less than 500mm above Flood Planning Level (FPL). This Section also advises all buildings at or below the FPL to be constructed with flood compatible materials.

Council mapping indicates the FPL of the site is AHD 288.91 while the ground level of the existing shed is AHD 286.65 per survey completed as part of DA 2/2018. The proposed awning addition will follow the same ground level of the existing shed. Therefore, the awning addition to the existing rural supplies is to be constructed at 2.26 metres below the FPL. The applicant has provided certification by Calare Civil Pty Ltd that the proposed addition has been designed as structurally adequate against the flood hazard.

The proposed development will not be used as habitable space and will not be connected to the sewerage system. The development will not present any risk to human life. The materials stored within the facility can be removed from the premise prior to any flood event. As an open-type structure, the awning addition is not expected to create significant impacts to flood water flows or behaviour. The structural certification submitted with the application has confirmed that the materials of the development are flood compatible and would be able to resist the flood water force. Therefore, the proposed development is considered as being consistent with the flood control measures of DCP 2021.

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

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

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

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

- Clause 61 – The proposal does not involve demolition of a building and therefore the requirements of AS 2601-2001 do not need to be considered in accordance with Clause 61(1).
- Clause 62 – The proposal does not involve the change of a building use for an existing building, or the use of an existing building as a place of public entertainment and therefore the requirement to consider fire safety and structural adequacy of buildings in accordance with Clause 62 is unnecessary.
- Clause 63 – The proposal does not involve the erection of a temporary structure and therefore the requirements to consider fire safety and structural adequacy is unnecessary.
- Clause 64 – The proposal does not involve the rebuilding, alteration, enlargement or extension of an existing building or place of public entertainment and therefore the requirement to consider the upgrading of buildings into total or partial conformity with the Building Code of Australia has not been undertaken.

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

Section 79(C)(1)(b) requires the Council to consider the likely impacts of the development, including environmental impacts on both the natural and built environments as well as the social and economic impacts in the locality. The following provides an assessment of the likely impacts of the development:

Context and Setting

The area is characterised by light industry including depots, storage facilities and a service station. The proposed awning addition to the existing rural supplies outlet is consistent with the context and setting of the area.

Access, Transport and Traffic

The land has an existing vehicle crossing from Grenfell Road. The existing internal driveway and manoeuvring areas are gravel finished as conditioned in the previously approved DA 52/2016 for change of use of warehouse to rural supplies outlet. As the awning addition will not generate additional traffic to this premise no upgrades to the existing crossover are required.

Public Domain

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

Utilities

The proposed awning does not contain any amenities that require the provision of services. The proposed awning would not be located over any existing service or utility locations.

Heritage

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

Other Land Resources

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

Stormwater, Water and Sewerage

The application will not impact on water or sewer services. Stormwater from the awning can be discharged to the existing stormwater system on site.

Soils

The development as conditioned is unlikely to result in any adverse environmental impacts. A recommended condition will apply to require compliance with Council's DCP 2021 with regard to erosion & sedimentation controls.

Air and Microclimate

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

Flora and Fauna

The proposal does not require the removal of any trees. The development is not expected to impact on any critical habitats or threatened species.

Waste

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

Energy

A BASIX Certificate is not required for this application.

Noise and Vibration

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

Natural Hazards

The land is flood prone as previously addressed in this report. The planning assessment has confirmed that the proposal is unlikely to generate any unacceptable impacts in terms of flood behaviour or adjoining land-use. The awning has also been structurally designed to ensure compatibility with the flood hazard identified for the land. The land is not affected by any other natural hazards.

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 reference to) any previous land use likely to have resulted in contamination.

Safety, Security and Crime Prevention

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

Social and Economic Impacts on the locality

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

Site Design and Internal Design

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

Construction

The proposed development can be built in accordance with the Building Code of Australia (BCA) as conditioned. The proposed roofline would terminate 3 metres from the frame to comply with BCA requirements. The development has been supported by engineering certification in regards to debris loading and buoyancy forces during floodwaters. No adverse impacts are anticipated to occur as a result of the development.

Cumulative impacts

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

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

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

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

The subject Development Application was notified to adjoining owners in writing from 10 May 2023 to 24 May 2023, in accordance with Cowra Community Participation Plan 2020. No submissions were received in relation to the proposed development.

Public Authority Consultation:

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

S4.15(1)(d) The Public InterestCommunity Interest**S7.12 Fixed development consent levies**

The development is of insufficient estimated cost to trigger the requirement for development contributions under Cowra Council S94A Contributions Plan 2016.

Conclusion

Development Application No. 28/2023 proposes an awning addition to an existing building that is approved for use as a rural supplies outlet on LOT: 11 DP: 737301, 13 Grenfell Road Cowra. The application was lodged by P Newbery on 28 April 2023.

The application was supported by a Statement of Environmental Effects and development plans prepared by the Cowra Design Drafting, 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 E4 zone and is consistent with existing land-use activities of the locality. The proposed development has also been assessed against the Cowra Council Development Control Plan 2021 and is consistent except that variation is required to the following controls:

- Section 1.1.4 of Part 1 of Council's Development Control Plan 2021 relating to the need for a front setback of 8m incorporating a 3m wide landscape strip.

The proposed variations are assessed to be sufficiently justified, and the development as proposed is capable of being supported by Council

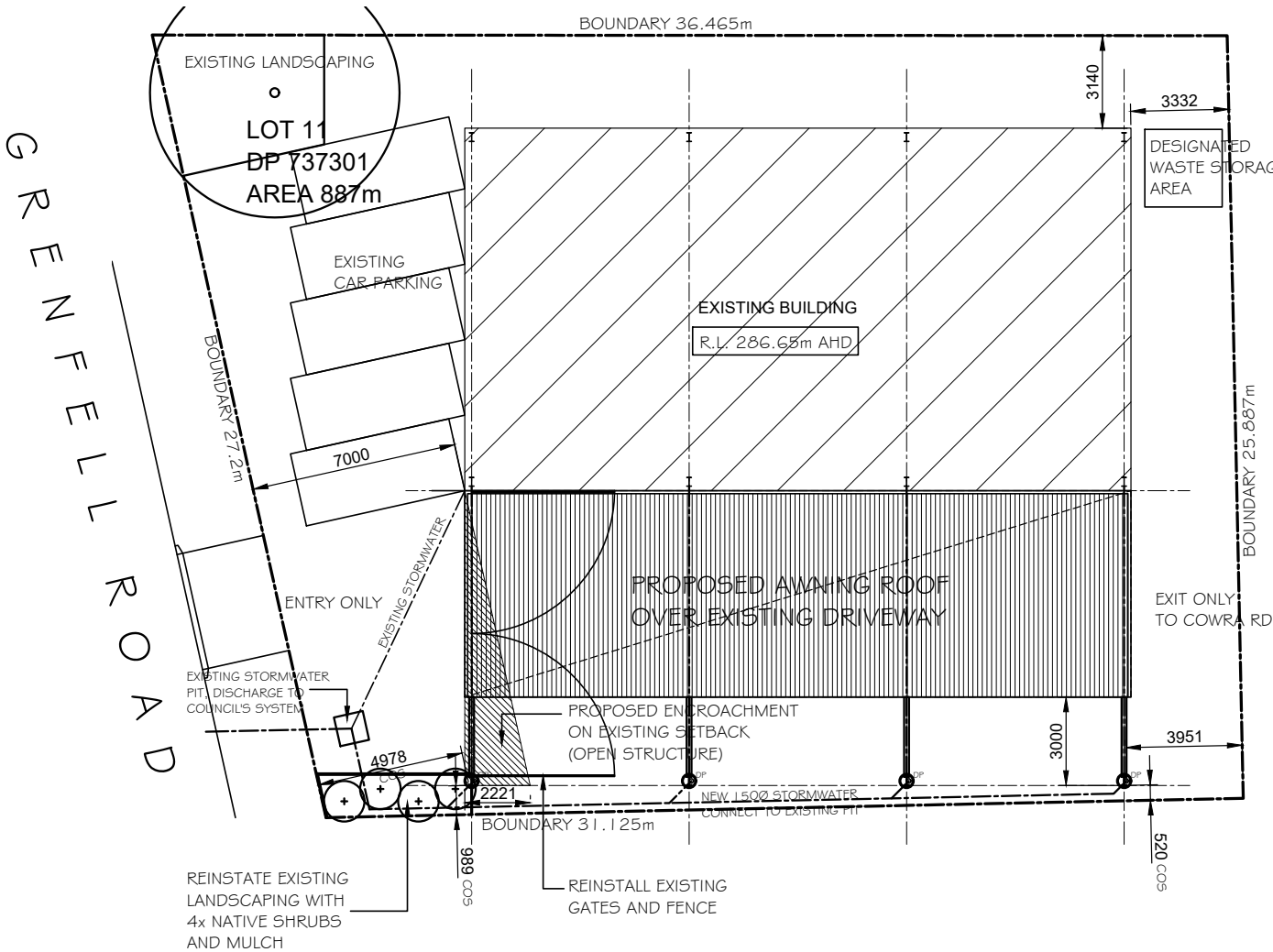
The development application was notified in accordance with Cowra Community Participation Plan 2020. No submissions were received following the consultation process.

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

ATTACHMENTS

1. DA 28/2023 - Development Plans [↓](#)
2. DA 28/2023 - Statement of Environmental Effects [↓](#)
3. DA 28/2023 - Location map [↓](#)
4. DA 28/2023 - Aerial view [↓](#)

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Cowra Shire Council
28 April 2023
Plan No: DA 28/2023




NOTES:

THE SITE FALLS WITHIN THE FLOOD EXTENTS OF "COWRA FLOOD RISK MANAGEMENT PLAN"

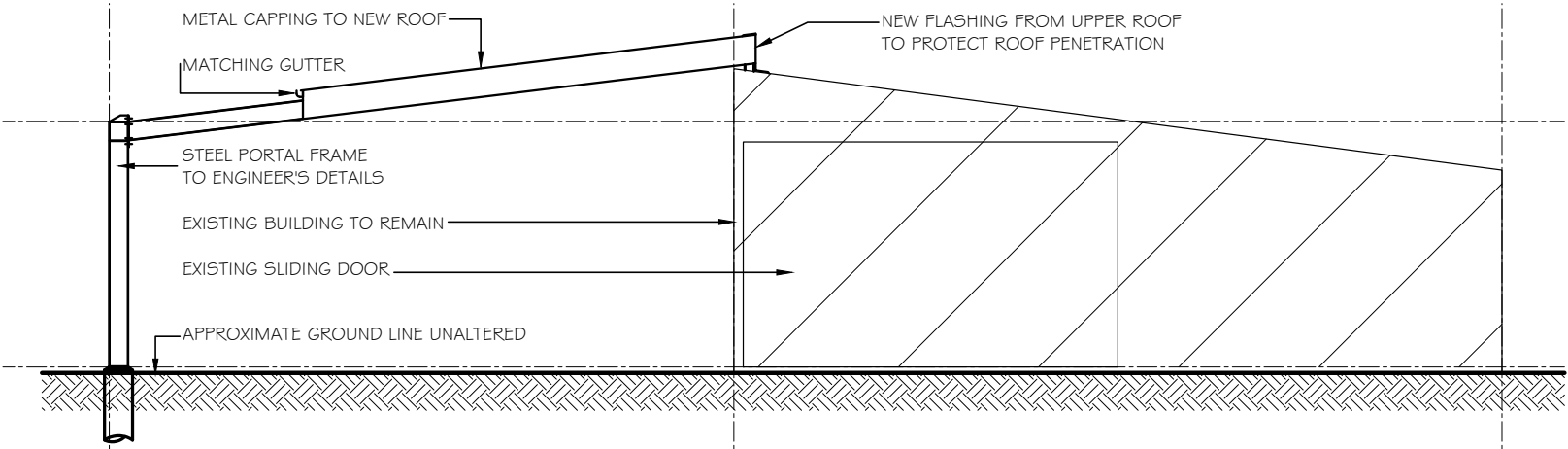
THE PROPOSED OPEN AWNING ROOF ENCROACHES APPROXIMATELY 2221mm ON THE EXISTING STREET SETBACK OF THE EXISTING BUILDING

THE ROOF STRUCTURE HAS BEEN DESIGNED TO MEET BCA REQUIREMENTS BY HAVING THE SHEETING FINISH 3m FROM THE PROPOSED COLUMNS THUS REMOVING COMBUSTIBILITY RISK

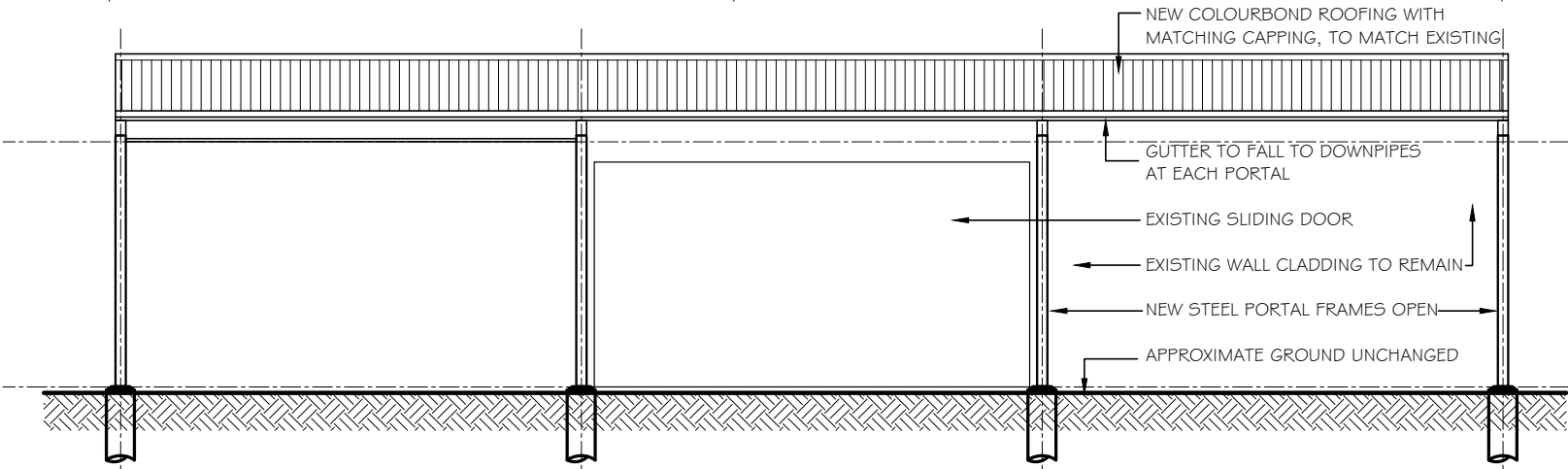
ALL STORMWATER WILL BE DISCHARGED TO THE EXISTING STORMWATER PIT ON SITE AS INDICATED, THIS PIT SUBSEQUENTLY DISCHARGES TO COUNCIL'S EXISTING STORMWATER SYSTEM

NORTH: 		DATE	CLIENT:	SCALE:	DWG No:
			PROPOSED AWNING	1:200	01
			<div></div>	DATE:	
			13 GRENFELL ROAD	MARCH 2023	
REVISION			COWRA	DRAWING:	0
			 COWRA DESIGN DRAFTING	SITE PLAN	
				Ph 0408015889	
			ABN: 69858208338		

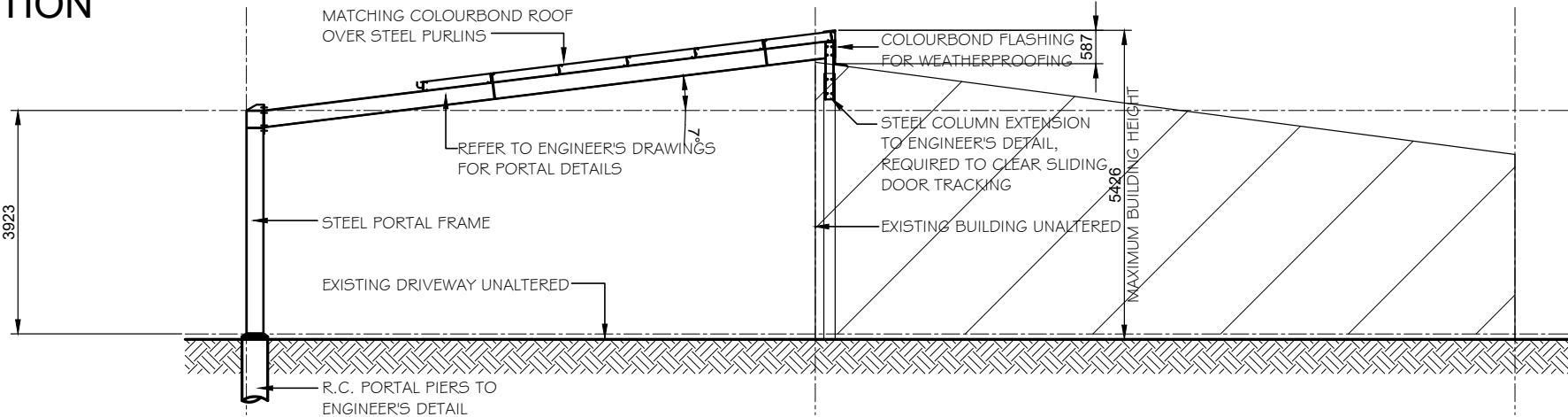
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Plan No: DA 28/2023




NORTH ELEVATION
SCALE 1:100



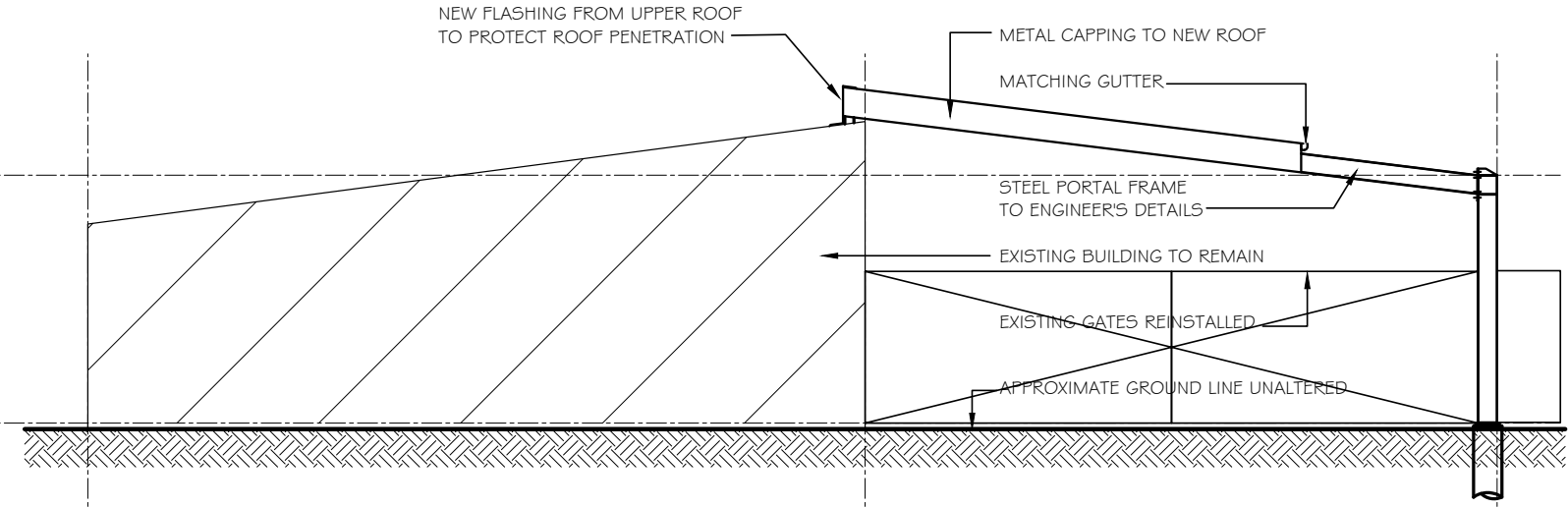
EAST ELEVATION
SCALE 1:100



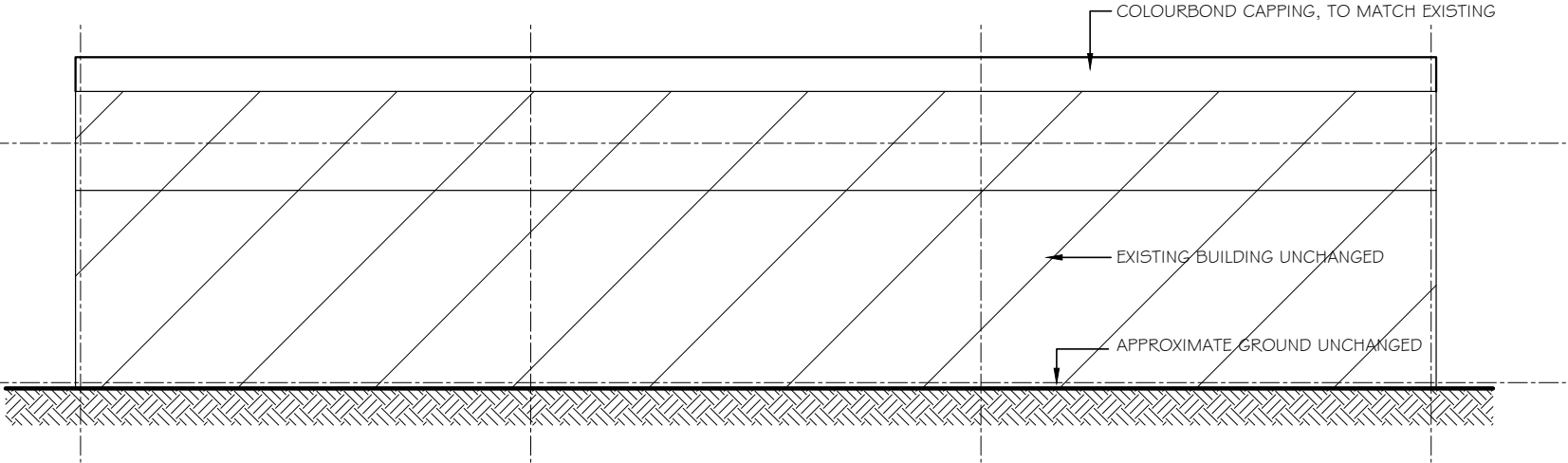
SECTION A.A.
SCALE 1:100

NORTH:		DATE	CLIENT:	SCALE:	DWG No:
			PROPOSED AWNING	1:100	03
			13 GRENFELL ROAD	DATE:	
			COWRA	MARCH 2023	
REVISION			 COWRA DESIGN DRAFTING Ph 0408015889 ABN: 69858208338	DRAWING:	REVISION:
				ELEVATIONS & SECTION	0


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28 April 2023
Plan No: DA 28/2023



SOUTH ELEVATION
SCALE 1:100



WEST ELEVATION
SCALE 1:100

NORTH:		DATE	CLIENT:	SCALE:	DWG No:
			PROPOSED AWNING	1:100	04
				DATE:	
			13 GRENFELL ROAD	MARCH 2023	
REVISION			COWRA	DRAWING:	REVISION:
				ELEVATIONS	
			 COWRA DESIGN DRAFTING Ph 0408015889 ABN: 69858208338		



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Cowra Shire Council
28 April 2023
Plan No: DA 28/2023

Cowra Shire Council
Private Bag 342
Cowra NSW 2794

Phone: 02 6340 2000
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council@cowra.nsw.gov.au
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Statement of Environmental Effects (SEE)

Pro-Forma for Minor Development

This pro-forma is suitable for minor development proposals that require a Development Application and Statement of Environmental Effects (SEE). A more comprehensive SEE will be required by Council for larger or more complex development proposals. Please contact Cowra Council for information about development proposals in the Cowra Shire Local Government Area. Include your complete SEE with your Development Application lodgement documents.

Applicant Details

Applicant(s)	
Address	
Telephone No.	
Email	

Property / Site Details

Lot No.	11
Section No.	
Deposited Plan No.	737301
Street / Rural Address No.	13
Street / Road Name	Grenfell Road
Suburb	Cowra

Description of the Proposal

Proposal Please tick the box that best describes the proposed development.	<input type="checkbox"/> Residential Dwelling
	<input type="checkbox"/> Ancillary Residential Development (i.e. Shed)
	<input type="checkbox"/> Rural Dwelling
	<input type="checkbox"/> Ancillary Rural Development (i.e. Farm Building)
	<input checked="" type="checkbox"/> Commercial / Retail Development
	<input type="checkbox"/> Advertisement / Advertising Structure
	<input type="checkbox"/> Change of Use Application
	<input type="checkbox"/> Demolition
	<input type="checkbox"/> Subdivision / Boundary Adjustment
	<input type="checkbox"/> Other
Proposed awning roof on existing industrial building	

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Description of the Site

Approximate Site Area Current Land-Use Eg – the site is currently used for agricultural related purposes. The predominant agricultural use is grazing, however, the land is also suited to cultivation	887m	
	<input type="checkbox"/> Residential	<input checked="" type="checkbox"/> Industrial
	<input type="checkbox"/> Farmland	<input type="checkbox"/> Recreation/Parkland
	<input type="checkbox"/> Commercial	<input type="checkbox"/> Other (described below)
	Additional Detail	
Previous Land-Use Eg – the land has historically been used for residential purposes only. There are no other uses known to have occurred on the land.	<input type="checkbox"/> Residential	<input checked="" type="checkbox"/> Industrial
	<input type="checkbox"/> Farmland	<input type="checkbox"/> Recreation/Parkland
	<input type="checkbox"/> Commercial	<input type="checkbox"/> Other (described below)
	Additional Detail	
	Adjoining Sites Eg – the adjoining site to the south is currently used for commercial purposes. The adjoining sites to the east and west are currently used for residential purposes.	<input type="checkbox"/> Residential
<input type="checkbox"/> Farmland		<input type="checkbox"/> Recreation/Parkland
<input type="checkbox"/> Commercial		<input type="checkbox"/> Other (described below)
Additional Detail		
Existing Structures Eg – The land is currently vacant, except for an existing shed structure located in the south west portion of the block.		<input type="checkbox"/> There are no existing structures on the land
	<input checked="" type="checkbox"/> There are existing structures on the land. These are described below	
	Existing industrial building approximately 22.6m x 12.3m	

Operational Details

This section of the pro-forma needs to be completed only where the proposal involves development that is of a commercial or industrial nature. This section of the pro-forma does not need to be completed for proposals involving new residential development, rural development, subdivision or demolition.

Hours of Operations	Mon	0800-1800	Fri	0800-1800
	Tues	0800-1800	Sat	0800-1300
	Wed	0800-1800	Sun	
	Thurs	0800-1800	Public Holidays	
Number of Staff	2			
Expected Number of Customers	2			
Method of Timing of Deliveries	Collection by tenant from another property			
Production Processes	Nil			
Type of Waste Products & Disposal	Typical household refuse			
Details of any Hazardous Materials (Any materials that may pose a risk to health & safety if not managed correctly)	Nil			
Car Parking Arrangements	Existing			
Loading/Unloading Operations	Existing			
Machinery Used	Nil			
Additional Detail (where necessary)	Nil			

Assessment of Environmental Impacts

*Are there items of European heritage on the property?	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
*Are there items of Aboriginal Cultural Heritage within 100 metres of the development site?	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
Will the development impact on Critical Habitat or Threatened Species?	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
*Does the site contain any contaminated materials (asbestos or other contaminants)?	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
*Are any trees proposed/required to be removed?	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
Will the amenity of adjoining land owners be affected (views, solar access, noise, odour etc)?	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
Is the development out of character with existing development in the locality?	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
*Does the development involve a new access crossing or increase in traffic?	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
*Does the development involve earthworks (cut or fill) of more than 600mm in depth or height?	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
Is the site connected to Council's reticulated water service?	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
Is the site connected to Council's reticulated sewer service?	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
*Is there any on-site sewage management system on the site?	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
Will the development increase crime, safety or security risks?	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
*To be shown on plans		
<p>The proposal is to erect a awning roof for customers to load their purchases into their cars undercover protected from the elements.</p>		

Stormwater disposal

If your development will generate stormwater runoff i.e. additional roof or other impermeable surface, please identify where and how you will direct it (including overflow from any rainwater tanks):

It is proposed to connect the awning roof to the existing stormwater system on site, this eventually discharges to the councils stormwater system in Grenfell Road

Note: The discharge location should also be shown on your Site Plan. Council's stormwater management system should be utilised where available.

Site Constraints

Is the development constrained by:		
Flooding	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
Landslip or subsidence	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
Bushfire attack	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
Land contamination	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes
Easements	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes

Note – if the proposed development is identified as being affected by one or more of the site constraints listed above, the applicant must provide Council with evidence as to how the site constraint will be addressed.

Assessment of Compliance with Local Planning Policies & Guidelines

This section of the pro-forma can be used as a checklist to ensure that the proposed development complies with all relevant local planning policies and guidelines. Check with Council if you need clarification on any matter.

Cowra Local Environmental Plan 2012

Select the appropriate zoning of the land under Cowra Local Environmental Plan 2012:	<input type="checkbox"/> RUI Primary Production <input type="checkbox"/> RU4 Primary Production <input type="checkbox"/> RU5 Village <input type="checkbox"/> R1 General Residential <input type="checkbox"/> R2 Low Density Residential <input type="checkbox"/> R5 Large Lot Residential <input type="checkbox"/> B1 Neighbourhood Centre <input type="checkbox"/> B2 Local Centre	<input type="checkbox"/> B5 Business Development <input type="checkbox"/> IN1 General Industrial <input checked="" type="checkbox"/> IN2 Light Industrial <input type="checkbox"/> RE1 Public Recreation <input type="checkbox"/> RE2 Private Recreation <input type="checkbox"/> E2 Environmental Conservation <input type="checkbox"/> E3 Environmental Management
Is the development permissible in the zone	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes
Does the development meet the zone objectives	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes

Cowra Shire Council Development Control Plan 2021

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	Applies		Consistent		Variation Proposed	
Part B – Land Management	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Part C – Biodiversity Management	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Part D – Subdivision Development	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Part E – Urban & Village Development	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Part F – Rural Development	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Part G – Large Lot Development	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Part H – Commercial Development	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Part I – Industrial Development	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Part J – Cowra Regional Airport	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Part K – Land-use Buffers	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Part L – Advertising and Signage	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Part M – Parking, Access & Mobility	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Part N – Landscaping	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Part O – Hazard Management	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Part P – Crime Prevention	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Where the proposed development involves a variation to a control or guideline contained in one or more Parts of the Cowra Shire Council Development Control Plan 2021 – the Development Application must be supported by a statement justifying the variation to the control or guideline. This Statement can be attached to the Statement of Environmental Effects or included below:

The proposal is to erect an awning roof over the existing driveway on the property. The existing building is located at a 7.0m setback on the closest corner (irregular shape block). The proposed roof will attach to the building but will be open portal frame construction. This results in an encroachment from 0mm to 2221mm to the Grenfell Road frontage and is indicated on the attached Site plan.

It should be noted that the roof will be open to Grenfell Road and as such this encroachment will have minimal visual impact.

The roof sheeting has been terminated 3.0m back from the edge of the portal frame to comply with the Building Code of Australia whilst still maintaining maximum shelter and usable space at ground level.

The site is also identified as being flood impacted, as such the structural design has taken this into account and has been certified to resist inundation and flow of water in such an event.

The existing carparking is being retained and as part of the addition it is proposed to reinstate the landscape area to the eastern end of the Grenfell Road frontage with Native shrubbery.

It is also identified that this proposal has been approved by Council and this application is due to the timeframe expiring.

Created on 02/06/2023



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**DA 28/2023 - 13
Grenfell Road Cowra**

Map Scale: 1:1246 at A4

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DA 28/2023 - 13 Grenfell Road Cowra

Map Scale: 1:510 at A4

- 5.2 Development Application No. 25/2023, Lot 1 DP 1195549, Lot 4 DP 1091414, Lot 2 DP 1195549 and Lot 6 DP 1091414, 38-48 Waratah Street Cowra, new fencing, continued use of existing fence and removal of existing tree, lodged by G B Scott**

File Number: D23/762

Author: Larissa Hackett, Director - Environmental Services

RECOMMENDATION

1. That Council notes that the reason for the decision is that the proposal largely complies with Section 4.15 of the Environmental Planning and Assessment Act 1979. The variation to Control I.1.7.b of Part I and Controls O.1.8.b and O.1.8.c of Part O of Council's Development Control Plan 2021 are sufficiently justified and the application was publicly notified and no submissions were received; and
2. That Council approves a variation to Controls O.1.8.b and O.1.8.c of Part O of Council's Development Control Plan 2021 for this development in relation to the need for a plan of survey and a report from a suitably qualified engineer dealing with prescribed matters relating to development on flood prone land; and
3. That Council approves a variation to Control I.1.7.d of Part I of Council's Development Control Plan 2021 for this development in relation to the construction of mesh security fencing in front of the main building line towards the street; and
4. That Development Application No. 25/2023 for new fencing, continued use of existing fence and removal of existing tree on Lot 1 DP 1195549, Lot 4 DP 1091414, Lot 2 DP 1195549 and Lot 6 DP 1091414, 38-48 Waratah Street Cowra be approved subject to the following conditions:

GENERAL CONDITIONS

1. 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 or as noted in red by Council on the approved plans.

Plan No./ Supporting Document	Prepared by/Reference Details	Cowra Shire Council Reference
Site Plan – Continued Use of Existing Fence and Proposed Fence Sheet 1 of 1	Cowra Shire Council 5 April 2023	Received 05/04/2023 Stamped No. DA10.2023.25.1(A)
Elevation Plan - Continued Use of Existing Fence and Proposed Fence	Not Stated.	Received 22/05/2023 Stamped No. DA10.2023.25.1(A)

Statement of Environmental Effects	Claire Johnstone Planning and Development January 2023	Received 28/03/2023 Stamped No. DA10.2023.25.1(A)
------------------------------------	--------------------------------------------------------------	---------------------------------------------------------

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 6, Division 8A of the Environmental Planning and Assessment Regulation 2021 (see attached Advisory Note).
3. No advertising sign and/or structure other than that which is permitted under this development approval or permissible without consent (exempt development) is to be erected as part of the approved development until a formal application has been submitted to Council and a development consent has been issued.
4. 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.
5. 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.

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE COMMENCEMENT OF WORKS

6. 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 Cowra Shire Council Engineering Standards prior to any building 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.
7. The Applicant is to submit to Cowra Shire Council, at least two days prior to the commencement of any works, a 'Notice of Commencement of Building Works' and 'Appointment of Principal Certifier'.
8. 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

9. 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.

10. 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.
11. 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.
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.
13. 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.

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

14. Prior to the issue of a Whole Occupation Certificate, the applicant shall arrange for the relocation of any parts of the existing fence which encroach onto adjoining land. Any such fencing is to be relocated to a position on the dividing boundary in accordance with the provisions of the Dividing Fences Act 1991. Council will require the final position of the fencing to be confirmed by way of site survey.
15. The Applicant must not commence occupation or use of the premises until a Whole (or Partial Occupation Certificate for each stage of construction) has been issued from the Principal Certifier appointed for the subject development.

ADVICE

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

INTRODUCTION

Development Application No. 25/2023 proposes new fencing, continued use of existing fence and removal of an existing tree on the land described as Lot 1 DP 1195549, Lot 4 DP 1091414, Lot 2 DP 1195549 and Lot 6 DP 1091414, being Waratah Street Cowra. The application was lodged by G B Scott on 22 February 2023.

The application is being reported to Council for the following reasons:

- Cowra Shire Council is the owner of Lot 2 DP 1195549, which is a parcel of land to which Development Application No. 25/2023 relates. In accordance with Section 8 of the Cowra Shire Council's Code of Planning Practice, the Development Application is required to be assessed by a suitable independent expert and the assessment report is to be then reported to Council for determination. No delegation of authority is able to be utilised in the determination of the DA.
- The application is proposing a variation to Controls O.1.7.d of Council's Development Control Plan 2021. The proposal relates to the continued use (and construction) of mesh security fencing that is located in front of the main building towards the street.
- The application is proposing a variation to Controls O.1.8.b and O.1.8.c of Part O of Council's Development Control Plan 2021. The application has not been supported by a plan of survey or a report from a suitably qualified engineer dealing with prescribed matters relating to the development of flood prone land. Further details relating to the proposed variation are included in a further section of this report

A copy of the plans relating to the proposed development are included in Attachment '1' to this report and a copy of the Statement of Environmental Effects is included in Attachment '2'.

BACKGROUND

A meeting on site with the applicant confirmed that a fence had been constructed across the frontage of the property identified as 48 Waratah Street, Cowra. Further consent has been sought from the applicant to permit the extension of the existing fencing across the frontage of Council lands to meet up with privately owned lands to the east of the site.

As the fencing is proposed to go across Council owned land the application has been referred to an external consultant to undertake an assessment of the proposal and to comply with Council's Managing Conflicts of Interest for Council – Related Development Policy.

DESCRIPTION OF THE SITE

Lot 1 DP 1195549, Lot 4 DP 1091414, Lot 2 DP 1195549 and Lot 6 DP 1091414 are addressed to 38-48 Waratah Street Cowra.

A general description of existing site conditions for the subject land is included as follows:

- Lot 1 DP 1195549 has an existing area of approximately 2243m² and contains a number of existing buildings and structures that are used as part of a larger industrial complex (Sara Jane Furniture). This parcel also contains an existing access to Waratah Street.
- Lot 4 DP 1091414 has an existing area of approximately 2243m² and is currently used for the purposes of an existing dwelling.

- Lot 2 DP 119549 has an existing area of approximately 3.38ha and is currently vacant of any existing buildings or structures.
- Lot 6 DP 1091414 has an existing area of approximately 5500m² and is currently vacant of any existing buildings or structures.

All of the subject allotments are zoned E4 General Industrial under Cowra Local Environmental Plan (LEP) 2021.

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

DESCRIPTION OF THE PROPOSAL

There are multiple components to the proposed development. Each of these components is described as follows:

- Construction of new fencing. New fencing is proposed along a (combined) 43.8m section of the southern boundaries of Lot 1 DP 1195549, Lot 4 DP 1091414 and Lot 2 DP 1195549. Within this section of fencing is 1 x new 2.4m wide property access gate and an existing 4.8m wide property access gate.
- Continued use of existing fencing. The proposal seeks Council's consent for the continued use of an existing section of fencing that extends for 98.2m along the southern boundaries of Lot 2 DP 1195549 and Lot 6 DP 1091414, and also returning along the western boundary of Lot 6 DP 1091414.
- Removal of an existing tree. The proposal seeks Council's consent for the removal of a single mature eucalypt tree which is located within the boundaries of Lot 2 DP 1195549 and generally in the south eastern corner of the lot.

INDEPENDENT ASSESSMENT

In accordance with the Cowra Shire Council's Code of Planning Practice and Managing Conflicts of Interest for Council – Related Development Policy, Development Application No.25/2023 has been assessed by a planning consultant that is independent to both Cowra Shire Council and the owners of the subject land. Senior Planner Dean Steward from Currajong Pty Ltd has been engaged to complete this work and a copy of his Section 4.15 Assessment Report is included in Attachment '5' to this report.

Council is asked to refer directly to Attachment 5 for a detailed assessment of the proposed development, however a summary of the main findings is included as follows:

- There are no significant site history issues that have been identified in the planning assessment that are prohibitive to the proposed development.
- The proposal is assessed to be consistent with all relevant State Environmental Planning Policies apply to land in the Cowra Local Government Area, or specifically to the development site.
- The proposal is permissible in the E4 General Industrial zone under Cowra Local Environmental Plan 2012.

- The proposal is also assessed to be consistent with the special provisions contained in Cowra Local Environmental Plan 2012 relating to the development of land in the E4 General Industrial zone.
- The proposal is assessed to be consistent with the Cowra Council Development Control Plan 2021, except that a variation is required to Control I.1.7.d of Part I, and Controls O.1.8.b and O.1.8.c of Part O. The policy variations are supported by the independent planning consultant on merit.
- The proposal is assessed to be satisfactory having regard to the relevant matters for consideration in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979.
- The proposal does not trigger the requirement for payment of contributions in accordance with Council's Section 7.11 or 7.12 Contributions Plan 2016, or Council's Developer Servicing Plans for Water and Sewer 2006.
- The proposal was notified and advertised in accordance with Cowra Community Participation Plan 2020. No submissions were received following the consultation process.

The recommendation from the independent consulting planner is that DA 25/2023 be granted consent subject to the imposition of conditions.

Conclusion

Development Application No. 25/2023 proposes new fencing, continued use of existing fence and removal of an existing tree on the land described as Lot 1 DP 1195549, Lot 4 DP 1091414, Lot 2 DP 1195549 and Lot 6 DP 1091414, being Waratah Street Cowra. The application was lodged by G B Scott on 22 February 2023 and is supported by a Statement of Environmental Effects and development plans which provide sufficient information to allow assessment of the proposal.

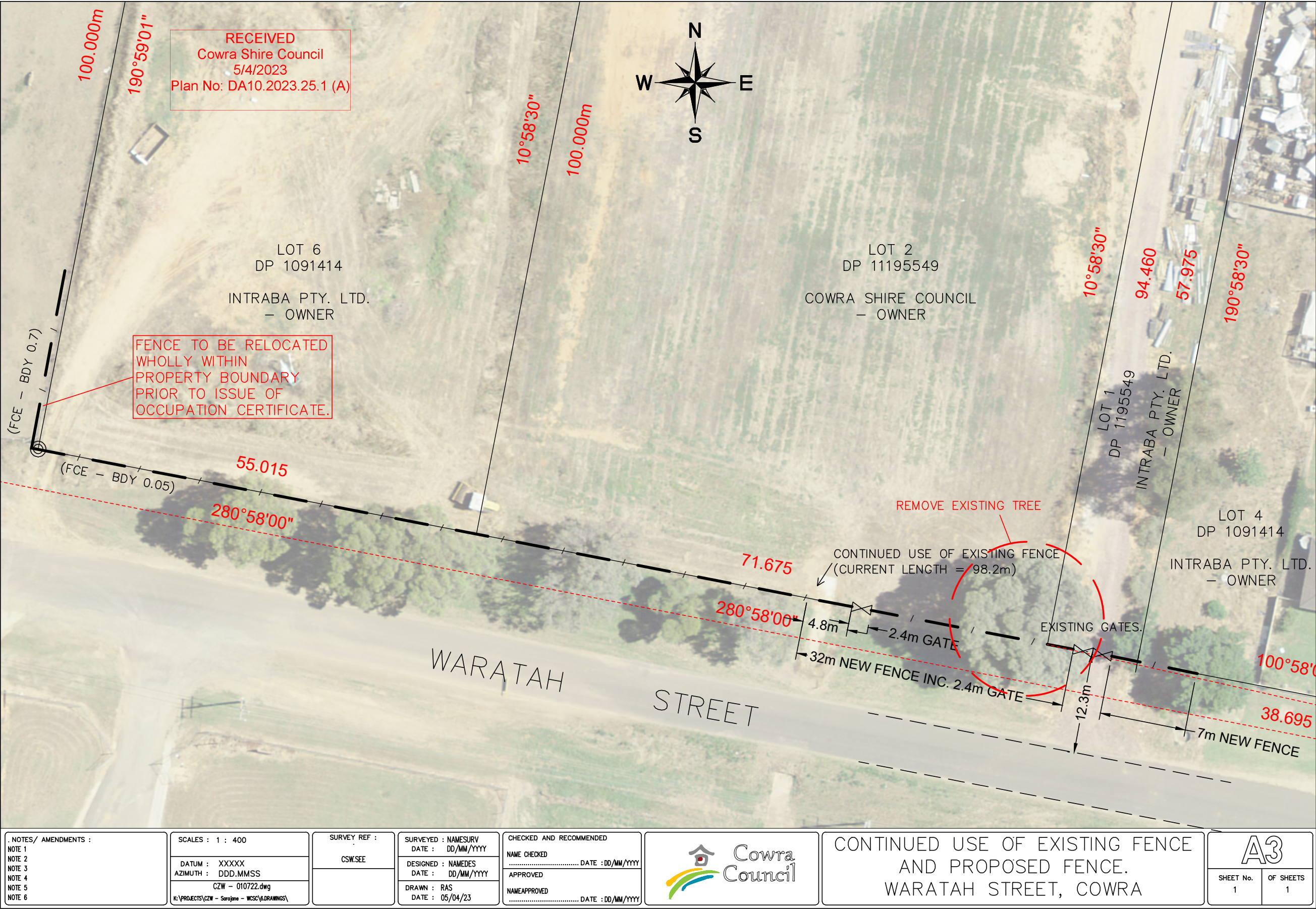
The proposed development has been assessed to be consistent with the requirements of Cowra Local Environmental Plan 2012, relating to development in the E4 General Industrial zone. The variations to Control I.1.7.d of Part I and Controls O.1.8.b and O.1.8.c of Part O of the Cowra Development Control Plan 2021 are sufficiently justified.

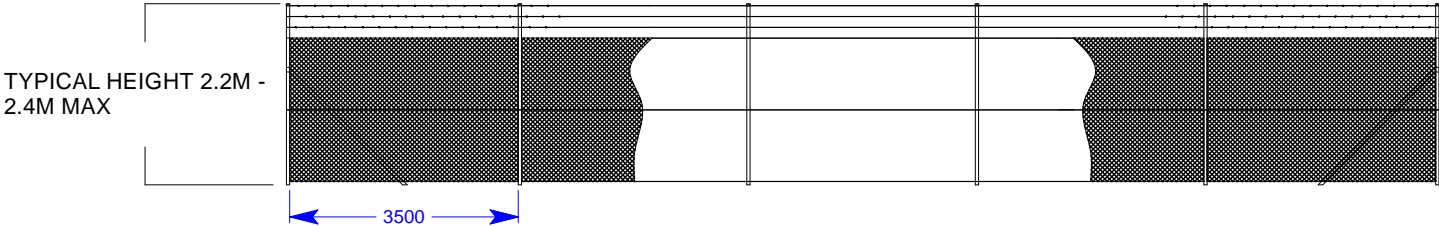
The development application was notified and advertised in accordance with Cowra Community Participation Plan 2020. No submissions were received following the consultation process.

Having considered the documentation supplied by the applicant, and the findings of the assessment that has been completed by an independent planning consultant, Development Application No. 25/2023 is recommended to Council for conditional approval.

ATTACHMENTS

1. DA 25/2023 - Development Plans [↓](#)
2. DA 25/2023 - Statement of Environmental Effects [↓](#)
3. DA 25/2023 - Location map [↓](#)
4. DA 25/2023 - Aerial View [↓](#)
5. DA 25/2023 - Development Assessment Report - Currajong Pty Ltd [↓](#)





ELEVATION PLAN - CONTINUED USE OF AND EXISTING FENCE
AND A PROPOSED FENCE - WARATAH STREET, COWRA

RECEIVED
Cowra Shire Council
28/3/2023
Plan No: DA10.2023.25.1



Statement of Environmental Effects to Accompany a Development Application

Continued Use of an Existing Fence, Erection of a Fence and Removal of an Existing Tree – Waratah Street, Cowra

Prepared for
Cowra Shire Council & Intraba Pty Ltd

Lodged with
Cowra Shire Council

January 2023

Claire Johnstone Planning & Development
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Claire Johnstone Planning & Development

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1 INTRODUCTION

This Statement of Environmental Effects has been prepared by Claire Johnstone Planning & Development on behalf of Cowra Shire Council & Intraba Pty Ltd.

It accompanies a Development Application seeking development consent from Cowra Shire Council for the continued use of a fence, erection of a fence and removal of a tree at Waratah Street, Cowra (Lot 6 DP 1091414, Lot 2 DP 11195549, Lot 1 DP 11195549 and Lot 4 DP 1195549).

This Statement has been prepared pursuant to Section 4.12 of the *Environmental Planning and Assessment Act 1979* and Clause 50 of the *Environmental Planning and Assessment Regulation 2021*.

1.1 Applicant

Intraba Pty Ltd - Glen Scott
C/ Claire Johnstone Planning & Development
'Woburn Park'
144 Walli Road
WOODSTOCK NSW 2793

1.2 Owner

Intraba Pty Ltd
40 William Street
COWRA NSW 2794

Cowra Shire Council
Private Bag 342
COWRA NSW 2794

1.3 Documentation

This Development Application consists of the following documentation:

- Site Plan, completed by Cowra Shire Council;
- Elevation Plan, completed by Claire Johnstone Planning & Development; and
- Statement of Environmental Effects, completed by Claire Johnstone Planning & Development.

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2 SITE DESCRIPTION AND LOCATION

2.1 Site Description

The site is legally described as Lot 6 DP 1091414, Lot 2 DP 11195549, Lot 1 DP 11195549 and Lot 4 DP 11195549 and is known as Waratah Street, Cowra.

2.2 The Existing Built Form and Building Layout

The subject allotments are used for various uses and contain several buildings and structures associated with each use.

Lot 6 DP 1091414 - The subject allotment stores agricultural machinery, associated with a Light Industry purpose.

Lot 2 DP 11195549 - The subject allotment is vacant land.

Lot 1 DP 11195549 - The subject allotment contains warehouse buildings and is used for Light Industry purposes, associated with the business of Sarajane Furniture.

Lot 4 DP 11195549 - The subject allotment contains an existing dwelling house and is for residential purposes.

Vegetation is scattered throughout the sites and is predominately along the southern boundary of Lot 2 DP 11195549 as per the submitted Site Plans.

2.3 Access

The subject allotments are located off Waratah Street. An existing access services Lot 1 DP 11195549.

2.4 Services

Reticulated water, sewerage, telecommunications and electricity service the subject allotments.

2.5 Surrounding Land Use(s)

The subject allotments are predominately surrounded by industrial land uses.

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3 DESCRIPTION OF THE PROPOSAL

3.1 Overview of the Proposal

Continued Use of a Fence

The application seeks approval for the continued use of a fence located 98.2 meters along the southern boundary of the subject allotments. The fence is 2.2 metres high, with 3 barbed wires along the top of the fence. Refer to the Photograph 1 and 2 of the existing fence.



Photograph 1: Continued Use of a Fence (Waratah Street)

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Photograph 2: Continued Use of a Fence (Waratah Street)

Erection of a Fence

The application seeks approval for the erection of a fence located 39 metres along the southern boundary of the subject allotments, including a 2.4 metre wide gate off Lot 2 DP 11195549. The fence is 2.2 metres high, with 3 barbed wires along the top of the fence.

Removal of an Existing Tree

The application seeks approval to remove an existing eucalyptus tree located along the southern boundary of Lot 2 DP 11195549 to accommodate the new fence. Refer to Photograph 3 of the existing tree.

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Photograph 3: Existing Tree to be Removed (Waratah Street)

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4 STATUTORY PLANNING FRAMEWORK

3.2 Environmental Planning and Assessment Act 1979 No 203

In accordance with Section 4.15 (Section 79C) of the *Environmental Planning & Assessment Act 1979 No 203* in determining a development application a consent authority is to take into consideration the relevant matters listed in Section 4.15 (Section 79C(1)). The provisions of this Section are addressed further in section 5 of this Statement.

3.3 Environmental Planning Instruments

3.3.1 State Environmental Planning Policy (Koala Habitat Protection) 2021

State Environmental Planning Policy (Koala Habitat Protection) 2021 applies to all land within the Cowra local government area and aims to provide a State-wide planning approach to the conservation and management of areas of natural vegetation that provide habitat for koalas.

A site inspection revealed that there was no koala habitats present on the subject allotment or within the existing tree that is proposed to be removed and it is considered unlikely that the proposed development would disturb an existing habitat.

3.3.2 State Environmental Planning Policy (Resilience and Hazards) 2021

The *State Environmental Planning Policy (Resilience and Hazards) 2021* applies to all land and aims to provide for a State-wide planning approach to the remediation of contaminated land.

The SEPP requires the consent authority to consider whether land is contaminated prior to granting consent to carrying out of any development on that land, and if the land is contaminated, it is satisfied that the land is suitable in its current state or will be suitable after remediation for the purpose for which the development is proposed to be carried out.

The use of the site has been for industrial purposes and will continue to be used for industrial purposes therefore; it is unlikely that there is any form of contamination onsite would warrant further investigation.

3.3.3 Cowra Local Environmental Plan 2012

The proposal is subject to the provisions of *Cowra Local Environmental Plan 2012* (CLEP).

Zoning

The subject site is located within the IN2 Light Industrial zone pursuant to CLEP.

The objective of the IN2 Light Industrial zone is:

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provides facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.

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The proposed development is consistent with the zone objectives due to the following:

- The land is currently used for light industrial purposes and the proposed development will support the use of the subject allotments and provide safety, security and crime prevention.
- The proposal does not create any negative impacts on the natural environment or surrounding land uses.

Pursuant to the Land Use Table of the CLEP the proposed development is permitted with development consent in the IN2 Light Industrial prescribed zone, subject to development consent from Council. The proposed development is considered to be ancillary to the use of the light industry land use.

Clause 5.21 Flood Planning

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

- (a) to minimise the flood risk to life and property associated with the use of land,*
- (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
- (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,*
- (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.*

The subject allotments are located in a Flood Planning Area, as per the CLEP. Therefore, the subject Clause applies to the application. The proposed development does not create any additional flooding impact or influence the behaviour on the subject allotments or surrounding land.

(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—

- (a) is compatible with the flood function and behaviour on the land, and*
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

The proposed development is of a metal chainmesh construction, therefore, it is considered unlikely that the fencing will have an adverse impact on the flood function or behaviour of the subject allotments or surrounding area. It is important to note that the same fencing is located on several properties surrounding the subject allotments, therefore is considered appropriate and no adverse impacts are assessed.

(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—

- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,*
- (b) the intended design and scale of buildings resulting from the development,*
- (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
- (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

The proposed development is of a metal chainmesh construction, therefore, it is considered unlikely that the fencing will have an adverse impact on the flood function or behaviour of the subject allotments or surrounding area. It is important to note that the same fencing is located on several properties surrounding the subject allotments, therefore is considered appropriate and no adverse impacts are assessed.

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(4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.

3.3.4 Cowra Development Control Plan 2021

Part I – Industrial Development applies to the subject application and the following controls apply:

I.1.7. Fencing Controls

Fencing is typically required for security purposes in industrial areas, however it can also be used to improve the appearance, functionality and safety of a development if it designed and placed properly. The visual impact, scale and design of fences in industrial areas all need to be carefully considered.

a. Security fencing should provide for the protection of property and should be avoided (where possible) around non-productive and exposed areas of the site such as car parking and landscaped areas.

The proposed development complies with the control as it provides the protection of the property around the primary frontage of the allotments.

b. Security fencing should not wholly obstruct the view of landscaping from the street.

The proposed development complies with the control as it does not obstruct the view of landscaping from the street.

c. Security fencing should preserve safe sight distances for all vehicle entry and exit locations, including those on adjoining properties.

The proposed development complies with the control as it does not obstruct sight distances for vehicle entry/exit or on adjoining properties.

d. Mesh security fencing should not be located in front of the main building wall towards the street and must not be erected to a height greater than 2.4 metres.

The proposed development is not located in front of any main buildings and is not greater than 2.4 metres in height.

Part O – Environmental Hazard Management applies to the subject application and the following controls apply:

Part O.1: Flood Risk Management

O1.8 Information to accompany a Development Application

The subject allotments are located in a Flood Planning Area, as per the CLEP. It is considered that due to the nature of the development, the proposed development does not create any additional flooding impact or influence the behaviour on the subject allotments or surrounding land; therefore, no adverse flooding impacts are assessed. Therefore, a Flood Impact Study does not accompany the application or is warranted.

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4 SECTION 4.15 CONSIDERATIONS

The following matters are to be taken into consideration when assessing an application pursuant to Section 4.15 (section 79C) of the *Environmental Planning and Assessment Act 1979 No 203*.

4.1 The provisions of any planning instrument, draft environmental planning instrument, development control plan or regulations

The proposal is permissible pursuant to *Cowra Local Environmental Plan 2012* as detailed in this Statement.

The proposal is permissible with development consent pursuant to *Cowra Local Environmental Plan 2012* Land Use Table and Clause 2.8 also provides for the temporary use of land, which is consistent with the proposed development as outlined in Section 3 of this report.

4.2 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

4.2.1 Context and Setting

The site is legally described as Lot 6 DP 1091414, Lot 2 DP 11195549, Lot 1 DP 11195549 and Lot 4 DP 11195549 and is known as Waratah Street, Cowra.

The subject allotments are used for various uses and contain several buildings and structures associated with each use. Vegetation is scattered throughout the sites and is predominately along the southern boundary of Lot 2 DP 11195549 as per the submitted Site Plans.

4.2.2 Access, Transport and Traffic

Vehicle access to the site is via Waratah Street via an existing access location via Lot 1 DP 11195549 and a proposed access via Lot 2 DP 11195549.

4.2.3 Public Domain

The proposed development would not impact on the public domain within the surrounding area.

4.2.4 Utilities

Reticulated water, sewerage, telecommunications and electricity service the subject allotments.

4.2.5 Heritage

The proposed development would not impact upon any known items of heritage significance.

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4.2.6 Other Land Resources

The proposed development would not have an effect on productive agricultural land, mineral and extractive resources or water supply catchments, due to the site being located in an Industrial zone.

4.2.7 Water

The proposed development would not impact on any waterways or any aquifers or the existing potable water supply.

4.2.8 Soils

The proposed development would not impact on soil conservation.

4.2.9 Air and Microclimate

The proposed development would not impact on the air or microclimate conditions.

4.2.10 Flora and Fauna

The application seeks approval to remove an existing eucalyptus tree located along the southern boundary of Lot 2 DP 11195549 to accommodate the new fence. No adverse impacts are assessed; the subject tree is not identified as a Heritage Item under the CLEP.

4.2.11 Waste

Any waste generated during the construction phase will be removed from the subject property to a designated/approved location by Council.

4.2.12 Energy

Not applicable to this application.

4.2.13 Noise and Vibration

It is anticipated that during the construction of the proposed development, noise and vibration may increase within the immediate area. However, once constructed the proposed development will create no noise or vibration impacts to the surrounding land uses.

4.2.14 Natural Hazards

The subject allotments are located in a Flood Planning Area, as per the CLEP. It is considered that due to the nature of the development, the proposed development does not create any additional flooding impact or influence the behaviour on the subject allotments or surrounding land; therefore, no adverse flooding impacts are assessed.

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4.2.15 Technological Hazards

There are no known previous land uses that would indicate the site is affected by land contamination that would warrant further investigation.

4.2.16 Safety, Security and Crime Prevention

The proposed development will provide safety, security and crime prevention to the subject allotments.

4.2.17 Social Impact in the Locality

The proposed development is not likely to result in an adverse social impact for the surrounding area.

4.2.18 Economic Impact in the Locality

The proposed development is not likely to result in an adverse economic impact for the surrounding area.

4.2.19 Site Design and Internal Design

The proposed development has been designed in regard to the existing site conditions and the proposed use and operations of the site.

4.2.20 Construction Impacts

The proposed development will be constructed in accordance with the Building Code of Australia and other relevant legislation and standards.

4.2.21 Cumulative Impacts

The proposed development is unlikely to create any cumulative impacts, due to the temporary nature of the proposal.

4.2.22 The Suitability of the Site for the Development

The subject property is a suitable location to accommodate and operate the proposed development.

4.2.23 Any Submissions made in accordance with the Act or Regulations

It is envisaged that any submissions made in relation to the proposal will be appropriately assessed by Council.

4.2.24 The Public Interest

The proposal is in the public interest.

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5 CONCLUSION

The relevant matters for consideration under section 4.15 of the *Environmental Planning and Assessment Act 1979* has been addressed in this report and the proposed development has been found to be consistent with the relevant planning provisions.

For reasons outlined in this Statement of Environmental Effects the proposed development at Waratah Street, Cowra should be granted development consent and approval.



Cowra Council
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Ph: (02) 6340 2000
Web: www.cowracouncil.com.au

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Drawn By: dean steward

Projection: GDA94 / MGA zone 55

Date: 24/05/2023 1:03 PM

Attachment 3 - Location Map - DA 25/2023

Map Scale: 1:5000 at A4

Created on 24/05/2023



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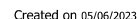
Drawn By: dean steward


Projection: GDA94 / MGA zone 55

Date: 24/05/2023 1:03 PM

Attachment 3 - Location Map - DA 25/2023

Map Scale: 1:5000 at A4



	<p>Important Notice!</p> <p>This map is not a precise survey document. Accurate locations can only be determined by a survey on the ground.</p> <p>This declaration has been prepared for Council's internal purposes and for no other purpose. No statement is made about the accuracy or suitability of the information for use for any purpose (whether the purpose has been notified to Council or not). While every care is taken to ensure the accuracy of this data, neither the Cowra Council nor the SS makes any representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason.</p> <p>© The State of New South Wales (Spatial Services), © Cowra Council.</p>	<p>Drawn By: Cassandra Galley</p>	<p>DA 25/2023 - Attachment 4</p>
		<p>Projection: GDA94 / MGA zone 55</p> <p>Date: 05/05/2023 2:41 PM</p>	

Cowra Shire Council
Development Assessment Report



1. Application Details		
DA No.	25/2023	
Description of Development	New fencing, continued use of existing fence and removal of existing tree	
BCA Class		
Applicant	G B Scott	
Landowner	Lot 1 DP 1195549 - Intraba Pty Ltd Lot 4 DP 1091414 - Intraba Pty Ltd Lot 2 DP 1195549 – Cowra Shire Council Lot 6 DP 1091414 – Intraba Pty Ltd	
Landowners consent provided	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Category of Development	<input checked="" type="checkbox"/> Local Development	<input type="checkbox"/> Designated Development
	<input type="checkbox"/> Integrated Development	<input type="checkbox"/> State Significant Development
	Comments: The proposal does not trigger the thresholds for designated development, as per Schedule 3 of the Environmental Planning and Assessment Regulation 2021. The proposal does not trigger the thresholds for premise and non-premise based scheduled activities as per Schedule 1 of the Protection of the Environment Operations Act 1997. The proposal does not trigger the 'integrated development' provisions of the Environmental Planning and Assessment Act 1979.	
2. Property Description		
Property Address	38-48 Waratah Street Cowra	
Title Description	Lot 1 DP 1195549, Lot 4 DP 1091414, Lot 2 DP 1195549 and Lot 6 DP 1091414	
Existing Use	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No <input type="checkbox"/> Not Applicable
Current Land-use	<ul style="list-style-type: none"> - Lot 1 DP 1195549 has an existing area of approximately 2243m2 and contains a number of existing buildings and structures that are used as part of a larger industrial complex (Sara Jane Furniture). - Lot 4 DP 1091414 has an existing area of approximately 2243m2 and is currently used for the purposes of an existing dwelling. - Lot 2 DP 119549 has an existing area of approximately 3.38ha and is currently vacant of any existing buildings or structures and is not currently used for an active industrial purpose. - Lot 6 DP 1091414 has an existing area of approximately 5500m2 and is currently vacant of any existing buildings or structures and is not currently used for an active industrial purpose. 	
3. Additional Information		
Additional Information Requested	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Date of Request	14/02/2023, 14/02/2023, 23/02/2023, 15/02/2023	
Date Received	14/02/2023, 20/03/2023, 20/03/2023, 20/03/2023	
Assessment Comment	The additional information requested related to the following matters:	

	<ul style="list-style-type: none"> – Permission for Cowra Council to update the NSW Planning Portal to include Lot 2 P 11195549 as lot to which the application relates. – Provision of an amended site plan correcting the labelling of the title particulars applying to the subject lots. – Provision of an amended Statement of Environmental Effects that addresses the requirements of Part O1.8 of the Cowra DCP 2021, and provides an assessment of impact in relation to the proposed tree removal. – Provision of an amended fence elevation plan showing correct height details. 		
4. Initial Check Meeting			
Date of Meeting	17 August 2022		
Referral to Technical Services	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Comments received and attached to file
Referral to Building Surveyor	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Comments received and attached to file
Referral to Town Planner	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Comments received and attached to file
5. Site Inspection			
Date of Site Inspection	26 April 2023 / 10/05/2023		
Photographic record	A record of the photographs taken at the site inspection on 26 April 2023 is included in Appendix A to this assessment report.		
6. Site History			
Is there relevant site history?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Assessment Comment	<p>The following site history is established having regard to the information submitted in support of the Development Application and a review of relevant property records held by Cowra Shire Council:</p> <ul style="list-style-type: none"> – Lot 1 DP 1195549 contains a number of existing buildings and structures that are used as part of a larger industrial complex (Sara Jane Furniture) which has received approval from Cowra Shire Council. – Lot 4 DP 1091414 is currently used for the purposes of an existing dwelling, which is a long standing use of the land. – Lot 2 DP 119549 is currently vacant of any existing buildings or structures. The land is owned by Cowra Shire Council and forms part of the West Cowra drainage channel. – Lot 6 DP 1091414 currently vacant of any existing buildings or structures. There are no existing approvals on Council file relating to the use of this land for industrial purposes. <p>Aside from the above, there are no other known site history issues that are considered to be particularly relevant to the proposed development.</p>		
7. Contributions Planning			
Name of Plan	Does the plan have applicability?		Contribution Liability
Section 7.11 Contributions Plan	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Nil
Section 7.12 Contributions Plan	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Nil
Section 64 Water DSP	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Nil
Section 64 Sewer DSP	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Nil
Assessment Comment	<p>The land is not located within a growth area to which the Cowra Council Section 94 (7.11) Development Contributions Plan 2016 applies.</p> <p>The proposed development is not captured by the contributions framework applied within the Cowra Council Section 94A(7.12) Contributions Plan 2016 as the cost of works does not exceed the \$100K threshold.</p>		

		As the development does not propose connection to Council's reticulated water or sewer supply system, the payment of Section 64 DSP charges is assessed not to apply.	
8. Section 4.15 Evaluation Matters			
8.1. Section 4.15(1)(a)(i) Provision of any Environmental Planning Instrument			
Local Environmental Plans			
Relevant EPI	Cowra Local Environmental Plan 2012		
Land Zoning	E4 General Industrial		
Definition of proposal	DA 25/2023 is seeking consent from Cowra Shire Council for: <ul style="list-style-type: none"> - new fencing - continued use of existing fencing, and - removal of existing tree The proposed development is permissible in the E4 General Industrial zone as development that is ancillary to existing land-use (vacant or otherwise).		
Is the development permissible?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
LEP Map evaluation	Land Application Map	Cowra LGA	
	Land Zoning Map	E4 General Industrial	
	Lot Size Map	Nil	
	Dwelling Opportunity Map	Not applicable	
	Flood Planning Map	Flood Prone	
	Heritage Map	No heritage items.	
	Land Reservation Map	Not applicable	
	Terrestrial Biodiversity Map	Terrestrial biodiversity not present.	
	Wetlands, Groundwater Vulnerability, Riparian Lands and Watercourses Map	Vulnerable groundwater present. Further assessment required	
	Urban Release Area Map	Not applicable	
	Additional Permitted Uses Map	Not applicable	
	Natural Resources Sensitivity Map	Not applicable	
	Land Reclassification Map	Not applicable	
Special Clauses Identification	Name of Clause	Applicability	
1.9A	A Suspension of covenants	<input checked="" type="checkbox"/> Yes – See below for details.	<input type="checkbox"/> No
2.3	Zone Objectives and Land-use Table	<input checked="" type="checkbox"/> Yes – See below for details.	<input type="checkbox"/> No
2.6	Subdivision	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
2.7	Demolition	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
2.8	Temporary use of land	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
4.1	Minimum Lot Size	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
4.1AA	MLS – Community Title	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
4.1A	MLS - Strata	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
4.1B	MLS – Split Zones	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No

4.1C	MLS Exceptions	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
4.1D	Rural Boundary Adjustments	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
4.2	Rural Subdivision	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
4.2A	Subdivision for Intensive Ag	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
4.2B	Erection of dwellings in certain rural areas	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
4.2C	Erection of rural workers dwellings in Zone RU1	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
5.3	Development Near Zone Boundaries	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
5.4	Controls relating to miscellaneous uses	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
5.10	Heritage Conservation	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
5.21	Flood Planning	<input checked="" type="checkbox"/> Yes – See below for details.	<input type="checkbox"/> No
7.1	Earthworks	<input checked="" type="checkbox"/> Yes – See below for details.	<input type="checkbox"/> No
7.3	Terrestrial Biodiversity	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
7.4	Riparian Lands and Watercourses	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
7.5	Wetlands	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
7.6	Groundwater Vulnerability	<input checked="" type="checkbox"/> Yes – See below for details.	<input type="checkbox"/> No
7.7	Airspace Operations	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
7.7	Essential Services	<input checked="" type="checkbox"/> Yes – See below for details.	<input type="checkbox"/> No
7.9	Location of sex service premises	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
7.10	Industrial Development on in land in RU1 zone	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
7.11	Development on land in Karst Areas	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
Special Clause Assessment	A more detailed assessment of relevant planning maps and special provision requirements of the Cowra Local Environmental Plan has been carried out below.		
	<p><u>Clause 1.9A – Suspension of Covenants, Agreements and Instruments</u></p> <p>Clause 1.9A provides that covenants, agreements and other instruments which seek to restrict the carrying out of development do not apply with the following exceptions:</p> <ul style="list-style-type: none"> – a covenant imposed by the Council or that the Council requires to be imposed, or – any prescribed instrument within the meaning of section 183A of the Crown Lands Act 1989, or – any conservation agreement within the meaning of the National Parks and Wildlife Act 1974, or – any Trust agreement within the meaning of the Nature Conservation Trust Act 2001, or – any property vegetation plan within the meaning of the Native Vegetation Act 2003, or – any biobanking agreement within the meaning of Part 7A of the Threatened Species Conservation Act 1995, or – any planning agreement within the meaning of Division 6 of Part 4 of the Act. <p>This clause does not affect the rights or interest of any public authority under any registered instruments.</p> <p>The SEE prepared by Claire Johnstone Planning and Development and lodged in support of the DA does not address the requirements of Clause 1.9A of the CLEP. Notwithstanding, an assessment of relevant matters is able to confirm the following:</p> <ul style="list-style-type: none"> – Lot 1 D 1195549 is affected by multiple easements including easements for drainage of water and easements for access. – Lot 2 DP 1195549 is affected by an existing right of access, located along the southern boundary of the lot. 		

	<ul style="list-style-type: none"> - The site is affected by an easement, marked (D) on the DP and shown to be an easement for services 10m wide and variable width. <p>None of the identified easements are deemed to be prohibitive to the proposed development. Similarly, the proposed fencing locations will not impact on existing easement locations. The proposed development is assessed to be consistent with the requirements of Clause 1.9 of the LEP.</p> <p><u>Clause 2.3 – Zone Objectives and Land Use Table</u></p> <p>The subject land is zoned E4 General Industrial in accordance with the LEP. Clause 2.3(3) of the LEP requires that Council, as consent authority, must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</p> <p>The objectives for the E4 zone are repeated in full as follows:</p> <ul style="list-style-type: none"> - To provide a range of industrial, warehouse, logistics and related land uses. - To ensure the efficient and viable use of land for industrial uses. - To minimise any adverse effect of industry on other land uses. - To encourage employment opportunities. - To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers. - To ensure the nature and scale of new industrial development in West Cowra is compatible with existing residential land uses in the surrounding area. <p>The SEE lodged in support of the DA states that the proposal will be consistent with the objectives for the E4 zone for the following reasons:</p> <ul style="list-style-type: none"> - The land is currently used for light industrial purposes and the proposed development will support the use of the subject allotments and provide safety security and crime prevention. - The proposal does not create any negative impacts on the natural environment or surrounding land uses. <p>It is assessed that the proposed development is generally consistent with the objectives of the E4 General Industrial zone.</p> <p><u>Clause 5.21 – Flood Planning</u></p> <p>Clause 5.21 of the CLEP requires that Council must not grant consent to development on land within the flood planning area unless it is satisfied that the development:</p> <ol style="list-style-type: none"> (a) is compatible with the flood function and behaviour on the land, and (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and (d) incorporates appropriate measures to manage risk to life in the event of a flood, and (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses. <p>In deciding whether to grant consent, Council must also consider the following matters:</p> <ol style="list-style-type: none"> (a) the impact of the development on projected changes to flood behaviour as a result of climate change, (b) the intended design and scale of buildings resulting from the development, (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood, (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion. <p>The SEE submitted in support of the DA has included an assessment of the matters prescribed by Clause 5.21, which is repeated in as follows:</p> <ul style="list-style-type: none"> - The subject allotments are located in a Flood Planning Area, as per the CLEP. Therefore, the subject Clause applies to the application. The proposed development does not create any additional flooding impact or influence the behaviour on the subject allotments or surrounding land.
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	<ul style="list-style-type: none"> - The proposed development is of a metal chainmesh construction, therefore, it is considered unlikely that fencing will have an adverse impact on the flood function or behaviour of the subject allotments or surrounding area. It is important to note that the same fencing is located on several properties surrounding the subject allotments, therefore it is considered appropriate and no adverse impacts are assessed. <p>The assessment findings in the SEE are supported. The following additional assessment findings have been made:</p> <ul style="list-style-type: none"> - Despite the fence being located within a defined overland natural drainage channel, it is constructed of open mesh material and is unlikely to result in ongoing impediments to natural surface water drainage of the land. A normal maintenance regime would be required to ensure debris from drainage processes do not interfere with expected flow. On the basis, the proposed development is assessed to be consistent with the provisions of Clause 5.21 of CLEP. - Neither the existing or proposed fencing includes solid elements to their constructions which could have the impact of affecting floodwater behaviour to an extent that would be detrimental to other properties. - The proposed works do not create safety hazard associated with the need to efficiently evacuate people in the event of a flood. There are existing gates at defined access locations suitable for the purpose and no changes to existing arrangements are proposed. <p><u>Clause 7.1 Earthworks</u></p> <p>Clause 7.1 of the CLEP requires that Council to consider whether the proposed development will have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. Before granting consent to development involving earthworks, Council must consider the following matters:</p> <ul style="list-style-type: none"> (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. <p>The SEE lodged in support of the DA does not specifically address the requirements of Clause 7.1 of the CLEP. The plans of the proposed development do however contain sufficient detail to show that earthworks will likely be associated with the following components of the proposal:</p> <ul style="list-style-type: none"> - Construction of a new section of fencing along the southern boundaries of part of Lot 4 DP 1091414, Lot 1 DP 1195549 and part of Lot 2 DP11195549. - Relocation of the existing fence line on the eastern boundary of Lot 6 DP 1091414 so that it is on the dividing boundary or wholly within the land. <p>An inspection of the development confirms that the land drains naturally from south to north There is a natural drainage channel traversing the site (generally), which forms part of the West Cowra Drainage Channel. An inspection of the site on 26 September 2023 did not reveal any underlying environmental issues associated with the land which could be exacerbated by development processes. Having regard to the detail shown on the plans, and an inspection of the development site, the following assessment comments are made in relation to the requirements of Clause 7.1:</p> <ul style="list-style-type: none"> - Despite the fence being located within a defined overland natural drainage channel, it is constructed of open mesh material and is unlikely to result in ongoing impediments to natural surface water drainage of the land. A normal maintenance regime would be required to ensure debris from drainage processes do not interfere with expected flow. - Cut and fill is not necessary due to the nature and scale of works. Minimal earthworks will be required to facilitate the construction of the new fence components and these would not be expected to impact on existing and likely amenity of adjoining properties.
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	<ul style="list-style-type: none">– Subject to the implementation of appropriate soil erosion and sediment controls during construction phases of the project, there is a low probability that the proposal will generate detrimental impacts on the existing environment.– The likelihood of relics of being disturbed is low. A search of the AHIMS database has not identified any registered sites within a close proximity of the site.– The site is not impacted by drinking water catchments or environmentally sensitive landscapes. <p>The proposal is assessed to comply with the provisions contained in Clause 7.1 of Cowra Local Environmental Plan 2012.</p> <p><u>Clause 7.6 Groundwater Vulnerability</u></p> <p>Clause 7.6 applies to land that is mapped as being affected by “Groundwater Vulnerable” on the Groundwater Vulnerability Map.</p> <p>The subject land is mapped as being within an area that contains Vulnerable Groundwaters. Before determining a development application, Council must consider:</p> <ul style="list-style-type: none">(a) the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),(b) any adverse impacts the development may have on groundwater dependent ecosystems,(c) the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),(d) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. <p>The SEE lodged in support of the DA does not specifically address the requirements of Clause 7.6 of the CLEP. Due to the nature and scale of proposed works, impacts on vulnerably groundwater supplies in the vicinity of the development is assessed to nil. The proposed development is assessed to be consistent with the requirements of Clause 7.6 of CLEP.</p> <p><u>Clause 7.8 Essential Services</u></p> <p>Clause 7.8 requires that Council must not grant consent to development unless it is satisfied that any of the services that are essential for the development are available or that adequate arrangements have been made to make them available when required.</p> <p>Due to the nature of the proposal, there no essential service requirements. The following brief assessment statements are made with regards to services:</p> <ul style="list-style-type: none">- Water and sewer connections are not proposed or required.- Electricity connections are not proposed or required.- There are no changes to existing stormwater drainage arrangements to any of the subject lots.- Except for the provision of a new access gate within the new fencing on the southern boundary to Lot 2 DP 11195549, there are no changes to existing access arrangements to any of the subject lots. <p>On the basis of the above, it is assessed that the proposed development is consistent with the requirements of Clause 7.8 of Cowra Local Environmental Plan 2012.</p>		
State Environmental Planning Policies			
Identification of Relevant SEPPS	Name of SEPP	Applicability	
	SEPP (Biodiversity and Conservation) 2021	<input checked="" type="checkbox"/> Yes – See below for details.	<input type="checkbox"/> No
	SEPP (BASIX) 2004	<input type="checkbox"/> Yes – See below for details.	<input type="checkbox"/> No
	SEPP (Exempt and Complying) 2008	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
	SEPP (Housing) 2021	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
	SEPP (Industry and Employment) 2021	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No

	SEPP No 65—Design Quality of Residential Apartment Development	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
	SEPP (Planning Systems) 2021	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
	SEPP (Precincts – Regional) 2021	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
	SEPP (Primary Production) 2021	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
	SEPP (Resilience and Hazards) 2021	<input checked="" type="checkbox"/> Yes – See below for details.	<input type="checkbox"/> No
	SEPP (Resources and Energy) 2021	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
	SEPP (Sustainable Buildings) 2022	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
	SEPP (Transport and Infrastructure) 2022	<input checked="" type="checkbox"/> Yes – See below for details.	<input type="checkbox"/> No
SEPP Assessment	<p><u>SEPP (Resilience and Hazards) 2021</u></p> <p>Section 3.3.2 of the SEE submitted with the DA provides an assessment of the proposal against the requirements of State Environmental Planning Policy (Resilience and Hazards) 2021 – referred to hereafter as the Hazards SEPP.</p> <p>Clause 4.6 of the Hazards SEPP requires that Council must not consent to the carrying out of any development on land (including a change of use) unless it has considered whether the land is contaminated.</p> <p>The following statement is made by the applicant in Section 3.3.2 of the SEE:</p> <p><i>The use of the site has been for industrial purposes and will continue to be used for industrial purposes. It is unlikely that there is any form of contamination onsite that would warrant further investigation</i></p> <p>The assessment findings in the SEE are supported. An inspection of the development site was carried out on 26 April 2023 and no obvious signs of contamination were observed. Having regard to the known history of land-use at the site (refer earlier section of this report) and the nature of the proposal, further investigation in relation to land contamination is considered unnecessary.</p> <p><u>SEPP (Transport and Infrastructure) 2022</u></p> <p>There are provisions contained within the Infrastructure SEPP which are triggers for the referral of Development Applications to certain authorities prior to the Council being able to grant consent. With particular regard to the nature of the development proposed by this DA, the potential triggers for referral are summarised as follows.</p> <p>Clause 2.48 of the Infrastructure SEPP requires Council to give written notice to the electricity supply authority (and consider any response received within 21 days) when a DA involves development that comprises or involves:</p> <ul style="list-style-type: none">– the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,– development carried out within or immediately adjacent to an easement for electricity purposes or substation, or within 5 metres of an exposed overhead electricity power line.– Development involving the installation of a swimming pool within 30m of a structure supporting an overhead transmission line, or within 5m of an overhead electricity power line.– Development involving or requiring the placement of power lines underground. <p>Based on the a review of the initial plans and documents submitted with the DA, and an inspection of the site, none of the proposed works are to be carried out within 5m of an existing overhead electricity pole / line. The proposal does not trigger referral to the electricity supply authority.</p> <p>Clause 2.122 of the Infrastructure SEPP requires Council to give written notice to Transport for NSW (and consider any response received within 21 days) when a DA involves traffic generating development of a kind specified in Column 1 of Schedule 3 of the SEPP. The proposal does not trigger the requirements for written notice to be provided to Transport for NSW.</p>		
8.2. Section 4.15(1)(a)(ii) Provision of any proposed Environmental Planning Instrument			
Draft Local Environmental Plans			
	No draft instruments have been identified which contain provisions likely to be of relevance to the determination of DA 25/2023.		

Draft State Environmental Planning Policies			
	No draft instruments have been identified which contain provisions likely to be of relevance to the determination of DA 25/2023.		
8.3. Section 4.15(1)(a)(iii) Provision of any Development Control Plan			
Cowra Comprehensive Development Control Plan 2021			
Identification of Relevant Parts	Name of Part	Applicability	
	Part A - Introduction	<input checked="" type="checkbox"/> Yes – See below for details.	<input type="checkbox"/> No
	Part B – Land Management	<input checked="" type="checkbox"/> Yes – See below for details.	<input type="checkbox"/> No
	Part C – Biodiversity Management	<input checked="" type="checkbox"/> Yes – See below for details.	<input type="checkbox"/> No
	Part D – Subdivision Development	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
	Part E – Urban and Village Development	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
	Part F – Rural Development	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
	Part G – Large Lot Development	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
	Part H – Commercial Development	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
	Part I – Industrial Development	<input checked="" type="checkbox"/> Yes – See below for details.	<input type="checkbox"/> No
	Part J – Cowra Regional Airport	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
	Part K – Land use Buffers	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
	Part L – Advertising and Signage	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
	Part M – Parking, Access and Mobility	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
	Part N - Landscaping	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
	Part O – Environmental Hazard Management	<input checked="" type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
	Part P – CPTED Principles	<input checked="" type="checkbox"/> Yes – See below for details.	<input type="checkbox"/> No
Relevant Part / Section	Assessment Comment		
Part A - Introduction	Section A.1.3 of the DCP sets out the introductory information relating to the use of the Cowra DCP 2021. The proposed development is assessed to be consistent with all requirements of Part A of the DCP.		
Part B	Part B of the DCP contains controls and standards aimed at ensuring construction processes associated with the proposed development are implemented with appropriate erosion and sediment controls in place. The provisions of the DCP are capable of being complied with through the imposition of appropriate conditions of consent.		
Part C	<p>Part C of the DCP applies to all development in the Cowra Shire that proposes to directly remove or indirectly impact native vegetation or is in the proximity of an area that contains native vegetation. The SEE submitted in support of the DA does not include an assessment of Part C, however includes the following statement in Section 4.2.10 relating to the impacts of removing the existing native tree on Lot 2 DP11195549:</p> <p><i>The application seeks approval to remove an existing eucalyptus tree located along the southern boundary of Lot 2 DP 11195549 to accommodate the new fence. No adverse impacts are assessed; the subject tree is not identified as a Heritage item under the CLEP.</i></p> <p>There is no minimum lot size applying to the land under CLEP and as a result the threshold for clearing of native vegetation, above which the BOS would apply is identified to be 0.25ha or more. As the proposal involves the clearing of only a single native tree, the proposal does not trigger entry into the Biodiversity Offset Scheme (BOS) according to the Biodiversity Conservation Act 2016.</p>		

	<p>The proposal to remove the tree has been considered against the requirements of Section 7.3 of the Biodiversity Conservation Act 2016 – ‘Test for determining whether proposed development or activity likely to significantly affect threatened species of ecological communities, or their habitats’. This is also known as the five-part test and the relevant matters for consideration as listed in full as follows:</p> <p><i>(a) in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,</i></p> <p><i>(b) in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity—</i></p> <p><i>(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or</i></p> <p><i>(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,</i></p> <p><i>(c) in relation to the habitat of a threatened species or ecological community—</i></p> <p><i>(i) the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and</i></p> <p><i>(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and</i></p> <p><i>(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,</i></p> <p><i>(d) whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),</i></p> <p><i>(e) whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.</i></p> <p>The proposal relates to the removal of a single isolated tree. The tree has not been identified in any mapping of the Council as being of terrestrial or biodiversity significance (including the CLEP and the Cowra Council Roadside Vegetation Management Plan), and a search of the Bionet Atlas shows that the land is not mapped as having outstanding biodiversity value or recorded species of threatened or endangered flora or fauna. The subject land is located within an urban area and the removal of the tree is unlikely to have the effect of significantly fragmenting habitat for important species or ecological communities. In the context of the site and surrounds, adverse impacts are assessed to be unlikely.</p>
Part I – Industrial Development	<p>Section I.1 applies to any development that is permissible with consent on land zoned IN1 General Industrial and IN2 Light Industrial under the Cowra Local Environmental Plan 2012. The IN1 and IN2 zones translate to the new E4 General Industrial zone which now applies under Cowra Local Environmental Plan 2012, commencing from 25 April 2023 as part of the NSW Government Employment Zones reform.</p> <p>For the purpose of DA 25/2023, the provisions of Part I of the DCP are assessed to apply.</p>
I.1.1	<p>Objectives</p> <p>The proposal is not inconsistent with the objectives.</p>
I.1.3	<p>Land-use Conflict and Pollution Management Controls</p> <p>Due to the nature of the proposal there are no land-use conflict of pollution management issues that are likely to be generated.</p>
I.1.4	<p>Setback Controls</p> <p>The controls apply generally to new industrial buildings only.</p>

I.1.5	<p>Building Design and Form Controls</p> <p>The controls apply generally to new industrial buildings only.</p>
I.1.6	<p>Waste Management Controls</p> <p>There are no waste management requirements associated with the proposal.</p>
I.1.7	<p>Fencing Controls</p> <p>Section 3.3.4 of the SEE submitted in support of the DA includes a written description of the existing and proposed fencing works, with the height identified to be 2.4m. A plan has also been provided with the DA which shows the typical elevation details of the fence, with the height drawn to be 2.2m (typical) and 2.4m (maximum).</p> <p>DCP Control I.1.7(d) prohibits mesh security fencing in front of the main building wall towards the street and limits fencing height to 2.4 metres. In this regard, the following variation to Control I.1.7(d) is required as mesh security fencing is proposed along the boundary of the land that is shared with Waratah Street.</p> <p>The proposed policy variation is considered to be acceptable for the following reasons:</p> <ul style="list-style-type: none"> - The proposal relates to the continued use of existing fencing in locations shown on the plans submitted with the DA. The proposed fencing is intended to match the existing in order to create a consistent approach to fencing along this section of Waratah Street. - There are currently no active industrial uses of the subject land having a direct street presence to Waratah Street. It is assessed to be unreasonable to require strict compliance with the control until such time as active industrial uses are proposed for the site necessitating on-site landscaping and attractive built form in accordance with other provisions of Part I of the DCP. - Until such a time, the use of chain mesh security fencing along the street boundary is acceptable. The style and appearance of the fence is assessed to be suitable for its intended purpose and does not appear out of context within the streetscape and setting of the land. <p>The proposal is generally consistent with remaining controls in Part I.1.7 of the DCP.</p>
I.1.8	<p>Servicing Controls</p> <p>Due to the nature of the proposal there are servicing requirements.</p>
Part O - Environmental Hazard Management	<p>Part O.1 of the DCP applies to all land within the Cowra Local Government Area which is identified on the Flood Planning Maps within Cowra Local Environmental Plan 2012. Parts of the subject land are identified to be affected by flooding from the West Cowra Drainage Channel. An assessment of the proposal against Part O.1 of the DCP.</p>
O.1.2	<p>Objectives</p> <p>The proposal is generally consistent with the objectives for development in flood prone areas.</p>
O.1.6	<p>Flood Hazard Categories</p> <p>The flood hazard category for the subject land is identified to be partly:</p> <ul style="list-style-type: none"> - Low Hazard Flood Fringe - Low Hazard Floodway - High Hazard Floodway.
O.1.7	<p>Land-use Permissibility</p> <p>Industrial development is permissible on land within the flood hazard categories which apply to the land. The existing and proposed fencing works are permissible according to the framework established by Section O.1.7 of the DCP.</p>
O.1.8	<p>The SEE submitted in support of the DA contains a brief assessment of the proposal against the planning requirements in Part O.1.8 of the DCP. The SEE states:</p> <p><i>The subject allotments are in a Flood Planning Area, as per the CLEP. It is considered that due to the nature of the development, the proposed development does not create any additional flooding impact or influence the behaviour on the subject allotments or surrounding land; therefore, no adverse flooding impacts are assessed. Therefore, a Flood Impact Study does not accompany the application or is warranted.</i></p>

	<p>The DA, as submitted, requires a variation to Control O.1.8.b of the DCP which requires a plan of survey to be submitted showing:</p> <ul style="list-style-type: none"> - Position of the existing building and / or proposed building. - Existing ground levels to AHD around the perimeter of the building, as determined by a registered surveyor or suitably experience / qualified surveyor. - Level of the 1% AEP flood event. - Proposed floor levels relative to the 1% AEP flood event. <p>The DA, as submitted, also requires a variation to Control O.1.8.c of the DCP which requires a report to be prepared by a suitably qualified engineer demonstrating:</p> <ul style="list-style-type: none"> - The development will not increase the flood hazard or risk to other properties. - The structure of the proposed buildings will be adequate to deal with flooding situations. - The proposed building materials are suitable. - The buildings are sited in the optimum position to avoid flood waters and allow safe flood access for evacuation. - The proposed redevelopment will not expose any resident to unacceptable levels of risk, or any property to unreasonable damage. <p>In the circumstances and having regard to the nature of the proposal, the need for survey and engineers report dealing with the matters prescribed by Controls O.1.8.b and O.1.8.c is assessed to be unnecessary. This assessment position is formed based on the following:</p> <ul style="list-style-type: none"> - The DA is supported by a site plan prepared by Council's surveyor and accurately shows the location of existing and new fencing works. As there are no buildings to be constructed, finished floor level details are not relevant for consideration. - Despite the fence being located within a defined overland natural drainage channel, it is constructed of open mesh material and is unlikely to result in ongoing impediments to natural surface water drainage of the land. - Neither the existing or proposed fencing includes solid elements to their constructions which could have the impact of affecting floodwater behaviour to an extent that would be detrimental to other properties. - The proposed works do not create safety hazard associated with the need to efficiently evacuate people in the event of a flood. There are existing gates at defined access locations suitable for the purpose and no changes to existing arrangements are proposed. - The proposal does not relate to the construction of a building in a flood prone location. <p>The variation to Control O.1.8 is supported.</p>
O.1.9	<p>Flood Controls</p> <p>The proposal is consistent with the flood controls applying generally to land within the flood planning area, and applying to commercial and industrial development. Cut and fill is not proposed as part of the scope of works. New buildings are not proposed. Solid fencing is not proposed. A Flood Emergency Plan is not warranted due to the nature of proposed works.</p>
Part P- CPTED Principles	<p>Part P of the DCP applies to all new developments within the Cowra Shire. Part P.2 contains a number of design suggestions that should be considered for new development to ensure crime risk is minimised in accordance with the CPTED principles.</p>
P.2.2	<p>Building Orientation</p> <p>Not relevant to the proposal.</p>
P.2.3	<p>Entrances</p> <p>Not relevant to the proposal.</p>
P.2.4	<p>Communal and public areas</p> <p>Not relevant to the proposal.</p>
P.2.5	<p>Blind corners</p> <p>Not relevant to the proposal.</p>
P.2.6	<p>Building Materials</p>

	The DCP generally requires building materials which are vandal resistant and requires external lighting to be mounted in a high position. The fence is to be constructed of metal posts and chain wire fence and is suitable for it's intended purpose as a security fence installation. The proposal complies.		
P.2.7	Security Measures The existing / proposed fencing will provide for the protection of the property around the primary frontage of the allotment. The proposal complies.		
P.2.8	Building Identification Not relevant to the proposal.		
P.2.9	Lighting Not relevant to the proposal.		
P.2.10	Shopfronts Not relevant to the proposal.		
P.2.11	Public Facilities Not relevant to the proposal.		
P.2.12	Car parks Not relevant to the proposal.		
8.4. Section 4.15(1)(a)(iia) Any planning agreement that has been entered into under Section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4			
	There are no planning agreements or draft planning agreements relevant for consideration as part of the assessment and determination of this DA.		
8.5. Section 4.15(1)(a)(iv) The Regulations			
Identification of Relevant provisions	Name of SEPP	Applicability	
	Clause 61(1) - Demolition	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
	Clause 61(2) - Subdivision Orders	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
	Clause 61(3) - Dark Sky Planning Guidelines	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
	Clause 61(4) - Manor / Multi Dwellings Housing	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
	Clause 62 – Consideration of fire safety	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
	Clause 63 – Temporary Structures	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
	Clause 64 – Upgrade of buildings	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
	Clause 65 – Sydney Opera House	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
	Clause 66 – Contributions plans for Sydney	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
	Clause 67 – Modification or surrender of development or existing use right	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
	Clause 68 – Voluntary surrender of development consent	<input type="checkbox"/> Yes – See below for details.	<input checked="" type="checkbox"/> No
8.6. Section 4.15(1)(b) The Likely Impacts of the development, including environmental impacts both on both the natural and built environments, and social and economic impacts in the locality			
Site Requirements	Boundary clearances	<input type="checkbox"/> Complies	<input checked="" type="checkbox"/> Does not comply
	Comment: The site plan submitted with the DA shows that the part of the existing fence that extends along the western boundary of Lot 6 DP 1091414 encroaches approximately 700mm into the adjoining land (Lot		

	170 DP 752948). The continued use of this section of fence line is not proposed and the site plan submitted with the DA includes a detail that the 'fence is to be relocated to be wholly within property boundary prior to issue of Occupation Certificate'. A condition of consent is recommended to ensure this relocation occurs.		
	Front Building Setback	<input checked="" type="checkbox"/> Complies	<input type="checkbox"/> Does not comply
	Comment: Due to the nature of the proposal, front building setbacks do not apply. Provision of the Cowra DCP 2021 have been assessed relating to signage that is forward of the building line.		
	Site coverage	<input checked="" type="checkbox"/> Complies	<input type="checkbox"/> Does not comply
	Comment: Not relevant to the proposal.		
Easements	Are there any existing easements?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	Comment: <ul style="list-style-type: none"> Lot 1 D 1195549 is affected by multiple easements including easements for drainage of water and easements for access. Lot 2 DP 1195549 is affected by an existing right of access, located along the southern boundary of the lot. The site is affected by an easement, marked (D) on the DP and shown to be an easement for services 10m wide and variable width. 		
	Are any easements encroached?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	Comment: None of the identified easements are deemed to be prohibitive to the proposed development. Similarly, the proposed fencing locations will not impact on existing easement locations.		
	Are easements proposed / required?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	Comment: Easements are not proposed or required.		
Consolidations	Are consolidations proposed?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	Comment:		
	Are consolidations required?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	Comment:		
Service Locations	Are works clear of the sewer main?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	Comment: The site is not connected to Council's reticulated sewer main.		
	Are works clear of other services / utilities?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	Comment: A review of Council's asset mapping confirms that the existing / proposed fencing works are located clear water, sewer and stormwater assets. The nearest service location is Council's reticulated water supply main which is located within the road reservation to Waratah Street, approximately 2m outside of the property boundaries to the subject land.		
Section 4.15 Assessment Considerations			
Context and setting	What is the relationship to the regional and local context in terms of:		
	The scenic qualities and features of the landscape?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable <input type="checkbox"/> Not Relevant
	The character and amenity of the locality and streetscape?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable <input type="checkbox"/> Not Relevant

	The scale (bulk, height, mass) form, character, density and design of development in the locality?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
	The previous and existing land-uses and activities in the locality?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
	What are the potential impacts on adjacent properties in terms of:			
	Relationship and compatibility of adjacent land-uses	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
	Sunlight access (overshadowing)	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
	Visual and acoustic privacy	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
	Views and Vistas	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
	<p>Assessment Comment:</p> <p>The subject land is located within an area that contains a mix of land-uses, with industrial activity being the predominant use. The style of fencing that is existing / proposed is consistent with typical industrial security fencing installations and is suitable for its intended purpose. Although it is proposed along the front property boundary, it does not present intrusively when viewed from the public streetscape in Waratah Street, particularly as there are no active industrial uses of the subject land having a direct street presence to Waratah Street. The proposed development is assessed to be acceptable in terms of context and setting considerations.</p>			
Access, transport and traffic	Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:			
	Travel demand?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
	Dependency on motor vehicles?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
	Traffic generation and the capacity of the local and arterial road network?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
	Conflicts within and between transport modes?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
	Vehicle parking spaces?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
	<p>Comment:</p> <p>The site plan submitted with the DA shows that:</p> <ul style="list-style-type: none"> - There is an existing set of access gates to be retained for Lot 1 DP 1195549. - A new 2.4m wide access gate is proposed for Lot 2 DP 1195549, to be located generally in the south eastern corner of the lot. <p>As the proposed development does not seek consent for any existing or new use attached to the subject land, there is no trigger for Council to require any access upgrades. The existing arrangements in place for the land are assessed to be suitable having regard to the vacancy of the lots. Council will have further opportunity to condition access upgrades if active uses for the vacant sites are proposed in any future Development Application.</p>			
Public Domain	How would the development impact on the public domain in terms of:			
	Public recreational opportunities in the locality?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
	Amount, location, design, use and management of public spaces in and around the development?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
	Pedestrian linkages and access between development and public areas?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
	<p>Comment:</p> <p>Due to the nature and scale of the proposal, adverse impacts are not expected to occur in terms of</p>			

	<ul style="list-style-type: none"> Public recreational opportunities in the locality; Amount, location, design, use and management of public spaces in and around the development; and Pedestrian linkages and access between the development and public areas. 			
Utilities	How would the demands of the development impact on utility supply in terms of:			
	Utility needs of the development – water supply, sewer supply, electricity and gas?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
	Availability and capacity of utilities?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
	Environmental impact?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
	<p>Comment:</p> <p>Due to the nature of the proposal, there are no essential service requirements. The following brief assessment statements are made with regards to services:</p> <ul style="list-style-type: none"> Water and sewer connections are not proposed or required. Electricity connections are not proposed or required. There are no changes to existing stormwater drainage arrangements to any of the subject lots. <p>On the basis of the above, it is assessed that the proposed development will have an acceptable impact on utility demand and supply. No conditions of consent are identified as being needed.</p>			
Heritage	How would the development affect the heritage significance of the property or adjacent properties, including:			
	The heritage significance of items, landscapes, areas, places, relics and practices?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
	The historic, scientific, social, aesthetic, anthropological, cultural, spiritual, archaeological (Aboriginal, non-Aboriginal and underwater) significance?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
	Aboriginal, non-Aboriginal and natural heritage?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
	Is any heritage study, conservation planning, conservation management plan or statement of heritage impact required?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
	<p>Comment – Non-Indigenous heritage</p> <p>The subject land is not mapped in Cowra Local Environmental Plan 2012 as containing an item of European heritage significance. Site inspection shows that the land is currently vacant and is unlikely to contain any items of significance. Further assessment is unwarranted in the circumstances.</p> <p>Comment – Indigenous heritage</p> <p>An assessment is required to determine whether the proposed development is likely to impact on an Aboriginal place of heritage significance, and whether the proposed development is likely to affect the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at or near the development site.</p> <p>The SEE submitted with the DA does not include an assessment of non-indigenous heritage impact associated with the proposed development.</p> <p>A visual inspection of the site revealed a disturbed / modified environment resulting from current industrial land-use, bulk earthworks and public drainage. Given the past land-use and site conditions, it is considered unlikely that any items of Aboriginal heritage will be discovered during the low-scale construction processes associated with the proposed development.</p> <p>A search of the Aboriginal Heritage Information Management System (AHIMS) database held and maintained by Cowra Shire Council shows that the subject land does not contain any previously recorded items of Aboriginal cultural significance. The nearest location of a recorded site is further</p>			

	<p>than 150m from the boundaries of the subject land and as a result the consultation procedures under Council's Aboriginal Consultation Policy have not been triggered.</p> <p>On the basis of the above, the proposed development is assessed to have an acceptable impact in terms of indigenous heritage.</p>		
Other land resources	Would development have an effect on conserving and using valuable land resources such as:		
	Productive agricultural land?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable <input checked="" type="checkbox"/> Not Relevant
	Mineral and extractive resources?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable <input checked="" type="checkbox"/> Not Relevant
	Water supply catchments?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable <input type="checkbox"/> Not Relevant
	<p>Comment:</p> <p>Due to the nature and scale of the proposal, adverse impacts are not expected to occur in terms of</p> <ul style="list-style-type: none"> Productive agricultural land. The proposal does not relate to rural land. Mineral and extractive resources. The proposal does not relate to land that has mineral or extractive resource potential. Water supply catchments. The land is not located within an important water supply catchment area. 		
Water	How will development impact on the conservation of water resources and the water cycle in terms of:		
	The water needs of the development?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable <input checked="" type="checkbox"/> Not Relevant
	Use of water saving devices, for example, toilets, faucets, washing and irrigation equipment?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable <input checked="" type="checkbox"/> Not Relevant
	Water supply sources?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable <input type="checkbox"/> Not Relevant
	Treatment, reuse and disposal of wastewater and runoff?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable <input checked="" type="checkbox"/> Not Relevant
	Drainage, flow regimes, folding on-site, up and downstream and in the catchment floodplain?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable <input type="checkbox"/> Not Relevant
	Groundwater tables?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable <input type="checkbox"/> Not Relevant
	Tidal influences?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable <input checked="" type="checkbox"/> Not Relevant
	Water quality and pollution of water bodies including groundwater?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable <input type="checkbox"/> Not Relevant
	Water management plans and monitoring?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable <input checked="" type="checkbox"/> Not Relevant
	<p>Comment:</p> <p>Due to the nature of the proposal, there are no water supply needs associated with the proposal. Section 8.1 of this report has considered the proposal against the flood planning requirements of Clause 5.21 of the CLEP and the following assessment findings made:</p> <ul style="list-style-type: none"> Despite the fence being located within a defined overland natural drainage channel, it is constructed of open mesh material and is unlikely to result in ongoing impediments to natural surface water drainage of the land. A normal maintenance regime would be required to ensure debris from drainage processes do not interfere with expected flow. Neither the existing or proposed fencing includes solid elements to their constructions which could have the impact of affecting floodwater behaviour to an extent that would be detrimental to other properties. <p>In general, it is assessed that the proposal would not adversely impact drainage, flow regimes or flood water behaviour in the catchment relating to the West Cowra Drainage Channel.</p> <p>On the basis of the above, the proposed development is assessed to have an acceptable impact in terms of water.</p>		

Soils	What effect would the development have on soil conservation in terms of:		
	Soil qualities – erodibility, permeability, expansion/contraction, fertility/productivity, salinity, acidity, contaminants?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable <input type="checkbox"/> Not Relevant
	Instability – subsidence, slip, mass movement?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable <input type="checkbox"/> Not Relevant
	Proposed movement, formation, use and management of soils?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable <input type="checkbox"/> Not Relevant
	Soil erosion and degradation?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable <input type="checkbox"/> Not Relevant
	Sedimentation and pollution of water bodies?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable <input type="checkbox"/> Not Relevant
	Use of highly fertile/productive soils and topsoils?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable <input checked="" type="checkbox"/> Not Relevant
	Remediation of contaminated soils?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable <input checked="" type="checkbox"/> Not Relevant
	Management of acid sulfate soils?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable <input checked="" type="checkbox"/> Not Relevant
	<p>Comment:</p> <p>Section 8.1 of this report included an assessment of the likely impacts associated with minor earthworks related to:</p> <ul style="list-style-type: none"> - Construction of a new section of fencing along the southern boundaries of part of Lot 4 DP 1091414, Lot 1 DP 1195549 and part of Lot 2 DP11195549. - Relocation of the existing fence line on the eastern boundary of Lot 6 DP 1091414 so that it is on the dividing boundary or wholly within the land. <p>An inspection of the development confirms that the land drains naturally from south to north There is a natural drainage channel traversing the site (generally), which forms part of the West Cowra Drainage Channel. An inspection of the site on 26 September 2023 did not reveal any underlying environmental issues associated with the land which could be exacerbated by development processes.</p> <p>Having regard to the detail shown on the plans, and an inspection of the development site, the following assessment comments are made in relation to the likely impact of the proposal on soil:</p> <ul style="list-style-type: none"> - Cut and fill is not necessary due to the nature and scale of works. Minimal earthworks will be required to facilitate the construction of the new fence components and these would not be expected to impact on existing and likely amenity of adjoining properties. - Subject to the implementation of appropriate soil erosion and sediment controls during construction phases of the project, there is a low probability that the proposal will generate detrimental impacts on the existing environment. - The likelihood of relics of being disturbed is low. A search of the AHIMS database has not identified any registered sites within a close proximity of the site. - The site is not impacted by drinking water catchments or environmentally sensitive landscapes. <p>On the basis of the above, it is assessed that the proposal is likely to have an acceptable impact in terms of soils.</p>		
Air and Microclimate	Is the development going to affect air quality and microclimatic conditions in terms of:		
	Existing air quality and pollution problems?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable <input checked="" type="checkbox"/> Not Relevant
	The microclimate, prevailing meteorological conditions and topography?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable <input checked="" type="checkbox"/> Not Relevant
	Emissions of dust, particulates, odours, fumes, gases and pollutants?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable <input type="checkbox"/> Not Relevant
	Measures to prevent and mitigate air pollution?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable <input checked="" type="checkbox"/> Not Relevant

	<p>Comment:</p> <p>Due to the nature of the proposal, and based on the information submitted with the DA, there are unlikely to be any impacts related to air and micro climate.</p>		
Flora and Fauna	What effect would development have on the maintenance of biodiversity and:		
	Protection and management of critical habitats: threatened species, populations, ecological communities or their habitats: and other protected species – see any recovery plans or threat abatement plans under Threatened Species Conservation Act?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable <input type="checkbox"/> Not Relevant
	Adjacent wilderness areas and national parks – see any conservation agreements and plans of management under the National Parks and Wildlife Act?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable <input checked="" type="checkbox"/> Not Relevant
	Wildlife corridors and remnant vegetation?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable <input type="checkbox"/> Not Relevant
	The relationship of vegetation to soil erosion/stability and water cycle?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable <input type="checkbox"/> Not Relevant
	Weeds, feral animal activity, vermin and disease?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable <input checked="" type="checkbox"/> Not Relevant
	Disturbance to native fauna and habitats?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable <input type="checkbox"/> Not Relevant
	The amount and location of vegetation disturbance and clearance?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable <input type="checkbox"/> Not Relevant
	New vegetation – species selection, placement and purpose?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable <input checked="" type="checkbox"/> Not Relevant
	<p>Comment:</p> <p>The SEE submitted in support of the DA includes the following statement in Section 4.2.10 relating to the impacts of removing the existing native tree on Lot 2 DP11195549:</p> <p><i>The application seeks approval to remove an existing eucalyptus tree located along the southern boundary of Lot 2 DP 11195549 to accommodate the new fence. No adverse impacts are assessed; the subject tree is not identified as a Heritage item under the CLEP.</i></p> <p>As the proposal involves the clearing of only a single native tree, the proposal does not trigger entry into the Biodiversity Offset Scheme (BOS) according to the Biodiversity Conservation Act 2016.</p> <p>The tree is located within private property (owned by Cowra Shire Council). Outside of a development process to which Part 4 of the Environmental Planning and Assessment Act 1979 applies – consent (or the granting of a permit) would not be required as this is not a prescribed requirement of Cowra Council in the Cowra DCP 2021. However, the removal is proposed as part of a DA and therefore an appropriate assessment of impact is required.</p> <p>The proposal to remove the tree has been considered against the requirements of Section 7.3 of the Biodiversity Conservation Act 2016 – ‘Test for determining whether proposed development or activity likely to significantly affect threatened species of ecological communities, or their habitats’. This is also known as the five-part test and the relevant matters for consideration as listed in full as follows:</p> <p><i>(a) in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,</i></p> <p><i>(b) in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity—</i></p> <p><i>(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or</i></p> <p><i>(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,</i></p>		

	<p>(c) in relation to the habitat of a threatened species or ecological community—</p> <p>(i) the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and</p> <p>(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and</p> <p>(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,</p> <p>(d) whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),</p> <p>(e) whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.</p> <p>The proposal relates to the removal of a single isolated tree. The tree has not been identified in any mapping of the Council as being of terrestrial or biodiversity significance (including the CLEP and the Cowra Council Roadside Vegetation Management Plan), and a search of the Bionet Atlas shows that the land is not mapped as having outstanding biodiversity value or recorded species of threatened or endangered flora or fauna. The subject land is located within an urban area and the removal of the tree is unlikely to have the effect of significantly fragmenting habitat for important species or ecological communities known to exist in the area. In the context of the site and surrounds, adverse impacts are assessed to be unlikely.</p> <p>Due to the scope of tree removal, a detailed Flora and Fauna study has not been completed and is not deemed to be necessary in the circumstances. The removal of the tree is not expected to have a significant or irreversible impact on biodiversity.</p>																				
Waste	<p>Is the development going to provide waste facilities and controls for:</p> <table border="1"> <tr> <td>Solid, liquid and gaseous wastes and litter?</td><td><input type="checkbox"/> Acceptable</td><td><input type="checkbox"/> Unacceptable</td><td><input checked="" type="checkbox"/> Not Relevant</td></tr> <tr> <td>The generation, collection, storage and disposal of waste?</td><td><input type="checkbox"/> Acceptable</td><td><input type="checkbox"/> Unacceptable</td><td><input checked="" type="checkbox"/> Not Relevant</td></tr> <tr> <td>Recycling and composting waste?</td><td><input type="checkbox"/> Acceptable</td><td><input type="checkbox"/> Unacceptable</td><td><input checked="" type="checkbox"/> Not Relevant</td></tr> <tr> <td>Vermin controls and contaminants such as pathogens and bacteria?</td><td><input type="checkbox"/> Acceptable</td><td><input type="checkbox"/> Unacceptable</td><td><input checked="" type="checkbox"/> Not Relevant</td></tr> </table> <p>Comment:</p> <p>Due to the nature of the proposal, and based on the information submitted with the DA, there are no waste management issues requiring further assessment.</p>	Solid, liquid and gaseous wastes and litter?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant	The generation, collection, storage and disposal of waste?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant	Recycling and composting waste?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant	Vermin controls and contaminants such as pathogens and bacteria?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant				
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Vermin controls and contaminants such as pathogens and bacteria?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant																		
Energy	<p>Is development going to conserve energy and be energy efficient in terms of:</p> <table border="1"> <tr> <td>Energy needs of the development.</td><td><input type="checkbox"/> Acceptable</td><td><input type="checkbox"/> Unacceptable</td><td><input checked="" type="checkbox"/> Not Relevant</td></tr> <tr> <td>Measures to save energy – passive design, solar lighting and heating, natural ventilation, shading elements, insulation, high thermal mass building materials, energy efficient appliances and machinery?</td><td><input type="checkbox"/> Acceptable</td><td><input type="checkbox"/> Unacceptable</td><td><input checked="" type="checkbox"/> Not Relevant</td></tr> <tr> <td>The use of renewable and non-polluting energy sources?</td><td><input checked="" type="checkbox"/> Acceptable</td><td><input type="checkbox"/> Unacceptable</td><td><input type="checkbox"/> Not Relevant</td></tr> <tr> <td>Energy needs in producing building/structural materials?</td><td><input checked="" type="checkbox"/> Acceptable</td><td><input type="checkbox"/> Unacceptable</td><td><input type="checkbox"/> Not Relevant</td></tr> <tr> <td>Energy use by products and waste?</td><td><input type="checkbox"/> Acceptable</td><td><input type="checkbox"/> Unacceptable</td><td><input checked="" type="checkbox"/> Not Relevant</td></tr> </table> <p>Comment:</p> <p>Due to the nature of the proposal, and based on the information submitted with the DA, there are no energy or sustainability issues requiring further assessment.</p>	Energy needs of the development.	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant	Measures to save energy – passive design, solar lighting and heating, natural ventilation, shading elements, insulation, high thermal mass building materials, energy efficient appliances and machinery?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant	The use of renewable and non-polluting energy sources?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant	Energy needs in producing building/structural materials?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant	Energy use by products and waste?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
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Energy use by products and waste?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant																		
Noise and Vibration	<p>Will development generate offensive noise pollution or vibration in terms of:</p>																				

	Ambient noise levels in the locality and prevailing meteorological conditions – wind speed/direction and temperature inversions?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
	Noise generated from the development?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
	Vibration from development and its effect on the surrounding area?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
	Noise and vibration mitigation measures and management?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
	<p>Comment:</p> <p>Due to the nature of the proposal, and based on the information submitted with the DA, there are no ongoing noise or vibration issues likely to be associated with the development. Minor impacts may be experienced during construction phases, but these are likely to be localised and temporary in nature. Standard conditions relating to construction works within acceptable times will be imposed and this is likely to mitigate any adverse impacts.</p>			
Natural Hazards	Are there any risks to people, property or biophysical environment from:			
	Geologic/soil instability – subsidence, slip, mass movement?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
	Flooding, tidal inundation?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
	Bushfire Risk?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
	<p>Comment:</p> <p>The land is not mapped as bushfire prone.</p> <p>The land is located within the West Cowra Drainage Channel and is therefore identified to be impacted by flooding. Section 8.1 of this report has considered the proposal against the flood planning requirements of Clause 5.21 of the CLEP and the following assessment findings made:</p> <ul style="list-style-type: none"> - Despite the fence being located within a defined overland natural drainage channel, it is constructed of open mesh material and is unlikely to result in ongoing impediments to natural surface water drainage of the land. A normal maintenance regime would be required to ensure debris from drainage processes do not interfere with expected flow. - Neither the existing or proposed fencing includes solid elements to their constructions which could have the impact of affecting floodwater behaviour to an extent that would be detrimental to other properties. <p>In general, it is assessed that the proposal would not adversely impact drainage, flow regimes or flood water behaviour in the catchment relating to the West Cowra Drainage Channel.</p> <p>On the basis of the above, the proposed development is assessed to have an acceptable impact in terms of flood hazard.</p>			
Technological Hazards	Are there any risks to people, property or biophysical environment from:			
	Industrial and technological Hazards	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
	Land contamination and remediation?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
	Building fire risk?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
	<p>Comment -</p> <p>Due to the nature of the proposal, and based on the information submitted with the DA, there are no risks to people, property and biophysical environment related to industrial and technological hazards, land contamination or bushfire risk.</p>			
Safety, Security and Crime Prevention	Would the development provide safety and security in terms of:			
	Risk assessment and potential for accident, injury and criminal activity, particularly in residential areas and commercial/shopping centres?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant

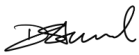
	Measures used for safety, security and crime prevention such as situational measures and environmental design?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
	Natural surveillance and visibility in public areas, including active uses on adjacent ground floors and building frontages/edges, and lighting?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
	Maintaining the condition and use of public areas, reinforcing territoriality and reducing fear of crime?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
	Access controls and activity management?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
	Target hardening and target removal?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
	Comment: Due to the nature of the proposal, there are no significant safety or security risks created. As a security fence, the proposal will prevent unauthorised access to the land and would therefore satisfy a base level assessment against the principles of Crime Prevention Through Environmental Design.			
Social Impact in the locality	What would be the social benefits and costs of the development in terms of:			
	The health and safety of the community?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
	Social cohesion?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
	Community structure, character, values and beliefs?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
	A sense of place and community?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
	Community facilities and links?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
	The interaction between new development and the community?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
	Social equity, social-economic groups and the disadvantaged?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
	Social displacement?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
	Social change management?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
Comment: Due to the nature of the proposal, adverse social impacts are not expected to be created.				
Economic Impact in the locality	What would be the economic benefits and costs of development in terms of:			
	Employment generation?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
	Economic income?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
	Existing and future businesses?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
	Property values as indicator of environmental impacts?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
	Comment: Due to the nature of the proposal, adverse economic impacts are not expected to be created.			
Site Design and Internal Design	Is the development design sensitive to environmental conditions and site attributes including:			
	Size, shape and design of allotments, easements and roads?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
	The proportion of site covered by buildings?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant

	The positioning of buildings?	<input type="checkbox"/> Acceptable	<input checked="" type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
	The size (bulk, height, mass), form, appearance and design of buildings?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
	The amount, location, design, use and management of private and communal open space?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
	Landscaping?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
	How would the development affect the health and safety of the occupants in terms of:			
	Lighting, ventilation and insulation?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
	Building fire risk – prevention and suppression?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
	Building materials and finishes?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
	A common wall structure and design?	<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
	Access and facilities for the disabled?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
	Likely compliance with the Building Code of Australia?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
	<p>Comment:</p> <p>The site plan submitted with the DA shows that the part of the existing fence that extends along the western boundary of Lot 6 DP 1091414 encroaches approximately 700mm into the adjoining land (Lot 170 DP 752948). The continued use of this section of fence line is not proposed and would not be supported by this assessment without the consent of the owner of the land upon which the encroachment is located. The site plan submitted with the DA includes a detail that the 'fence is to be relocated to be wholly within property boundary prior to issue of Occupation Certificate'. A condition of consent is recommended to ensure this relocation occurs.</p> <p>There are no other site design issues that would generally prevent Council from granting consent. It is expected that the proposal is capable of proceeding without generating significant, detrimental, or unreasonable impact on the environment or adjoining land-use.</p>			
	Construction	What would be the impacts of construction activities in terms of:		
The environmental planning issues listed above?		<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Site safety?		<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
In what ways would construction activities be managed to minimise impacts such as:				
Environmental protection measures?		<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Site safety measures?		<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
Staging construction?		<input type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input checked="" type="checkbox"/> Not Relevant
<p>Comment:</p> <p>Due to the nature and scale of the proposal, it is assessed that the proposed development would have an acceptable impact in terms of construction processes, subject to the imposition of normal conditions to control hours of construction activity, soil erosion & sediment control and disposal of any waste material.</p>				
Cumulative Impacts	Would any impacts have potential to act in unison in terms of:			
	Individual impacts so close in time that the effects of one are not dissipated before the next (time crowded effects)?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
	Individual impacts so close in space that the effects overlap (space crowded effects)?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant

	Repetitive, often minor impacts eroding environmental conditions (nibbling effects)?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
	Different types of disturbances interacting to produce an effect which is greater or different than the sum of the separate effects (synergistic effects)?	<input checked="" type="checkbox"/> Acceptable	<input type="checkbox"/> Unacceptable	<input type="checkbox"/> Not Relevant
	<p>Comment:</p> <p>Cumulative impact assessment is generally a measure of the following matters:</p> <ul style="list-style-type: none"> – The alignment of the project with the strategic planning framework for the area, having regard to any relevant legislation, plans, policies or guidelines. – The project and other potentially relevant future projects that may be developed over the same time period as the project. – The key matters that could be materially affected by the cumulative impacts of these projects including important natural resources, culturally significance resources, key infrastructure and industries, sensitive land-use zones, local communities and threatened species. <p>An assessment of the likely cumulative impacts has been completed and documented as follows:</p> <ul style="list-style-type: none"> – The proposed development is located within the E4 General Industrial zone. The proposed works are permissible in the zone and appropriate consent has been sought from Council. – The proposed development is assessed to be consistent with the relevant matters for consideration under Cowra Local Environmental Plan 2012 and the Cowra Development Control Plan 2021, except for variations to Parts I and O that are capable of being supported by Council on planning merit. – Environmental impact assessment has been completed for the proposed development (and detailed in previous sections of this report) and no significant impacts have been identified. <p>Overall, it is assessed that the proposal is unlikely to have an adverse impact on the environment. The proposal is considered compatible with the site and its surrounds and does not contribute to having a significant cumulative impact.</p> <p>Having regard to the above, the proposed development is assessed to have an acceptable cumulative impact.</p>			
8.7. Section 4.15(1)(c) The suitability of the site for the development				
The locality	Are the constraints posed by adjacent developments prohibitive?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Relevant
	Would development lead to unmanageable transport demands and are there adequate transport facilities in the area?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Relevant
	Will the locality contain adequate recreational opportunities and public spaces for new occupants?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Not Relevant
	Are utilities and services available to the site and adequate for the development?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Not Relevant
	Is the air quality and microclimate appropriate for the development?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Not Relevant
	Are there hazardous land-uses or activities nearby?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Relevant
	Are ambient noise levels suitable for the development?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Not Relevant
	Is the site critical to the water cycle in the catchment?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Not Relevant

	<p>Comment:</p> <p>The assessment of the proposed development generally concludes that the proposed development is not constrained by adjacent land-use or nearby existing developments, and that the proposed development is a suitable fit for existing attributes of the natural and built environment within the immediate locality.</p>			
Site attributes	Is the site subject to natural hazards including flooding, tidal inundation, subsidence, slip, mass movement, and bushfires?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Relevant
	Is the proposal compatible with conserving the heritage significance of the site?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Not Relevant
	Are the soil characteristics on the site appropriate for development?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Relevant
	Is development compatible with protecting any critical habitats or threatened species, populations, ecological communities and habitats on the site?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Relevant
	Is the site prime agricultural land and will development prejudice future agricultural production?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Relevant
	Will development prejudice the future use of the site for mineral and extractive resources?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Not Relevant
	<p>Comment:</p> <p>The assessment of the proposed development generally concludes that the site attributes of the land are suitable for the proposed development. Environmental impacts are likely to be within acceptable limits, and conditions of consent are recommended as necessary to control or mitigate any likely impacts.</p>			
8.8. Section 4.15(1)(d) any submissions made in accordance with the Act or the Regulations				
Neighbour Notification	Was the proposal required to notified in accordance with the Cowra Community Participation Plan	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
	Commencement Date	6 April 2023		
	End Date	24 April 2023		
	<p>Comment:</p> <p>A record of the letters provided to neighbours as part of the consultation process is contained on the Development Application file.</p>			
Advertisement	Was the proposal required to exhibited in accordance with the Cowra Community Participation Plan	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
	Commencement Date	N/A		
	End Date			
	<p>Comment:</p> <p>A record of the advertisement placed in the local newspaper as part of the consultation process is contained on the Development Application file.</p>			

Public Submissions	Did Council receive any submissions as a result of the public consultation process?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	Have the issues raised in public submissions been properly considered in the assessment process?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Can the issues raised in public submissions be resolved through appropriate conditioning of the consent?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	Comment: Council did not receive any written submissions as a result of the public consultation process.		
Submissions from Public Authorities	Was the DA required to be referred to any public authorities or agencies?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	Comment:		
8.9. Section 4.15(1)(e) the public interest			
Public interest considerations	Are there any Federal, State or Local Government and/or Community Interests?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	Do any policy statements from Federal or State Governments have relevance?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	Are there any relevant planning studies and strategies?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	Is there any management plan, planning guideline, or advisory document that is relevant?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	Are there any credible research findings, which are applicable to the case?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	Have there been relevant issues raised in public meetings or inquiries?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	Have relevant concerns raised in public submissions been properly assessed?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	How will the health and safety of the public be affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	Comment: The proposed development is permitted in the E4 zone under CLEP. The proposed development is generally considered to be of minor interest to the wider public due to the localised nature of potential impacts. The proposal is not inconsistent with any relevant policy statements, planning studies, or guidelines that have not been directly considered in this assessment.		
9. Summary			
LEP	Does the proposal comply with Cowra LEP 2012?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
SEPPs	Does the proposal comply with relevant SEPPs	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
DCPs	Does the proposal comply with the Cowra DCP?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
	Is a variation proposed?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Contributions	Are contribution payments required?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Public interest	Has the assessment properly considered the public interest?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Matters for consideration	Is the proposal likely to be of acceptable environmental impact?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

	Is the proposal capable of being supported by Council?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
10. Recommendation			
Recommendation	<input type="checkbox"/> That consent be granted unconditionally, or <input checked="" type="checkbox"/> That consent be granted subject to the conditions in Section 12 of this assessment report, or <input type="checkbox"/> That consent be refused for the reasons specified in Section 12 of this assessment report.		
Assessment Officer	 Dean Steward, Senior Planner, Currajong Pty Ltd		
Date of Decision	24 May 2023		
Declaration	Development Application 25/2023 is determined by Cowra Shire Council under the delegated authority vested in: <input checked="" type="checkbox"/> Council, or <input type="checkbox"/> Council's Director – Environmental Services <input type="checkbox"/> Council's Manager – Planning Services <input type="checkbox"/> Council's Manager – Building and Regulatory Services <input type="checkbox"/> Council's Environmental health and Building Surveyor <input type="checkbox"/> Council's Land-use Planner <input type="checkbox"/> Council's Development Planner		
Authorised Delegate			
Date			

11. Reasons for the Decision	
The reasons	<p>Development Application No. 25/2023 was assessed using current procedures developed by Cowra Shire Council and other resource information. This includes:</p> <p>The requirements of Section 4.15(1) of the Environmental Planning and Assessment Act 1979 which states:</p> <p>Section 4.15(1) Matters for consideration – general</p> <ul style="list-style-type: none"> – In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application: <ul style="list-style-type: none"> (a) the provisions of: <ul style="list-style-type: none"> (i) any environmental planning instrument, and (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and (iii) any development control plan, and (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph) (b) the likely impacts of that development, including environmental impacts on both the natural and built environments and social and economic impacts in the locality. (c) the suitability of the site for the development.

	<ul style="list-style-type: none">(d) any submissions made in accordance with this Act or the regulations.(d) the public interest.– The requirements of Cowra Local Environmental Plan 2012.– The requirements of Cowra Council Development Control Plan 2021
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12. Recommended Conditions of Consent

General Conditions

- 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 or as noted in red by Council on the approved plans.

Plan No./ Supporting Document	Prepared by/Reference Details	Cowra Shire Council Reference
Continued Use of Existing Fence and Proposed Fence Sheet 1 of 1	Cowra Shire Council	Received 05/04/2023 Stamped No. DA10.2023.25.1(A)
Continued Use of Existing Fence and Proposed Fence (Elevation Detail)	Not Stated.	Received 22/05/2023 Stamped No. DA10.2023.25.1(A)
Statement of Environmental Effects – January 2023	Claire Johnstone Planning and Development	Received 28/03/2023 Stamped No. DA10.2023.25.1(A)

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

- The applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Environmental Planning and Assessment Regulation 2021 (see attached Advisory Note).
- No advertising sign and/or structure other than that which is permitted under this development approval or permissible without consent (exempt development) is to be erected as part of the approved development until a formal application has been submitted to Council and a development consent has been issued.
- 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.
- 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.

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE COMMENCEMENT OF WORKS

- The Applicant is to obtain a Construction Certificate from either Council or an Accredited Certifier, certifying that the proposed works are in accordance with the Building Code of Australia and applicable Cowra Shire Council Engineering Standards prior to any building 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.
- The Applicant is to submit to Cowra Shire Council, at least two days prior to the commencement of any works, a 'Notice of Commencement of Building Works' and 'Appointment of Principal Certifier'.
- 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

- 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.
- 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.

11. 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.
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.
13. 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.

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

14. Prior to the issue of a Whole Occupation Certificate, the applicant shall arrange for the relocation of any parts of the existing fence which encroach onto adjoining land. Any such fencing is to be relocated to a position on the dividing boundary in accordance with the provisions of the Dividing Fences Act 1991. Council will require the final position of the fencing to be confirmed by way of site survey.
15. The Applicant must not commence occupation or use of the premises until a Whole (or Partial Occupation Certificate for each stage of construction) has been issued from the Principal Certifier appointed for the subject development.

ADVICE

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

Appendix A – Photographs**Photograph 1 – Subject land. View west from Waratah Street.**

Photograph 2 – Existing access gates to Lot 1 DP 1195549 and existing gm tree to be removed



Photograph 3 – View east along Waratah Street



Photograph 4 – Existing gum tree to be removed



Photograph 5 – Existing fencing along western boundary of Lot 6 P 1091414 (encroachments identified)



6 LATE REPORTS**7 NOTICES OF MOTIONS**

Nil

8 CONFIDENTIAL MATTERS**RECOMMENDATION**

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

9 CONFIDENTIAL GENERAL MANAGER**9.1 Sale of Lot 6 Cowra Airport to Datavoice Electrical Pty Ltd**

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