



AGENDA

General Committee Meeting

Date: 11 September 2023

Time: 5pm

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

**Paul Devery
General Manager**

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I INTRODUCTION

1.1 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.

1.2 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.

1.3 Apologies and Applications for Leave of Absence by Councillors

List of apologies for the meeting.

1.4 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?

1.5 Presentations

1.6 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 14 August 2023



MINUTES

General Committee Meeting Monday, 14 August 2023

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**MINUTES OF COWRA COUNCIL
GENERAL COMMITTEE MEETING
HELD AT THE COWRA COUNCIL CHAMBERS, 116 KENDAL STREET, COWRA
ON MONDAY, 14 AUGUST 2023 AT 5PM**

PRESENT: Cr Bill West (Mayor), Cr Judi Smith (Deputy Mayor), Cr Sharon D'Elboux, Cr Cheryl Downing, Cr Nikki Kiss, Cr Paul Smith, 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

COMMITTEE RESOLUTION

Moved: Cr Sharon D'Elboux

Seconded: Cr Nikki Kiss

That apologies from Cr Ruth Fagan and Cr Erin Watt be received and accepted.

CARRIED

1.4 Disclosures of Interest

Nil

1.5 Presentations

Nil

1.6 Public Forum

Nil

2 CONFIRMATION OF MINUTES

COMMITTEE RESOLUTION

Moved: Cr Peter Wright

Seconded: Cr Cheryl Downing

That the minutes of General Committee Meeting held on 10 July 2023 be confirmed.

CARRIED

3 DIRECTOR-INFRASTRUCTURE & OPERATIONS REPORT

3.1 Section 355 Committee Minutes - Tidy Towns Committee

COMMITTEE RESOLUTION

Moved: Cr Judi Smith

Seconded: Cr Nikki Kiss

That the minutes of the Tidy Towns & Urban Landcare Committee meeting held on 28 June 2023 be noted.

CARRIED

3.2 Committee Minutes - Traffic Committee

COMMITTEE RESOLUTION

Moved: Cr Paul Smith

Seconded: Cr Cheryl Downing

- 1. That the minutes of the Traffic Committee meeting held on 24 July 2023 be noted.**
- 2. That a “No Parking” zone be installed for the full length of Liverpool Lane.**
- 3. That speed humps be placed:**
 - **40m southwest of the intersection of Sixth & First Avenues, Wyangala and**
 - **20m south of the Wyangala Country Club Clubhouse, and**
 - **That early warning signage (W3-4A) be erected 40m before each speed hump.**
- 4. That Council approves the Class 3 special event to be held as ‘The Central West Charity Tractor Trek – 2023’, subject to compliance with the requirements of Transport for New South Wales (TfNSW) and NSW Police, subject to submission of a Traffic Guidance Scheme (TGS) for escort vehicle use.**

5. That:

- **Traffic Classifiers** be placed in **Comerford Street** at **Carinya Day Care** and a **Speed Analysis Report** be prepared for the **October Meeting** of the **Local Traffic Committee**.
- The unrestricted parking zone between **Newcombe Street** and the **Comerford Street** access to **131 Lachlan Street** remain unchanged.
- The request for the change in parking conditions in **Comerford Street** be noted.

6. That Council receives and notes the report and information regarding:

- **Design of the Mulyan Primary School Stage 2 “Kiss & Drop” zone**, and
- **The potential funding from Transport for New South Wales (TfNSW) for Stage 2 as part of their Minor Works Program.**

CARRIED

4 DIRECTOR-ENVIRONMENTAL SERVICES REPORT**4.1 Access Committee meeting minutes - 24 April 2023 and 26 June 2023****COMMITTEE RESOLUTION**

Moved: Cr Nikki Kiss

Seconded: Cr Judi Smith

- 1. That the minutes of the Cowra Access Committee meeting held 24 April 2023 be noted.**
- 2. That the minutes of the Cowra Access Committee meeting held 26 June 2023 be noted.**

CARRIED

4.2 Cowra Natural Resource Management Advisory Committee minutes - Wednesday 21 June 2023.**COMMITTEE RESOLUTION**

Moved: Cr Peter Wright

Seconded: Cr Sharon D'Elboux

That the minutes of the Cowra Natural Resource Management Advisory meeting held 21 June 2023 be noted.

CARRIED

- 4 Development Application No. 56/2023, Lot B DP 937264, 7 Waugoola Street Cowra, 2 lot subdivision and construction of 2 dwellings, lodged by Currajong Pty Ltd

COMMITTEE RESOLUTION

Moved: Cr Judi Smith

Seconded: Cr Paul Smith

1. That Council notes that the reason for the decision is that the proposal largely complies with Section 4.15 of the *Environmental Planning and Assessment Act 1979*. The variations to E.2.7 and E.2.15 of Part E 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 E.2.7 of Part E of Council's Development Control Plan 2021 for this development to allow a site frontage of 15.35 metres; and
3. That Council approves a variation to E.2.15 of Part E of Council's Development Control Plan 2021 for this development to allow a private open space area of 32.7m² with a minimum width of 3.32 metres; and
4. That Development Application No. 56/2023, for the construction of a 2 lot subdivision and construction of 2 dwellings on Lot: B DP: 937264, 7 Waugoola Street Cowra be approved subject to the following conditions:

GENERAL CONDITIONS

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

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

Plan No./ Supporting Document	Prepared by/Reference Details	Cowra Shire Council Reference
Site Survey	Karl Lupis 04/04/2023 Ref 23-038	Received 9 June 2023 Stamped No. DA 56/2023
Proposed Subdivision Plan Sheet S.01 of 1	Currajong 23/05/23 Rev B	Received 9 June 2023 Stamped No. DA 56/2023
Site Plan Sheet 01	K. Ostini-Donnelly 25/07/2023	Received 26 July 2023 Stamped No. DA 2023.56 (A)
Dwelling 1 Proposed Floor Plan	K. Ostini-Donnelly 25/07/2023	Received 26 July 2023 Stamped No. DA

Sheet 02		2023.56 (A)
Dwelling 1 Elevations Sheet 03	K. Ostini-Donnelly 25/07/2023	Received 26 July 2023 Stamped No. DA 2023.56 (A)
Dwelling 2 Proposed Floor Plan Sheet 05	K. Ostini-Donnelly 25/07/2023	Received 26 July 2023 Stamped No. DA 2023.56 (A)
Dwelling 2 Elevations Sheet 06	K. Ostini-Donnelly 25/07/2023	Received 26 July 2023 Stamped No. DA 2023.56 (A)
Proposed Landscape Plan Sheet L.01 of 1	Currajong 23/05/23 Rev A	Received 9 June 2023 Stamped No. DA 56/2023
Sewer Design	Calare Civil 27/04/23 Job No. 2023.0485 Issue B	Received 9 June 2023 Stamped No. DA 56/2023
Statement of Environmental Effects	Currajong 25.07.2023 Rev B	Received 26 July 2023 Stamped No. DA 2023.56 (A)
BASIX Certificate No. 1393177S	Kellie Ostini 19 May 2023	Received 9 June 2023 Stamped No. DA 56/2023
BASIX Certificate No. 1393199S	Kellie Ostini 19 May 2023	Received 9 June 2023 Stamped No. DA 56/2023
Private Open Space Plan Sheet P.01 of 1	Currajong 25.07.2023 Rev A	Received 26 July 2023 Stamped No. DA 2023.56

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. Where the proposed building works necessitate the cutting-in of new stormwater outlets into the existing street kerb, the Applicant and plumbing/drainage contractor shall ensure that the following procedures are carried out:
 - (i) A kerb adaptor suitable for the particular kerb profile and capable of withstanding vehicle loadings is to be utilised;

- (ii) The opening in the kerb is created by either a saw cut or bored hole only. Breaking out the kerb by impact methods is not permitted;
- (iii) The kerb adaptor is to be kept flush with the top and outside face of the kerb; and
- (iv) The fixing of the kerb adapter and filling in of side gaps is to be undertaken by the use of an epoxy resin. Mortar or concrete is not to be used.

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

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

Contribution Type	Proposed Cost of Development ¹	Levy Percentage	Total Contribution	Contribution Rate Remains Current Until
Section 94A Contribution ²	\$750,000.00	1%	\$7,500.00	30 June 2024
Notes ¹ As shown on the Development Application/Construction Certificate Application/Complying Development Certificate Application ² Council's Section 94A Contributions Plan 2016 may be viewed during office hours at Council's Customer Service Centre, 116 Kendal Street Cowra, or on Council's website www.cowracouncil.com.au				

6. Prior to the issue of the Construction Certificate, the Applicant must obtain consent from Council pursuant to Section 138 of the Roads Act 1993 for the construction of driveway crossings to the development site from Waugoola Street & Martins Lane in accordance with Cowra Shire Council's Engineering Standards.
7. Prior to the issue of the Construction Certificate, the Applicant is to obtain all relevant approvals pursuant to Section 68 of the Local Government Act 1993 to carry out sewerage work, to carry out stormwater drainage work, and to carry out water supply work from Cowra Shire Council.

8. The Applicant is required to obtain a Certificate of Compliance pursuant to Section 64 of the Local Government Act 1993 certifying that all works, fees and charges required in connection with the provision of sewerage to the development have been undertaken and complied with in full. The certificate shall include all relevant works verified by appropriate inspections, fees and charges that are currently being applied at the time of the issue of the Subdivision Certificate.

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

9. The Applicant is required to obtain a Certificate of Compliance pursuant to Section 64 of the Local Government Act 1993 certifying that all works, fees and charges required in connection with the provision of water supply to the development have been undertaken and complied with in full. The certificate shall include all relevant works verified by appropriate inspections, fees and charges that are currently being applied at the time of the issue of the Subdivision Certificate.

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

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE COMMENCEMENT OF WORKS

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

case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

11. 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.
12. The Applicant is to submit to Cowra Shire Council, at least two days prior to the commencement of any works, a 'Notice of Commencement of Building or Subdivision Works' and 'Appointment of Principal Certifier'.
13. Prior to the commencement of work on the site, all erosion and sediment control measures shall be implemented and maintained prior to, during and after the construction phase of the development. The erosion and sediment control measures are to comply with Part B of Cowra Shire Council Development Control Plan 2021 at all times.

CONDITIONS TO BE COMPLIED WITH DURING CONSTRUCTION

14. 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.
15. 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.
16. 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.
17. 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.
18. 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.

19. All roofed and paved areas are to be properly drained in accordance with the Plumbing Code of Australia and discharged to Council's stormwater management system on Waugoola Street.
20. As soon as is practical, and within a maximum of 7 days following the placement of any roofing material, all guttering and downpipes must be installed and connected to Council's drainage system. If no Council drainage system is available, the guttering and downpipes must be discharged away from the building site onto a stable vegetated area in a manner that does not discharge concentrated storm water flow and cause nuisance or erosion to adjoining properties.
21. The Applicant is to obtain all relevant approvals to carry out sewerage work, to carry out stormwater drainage work and to carry out water supply work from Cowra Shire Council prior to commencing works to and comply with any conditions of that permit. All work shall be carried out by a licensed plumber and drainer and to the requirements of the Plumbing Code of Australia. The licensed plumber or drainer must submit a Notice of Works form to Council prior to the commencement of any plumbing and drainage works and a Certificate of Compliance at the completion of the works. The plumbing and drainage works must be inspected by Council at the time specified below:
 - (a) Internal Drainage: When all internal drainage work is installed and prior to concealment. Pipes should be under water test.
 - (b) External Drainage: When all external drainage work is installed and prior to concealment. Pipes should be under water test.
 - (c) Water Supply: Hot and cold water supply pipework, when the pipework is installed and prior to concealment. Pipes should be under pressure test.
 - (d) Stormwater: When the stormwater and roof water drainage system has been completed.

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

22. The Applicant must not commence occupation or use of the dwellings until a Whole or Partial Occupation Certificate has been issued from the Principal Certifier appointed for the subject development.
23. Prior to the issue of a Whole Occupation Certificate, the Applicant shall construct an access crossing to the development site from Waugoola Street & Martins Lane in accordance with consent from the road's authority pursuant to Section 138 of the Roads Act 1993 for the carrying out of works in a road reserve. The driveway is to be constructed in accordance with the Section 138 Permit. All costs associated with the construction of the access driveway(s) shall be borne by the Applicant.

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

24. The Applicant is to lodge with Cowra Shire Council a Subdivision Certificate Application. All necessary information to support the certificate release and the necessary fee is required to be included with the Subdivision Certificate Application.
25. Prior to the issue of a Subdivision Certificate, the applicant must provide to Council a Notification of Arrangement from Essential Energy confirming that satisfactory arrangements have been made for the provision of power with respect to all lots in the subdivision.
26. Prior to the issue of the Subdivision Certificate, the applicant is to provide evidence to Council that arrangements have been made for:
 - (a) The installation of fibre-ready facilities (or equivalent) to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose, and
 - (b) The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.
27. Prior to issue of the Subdivision Certificate, the applicant shall connect all new lots in the plan of subdivision to Council's Reticulated Water Supply System and to the satisfaction of the relevant service provider, being Cowra Shire Council
28. Prior to issue of the Subdivision Certificate, the applicant shall connect all new lots in the plan of subdivision to Council's Reticulated Sewer Supply System and to the satisfaction of the relevant service provider, being Cowra Shire Council
29. Prior to issue of the Subdivision Certificate, the Applicant shall include on the final plan of subdivision all necessary easements required for water, sewer, stormwater, and access.
30. Prior to issue of the Subdivision Certificate, the Applicant shall detail an easement centrally located over all sewerage connections for purposes of providing access to the mains system and for maintenance purposes.

ADVICE

If, during work, an Aboriginal object is uncovered then **WORK IS TO CEASE IMMEDIATELY** and the Office of Environment & Heritage is to be contacted urgently on (02) 6883 5300. Under the National Parks and Wildlife Act 1974 it is an offence to harm an Aboriginal object or place without an 'Aboriginal

heritage impact permit' (AHIP). Before making an application for an AHIP, the applicant must undertake Aboriginal community consultation in accordance with clause 80C of the NPW Regulation.

CARRIED

In Favour: Crs Bill West, Judi Smith, Sharon D'Elboux, Cheryl Downing, Nikki Kiss, Paul Smith and Peter Wright

Against: Nil

CARRIED 7/0

5 LATE REPORTS

Nil

6 NOTICES OF MOTIONS

Nil

The Meeting closed at 5.18 pm.

The Minutes of this meeting are confirmed at the General Committee Meeting held on 11 September 2023.

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CHAIRPERSON

3 DIRECTOR-CORPORATE SERVICES REPORT**3.1 Section 355 Committee Minutes – Cowra Sport & Recreation Council**

File Number: D23/1264

Author: Michael Jones, Director - Corporate Services

RECOMMENDATION

That the Draft Minutes of the Cowra Sport & Recreation Council meeting held on 19 July 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. Draft Minutes - Cowra Sports & Recreation Committee Meeting - 19 July 2023 [↓](#)



MINUTES

Cowra Sports & Recreation Committee Meeting Wednesday, 19 July 2023

**COWRA SPORTS & RECREATION COMMITTEE MEETING
MINUTES****19 JULY 2023****Order Of Business**

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**COWRA SPORTS & RECREATION COMMITTEE MEETING
MINUTES****19 JULY 2023****MINUTES OF COWRA COUNCIL
COWRA SPORTS & RECREATION COMMITTEE MEETING HELD AT THE
NGULUWAY ROOM, COWRA LIBRARY
ON WEDNESDAY, 19 JULY 2023 AT**

PRESENT: Chairperson Marc McLeish (Cowra Magpies RLFC), Mr Lee Wilson (Cowra Junior Cricket & Cowra Junior Soccer Clubs), Mr David Porter (Cowra Triathlon Club), Ms Krisha Tysoe (Cowra Little Athletics), Ms Louise Bryant (Cowra Community Health),

IN ATTENDANCE: Mrs Linda Barron (Community Development Officer), Ms Charlotte Forester (A/g Community Development Officer), Mr Tom Perfect (Cowra Golf Club)

1 APOLOGIES

Ms Philippa Childs (Manager - Cowra Services), Mr Jason Munday (Cowra Swimming Club), Mr Eliot Morgan (Cowra Mountain Bike Club), Cr Cheryl Downing

ABSENT – Ms Gaye Tremble (Cowra Netball Club), Ms Amanda Hawkins (Cowra Riding for the Disabled),

2 CONFIRMATION OF MINUTES**RECOMMENDATION**

That the minutes of Cowra Sports & Recreation Committee Meeting held on 19 July 2023 be confirmed.

Moved: Krisha Tysoe
Seconder: Lee Wilson
CARRIED

3 ACTION ITEMS**3.1 FIFA World Cup Streaming**

Three free live outdoor screenings of the Matilda's preliminary World Cup Games are scheduled for 20, 27 & 31 July. Council has organised the streaming licence, screen and heaters. Junior Soccer will run a BBQ each night. Registrations for the first game are currently at 20. Promotion to continue.

3.2 2023 Cowra Sport & Recreation Network Night

The Cowra Sport & Recreation Network Night is confirmed for Thursday 27 July. The event has been widely promoted through direct email to Club contacts and through the Guardian and social media. Approximately 30 people have registered for the night so far. It was noted that some sports with infrastructure projects underway don't have representation at this stage.

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**COWRA SPORTS & RECREATION COMMITTEE MEETING
MINUTES****19 JULY 2023**

Charlotte has confirmed an interesting line-up of speakers including Neece Carrigan (Office of Sport), Hayley Crump (Office of Regional Youth, Samantha Sculthorpe (First Aid), Angus Norton (Cricket NSW) and a grants workshop with Lawrance Ryan (Council). A \$250 Hart Sport voucher is on offer as a lucky door prize.

Members were asked to assist in promoting the Network Night.

3.3 Update on Active Kids & First Lap Vouchers

The NSW Government is reducing the Active Kids Voucher from \$100 to \$50 and from January 2024 the voucher scheme will be means tested. Many clubs commented that this could have a negative impact on registrations.

4 GENERAL BUSINESS**4.1 Infrastructure Update****River Park**

- Long jump pit has been upgraded with 3 pits and a synthetic run-up;
- Athletics track is now the correct length which will allow Cowra Little Athletics to host Western Zone Carnivals covering an area from Blue Mountains to Cowra. Canowindra Little Athletics is merging with Cowra;
- New scoreboard is being erected for Junior Rugby League;
- Shelf installed in the Cricket Storage shed;

Aquatic Centre

- Tenders have closed for Pool Management and recommendations will go to next Council meeting;

Col Stinson Park

- Bernie Wilkinson has been awarded the job of constructing the new netball facility and courts. Work will commence at the completion of the netball season;

West Cowra Recreation Ground

- Lights are to be replaced. Ramp and landing have been built to a good standard;

Edgell Park

- Heater installed in Soccer Canteen

Brougham Park

- Defibrillator bracket installed at Croquet Club. Members have indicated no further work is required in the kitchen.

Charlotte asked if clubs could notify Council if there are any problems with their facilities as there is a fair amount of vandalism occurring in town parks at the moment. Council has approved a donation to Cowra Cricket for maintenance of defibrillator. It was noted that

**COWRA SPORTS & RECREATION COMMITTEE MEETING
MINUTES****19 JULY 2023**

further discussion is need on defibrillators where they are shared at a facility as agreements on maintenance are lacking.

4.2 Junior Cricket Recognition

Lee Wilson advised the Cowra Junior Cricket Club has received recognition from Cricket NSW and Cricket Australia, winning first place in NSW and runner-up nationally in the Community Cricket Award Junior Initiative of the Year. Lee and the Club were congratulated on their outstanding achievements.

4.3 Aqua MIPS

Community Health Nurse, Lou Bryant, has coordinated the very successful Aqua MIPS program run at the Cowra Pool for more than 25 years. With Lou's recent retirement, NSW Health do not appear likely to replace the position. With ageing volunteers, it is not reasonable to expect volunteers to continue running the program. Similar community health programs in Diabetes and Arthritis collapsed when the Health Service withdrew from a lead role.

ACTION:

4.3.1 Committee to send letter of support advocating for NSW Health to continue coordinating the Aqua MIPS program. Letter to note that the program will be in its 28th summer and requires expertise and direction from professional NSW Health staff as volunteers are exhausted.

4.3.2 Pending outcome of advocacy efforts, the Sport & Recreation Committee Chair will consider driving a community petition in support of continued NSW Health Service involvement.

4.4 Safety at Edgell Park During Junior Soccer competition

Junior Soccer would like to see the re-introduction of the 40km/hr speed zone on the Boorowa Rd to improve safety during Saturday morning junior soccer competition. Council is applying to Transport NSW for this to occur.

5 NEXT MEETING DATE

The next meeting will be the AGM and General Meeting to be held on Wednesday, 13 September 2023 at 6.00 - 7.30 pm in the Nguluway Room of Cowra Library, Darling Street, Cowra.

6 MEETING CLOSE

The Meeting closed at 7.10pm.

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CHAIRPERSON

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3.2 Investments

File Number: D23/1266

Author: Michael Jones, Director - Corporate Services

RECOMMENDATION**That Council note the Investments and Financial Report for August 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

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

ATTACHMENT

Investments and Financial Report

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Investments

I. Investments Portfolio as at 31 August 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 \$
BANK OF QUEENSLAND	A-2	5/07/2023	69	4.75%	12/09/2023	500,000.00
BANK OF QUEENSLAND(Wyangala Sewer Handover)	A-2	3/05/2023	181	4.60%	31/10/2023	1,000,000.00
BENDIGO & ADELAIDE BANK LTD	A-2	11/04/2023	161	4.35%	19/09/2023	1,000,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	8/12/2022	306	4.26%	10/10/2023	1,000,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	4/04/2023	217	4.34%	7/11/2023	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	18/04/2023	336	4.40%	19/03/2024	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
COMMONWEALTH BANK OF AUSTRALIA	A-1+	30/05/2023	203	4.70%	19/12/2023	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	6/06/2023	217	4.81%	9/01/2024	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	27/06/2023	210	5.14%	23/01/2024	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	8/08/2023	182	5.40%	6/02/2024	1,000,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	8/08/2023	196	5.42%	20/02/2024	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	8/08/2023	210	5.43%	5/03/2024	500,000.00
IMB LTD	A-2	16/05/2023	126	4.65%	19/09/2023	500,000.00
IMB LTD	A-2	6/06/2023	182	5.05%	5/12/2023	250,000.00
IMB LTD	A-2	5/07/2023	62	4.50%	5/09/2023	500,000.00
IMB LTD	A-2	12/07/2023	90	5.00%	10/10/2023	600,000.00
ING	A-2	6/12/2022	273	4.01%	5/09/2023	1,000,000.00
ING	A-2	24/01/2023	294	4.30%	14/11/2023	500,000.00
ING	A-2	25/07/2023	189	5.00%	30/01/2024	500,000.00
ING BANK	A-2	8/11/2022	308	4.07%	12/09/2023	500,000.00
ING BANK	A-2	14/03/2023	273	4.83%	12/12/2023	500,000.00
ING BANK	A-2	5/07/2023	90	5.21%	3/10/2023	500,000.00
ING BANK	A-2	5/07/2023	90	5.21%	3/10/2023	500,000.00
ING BANK	A-2	5/07/2023	125	5.31%	7/11/2023	500,000.00
ING BANK	A-2	5/07/2023	132	5.31%	14/11/2023	500,000.00
ING BANK	A-2	18/07/2023	182	5.00%	16/01/2024	500,000.00
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+	25/10/2022	336	4.36%	26/09/2023	500,000.00
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
NATIONAL AUSTRALIA BANK LTD	A-1+	2/05/2023	182	4.55%	31/10/2023	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	2/05/2023	210	4.55%	28/11/2023	1,000,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	9/05/2023	182	4.75%	7/11/2023	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-2	23/05/2023	196	4.85%	5/12/2023	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-2	5/07/2023	90	5.06%	3/10/2023	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-2	5/07/2023	125	5.19%	7/11/2023	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	8/08/2023	182	5.20%	6/02/2024	500,000.00
NEWCASTLE PERMANENT BUILDING SOCIETY LTD	A-2	15/08/2023	182	5.00%	13/02/2024	1,000,000.00
ST GEORGE BANK	A-1+	14/06/2023	216	4.40%	16/01/2024	500,000.00
ST GEORGE BANK	A-1+	25/07/2023	128	4.16%	30/11/2023	500,000.00
ST GEORGE BANK	A-1+	25/07/2023	182	4.24%	23/01/2024	500,000.00
ST GEORGE BANK	A-1+	15/08/2023	126	4.16%	19/12/2023	500,000.00
ST GEORGE BANK	A-1+	22/08/2023	154	4.24%	23/01/2024	500,000.00
ST GEORGE BANK	A-1+	29/08/2023	154	4.24%	30/01/2024	500,000.00
SUNCORP-METWAY LTD	A-1	28/03/2023	182	4.46%	26/09/2023	500,000.00
SUNCORP-METWAY LTD	A-1	6/06/2023	245	5.10%	6/02/2024	500,000.00
SUNCORP-METWAY LTD	A-1	14/06/2023	181	5.25%	12/12/2023	500,000.00
SUNCORP-METWAY LTD	A-1	14/06/2023	188	5.25%	19/12/2023	500,000.00
SUNCORP-METWAY LTD	A-1	27/06/2023	210	5.35%	23/01/2024	500,000.00
SUNCORP-METWAY LTD	A-1	5/07/2023	153	5.27%	5/12/2023	500,000.00
SUNCORP-METWAY LTD	A-1	4/07/2023	189	5.40%	9/01/2024	500,000.00
SUNCORP-METWAY LTD	A-1	5/07/2023	90	5.04%	3/10/2023	500,000.00
SUNCORP-METWAY LTD	A-1	5/07/2023	97	5.04%	10/10/2023	500,000.00
SUNCORP-METWAY LTD (BARP)	A-1	30/05/2023	245	4.96%	30/01/2024	2,000,000.00
Total						34,270,914.23

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

31/8/23

2. Interest Rate

The average interest rate for Council's investments held is 4.77%. At the time of preparing this report, average (market rates) interest rates were as follows as at 31 August 2023

30 Days	60 Days	90 Days	120 Days	150 Days	180 Days	270 Days	1 YR
2.99%	3.27%	4.25%	4.57%	4.45%	4.58%	4.82%	4.99%

3. General Fund Balance

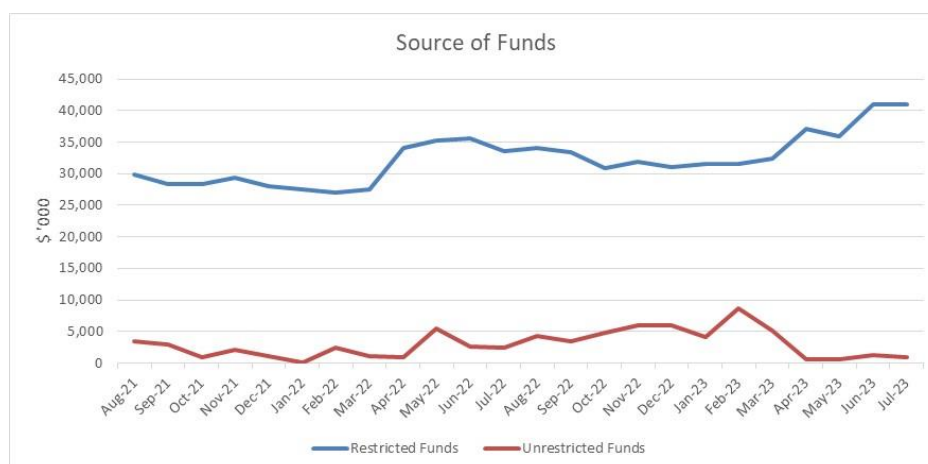
As at 31 August 2023 balances for Cowra Shire Council for Transaction Accounts and Cash in hand were as follows:

CBA General Account	\$	'000
General Fund bank account	\$	2,220
On-Call account balance	\$	7,000
Cash in hand	\$	4
TOTAL	\$	9,224

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	\$	34,271
Cash and Cash Equivalents - General Ledger	\$	9,224
TOTAL	\$	43,495
Represented By:		
Restricted Funds	\$	42,449
Unrestricted Funds	\$	1,046
TOTAL	\$	43,495



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

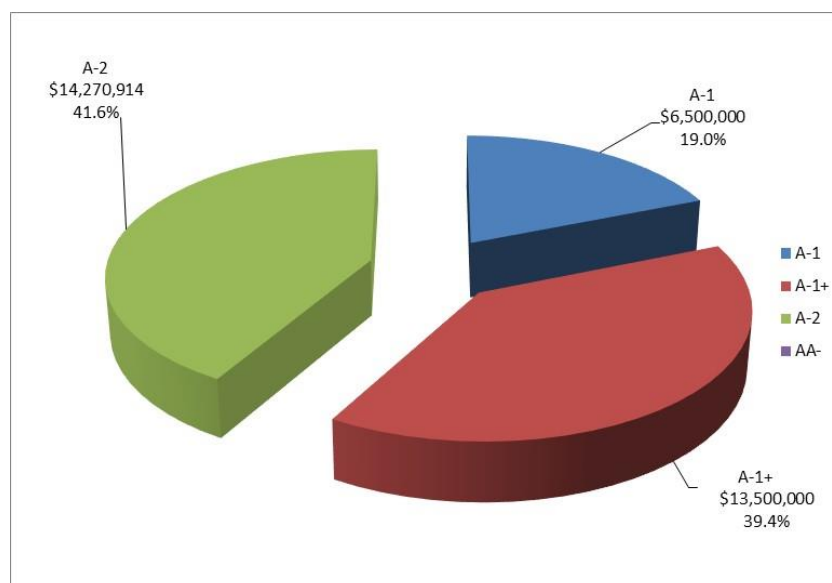
Investments are limited to those allowed by the most current Ministerial Investment Order that has been issued by the NSW Minister for Local Government.

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"

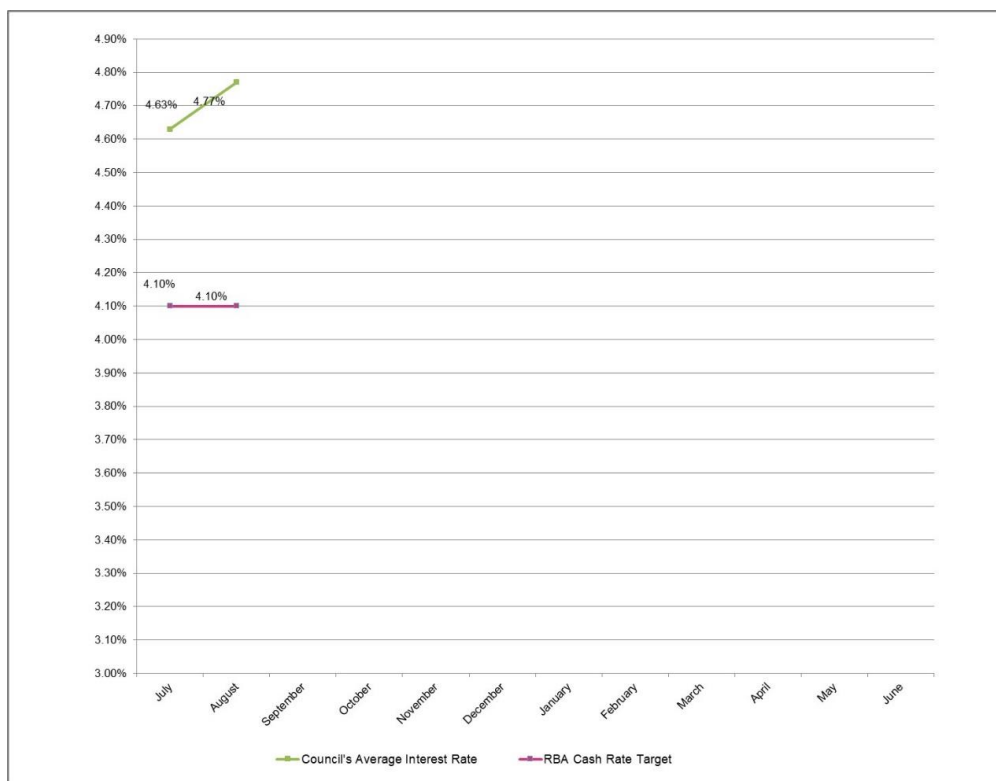
Any securities which are given a Moody's Investors Service Inc credit rating of "Aaa", "Aa1", "Aa2", "Aa3", "A1", "A2" or "Prime-1" or a Standard and Poor's Investors Service, Inc credit rating of "AAA", "AA+", "AA", "AA-", "A+", "A", "A1+" or "A1"

5. Interest on Investment Income

2023/2024 estimated interest on investments amount is \$1,112,082 and has been included in the Budget. Performance of investments is monitored monthly.

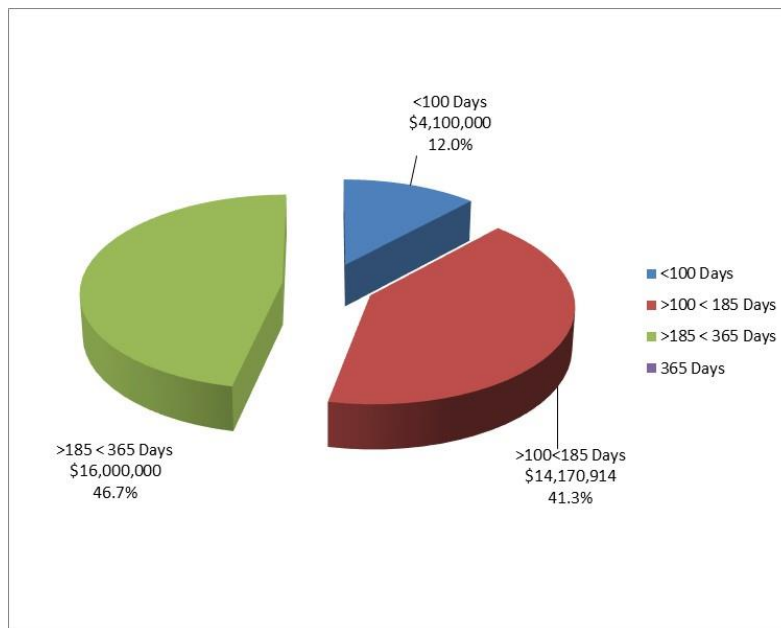
6. Term Deposit Average Monthly Interest Rate Compared to the RBA Cash Rate Target

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



7. Maturity Profile of Council's Investments

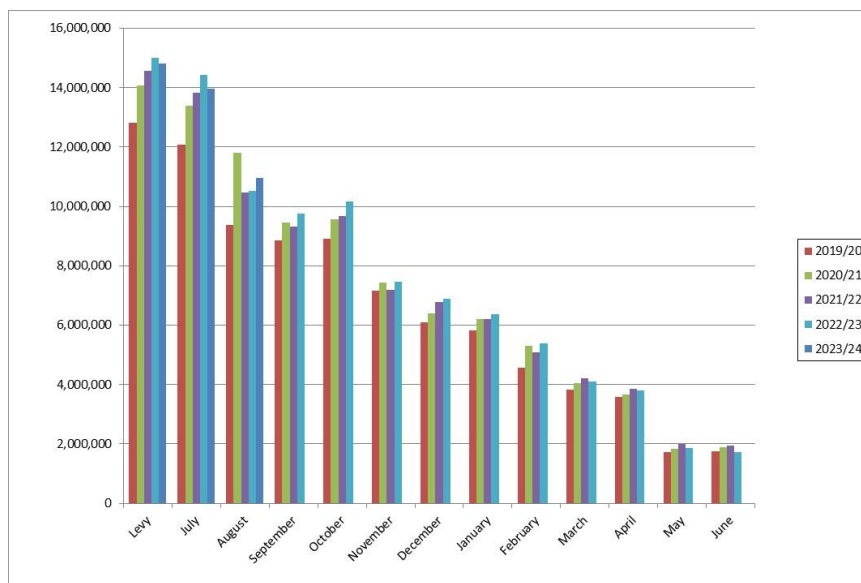
The following pie-chart shows the mix of Council investments for the month by maturity type.



Rates

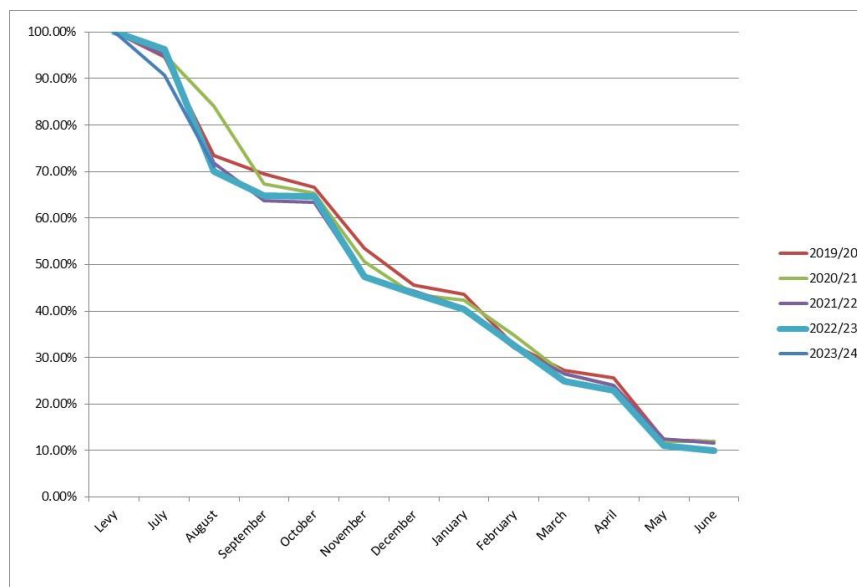
8. Comparison of Rate Collection Progress for 2023/24 to prior years

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



9. Council Rate Levy - % Comparison

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



10. Council Rate Levy – Arrears and Recovery Action

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

Arrears at 30 June 2023		\$	1,732,428
Collected – Year to Date (as per last month's report)	\$	152,629	
Collected in August 2023	\$	94,770	\$ 247,399
Balance as at 31 August 2023		\$	1,485,029
Rates – Currently under legal proceedings	\$	123,274	
Arrangements (Repayment Schedules)	\$	1,361,755	
	\$	1,485,029	

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

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

Resolution	BUDGET INCOME STATEMENT - 2023/2024					BUDGET CASH AT END OF YEAR - 2023/2024				
	Consolidated	General	Water	Sewer	Waste	Consolidated	General	Water	Sewer	Waste
	'000	'000	'000	'000	'000	'000	'000	'000	'000	'000
Adopted Budget	904	1,438	(33)	(544)	42	35,007	16,912	6,734	9,047	2,314
	904	1,438	(33)	(544)	42	35,007	16,912	6,734	9,047	2,314

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 6.46%.

13. Loan Summary

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

Loan no	Lender	Date Obtained	Due date	Principal \$	Interest rate %	Principal \$ o/s 31/08/2023
GENERAL						
233	NATIONAL AUST. BANK (SALEYARDS)	29/05/2003	29/11/2022	220,000	6.20	
234	NATIONAL AUST. BANK (POOL KIOSK)	13/06/2003	13/06/2023	1,600,000	5.81	
236	COMMONWEALTH (RIVER PK AMEN/VAUX DRAINAGE)	28/01/2005	1/02/2025	433,500	6.31	53,88
241B	COMMONWEALTH BANK (VAUX ST DRAINAGE WEST)	18/12/2006	18/12/2036	166,000	6.35	111,74
242B	COMMONWEALTH BANK (MULYAN OVAL AMENITIES)	22/08/2007	24/08/2037	95,000	6.80	66,93
249	NATIONAL AUST. BANK (CIVIC CENTRE REFURBISHMENT)	22/12/2008	22/12/2033	1,395,390	8.15	915,60
245	NATIONAL AUST. BANK (CIVIC CENTRE REFURBISHMENT)	29/06/2009	29/06/2029	234,000	8.33	111,46
246	NATIONAL AUST. BANK (SALEYARDS EFFLUENT SCREENS)	16/04/2010	16/04/2025	225,000	8.01	41,93
250	NATIONAL AUST. BANK (DRAINAGE IMPROVEMENTS)	28/06/2013	28/06/2028	250,000	6.36	110,55
253A	NSW TREASURY (DEPOT REDEVELOPMENT - STAGE 1)	27/06/2016	27/06/2026	400,000	2.63	131,23
253B	NSW TREASURY (AIRPORT SUBDIVISION)	27/06/2016	27/06/2026	1,478,993	2.63	485,18
253C	NSW TREASURY (CEMETERY EXPANSION)	27/06/2016	27/06/2026	250,000	2.63	81,99
254A	NSW TREASURY (DEPOT REDEVELOPMENT - STAGE 2)	11/05/2020	11/05/2040	512,120	2.41	444,62
254B	NSW TREASURY (CBD FOOTPATH REFURBISHMENT)	11/05/2020	11/05/2040	1,437,788	2.41	1,248,56
254C	NSW TREASURY (LOW LEVEL BRIDGE REPAIRS)	11/05/2020	11/05/2040	500,000	2.41	434,20
						4,237,92
WASTE						
247	NATIONAL AUST. BANK (RECYCLING PLANT)	16/04/2010	16/04/2025	538,500	8.01	100,35
						100,35
WATER						
238	COMMONWEALTH (CBD MAINS REPLACEMENT)	22/02/2006	23/02/2031	1,000,000	6.03	464,74
241A	COMMONWEALTH BANK (WATER MAIN REPLACEMENT)	18/12/2006	18/12/2036	1,256,000	6.35	845,77
242A	COMMONWEALTH BANK (1C1 ZONE)	22/08/2007	24/08/2037	1,286,500	6.80	905,92
251	WESTPAC (EMERGENCY WATER SUPPLY CONSTRUCTION)	28/06/2013	27/06/2033	1,186,124	6.566	779,62
252	NATIONAL AUSTRALIA BANK (WATER TREATMENT PLANT AUTOMATION)	18/06/2014	18/06/2024	3,875,000	5.050	480,81
						3,476,87
SEWERAGE						
244	NATIONAL AUST. BANK (SEWER TREATMENT PLANT)	6/05/2010	04/05/2040	7,213,230	8.13	5,940,77
						5,940,77
GRAND TOTAL						13,755,93

3.3 Donation - Cowra & District Senior Citizens Club Inc.

File Number: D23/1269

Author: Michael Jones, Director - Corporate Services

RECOMMENDATION

That Council contribute the sum of \$1,167.99 from the Section 356 expenses budget to assist Cowra & District Senior Citizens Club Inc with its water and sewer charges for 2022-23.

INTRODUCTION

Cowra & District Senior Citizens Club Inc has written to Council requesting consideration of a donation towards the water and sewer access charges that were paid during 2022-23 for its property in Railway Lane, Cowra, Assessment Number 69473.

BACKGROUND

The amount requested is calculated as follows:

<i>Water Access</i>	<i>\$381.00</i>
<i>Sewer Access</i>	<i>\$786.99</i>
	1167.99

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

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

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

In consideration of the activity, it is recommended that Council donate the sum of \$1,167.99 in this instance from Section 356 donations.

BUDGETARY IMPLICATIONS

\$20,919.46 is the current balance in the 2023/24 Budget for Section 356 Donations

ATTACHMENTS

- I. Cowra & District Senior Citizens Club Inc. Donation Application - 28 August 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

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

Contact Name/ Sporting Applicant: _____
Mailing address: Judy Thomson
Phone: (Home) _____ (Business) _____
Email: cowraseniorcitizensclub@gmail.com
Signature: _____ Date: 28 / 08 / 2023

Organisation Details

Organisation responsible for the event/activity: Cowra Senior Citizens Club
President/Secretary Contact Details: Judy Thomson (Treasurer)
Organisation Type (please circle): Non Profit / Charity / Incorporated / Business / other:
Do membership fees apply ? ☒ YES ☐ NO
If yes, annual membership/fees \$15

Event Details

Description of the event/project/request/person for which assistance is sought Refund of water and sewer access
Date/s of the proposed event/project 2023 Financial Year
Venue where will the event/project take place? Cowra Senior Citizens Club

Financial Details

Amount of assistance being sought: \$1167.99
Total Estimated cost of the total event/project \$1167.99
How are funds to be raised? Already paid
Funds available at present to go towards event \$
Will the event/project support charities ☐ YES ☐ NO
If YES, value of support \$
Previous / Other Assistance: _____
Has Council previously assisted you/your organisation? Yes
If so what was the amount of the assistance from Council? \$
When was it provided? _____
Have you applied for funding from other organisations? ☐ YES ☐ NO
If YES, how much has been sought \$

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

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

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

A. Sporting applications – Please select relevant sporting category below

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

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

Attachments required for sporting applications:

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

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

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

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

Needed for Senior Citizens activities

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

Needed for Senior Citizens activities

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

Needed for Senior Citizens activities

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

Needed for Senior Citizens activities

Attachments required for Community/Event applications:

- ☐ copy of the project's proposed budget, detailing anticipated costs, with quotations if applicable;
- ☐ If you are a registered public charity, a copy of the registration certificate
- ☐ 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

4 DIRECTOR-INFRASTRUCTURE & OPERATIONS REPORT

4.1 Section 355 Committee Minutes - Tidy Towns Committee

File Number: D23/I260

Author: Dirk Wymer, Director-Infrastructure & Operations

RECOMMENDATION

That the minutes of the Tidy Towns & Urban Landcare Committee meeting held on 23 August 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 meeting.

BUDGETARY IMPLICATIONS

N/A

ATTACHMENTS

- I. Minutes of the Tidy Towns Committee meeting held on 23 August 2023 [↓](#)



MINUTES

Tidy Towns & Urban Landcare Committee Meeting Wednesday, 23 August 2023

TIDY TOWNS & URBAN LANDCARE COMMITTEE
MEETING MINUTES

23 AUGUST 2023

Order Of Business

1	Apologies	3
2	Confirmation of Minutes.....	3
3	RAFCA.....	3
4	July School Holiday Workshops	4
5	Tidy Towns Sustainability Awards.....	4
6	Garbage Truck Artworks.....	5
7	General Business.....	5
	Nil	
8	Next Meeting Date	5
9	Meeting Close.....	5

**TIDY TOWNS & URBAN LANDCARE COMMITTEE
MEETING MINUTES****23 AUGUST 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, 23 AUGUST 2023 AT 10.30AM**

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

IN ATTENDANCE: Ms Philippa Childs (Manager – Cowra Services)

1 APOLOGIES

Cr Ruth Fagan, Ms Jan Saurine

2 CONFIRMATION OF MINUTES**COMMITTEE RESOLUTION**

Moved: Ms Carolyn Waldon

Seconded: Ms Lynne Donley

That the minutes of Tidy Towns & Urban Landcare Committee Meeting held on 28 June 2023 be confirmed.

CARRIED

3 RAFCARaffle

There are 14 prizes for the raffle. The dates for selling the tickets are:

- Wednesday 30 August - Lynn and Judi,
- Wednesday 6 September - Jan and Lynne
- Saturday 2 and Saturday 9 September - Carolyn and Michael

Jan will print out a list of prizes and thanks to sponsors.

Sponsors

The following RAFCA sponsorship has been confirmed:

- Council is sponsoring \$500 for best in show.
- Marks Pumps is sponsoring \$525 for the special needs.
- Club Cowra is sponsoring \$450 Senior High School.
- Cowra Machinery is sponsoring \$350 for any category.
- Jan Saurine is sponsoring \$50 for any category.

**TIDY TOWNS & URBAN LANDCARE COMMITTEE
MEETING MINUTES****23 AUGUST 2023**RAFCA Entries and Judging

- Entries will be accepted at the Nguluway Room on Thursday 14th September between 12–5pm.
- Judging will take place between 10am and 12pm on Friday 15th September.

RAFCA Fun Day

- The Cowra Eagles Rugby Club will do the BBQ. They require a confirmation of time and location for the day. 10am to 1pm sausage sizzle and cold drinks.
- The Committee will print vouchers for volunteers to have a free sausage sizzle and a coffee on the day.
- The Committee will also make slice and fruit platters for the day.
- The Rugby Club will be able to keep profits and will be given any takings from the People's Choice Award.
- The Cowra Ballet School and Cowra Dance Factory will perform between 10:15am and 11:15am.
- Town Band will perform from 11:15am to 12:15pm.

4 JULY SCHOOL HOLIDAY WORKSHOPS

The Tidy Towns Committee received a letter from the Cowra Art Group following the July School Holiday workshops. They were disappointed for two reasons as follows:

1. The recycled materials provided to use were quite dirty.
2. The school aged children were able to use hot glue guns and scissors. The Cowra Art Group thought that there was not adequate adult supervision to control the risks involved.

Cr Smith has spoken to both the President of the Art Group and the member who ran the sessions regarding their concerns.

5 TIDY TOWNS SUSTAINABILITY AWARDS

Committee has been unable to complete any entries for the Keep NSW Beautiful Tidy Towns Sustainability Awards this year.

**TIDY TOWNS & URBAN LANDCARE COMMITTEE
MEETING MINUTES**

23 AUGUST 2023**6 GARBAGE TRUCK ARTWORKS**

No update on the progress with garbage truck artworks. Manager – Cowra Services to contact the sign company to progress the project.

7 GENERAL BUSINESS

Nil

8 NEXT MEETING DATE

The next meeting will be held on Wednesday, 27 September 2023 at 10.30am in the Public Meeting Room, Cowra Council Chambers, 116 Kendal Street, Cowra.

9 MEETING CLOSE

The Meeting closed at 11.20am.

.....
CHAIRPERSON

5 DIRECTOR-ENVIRONMENTAL SERVICES REPORT

5.1 Development Application No. 51/2023, Lot 198 DP 752927, 21 Bank Street Gooloogong, Dwelling, continued use of 3 shipping containers, and awning structure, lodged by Currajong Pty Ltd

File Number: D23/1289

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 Clause E.4.4.1 of Part G.3.4. 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 Clause E.4.4.1 of Part G.3.4. of Council's Development Control Plan for this development to allow a detached ancillary structure 4.02 metres high and 12.192 metres wide forward of the building line; and
3. That Development Application No. 51/2023, for the construction of a dwelling, continued use of 3 shipping containers, and awning structure on Lot 198 DP 752927, 21 Bank Street Gooloogong 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
Flood Planning Report	Currajong 15/05/2023 Rev A	Received 2/6/1023 Stamped No. DA 51/2023
Site Survey	CPC Land Development Consultants P/L 10 May 2023 Ref 30165	Received 2/6/1023 Stamped No. DA 51/2023
Site and Soil Assessment for On-site Effluent Management System	Barnson Pty Ltd 13 March 2023 Ref 40771-ER01_A	Received 2/6/1023 Stamped No. DA 51/2023

Site Layout Plan Sheet 01	Currajong 04/08/2023 Rev B	Received 24/08/2023 Stamped No. DA 10.2023.51.1(A)
Site Plan Sheet 01	K. Ostini-Donnelly 27/07/2023	Received 04/08/2023 Stamped No. DA 10.2023.51.1(A)
Proposed Floor Plan Sheet 02	K. Ostini-Donnelly 27/07/2023	Received 04/08/2023 Stamped No. DA 10.2023.51.1(A)
Elevations Sheet 03	K. Ostini-Donnelly 27/07/2023	Received 04/08/2023 Stamped No. DA 10.2023.51.1(A)
Container Floor Plan and Elevations Sheet 04	K. Ostini-Donnelly 27/07/2023	Received 04/08/2023 Stamped No. DA 10.2023.51.1(A)
Statement of Environmental Effects	Currajong 04/08/2023 Rev B	Received 04/08/2023 Stamped No. DA 10.2023.51.1(A)
BASIX Certificate No. 1391593S	Kellie Ostini 16 May 2023	Received 2/6/2023 Stamped No. DA 51/2023
Structural Certification For Shipping Container- Based Roof Structure	Kamal Kouli 14 March 2023	Received 2/6/2023 Stamped No. DA 51/2023
Proposed Landscape Strategy Sheet L.01	Currajong 22/08/2023 Rev B	Received 24/08/2023 Stamped No. DA 10.2023.51.1(B)
Planting Schedule & Details Sheet L.02	Currajong 22/08/2023 Rev B	Received 24/08/2023 Stamped No. DA 10.2023.51.1(B)

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

2. The applicant shall comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the *Environmental Planning and Assessment Regulation 2021* (see attached Advisory Note).
3. Any cutting and filling on the site shall be either battered at a maximum slope of one vertical to two horizontal (1V:2H) and revegetated or suitably retained by a retaining structure, designed and constructed to appropriate engineering standards. A retaining wall that does not comply with State Environmental Planning Policy (Exempt & Complying Development Codes) 2008 will require the prior consent of Council. The erection of retaining walls may require the approval and certification of a suitably qualified structural engineer. All works are to be carried out within the boundaries of the property and without affecting the structural integrity of boundary fencing or neighbouring structures.

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

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

Contribution Type	Proposed Cost of Development ¹	Levy Percentage	Total Contribution	Contribution Rate Remains Current Until
Section 94A Contribution ²	\$516,500.00	1%	\$5,165.00	30 June 2024

Notes

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

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

5. Prior to the issue of a Construction Certificate, the Applicant must obtain consent from the roads authority pursuant to Section 138 of the *Roads Act 1993* for the carrying out of works in a road reserve.
6. Prior to the issue of a Construction Certificate, the Applicant must submit to Cowra Shire Council an application to Install and Operate an On-Site Sewage Management System. The application must be accompanied by a report prepared by a suitably qualified professional including a geotechnical report to confirm that an On-Site Sewage Management System can operate in the proposed area.

7. Prior to the issue of a Construction Certificate, a Stormwater Management Plan shall be submitted to Council for approval. The plan is to demonstrate that adequate provision will be made for the estimated potential stormwater runoff from the development to the satisfaction of Council.

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE COMMENCEMENT OF WORKS

8. 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. 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.
9. 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'.
10. The Applicant is to obtain all relevant approvals to Install and Operate an On-Site Sewage Management System from Cowra Shire Council prior to commencing works to install the system and comply with any conditions of that approval. The works must be inspected by Council at the times specified below:
 - (a) Tank Installation: When the tank is installed and prior to backfilling.
 - (b) Absorption Trench: When void arching and stone void fill is in place prior to covering.

All work must be carried out by a licensed plumber or drainer and to the requirements of NSW Environment and Health Protection Guidelines, Plumbing Code of Australia and Australian Standard/ New Zealand Standard 1547:2000 On-Site Domestic Wastewater Management. The licensed plumber or drainer must notify Cowra Council at least 48 hours before each required inspection needs to be carried out.

11. The Applicant is to obtain all relevant approvals to carry out sewerage work, to carry out stormwater drainage work and to carry out water supply work from Cowra Shire Council prior to commencing works to and comply with any conditions of that permit. All work shall be carried out by a licensed plumber and drainer and to the requirements of the Plumbing Code of Australia. The licensed plumber or drainer must submit a Notice of Works form to Council prior to the commencement of any plumbing and drainage works and a Certificate of Compliance at the completion of the works. The plumbing and drainage works must be inspected by Council at the time specified below:
 - (a) Internal Drainage: When all internal drainage work is installed and prior to

concealment. Pipes should be under water test.

- (b) **External Drainage:** When all external drainage work is installed and prior to concealment. Pipes should be under water test.
- (c) **Water Supply:** Hot and cold water supply pipework, when the pipework is installed and prior to concealment. Pipes should be under pressure test.
- (d) **Stormwater:** When the stormwater and roof water drainage system has been completed.

12. 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

13. 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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.

19. All roofed areas associated with the dwelling shall be properly drained in accordance with the Plumbing Code of Australia. Stormwater associated with the dwelling and ancillary structure is to be discharged three metres clear of any building/structure in a manner that does not cause soil erosion or nuisance to adjoining properties.

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

20. Prior to the issue of a Whole Occupation Certificate, the Applicant shall construct an access crossing to the development site from Bank Street in accordance with consent from the road's authority pursuant to Section 138 of the *Roads Act 1993* for the carrying out of works in a road reserve. The driveway is to be constructed in accordance with the Section 138 Permit. All costs associated with the construction of the access driveway(s) shall be borne by the Applicant.
21. Prior to the issue of a Whole Occupation Certificate, all landscape works shall be completed in accordance with the approved plans.
22. The Applicant must not commence occupation or use of the dwelling or ancillary structure until a Whole or Partial Occupation Certificate has been issued by 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. 51/2023 proposes a dwelling, continued use of 3 shipping containers, and awning structure on Lot 198 DP 752927, 21 Bank Street Gooloogong. The application was lodged by Currajong Pty Ltd on 2 June 2023.

The application is being reported to Council because of variations to E.4.4.1(c)(iii) and E.4.4.1(c)(vii) of the DCP.

A copy of the site and elevation plans of the proposed Dwelling, continued use of 3 shipping containers, and awning structure are included in Attachment '1' to this report and a copy of the Statement of Environmental Effects is included in Attachment '2' and a Flood Planning Report is included in Attachment '3'.

Description of Site

Lot 198 DP 752927, 21 Bank Street Gooloogong is a trapezoidal allotment of approximately 4,892m². The lot is located in the R5 Large Lot Residential zone under Cowra Local Environmental Plan (LEP) 2012. The site is currently vacant with an unapproved shipping container structure.

A location map is included in Attachment '4' and an aerial photograph is included in Attachment '5' to this report.

Description of Proposal

The applicant proposes to construct a dwelling house, with approval sought for continued use of shipping containers, and an awning structure to be placed over the shipping containers to create an ancillary structure to the proposed dwelling.

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 51/2023:

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

Cowra Local Environmental Plan 2012

The subject land is zoned R5 under the provisions of the Cowra Local Environmental Plan (LEP) 2012. The dwelling, continued use of 3 shipping containers and awning structure are permitted in the zone with development consent.

Other relevant clauses:

1.2 Aims of Plan

The development is not inconsistent the aims of the LEP.

1.4 Definitions

dwelling house means a building containing only one dwelling. The proposal also includes an ancillary structure to the proposed **dwelling house**.

1.6 Consent authority

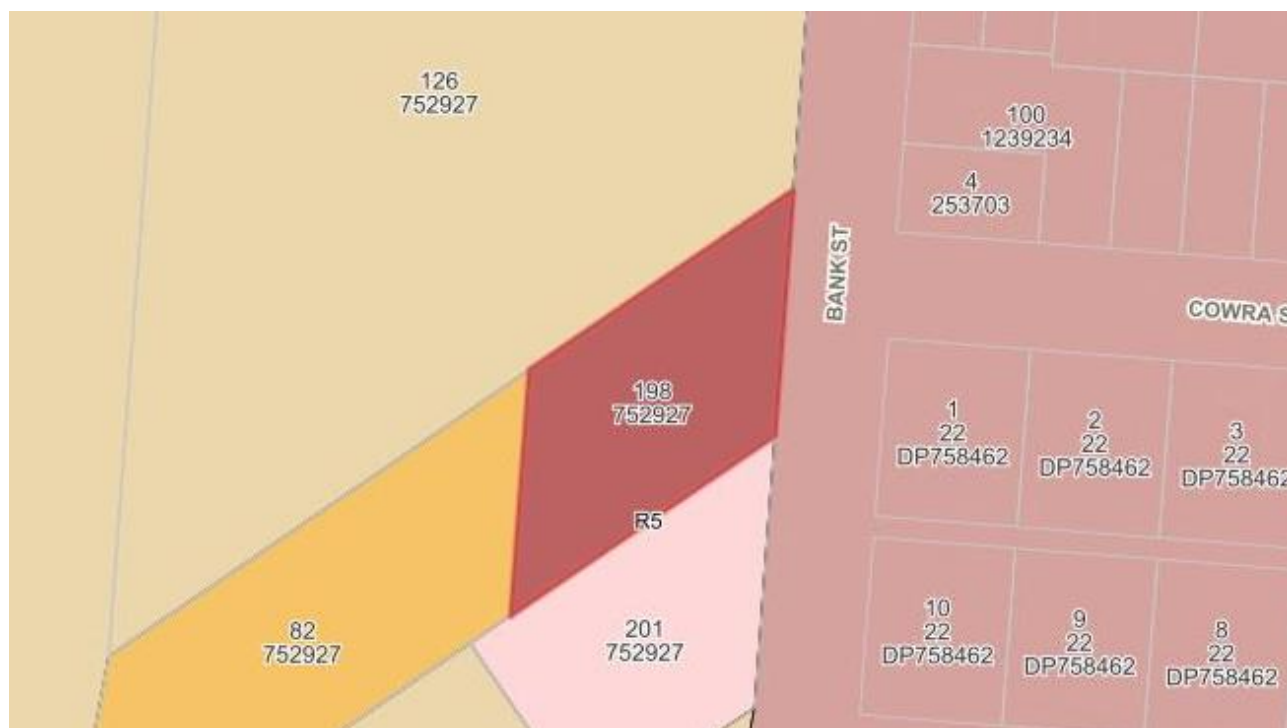
The consent authority for the purposes of this Plan is (subject to the Act) the Council.

1.9A Suspension of covenants, agreements and instruments

The subject lot is not burdened by easements and there are no covenants or agreements known to affect the property.

2.1 Land use zones

The site is zoned R5 Large Lot Residential, and **dwelling houses** are permitted with consent.



2.3 Zone objectives and Land Use Table

1 Objectives of the Zone

Objective	Comment
• To provide for the housing needs of the community.	Consistent
• To provide for a variety of housing types and densities.	Consistent
• To enable other land uses that provide facilities or services to meet the day to day needs of residents.	Not inconsistent
• To provide attractive, affordable, well located and market-responsive residential land.	Not inconsistent
• To ensure that any non-residential land uses permitted within the zone are compatible with the amenity of the area.	Not applicable
• To ensure that housing densities are broadly concentrated in locations accessible to public transport, employment, services and facilities.	Consistent
• To maximise public transport patronage and encourage walking and cycling.	Not inconsistent

2 Permitted without consent

Environmental protection works; Home occupations

3 Permitted with consent

Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; **Dwelling houses**; Food and drink premises; Group homes; Home industries; Hostels; Kiosks; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Roads; Semi-detached

dwellings; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Car parks; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Industrial retail outlets; Industrial training facilities; Industries; Jetties; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Public administration buildings; Recreation facilities (major); Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewage treatment plants; Sex services premises; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Water treatment facilities; Wharf or boating facilities; Wholesale supplies

Comment:

The proposed the development is permitted with consent.

5.10 Heritage conservation

There are no heritage items located on the site (identified on either the SHR or in the LEP), and the site is not located in a HCA.

5.21 Flood planning

The land is mapped by council as a flood planning area. The development has been supported by a Flood Report and detailed site survey. The proposed dwelling would be located above the flood planning level by way of fill. It is considered the proposed development would not adversely affect flood behaviour or adversely affect the safe occupation and efficient evacuation of people.

7.1 Earthworks

The site is generally flat and minimal earthworks are required. It is considered that there will be no adverse impact or environmental risk from the minimal earthworks required.

7.6 Groundwater vulnerability

This clause applies to land that is identified as groundwater vulnerable on the *Groundwater Vulnerability Map*, and the site is mapped as being affected. The proposed development is not considered to have an adverse impact on groundwater or groundwater dependent ecosystems.

7.8 Essential Services

Water	The proposed development would connect to Council's reticulated water service.
Electricity	The proposed development will be connected to electricity supply to the requirements of the relevant energy provider.
Sewage	The proposed development will connect to a new proposed on-site septic system.
Stormwater	Rainwater will be directed to rainwater tanks. There is sufficient room on site for overland overflow. A condition will be imposed to direct stormwater 3m from the proposed building.

Access	It is proposed to provide 2 driveways and crossovers to Bank Street and decommission the existing access.
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State Environmental Planning Policies

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

SEPP	COMMENTS
SEPP (Biodiversity and Conservation) 2021	Not applicable
SEPP (Building Sustainability Index: BASIX) 2004	A BASIX certificate has been submitted that demonstrates compliance for the new dwelling.
SEPP (Exempt and Complying Development Codes) 2008	Not applicable
SEPP (Housing) 2021	Not applicable
SEPP (Industry and Employment) 2021	Not applicable
SEPP 65—Design Quality of Residential Apartment Development	Not applicable
SEPP (Planning Systems) 2021	Not applicable
SEPP (Precincts – Central River City) 2021	Not applicable
SEPP (Precincts – Eastern Harbour City) 2021	Not applicable
SEPP (Precincts - Regional) 2021	Not applicable
SEPP (Precincts – Western Parkland City) 2021	Not applicable
SEPP (Primary Production) 2021	Not applicable
SEPP (Resilience and Hazards) 2021	Includes the former SEPP 55 – Remediation of Land. See comment below.
SEPP (Resources and Energy) 2021	Not applicable
SEPP (Transport and Infrastructure) 2021	Not applicable

SEPP (RESILIENCE AND HAZARDS) 2021

Under Clause 4.6 a consent authority must not consent to the carrying out of any development on land unless:

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

There are no known prior land-uses on the site that are likely to have resulted in the contamination of the land. Site inspection carried out did not reveal any evidence of contamination of the site. The proposal does not involve any demolition or works likely to result in contamination of the site. The SEE submitted with the application does not mention any previous land use that likely to have resulted in contamination of the site. No further investigation is warranted in this instance.

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

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

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

Cowra Council Development Control Plan 2021

PART A – PLAN INTRODUCTION

Consent is required for the proposed dwelling, continued use of 3 shipping containers, and awning structure.

PART B – LAND MANAGEMENT

Appropriate erosion and sediment controls to be implemented prior to the commencement of works. The soil disturbance area is relatively minor.

PART C – BIODIVERSITY MANAGEMENT

The development areas are cleared of vegetation and no tree removal is proposed – no further assessment required relating to Biodiversity.

PART G – LARGE LOT DEVELOPMENT

Part G.1. Dwellings

G.1.1. Application of this part	Noted.
G.1.2. Objectives	Considered compliant with the stated objectives.
G.1.3 General Controls	The proposed development meets these controls. The dwelling can connect to reticulated water and be serviced by on site waste disposal.
G.1.4. Siting Controls	The proposed dwelling location is considered acceptable in terms of the criteria under G.1.4. Two large existing trees would be retained.
G.1.5. Setback Controls	The DCP does not have setback requirements for Gooloogong. The proposed front setback of 26.5m exceeds both neighbouring dwellings and is considered appropriate. The proposed development would also have side setbacks of 12.7m to the north and 24.4m to the south which is generally consistent with neighbouring dwellings.
G.1.6. Building Appearance Controls	The proposed materials (cladding) is considered appropriate. The dwelling is single storey and will not create any bulk and scale issues.
G.1.7. Access Controls	It is proposed to provide 2 additional accesses to Bank Street and decommission the existing access.
G.1.8. Water Supply	It is proposed to connect to reticulated water, and provide a 5,000 litre rainwater

Controls	tank in accordance with the BASIX.
G.1.9. Waste Management Controls	An Onsite effluent management study prepared by Barnson Pty Ltd was submitted with the application, which complies with the relevant policies and standards.

Part G.3 Ancillary Development

Section	Comments
G.3.1 Application of Section	The subject land is zoned R5 Large Lot Residential and an ancillary structure comprising shipping containers and awning is proposed.
G.3.2 Objectives	The proposed development meets these objectives. Extensive landscaping is proposed to minimise the visibility of the ancillary development from the public domain.
G.3.3 Ancillary buildings – attached	N/A
G.3.4. Ancillary buildings – detached	<p>Variations requested.</p> <p>The proposed structure is located in front of the building line contrary to E.4.4.1(b). Notwithstanding, Council may consider the erection of an ancillary building (detached) that is within the front setback area, provided it is consistent with the controls under E.4.4.1(c).</p> <p>E.4.4.1(c)(i) - Consistent. The proposed structure does not encroach on any property boundary.</p> <p>E.4.4.1(c)(ii) - Consistent. Extensive landscaping is proposed that would minimise the impact on the streetscape.</p> <p>E.4.4.1(c)(iii) – Variation requested. The proposed structure is approximately 4.02m in height which exceeds 2.7m contrary with Clause E.4.4.1(c)(iii).</p> <p>E.4.4.1(c)(iv) - Consistent. Extensive landscaping is proposed that would minimise the impact on the streetscape.</p> <p>E.4.4.1(c)(v) - Consistent. No objections were received from adjacent landowners;</p> <p>E.4.4.1(c)(vi) – Not applicable – control relates to carports only.</p> <p>E.4.4.1(c)(vii) - Variation requested. The structure has a width to the street frontage of 12.192m which exceeds 6m contrary with Clause E.4.4.1(c)(vii).</p> <p>The variations are considered at the end of this section.</p>
G.3.5. Private Swimming Pools	N/A
G.3.6. Rainwater Tanks	2x 2,500 litre rainwater tanks are proposed in accordance with BASIX requirements.

PART K – LAND USE BUFFERS**Cowra Airport Obstacle Limitation Surface**

The subject land is located outside of the OLS.

PART M – PARKING, ACCESS AND MOBILITY

The proposed development would include two parking spaces for the dwelling. Visitor parking is not required.

The proposal includes 2 new driveways and crossovers, and a S138 has been conditioned accordingly. The existing access would be decommissioned.

PART N – LANDSCAPING

Landscaping is not required for single dwellings. Regardless, a landscaping plan has been provided to mitigate variations to Part G. The majority of proposed species are consistent with the recommended native species list under Part N.

PART O – ENVIRONMENTAL HAZARD MANAGEMENT

The subject land is located in a Flood Planning Area. The application was supported by a Flood Planning Report and Survey Plan showing a 1% AEP of 267.63 AHD, with a freeboard of 500mm giving a Flood Planning Level of 268.13 AHD. The proposed dwelling would have a Finished Floor Level of 268.2 AHD which is above the flood level and considered appropriate.

The subject land is not mapped as bushfire prone.

There is no identified contamination on the subject land.

PART P – CPTED PRINCIPLES

CPTED Assessment is not considered necessary for dwelling houses.

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

E.4.4.1(b)

Section E.4.4.1(b) of Part G of the Cowra Council DCP 2021 requires detached ancillary buildings be located behind the building line. The proposed development proposes continued use of an existing ancillary structure that would be in front of the building line therefore represents a variation to this development control.

Comment

Notwithstanding E.4.4.1(b), Council may consider the erection of an ancillary building (detached) that is within the front setback area, provided it is consistent with the controls under E.4.4.1(c).

E.4.4.1(c)(iii)

Section E.4.4.1(c)(iii) of Part G of the Cowra Council DCP 2021 requires a maximum height of 2.7 metres for detached ancillary structures. The existing structure has a height of 4.02 metres which is 1.32m more than the DCP and therefore represents a variation to this development control.

E.4.4.1(c)(vii)

Section E.4.4.1(c)(vii) of Part G of the Cowra Council DCP 2021 requires a maximum width of 6m for detached ancillary structures. The existing structure is 12.192m wide which is 6.192m more than the DCP requirement and therefore represents a variation to this development control.

Comment

The proposed variations are considered acceptable as the proposal includes extensive landscaping works. The landscape strategy has been prepared with the primary aim of mitigating potential visual impacts associated with the shipping containers in their current location. It is considered the proposed landscaping would screen the existing structure from the public domain, minimising the visibility thereby meeting the objectives of Part G.3.2 of the Development Control Plan 2021.

S4.15(1)(a)(iia) 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 2021*. 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 are not required to be considered in accordance with Clause 61(1).
- Clause 62 – The proposal does not involve the change of a building use for an existing building, or the use of an existing building as a place of public entertainment and therefore the requirement to consider fire safety and structural adequacy of buildings in accordance with Clause 62 is unnecessary.
- Clause 63 – The proposal does not involve the erection of a temporary structure and therefore the requirements to consider fire safety and structural adequacy is unnecessary.
- Clause 64 – The proposal does not involve the rebuilding, alteration, enlargement or extension of an existing building or place of public entertainment and therefore the requirement to consider the upgrading of buildings into total or partial conformity with the Building Code of Australia is not required to be undertaken.

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

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

Context and Setting

The area is characterised by single storey residential developments. The proposed development would appear as a single dwelling from Bank Street. The existing structure would be screened from the public domain by extensive proposed landscaping. This proposal is consistent with the existing character of the locality.

Access, Parking, traffic

The proposed development would be accessed from Bank Street which is a sealed local road with no kerb and guttering by way of two new driveways and crossovers. A S138 approval under the *Roads Act 1993* is required for the proposed crossovers. No other road works are proposed or required. No other traffic or parking concerns are identified.

Public Domain

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

Utilities

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

Heritage

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

Other Land Resources

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

Water, Sewerage and Stormwater

The proposed development would connect to Council's water service.

The proposed development includes an On-Site Sewerage Management system supported by a Geotech report.

Stormwater from the proposed dwelling and the existing ancillary structure will be managed on-site as conditioned.

Soils

Cut and fill is minimal. The development will not have a negative impact on soils. A recommended condition will apply to require compliance with Council's DCP 2021 with regard to sedimentation and erosion controls.

Air and Microclimate

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

Flora and Fauna

The development does not require removal of any vegetation. There will be no significant impact on native flora & fauna. The proposed landscaping would include several native species that may positively impact on flora and fauna.

Waste

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

Energy

A BASIX Certificate has been provided for the new dwelling.

Noise and Vibration

Some noise will occur during the construction period, but is not expected to adversely impact on any surrounding land uses. Council's standard condition regarding construction hours is recommended. The constructed development will not result in any ongoing noise or vibration.

Natural Hazards

The subject land is mapped as being subject to flooding. The development has been supported by a Flood Report and detailed site survey. The proposed dwelling would be located above the flood planning level by way of fill.

The land is not identified as bushfire prone land.

Technological Hazards

Council's records and inspection of the site did not reveal any technological hazards affecting the site.

Safety, Security and Crime Prevention

It is considered this development will not generate any activity likely to promote any safety or security problems to the subject land or surrounding area.

Social and Economic Impacts on the locality

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

Site Design and Internal Design

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

Construction

The proposed development will be built in accordance with the Building Code of Australia and Councils engineering guidelines. No adverse impacts are anticipated to occur as a result of the development.

Cumulative impacts

The proposal is not expected to generate any ongoing negative cumulative impacts. A minimal increase in traffic activity to the site will occur during the construction phase. This will be limited by a condition of consent and will not continue once construction is completed.

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

The development is consistent with the zone objectives and consideration has been given to the impacts the development will have within the locality. It is considered that the proposed development will not create adverse impacts within its local setting. It is assessed that the development will not impact upon any existing services. The proposed development is above the flood planning level and would not be adversely impacted by flood waters. 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 9 June 2023 to 26 June 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 proposed development is not within a growth area identified under the Cowra Council s94 Contributions Plan 2016. No evidence of any prior 7.11 Development Contributions being levied has been identified. Therefore, the recommended conditions include S7.12 (formerly S94A) development contributions to be levied in accordance with Cowra Council S94A Contributions Plan 2016.

Conclusion

Development Application No. 51/2023 proposes a dwelling, continued use of 3 shipping containers on Lot 198 DP 752927, 21 Bank Street Gooloogong. The application was lodged by Currajong Pty Ltd on 2 June 2023.

The application was supported by a Statement of Environmental Effects and development plans prepared by the applicant, which provide sufficient information to allow assessment of the proposal.

The proposed development has been assessed to be consistent with the requirements of Cowra Local Environmental Plan 2012, relating to development in the R5 zone and is consistent with existing land-use activities of the locality. The variation to Part G.3.4 Clause E.4.4.1 of Part G.3.4. of Council's Development Control Plan 2021 is sufficiently justified.

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

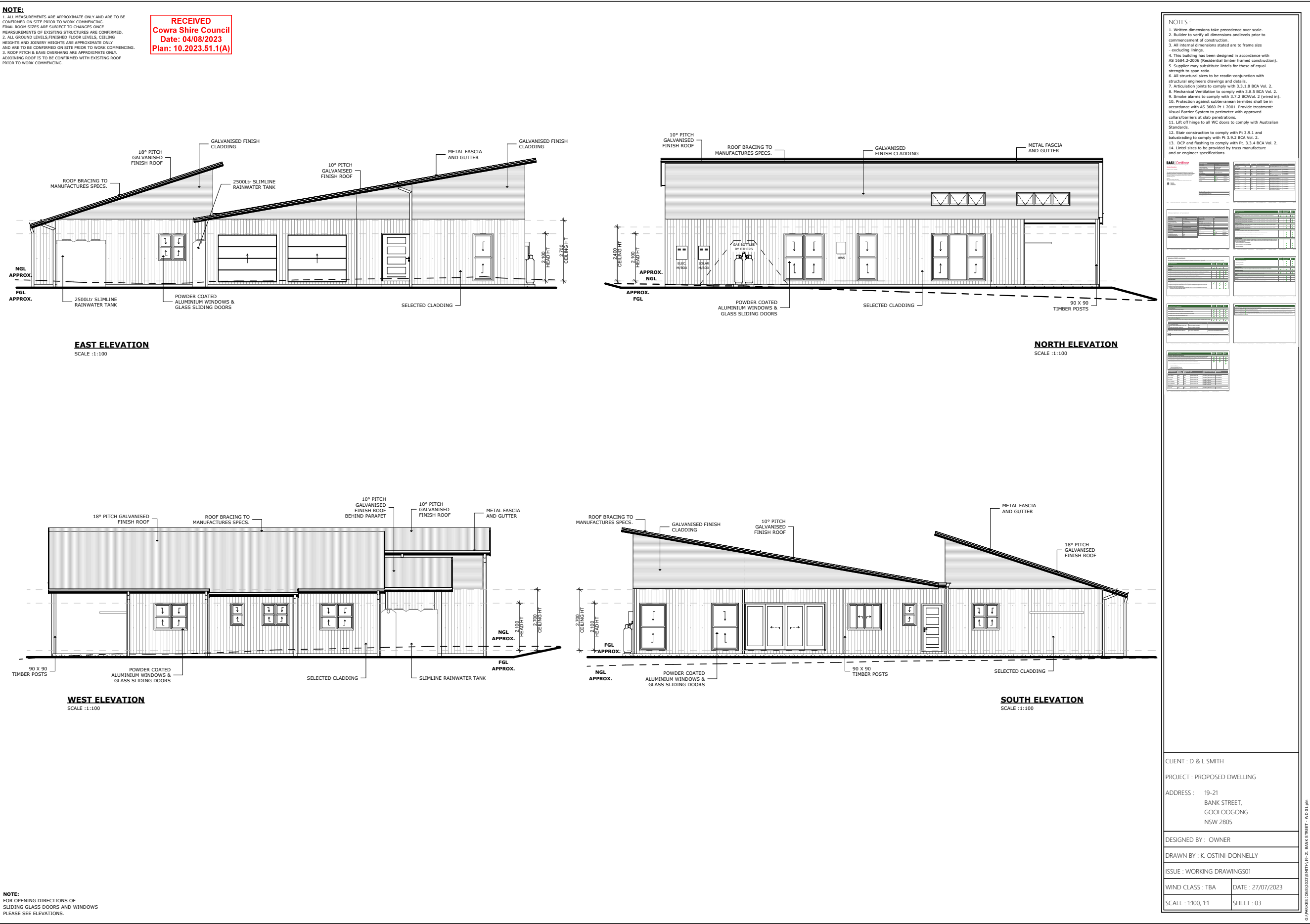
Having considered the documentation supplied by the applicant, the findings of site inspection(s) and the comments made from consultation, it is assessed that the impacts of the proposal and the likely environmental interactions between the proposed development and the environment are

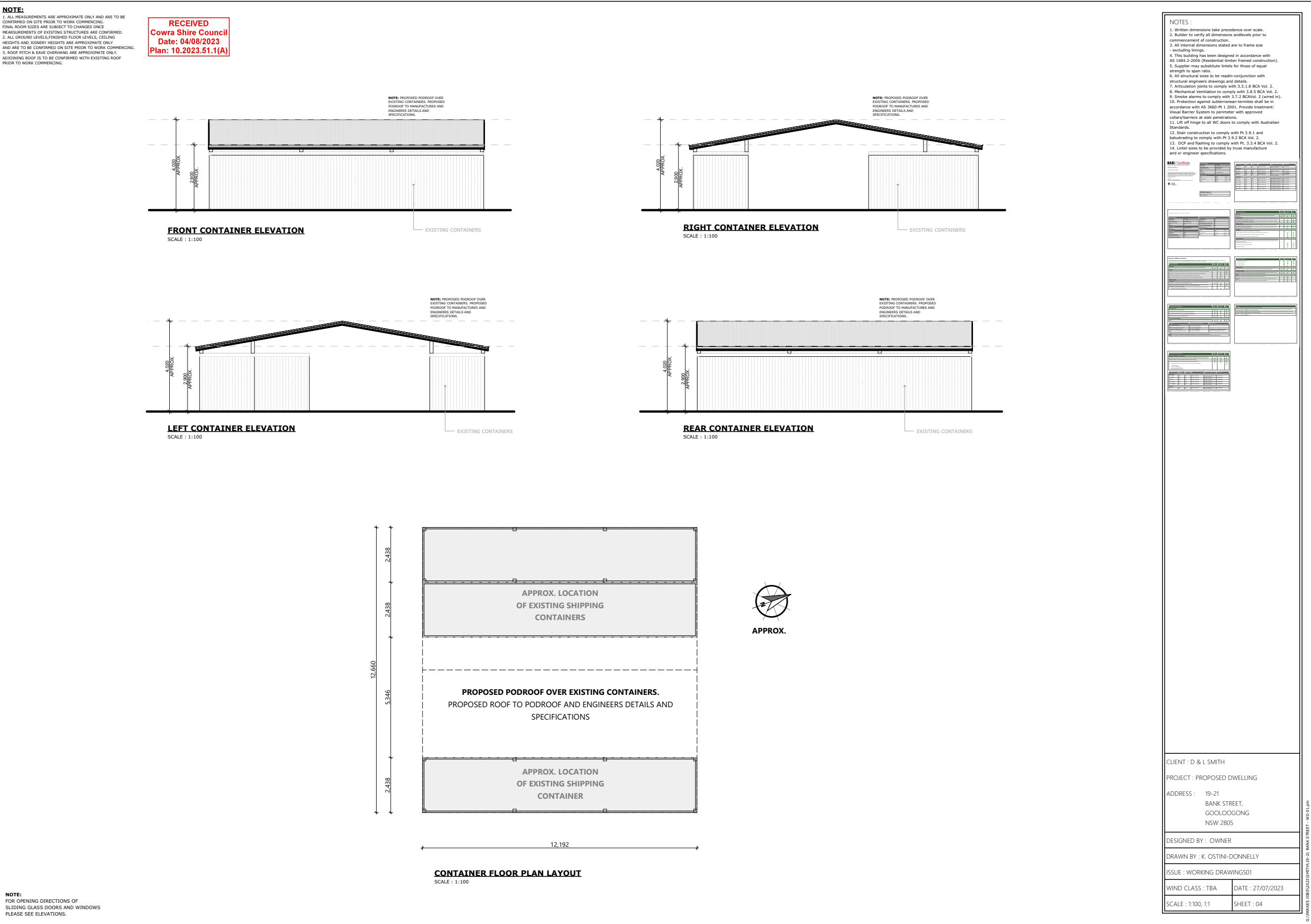
such that Council should not refuse the development application. Accordingly, a recommendation of conditional approval is listed in the recommendation.

ATTACHMENTS

1. DA 51/2023 - Development Plans [↓](#)
2. DA 51/2023 - Statement of Environmental Effects [↓](#)
3. DA 51/2023 - Flood Planning Report [↓](#)
4. DA 51/2023 - Location map [↓](#)
5. DA 51/2023 - Aerial View [↓](#)

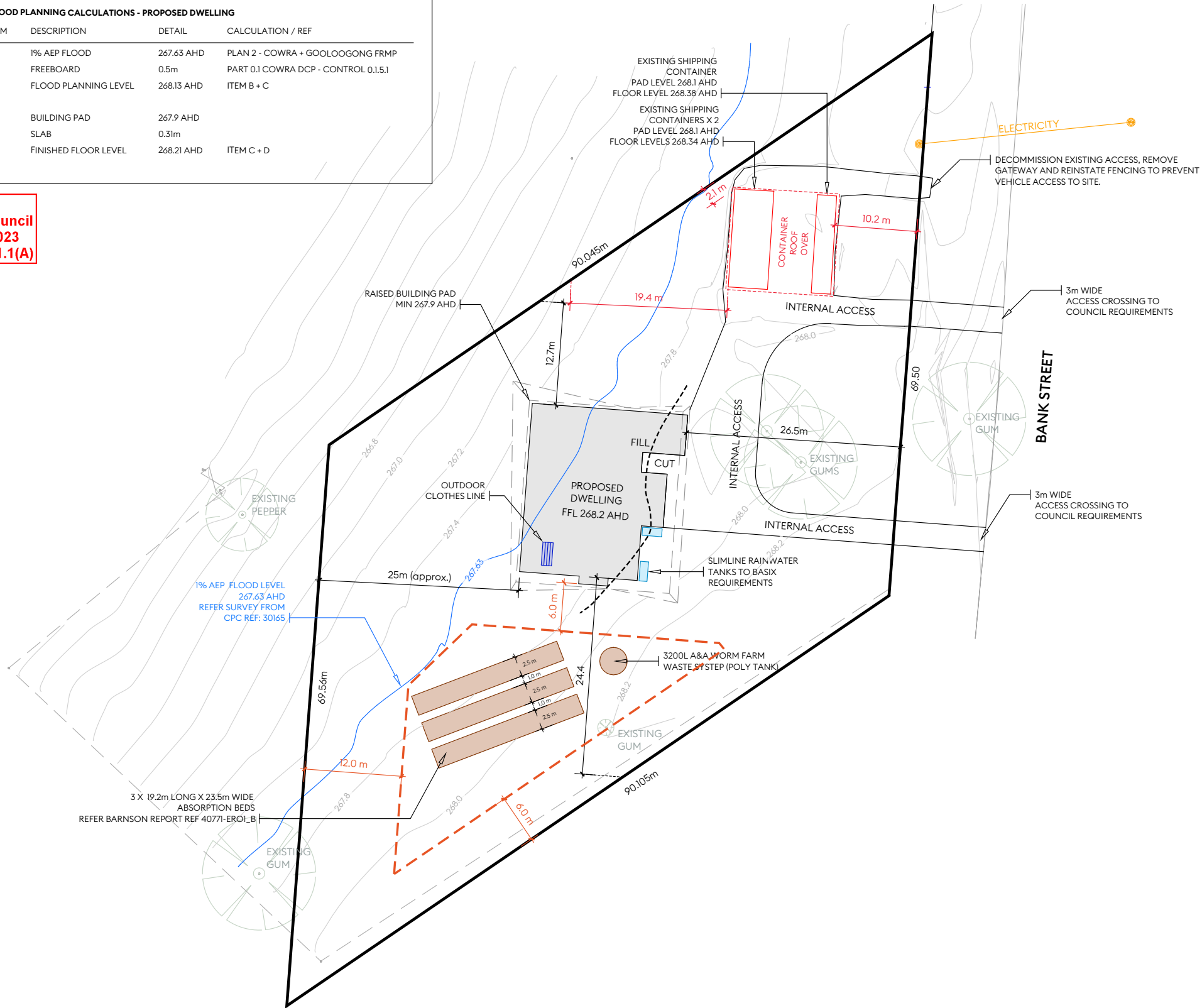






FLOOD PLANNING CALCULATIONS - PROPOSED DWELLING			
ITEM	DESCRIPTION	DETAIL	CALCULATION / REF
A	1% AEP FLOOD	267.63 AHD	PLAN 2 - COWRA + GOOLOOGONG FRMP
B	FREEBOARD	0.5m	PART 0.1 COWRA DCP - CONTROL 0.1.5.1
C	FLOOD PLANNING LEVEL	268.13 AHD	ITEM B + C
C	BUILDING PAD	267.9 AHD	
D	SLAB	0.31m	
E	FINISHED FLOOR LEVEL	268.21 AHD	ITEM C + D

RECEIVED
Cowra Shire Council
Date: 24/08/2023
Plan: 10.2023.51.1(A)





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250A Clarinda Street
PARKES NSW 2870

Project Contact
Dean Steward
0429 217 243

dsteward@currajong.com.au

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

B	REMOVE 3RD ACCESS	DS	22/08/2023
A	FIRST ISSUE	DS	15/05/2023
REV	DESCRIPTION	BY	DATE

SHEET NO:
01

SHEET NAME:
SITE LAYOUT PLAN

DRAWING STATUS
FOR APPROVAL

CLIENT NAME
Darren & Lea Smith

SITE DESCRIPTION
21 Bank Street
Gooloogong NSW 2805

PROJECT NAME
Proposed Dwelling, Awning and
Continued Use of 2 x Shipping
Containers

DRAWN:
22/08/2023

SCALE
1:500 @ A3



RECEIVED
Cowra Shire Council
Date: 24/08/2023
Plan: 10.2023.51.1(B)



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250A Clarinda Street
PARKES NSW 2870

Project Contact
Dean Steward
0429 217 243

dsteward@currajong.com.au

GENERAL NOTES:

- 1. It remains the responsibility of the landscape installation professional to properly locate all site service, infrastructure and utility installations as part of the implementation of landscape works in accordance with this plan.
- 3. All existing trees within the road reservations are to be retained and protected at all times during site construction works.
- 3. The extent of landscape works shall be confined within the property boundaries.

B	INCREASE LANDSCAPING	DS	22/08/2023
A	FIRST ISSUE	DS	03/08/2023
REV	DESCRIPTION	BY	DATE

SHEET NO:
L.01 of L.03

SHEET NAME:
Proposed Landscape Strategy

DRAWING STATUS
FOR APPROVAL

CLIENT NAME
Darren & Lea Smith

SITE DESCRIPTION
21 Bank Street
Gooloogong NSW 2805

PROJECT NAME
Proposed Dwelling, Awning and
Continued Use of 2 x Shipping
Containers

DRAWN:
2/08/2023

SCALE
AS NOTED

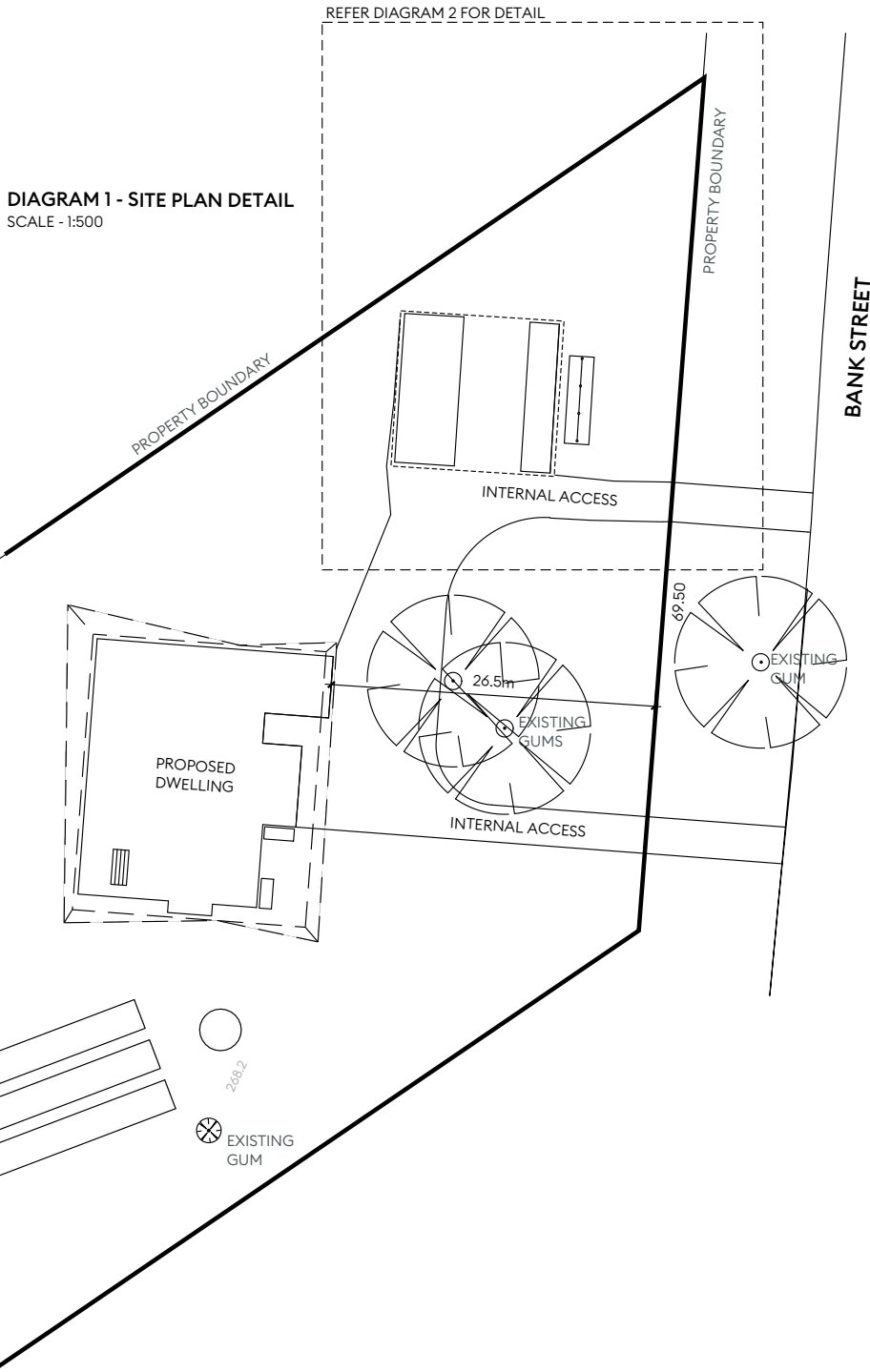


DIAGRAM 2 - PROPOSED LANDSCAPE STRATEGY
SCALE - 1:250



RECEIVED
Cowra Shire Council
Date: 04/08/2023
Plan: 10.2023.51.1(A)

DOCUMENT TITLE

Statement of Environmental Effects – Rev B

CLIENT

D & L Smith

PROJECT

Dwelling, Continued use of 3x Shipping Containers, Awning Structure
Lot 198 DP 752927
21 Bank Street
Gooloogong NSW 2805

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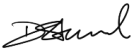
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DOCUMENT CONTROL

PROJECT REPORT DETAILS

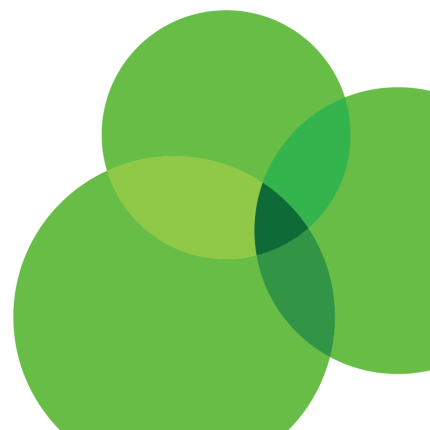
Document Title	Statement of Environmental Effects Dwelling, Continued use of 3x Shipping Containers, Awning Structure Lot 198 DP 752927, 21 Bank Street, Gooloogong NSW
Principal Author	Dean Steward, Senior Planner, Currajong
Client	D & L Smith
Project Reference	APC230203

DOCUMENT STATUS

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Status	Final
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Authorised for issue	

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Darren Smith	Rev A - Final - emailed on 15/05/2023
Darren Smith	Rev B – Draft emailed 04/08/2023
Darren Smith	Rev B – Final emailed 04/08/2023



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1. Introduction

1.1. Project Scope

This Statement of Environmental Effects (SEE) has been prepared by Currajong Pty Ltd (Currajong) on behalf of D & L Smith for the proposed development of the land at Lot 198 DP 752927, 21 Bank Street, Gooloogong. The proposal is comprised of several components including:

- Construction of a new single storey clad dwelling-house.
- Continued use of 3 x shipping containers which have already been placed on the land.
- Construction of a new metal awning structure over the existing shipping containers.

This document has been prepared to accompany a development application for determination by Cowra Shire Council.

1.2. Project Overview

The land at 21 Bank Street is an existing parcel comprising approximately 4900m² of land area. Apart from 3 existing shipping containers which have already been placed on the site (without consent), the land is vacant of any buildings or structures. A number of existing trees are located on the site – none of which are proposed to be removed as part of the development processes to which this application relates.

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

- Construction of a single residential dwelling. The dwelling is to be constructed as a slab on ground construction with steel cladding used for exterior walls and a skillion roof design. The dwelling has 5 bedrooms, 2 living areas, one office, kitchen and dining spaces and a double garage that is to be accessed directly from Bank Street. The building has been designed to maximise site opportunities related to view and aspect, as well as respond to flood constraint.
- Continued use of 3 existing 40ft shipping containers which have been placed on the land without the prior consent of Cowra Council. The owners wish to continue the use of these structures for storage related purposes ancillary to the proposed use of the land for a residential dwelling.
- Construction of a metal awning structure attaching to and spanning the distance of the existing shipping containers. The new awning structure will give weather protection to the shipping containers and assist in providing the containers with an appearance that resembles a traditional shed structure.
- Practical and legal access to the development is to be provided directly from Bank Street, which is an existing public road that is owned and maintained by Cowra Shire Council. Bank Street is an existing sealed road formation without kerb and gutter infrastructure. The road width is sufficient for two-way traffic movement and kerbside parking. The site design provides for dual access crossings servicing a circular internal driveway arrangement. Upgrades to the two access crossings will be required in accordance with Council's minimum engineering specifications.
- The proposed development will be connected to all available urban services and utilities including reticulated water, , electricity and satellite NBN telecommunications. On-site disposal is required for domestic waste, as Gooloogong is not sewered.
- Stormwater is proposed to be managed by diverting all roof-water (including rainwater collection tank overflow) to an appropriate location on-site away from buildings, structures and hardstand spaces.
- Further details relating to the proposed development have been included in the following sections of this Statement of Environmental Effects.

Architectural drawings have been prepared by Kellie Ostini-Donnelly and show full details of the proposed development. Copies have these drawings have been submitted with the Development Application.



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1.3. Approvals Required

The proposal requires development consent under Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and a Development Application is to be lodged with Cowra Shire Council via the NSW Planning Portal, along with a Statement of Environmental Effects (this report) and various plans in support of the proposed Dwelling.

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

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

The proposal does not trigger the Biodiversity Offset Scheme as no clearing of native vegetation is proposed.

1.4. Application Details

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

Table 1 – Application Details

Applicant	D & L Smith
Landowner	D & L Smith
Proposed Site	Lot 198 DP 752927, 21 Bank Street, Cowra
Proposal	Dwelling, Continued use of shipping containers and construction of awning.
Zoning	R5 Large Lot Residential
Consent Authority	Cowra Shire Council



**1.5. Format of this Report**

The information presented in this SEE covers all aspects of the proposal as specified under the EP&A Regulation 2021. The SEE has been prepared as a single document of several sections as shown in Table 2 below.

Table 2 – Report Format

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



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2. DEVELOPMENT SITE DESCRIPTION

2.1. Site description

The subject land is described as Lot 198 DP 752927, 21 Bank Street, Gooloogong. Key features of the site and its existing environs is included as follows:

- The total area of site is calculated to be approximately 4900m².
- The land currently contains 3 x shipping containers which have been placed without prior consent from Council.
- The land contains a number of existing mature eucalypt trees. These are proposed to be retained and will not be removed as part of the proposed development.
- There is an existing connection to grid electricity on the land.
- There is an existing connection to Council's reticulated water supply system.
- A site detail and contour survey has been completed for the site. The land is relatively flat with a slight fall from the eastern property boundary to the western property boundary.
- Parts of the land are currently fenced with typical rural post and wire style fencing.
- Parts of the site are prone to flooding.

Figure 1 shows the location of the subject site, followed by various photographs of existing site conditions and features.

Figure 1 – 21 Bank Street Locality Map



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Photographs 1 – 4 shows the existing site conditions and key features of the existing natural and built environment relating to the subject land.



Photograph 1 – View east from rear of property



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Photograph 2 – View west from within property



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Photograph 3 – Existing shipping contain locations



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Photograph 4 – Bank Street frontage to property



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2.2. Surrounding Land-use

The site is located on the western edge of the village of Gooloogong. Surrounding land-use is mixed. Village residential uses predominate on the eastern side of Bank Street. Agricultural related uses predominate on the western side of Bank Street, however there are existing dwellings on adjoining lots to the north and south of the subject land. Photograph 4 shows the typical features of the surrounding environment.



Photograph 5 – Typical dwellings on Bank Street opposite subject land



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2.3. Land Zoning

The site is zoned R5 Large Lot Residential under the Cowra Local Environmental Plan 2012. Land on the opposite side of bank Street is zoned RU5 Village. Land to the north is zoned RU1 Primary Production / C3 Environmental Conservation. Land to the south is zoned R5 Large Lot Residential. Figure 2 shows the zoning framework applying to the subject land and surrounding sites under Cowra Local Environmental Plan 2012.

Figure 2 – Zoning Map

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



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3. DESCRIPTION OF THE PROPOSAL

3.1. Objectives of the proposal

The principal objective of the proposal is to obtain development consent for the erection of a dwelling, continued use of 2 shipping containers and construction of an awning over the shipping containers.

The objectives for the proposal are to:

- Provide a high-quality Dwelling that integrates with the existing village setting of the land and complements streetscape amenity.
- Provide for a residential use of the property that is not incompatible with the flood hazard status that applies to parts of the property.
- Minimise to the greatest extent possible, impact to the local environment and community stakeholders.

3.2. The Proposal

3.2.1. Subdivision Works

There are no subdivision works proposed. There are no changes to the existing form and configuration of the existing parcel relating to Lot 198 DP 752927.

3.2.2. Building Works

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

- Construction of a single residential dwelling. The dwelling is to be constructed as a slab on ground construction with steel cladding used for exterior walls and a skillion roof design. The dwelling has 5 bedrooms, 2 living areas, one office, kitchen and dining spaces and a double garage that is to be accessed directly from Bank Street.
- Continued use of 3 existing 40ft shipping containers which have been placed on the land without the prior consent of Cowra Council. The owners wish to continue the use of these structures for storage related purposes ancillary to the proposed use of the land for a residential dwelling.
- Construction of a metal awning structure attaching to and spanning the distance of the existing shipping containers. The new awning structure will give weather protection to the shipping containers and assist in providing the containers with an appearance that resembles a traditional shed structure.
- Installation of rainwater collection tanks to meet minimum BASIX specifications.
- Site earthworks are anticipated to be minimal. Some filling will be required to achieve the required pad and finished floor levels for the dwelling having regard to Council flood policy. The extent of fill on the land is shown on the plans submitted with the Development Application.
- All building works are to comply with the Building Code of Australia and engineering specifications as detailed on plans.

3.2.3. Practical and Legal Access

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

- Practical and legal access to the development is to be provided directly from Bank Street, which is an existing public road that is owned and maintained by Cowra Shire Council.
- Bank Street is constructed without kerb and gutter infrastructure, has 5m wide (approx.) sealed carriageway with sufficient width for two-way traffic movement and kerbside parking.
- The dwellings is intended to be serviced by two access crossings connected to Bank Street and servicing a circular internal access driveway

3.2.4. On-site Car Parking

A description of the proposed on-site car parking arrangements are as follows:



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- The dwelling to be provided with an internal (under-roof) garage with sufficient space for the parking of 2 motor vehicles.
- On-site visitor car parking is not provided. Adequate opportunities will be available for visitor parking from Bank Street and within the subject land.

3.2.5. Landscaping

A description of the proposed landscaping arrangements are as follows:

- Internal driveway access constructed of hardstand material.
- General garden areas to be established along the bank Street frontage of the land to improve the appearance of the development and aid with screen of the existing shipping containers.
- Turf to be installed and / or grassed areas to be established in the rear yard space of the property to increase amenity for residents.

3.2.6. Utilities and Services

- The land has an existing connection to Council's reticulated water supply system.
- On-site waste disposal to be implement for domestic effluent. Adequate area has been identified outside of flood prone areas for this purpose, including sufficient buffers to proposed buildings and existing boundaries.
- The land has an existing connection to grid electricity.
- The land has an existing connection to satellite NBN communications.
- Stormwater is proposed to be managed by diverting all roof-water (including rainwater collection tank overflow) to an appropriate location on-site away from buildings, structures and hardstand spaces.

3.2.7. Staging

The proposed development is not lodged with Cowra Shire Council as a staged development.



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4. PLANNING AND LEGISLATIVE CONTEXT

The following section of the report describes the applicable local planning policies, State and Federal legislation and guidelines. The applicable documents are summarised in this section, followed by a statement outlining how the development will address and / or comply with the legislation or policy.

4.1. Commonwealth Legislation

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

4.1.1. Environment Protection and Biodiversity Conservation Act 1999

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

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

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

4.2. New South Wales Legislation

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

4.2.1. Environmental Planning and Assessment Act 1979

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

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



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

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

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

4.2.2. Local Government Act 1993

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

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

Local government approvals are required for plumbing and drainage works. No LG approvals have been applied for at this stage. Issue of a Construction Certificate provides further opportunity for the applicant to liaise with Cowra Shire Council regarding their requirements for LG approvals.

4.2.3. Heritage Act 1977

The Heritage Act 1977 provides for the conservation of environmental heritage defined as places, buildings, works, relics, moveable objects, and precincts, of State or local heritage significance which are at least 50 years old. The Act applies to non-Aboriginal relics only, as Aboriginal relics are protected under the National Parks and Wildlife Act 1974.

The subject site is not listed on the State Heritage Register and an approval from Heritage NSW is not required under the Heritage Act 1977. The site is not listed in the Schedule to Cowra Local Environmental Plan 2012 as an item of local heritage significance and the land is not located within any Heritage Conservation Areas. Heritage issues are assessed under Section 5 of this SEE. In general, no heritage issues / impacts have been assessed to apply, and no separate approvals are required relating to heritage matters.

4.2.4. National Parks and Wildlife Act 1974

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

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

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

The site comprises 'disturbed land', as defined under The National Parks and Wildlife Regulation 2019 (NPW Regulation) and an Aboriginal due diligence assessment is not required. Heritage issues are assessed under Section 5 of this SEE. In general, no heritage issues / impacts have been assessed to apply, and no separate approvals are required relating to heritage matters.



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4.2.5. Biodiversity Conservation Act 2016

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

- It is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or
- The development exceeds the biodiversity offsets scheme threshold if the biodiversity offset scheme applies to the impacts of the development on biodiversity values, or
- It is carried out in a declared area of outstanding biodiversity value.

The land contain existing native vegetation, but this is not proposed to be removed or disturbed as part of the development processes to which this application relates. The potential for the proposed development to impact on matters that are of biodiversity significance is assessed to be nil.

4.2.6. Roads Act 2016

Under Section 138 of the Roads Act 1993 a person must not erect a structure or carry out a work in, on or over a public road, or dig up or disturb the surface of a public road, otherwise than with the consent of the appropriate roads authority. Cowra Shire Council is the relevant authority for works on Bank Street.

Works will be required to construct / upgrade the two proposed access to Bank Street and therefore a permit under Section 138 of the Roads Act 1993 will be required from Cowra Shire Council prior to the commencement of any works.

4.2.7. Protection of the Environment Operations Act 1997

The Protection of the Environment Operations Act 1997 (POEO Act) regulates air, noise, land and water pollution.

The proposal would not operate under an Environment Protection Licence (EPL) and Cowra Shire Council is the Appropriate Regulatory Authority (ARA) for general pollution control matters in the Cowra LGA.

4.2.8. Contaminated Land Management Act 1997

Cowra Shire Council is required to notify the EPA if contamination is discovered that presents a significant risk of harm. Guidelines on the Duty to Report Contamination under the *Contaminated Land Management Act 1997* are available on the EPA website.

There is no evidence of potential contamination based on observations made at site inspection or known historical uses of the land (agriculture). EPA notification is not required to be obtained for site.

4.2.9. Rural Fires Act 1997

The Rural Fires Act (RF Act) 1997 requires approval of development on bushfire prone land as identified by a bushfire prone land map prepared under Section 146 of the EP&A Act.

According to the mapping prepared by the NSW Rural Fire Service, the subject land is not identified as being bushfire prone.



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4.3. State Environmental Planning Policies (SEPP)

A high level assessment of the applicability of each SEPP to the proposed development is included in Table 3, with further assessment work completed in Section 4.3.1 as necessary.

Table 3 - SEPP Overview

Name of SEPP	Applicability	Further Assessment Warranted
SEPP (Biodiversity and Conservation) 2021	N/A	No
SEPP (BASIX) 2004	Applicable	Yes. See Section 4.3.1
SEPP (Exempt & Complying Development Codes) 2008	N/A	No
SEPP (Housing) 2021	Potentially	Yes. See Section 4.3.1
SEPP (Industry and Employment) 2021	N/A	No
SEPP 65 (Design Quality of Residential Apart. Development)	N/A	No
SEPP (Planning Systems) 2021	N/A	No
SEPP (Primary Production) 2021	N/A	No
SEPP (Precincts - Central River City) 2021	N/A	No
SEPP (Precincts - Eastern Harbour City) 2021	N/A	No
SEPP (Precincts - Western Parkland City) 2021	N/A	No
SEPP (Precincts - Regional) 2021	N/A	No
SEPP (Resilience and Hazards) 2021	Yes	Yes. See Section 4.3.1
SEPP (Resources and Energy) 2021	N/A	No
SEPP (Transport and Infrastructure) 2021	Potentially	Potentially. See Section 4.3.1

4.3.1. SEPP Assessment

SEPP (Transport and Infrastructure) 2021

There are provisions contained within this SEPP which are triggers for the referral of the Development Application to certain authorities prior to Council being able to grant consent. With particular regard to the nature of the development proposed by this DA, the potential triggers for referral are summarised as follows.

Development Likely to affect an electricity transmission or distribution network

Clause 2.48 of the Infrastructure SEPP requires Council to give written notice to the electricity supply authority (and consider any response received within 21 days) when a DA involves development that comprises of involves:

- The penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,
- Development carried out within or immediately adjacent to an easement for electricity purposes or substation, or within 5 metres of an exposed overhead electricity power line.
- Development involving the installation of a swimming pool within 30m of a structure supporting an overhead transmission line, or within 5m of an overhead electricity power line.
- Development involving or requiring the placement of power lines underground.

Based on a review of the plans and documents submitted with the DA, the proposed DA is unlikely to trigger referral to the electrical supply authority, as the nearest overhead pole location is further than 5 metres of the proposed construction site.



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Development in or adjacent to road corridors and road reservations

Clause 2.122 of the Infrastructure SEPP requires Council to give written notice to Transport for NSW (and consider any response received within 21 days) when a DA involves traffic generating development of a kind specified in Column 1 of Schedule 3 of the SEPP.

The nature and scale of the proposed development does not trigger referral of the application.

SEPP – Resilience and Hazards 2021

This SEPP requires that a consent authority must consider the contamination potential of the land, and if the land is contaminated, it is satisfied that the land is suitable for the development in its contaminated state, or that appropriate arrangements have been made to remediate the site prior to the development being carried out. EPA notification is not required to be undertaken by Council and the site is suitable for its intended residential use. There are no known site history issues that are likely to give rise to concerns relating to potential site contamination.



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4.4. Local Environmental Plans

4.4.1. Relevant Local Environmental Plan

Cowra Local Environmental Plan 2012 (LEP) applies to the land. The site of the proposed development is zoned R5 Large Lot Residential.

An assessment has been completed to determine the potential applicability of key clauses in the LEP to the proposed development. This work is presented in Table 5 as follows.

Where it is identified that a clause of Cowra Local Environmental Plan 2012 applies to the proposed development, this assessment work is presented in Section 4.4.2

Table 4 – Preliminary LEP Assessment

LEP Clause	Clause Name	Statement of Applicability
1.9A	Suspension of covenants, agreements & instruments	Not applicable to proposal
2.3	Zone objectives	Assessment Required. See Section 4.4.2
2.5	Additional permitted uses for particular land	Not applicable to proposal
2.6	Subdivision - consent requirements	Not applicable to proposal
2.7	Demolition requires development consent	Not applicable to proposal
2.8	Temporary use of land	Not applicable to proposal
	Land-use Table	Assessment Required. See Section 4.4.2
4.1	Minimum subdivision lot size	Not applicable to proposal
4.1AA	Minimum subdivision lot size for community title schemes	Not applicable to proposal
4.1A	Minimum subdivision lot size for strata plan schemes in certain rural and residential zones	Not applicable to proposal
4.1B	Minimum subdivision lot size for certain split zones	Not applicable to proposal
4.1C	Exceptions to minimum subdivision lot sizes for certain residential development	Not applicable to proposal
4.1D	Boundary changes between lots in certain rural, residential and environment protection zones.	Not applicable to proposal
4.2	Rural Subdivision	Not applicable to proposal
4.2A	Subdivision for the purposes of intensive livestock agriculture or intensive plant agriculture.	Not applicable to proposal
4.2B	Erection of dwelling houses on land in certain rural zones	Not applicable to proposal
4.2C	Erection of rural workers dwellings in zone RU1	
4.6	Exceptions to development standards	Not applicable to proposal
5.1	Relevant acquisition authority	Not applicable to proposal
5.2	Classification and reclassification of public land	Not applicable to proposal
5.3	Development near zone boundaries	Not applicable to proposal
5.4	Controls relating to miscellaneous uses	Not applicable to proposal
5.5	Controls relating to secondary dwellings on land in a rural zone	Not applicable to proposal
5.8	Conversion of fire alarms	Not applicable to proposal



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5.10	Heritage Conservation	Not applicable to proposal
5.11	Bushfire Hazard Reduction	Not applicable to proposal
5.12	Infrastructure development and use of existing buildings of the Crown	Not applicable to proposal
5.13	Eco-tourist facilities	Not applicable to proposal
5.16	Subdivision of, or dwellings on, land in certain rural, residential and conservation zones	Not applicable to proposal
5.18	Intensive livestock agriculture	Not applicable to proposal
5.19	Pond-based, tank based and oyster aquaculture	Not applicable to proposal
5.20	Standards that cannot be used to refuse consent - playing music	Not applicable to proposal
5.21	Flood planning	Assessment Required. See Section 4.4.2
7.1	Earthworks	Assessment Required. See Section 4.4.2
7.3	Terrestrial Biodiversity	Assessment Required. See Section 4.4.2
7.4	Riparian Lands and Watercourses	Not applicable to proposal
7.5	Wetlands	Not applicable to proposal
7.6	Groundwater vulnerability	Not applicable to proposal
7.7	Airspace operations	Not applicable to proposal
7.8	Essential Services	Assessment Required. See Section 4.4.2
7.9	Location of sex services premises	Not applicable to proposal
7.10	Industrial Development on land in Zone RU1	Not applicable to proposal
7.11	Development on land in karst areas	Not applicable to proposal

4.4.2. LEP Assessment

Clause 2.3 - Zone Objectives

Clause 2.3 of Cowra Local Environmental Plan 2012 states that Cowra Shire Council must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The objectives of the R5 Large Lot Residential are to:

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

The proposed development is assessed to be consistent with the objectives for the R5 zone. The proposal involves the construction of a single dwelling that has a unique design yet will contribute positively to the village setting within which the site is located. The scale of the development will not unreasonably increase the demand for public services or public facilities as essential services are either connected or ready for immediate connection. Land-use conflicts are unlikely to occur given the proposed setbacks of the dwelling to adjoining properties.



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Land-use Table – R5 Large Lot Residential zone

The development is permissible in the R5 Large Lot Residential zone with the consent of Council.

Clause 5.21 – Flood Planning

Clause 5.21 of Cowra Local Environmental Plan 2012 applies to any new development that the consent authority considers to be within the Flood Planning Area.

The objectives of Clause 5.21 are as follows

- To minimise the flood risk to life and property associated with the use of land,
- 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,
- To avoid adverse or cumulative impacts on flood behaviour and the environment,
- To enable the safe occupation and efficient evacuation of people in the event of a flood.

Clause 5.21(2) requires that Cowra Shire Council must not grant consent to development on land within the Flood Planning Area unless it is satisfied the development:

- Is compatible with the flood function and behaviour on the land, and
- 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
- 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
- Incorporates appropriate measures to manage risk to life in the event of a flood, and
- Will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

Clause 5.21(3) requires that Council must consider the following matters in deciding whether to grant development consent to land within the Flood Planning Area:

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

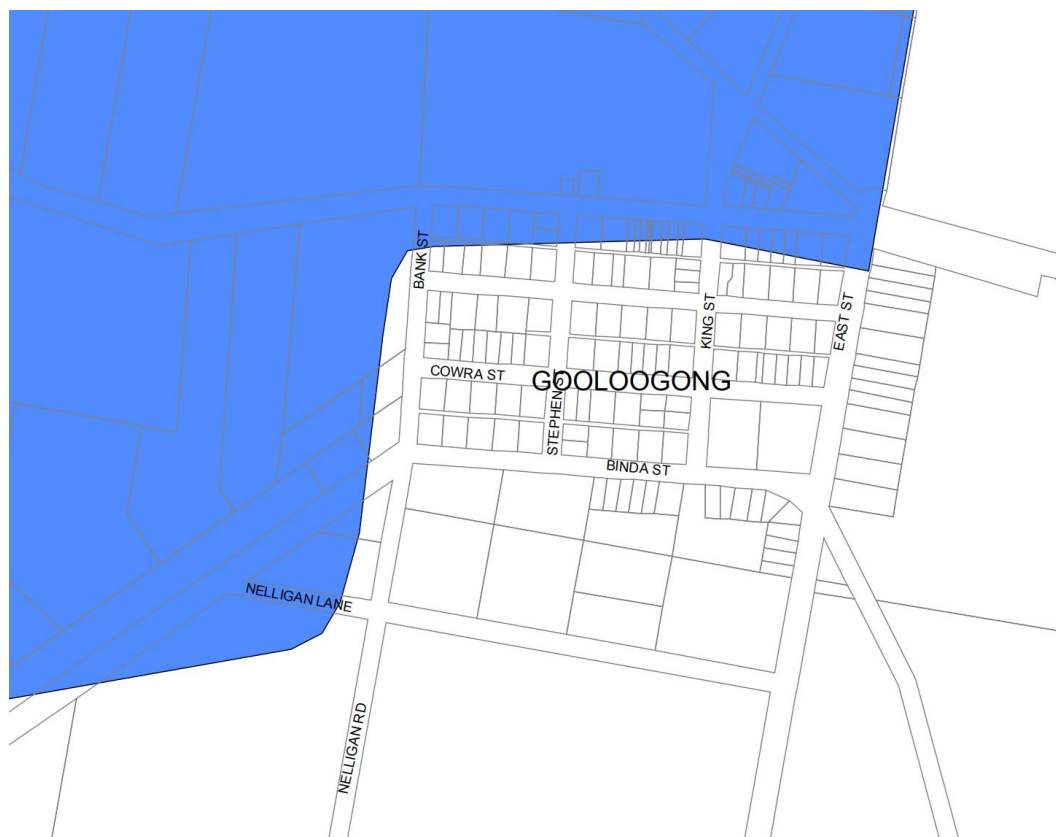
The subject land is shown to be located within the Flood Planning Area. This is shown on Flood Planning Map FLD_001A in Cowra Local Environmental Plan 2012, an extract of which is shown in Figure 3 overpage.



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Figure 3 – Extract - Flood Planning Map FLD_001A



A Flood Planning Report has been prepared and is attached separately to this Statement of Environmental Effects. The Flood Report includes the following work:

- An assessment of the proposed development against the requirements of Clause 5.21 of Cowra Local Environmental Plan 2012.
- Presentation of the findings of registered survey work completed in order to establish the Flood Planning Level for the subject land and its relationship to the proposed building and site design.
- An assessment of the relevant flood planning requirements under Part O of the Cowra Comprehensive Development Control Plan 2021.

Clause 7.1 - Earthworks

The objective of Clause 7.1 is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

Before granting development consent for earthworks, the following issues must be considered:



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

The subject land has gentle topography, which falls away from Bank Street towards the western property boundary.

There are no changes to existing landform required for the existing shipping containers, as these sit on existing levelled pads. The contour survey submitted with the DA shows that a fall of approximately 400-mm exists across the building pad for the proposed dwelling. A detailed analysis of the flood planning requirements for the development is included in the separately submitted Flood Planning Report, however it has been determined that some minor filling of the land will be necessary in order to achieve the required RL's for finished floor level. The extent of proposed filling is shown on the plans submitted with the DA.

An assessment of the proposed earthworks against the considerations in Clause 5.21 confirms the following:

- Site inspection did not reveal any existing natural surface water drainage lines or significant environmental features in proximity to the proposed location of site earthworks.
- The existing topography of the land is gentle. Site earthworks are capable of being undertaken without the need for cut or filled areas to be retained and without creating soil stability issues for the site or nearby land.
- The footprint of required earthworks is to be kept to minimal levels. There are no impacts likely to occur in terms of the future use or redevelopment of the land.
- It is expected that some imported fill will be required to achieve the required finished floor level. Any imported material is to be clean material and free from any contaminants.
- Due to the minor nature of the proposed earthworks, the likelihood of the development impacting the amenity of adjoining property owners is assessed to be low. The relationship of the proposed dwelling to adjoining properties will not be altered significantly by the proposed filling.
- The likelihood of earthworks disturbing relics is low. Appropriate searches of the AHIMS database has not identified any recorded items within a 50m buffer of the subject land.
- The site of proposed earthworks are sufficiently distanced from any existing water ways, drinking water catchments or environmentally sensitive areas.
- Newly filled areas will be battered away from the proposed building at appropriate grades.

In summary, no significant impacts on environmental functions, stormwater drainage, neighbouring uses, cultural or heritage items or features of the surrounding land have been identified. Likely impacts are expected to be within acceptable levels and will be mitigated appropriate soil and erosion control techniques where required.

Clause 7.3 - Terrestrial Biodiversity Map

Clause 7.3 of Cowra Local Environmental Plan 2012 applies to the subject land as parts of the property are mapped as containing vegetation that is of biodiversity significance. See Sheet BIO_001 of the Terrestrial Biodiversity Map.

Before granting development consent, the following issues must be considered:

- whether the development is likely to have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and



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- whether the development is likely to have any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and
- whether the development is likely to have any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and
- whether the development is likely to have any adverse impact on the habitat elements providing connectivity on the land, and
- whether the development is likely to have any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

There is no proposal to remove any existing native vegetation as part of a development process to which this application relates. The site plan submitted with the DA shows two existing mature tree gum trees generally within the front setback area of the site layout. These are to be retained. The potential for the proposed development to impact on matters that are of terrestrial biodiversity significance is assessed to be low.

Clause 7.6- Groundwater Vulnerability

Clause 7.6 of Cowra Local Environmental Plan 2012 applies to land that has been identified as 'Groundwater Vulnerable' on the Groundwater Vulnerability Map.

The subject land has been mapped in Cowra Local Environmental Plan 2012 as containing vulnerable groundwater.

The objectives of the Clause are:

- To maintain the hydrological functions of key groundwater systems.
- To protect vulnerable groundwater resources from depletion and contamination as a result of development.

Before determining a development on land to which the clause applies, Council must consider the following:

- The likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),
- Any adverse impacts the development may have on groundwater dependent ecosystems,
- The cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),
- Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Council must not grant consent to development unless:

- The development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
- If that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- If that impact cannot be minimised—the development will be managed to mitigate that impact.

The proposed development is unlikely to result in significant impacts on groundwater resources in the locality. The development will not rely on groundwater resources for domestic water supply purposes. On-site waste management is proposed in areas that are above the 1% AEP Flood Level for the site and are to be installed in accordance with the technical recommendations of geotechnical investigation completed for the land. The likelihood that the proposed development will impact adversely on receiving groundwaters in the locality is assessed to be low.

Clause 7.8 – Essential Services

Clause 7.8 of Cowra Local Environmental Plan 2012 requires that development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development or available or that adequate arrangements have been made to make them available when required:

- The supply of water



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- The supply of electricity
- The disposal and management of sewage
- Stormwater drainage or on-site conservation
- Suitable vehicle access.

The proposed development complies with the requirements for Clause 6.8 as follows:

- The land at 21 Bank Street is connected to Council's reticulated water supply system. On-site rainwater tank storage will be utilised to supplement the mains water supply to the dwelling. Adequate arrangements exist and will be made for the provision of a suitable water supply to the development
- Electricity supply infrastructure has been made available to 21 Bank Street via a connection point on the site's eastern boundary. Adequate arrangements exist and will be made for the provision of a suitable electrical supply to the proposed development.
- The village of Gooloogong does not have a reticulated sewerage supply network. Domestic waste generated from the proposed dwelling will need to be disposed of in a managed appropriate on-site. Sufficient space has been identified for this purpose outside of flood prone areas and away from buildings and boundaries. The installation of the on-site waste management system is subject to separate application to Cowra Council, however it can be determined that adequate arrangements exist and will be made for the disposal and management of sewage from the proposed dwelling.
- Stormwater is proposed to be managed by diverting all roof-water (including rainwater collection tank overflow) on-site away from all buildings and boundaries. Rainwater tanks are proposed to be installed and will collect roof-water from the proposed dwelling for re-use throughout the development in accordance with the commitments in the BASIX Certificate. Adequate arrangements exist and will be made for stormwater drainage from the proposed development.
- Practical and legal access to the development is to be provided directly from Bank Street, which is an existing public road that is owned and maintained by Cowra Shire Council. Bank Street is constructed without kerb and gutter infrastructure and has a 5.5m (approx.) wide sealed carriageway with sufficient width for two-way traffic movement and kerbside parking. The dwellings are intended to be serviced by two separate sealed access driveways to Bank Street connected to a circular internal access driveway. The new access will be constructed to the engineering specifications of Cowra Shire Council. Adequate arrangements exist and will be made for the provision of suitable vehicle access to the proposed Dwelling.

The proposed subdivision is capable of being connected to essential services in accordance with the requirements of Clause 7.8. Council is asked to grant consent subject to normal conditions relating to the servicing of the development to the requirements of the relevant service providers.



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4.5. Development Control Plans

4.5.1. Relevant Development Control Plan

Cowra Development Control Plan 2021 applies to the land. The site of the proposed development is zoned R1 General Residential.

An assessment has been completed to determine the potential applicability of key parts of the DCP to the proposed development. This work is presented in Table 5 as follows.

Where it is identified that a part of the DCP applies to the proposed development, this assessment work is presented in Section 4.5.2.

Table 5 – Preliminary DCP Assessment

Part	Name	Applicability	Further Assessment Warranted?
A	Plan Introduction	Yes	Considered. Detailed assessment not necessary.
B	Land Management	Yes	Yes. Refer Section 4.5.2
C	Biodiversity Management	Yes	Yes. Refer Section 4.5.2
D	Subdivision Development	No	No
E	Urban and Village Development	No	No
F	Rural Development	No	No
G	Large Lot Development	Yes	Yes. Refer Section 4.5.2
H	Commercial Development	No	No
I	Industrial Development	No	
J	Cowra Regional Airport	No	
K	Land-use Buffers	No	
L	Advertising and Signage	No	
M	Parking, Access and Mobility	No	No
N	Landscaping	No	No
O	Environmental Hazard Management	Yes	Yes. Refer Section 4.5.2
P	CPTED principles	Yes	Considered. Detailed assessment not necessary.

4.5.2. DCP Assessment

Table 6 overpage includes an assessment of the proposed development against the relevant planning controls and standards in each of the relevant Parts of the DCP.

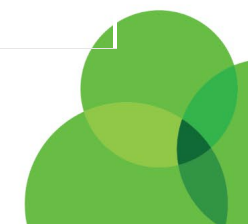


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Table 6 – DCP Assessment

Part	Ref	Summary of Requirements	Planning Assessment Comment	Statement of Consistency
Part B	Land Management			
	B.1.4	Submission of an Erosion and Sediment Control Plan	Soil erosion and sediment control measures will be detailed on the final plans for construction of the proposed development and submitted with the application for Construction Certificate.	The proposal complies.
	B.1.7	Guiding principles for preparing an Erosion and Sediment Control Plan	As above.	The proposal complies.
	B.1.8	Guidelines for erosion and sediment control techniques	As above.	The proposal complies.
Part C	Biodiversity Management			
	C.1.4	Provides guidance on relevant assessment pathways which determine the level of biodiversity assessment and information required to support a development application.	<p>The proposed development does not trigger entry into the Biodiversity Offset Scheme according the Biodiversity Conservation Act 2016. The following information is provided in support of this statement:</p> <ul style="list-style-type: none"> ▪ The minimum lot size applying to the development site is 5ha, and the proposed development does not require the clearing of native vegetation that has an area exceeding the nominated threshold of 0.5ha. ▪ The proposed development does not involve the clearing of native vegetation (or other action prescribed by Clause 6.1 of the BC Regulation) on land identified on the Biodiversity Values Map. ▪ A Test of Significance is not deemed to be necessary for this proposal as there is to be no clearing of native vegetation. The development is unlikely to affect threatened species or ecological communities. <p>Assessment pathway No. 1 is considered to apply (assessment under Part 4 of the EP&A Act)</p>	The proposal complies.



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Part G		Large Lot Development	
		Objectives	
E.2.2		Objectives for medium density housing	<p>The proposal relates primarily to the construction of a new dwelling. The proposal is generally consistent with the objectives for large lot housing, as described below:</p> <ul style="list-style-type: none"> ▪ The project relates to a residential dwelling in a village location. ▪ The dwelling design is unique yet will positively contribute to the village setting in Gooloogong. ▪ The dwelling is accessed from the local road network is not readily visible on any main road approaches to Gooloogong. ▪ The dwelling is located suitably on the site and is not expected to create any unacceptable land-use conflict issues. ▪ The land is not identified to be environmentally sensitive. Flooding is the primary constrain and has been appropriate considered as part of the site and building design. ▪ Safe access is available from Bank Street. ▪ Appropriate services are available to be connected.
		General Controls	
G.1.3		This section includes a suite of controls that apply generally to new dwelling proposals on R5 zoned land.	<p>The proposal is consistent with controls (a) to (i) without variation. Adequate arrangements exist for the connection of the development to water and for the on-site disposal of domestic waste. Flooding is a primary constrain and has been addressed as part of the site planning and building design process. Bushfire is not an issue for the subject land. Excessive excavations are not required. Land-use conflict is unlikely.</p>
G.1.4		This section includes a suite of controls that apply to the siting of new dwellings on R5 zoned land.	<p>The proposal is consistent with controls (a) to (g) without variation. The location of the proposed dwelling:</p> <ul style="list-style-type: none"> ▪ Is not in a visually prominent area. ▪ Is not on land with a gradient over 5%



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		<ul style="list-style-type: none">▪ Is unlikely to alter natural drainage patterns▪ Does not require remove of existing mature trees.▪ Is located at least 40m from any creek or river.▪ Does not adversely impact on existing environmental functions of the land.		
	Setback Controls			
	Authors note – Section G.1.5 does not include any controls relating to the R5 zoned areas of Gooloogong. In the absence of any such controls, Section G.1.5.3 has been used for guidance in relation to this proposal.			
	G.1.5.3.a	New dwellings are to be setback from the boundary with a primary road either the average distance of the nearest 2 dwellings, or 15m in cases where 2 dwellings are not located within 40 metres of the land.	The two nearest dwellings are setback approximately 10m from the front property boundary. The proposed dwelling is to be setback a distance of 26.5m from the front property boundary.	The proposal complies
	G.1.5.3.b	New dwellings are to be setback from the boundary with a secondary road a minimum distance of 10m.	The subject land is not a corner lot.	Not relevant to the proposed development.
	G.1.5.3.c	New dwellings are to be setback from the rear property boundary a minimum of 10 metres, or 25m where the side and rear property boundary adjoins land that is being used for agricultural purposes.	The rear boundary adjoins land that is zoned C3 Environmental Management, and although the land is not used for a productive agricultural purposes, it is possible. The proposed dwelling is setback a minimum distance of 25m from this boundary.	The proposal complies
	G.1.5.3.c	New dwellings are to be setback from the side property boundaries a minimum of 5 metres.	The proposed dwelling has a setback to the northern boundary that is approximately 12.7m. The proposed dwelling has a setback to the northern boundary that is approximately 24.4m	The proposal complies.



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	Building Appearance Controls		
G.1.6	This section includes controls that relate to the appearance of new dwellings on R5 zoned land.	<p>The proposal is consistent with controls (a) and (b). The proposed dwelling will be constructed with new building materials that are not highly reflective. Galvanised iron is proposed on parts of the external elevations and on the roof. The use of galvanised iron will complement the modern design of the dwelling and would not be out of content with the village setting of the land. Zincalume finishes are not proposed.</p> <p>The bulk and scale of the building is consistent with other dwellings in Gooloogong and will not generate adverse visual impacts.</p>	The proposal complies.
	Access Controls		
G.1.7	This section includes controls relating to the provision of suitable access to new dwellings on R5 zoned land.	The proposal is consistent with controls (a) to (e) without variation. Access will be gained via Bank Street which is part of the local road network. Entrances are to be constructed to Council engineering specifications.	The proposal complies.
	Water Supply Controls		
G.1.8	This section includes controls relating to the provision of a suitable water supply to new dwellings on R5 zoned land.	The proposal is consistent with controls (a) to (e) without variation. The land is connected to Council's reticulated water supply main. As the proposal relates to an existing parcel of land, headworks contributions are not assessed to apply.	The proposal complies.
	Waste Management Controls		
G.1.9	This section includes controls relating to the management of waste associated with new dwellings on R5 zoned land.	<p>The proposal is consistent with controls (a) and (b) without variation. The site plan submitted with the DA shows an appropriate area for on-site waste management that is:</p> <ul style="list-style-type: none"> ▪ Consistent with the recommendations of a geotechnical report. ▪ Consistent with the requirements of AS/NZS1547. ▪ Consistent with the buffer recommendations of the DCP. ▪ Wholly above the 1% AEP Flood Level identified by site contour survey for the land. 	The proposal complies.



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Ancillary Buildings - Detached				
E.4.4.1.a	The setback of a new building must not be less than what is required in accordance with the Building Code of Australia.	The existing shipping containers are located not less than 2.1m from the northern boundary.	The proposal complies.	
E.4.4.1.b	New buildings are not erected between the front property boundary and the front building line of the existing (or approved) dwelling.	The existing shipping containers have been positioned on the land in a location that is forward of the front building line that is to be established by the proposed dwelling. The owners propose to keep the shipping containers in this location, and as a result a variation to Council policy is required.	The proposal does not comply. A variation to control E.4.4.1.b is required. Justification for the variation is provided below as part of the considerations contained in Control E.4.4.1.c.	
E.4.4.1.c	Notwithstanding control (b), Council may consider the erection of an ancillary building (detached) that is within the front setback area, provided: <ul style="list-style-type: none"> I. The structure does not encroach any property boundary. II. No significant impact on the streetscape should be demonstrated. III. The structure does not have a height that exceeds 2.7m or the gutter level of the existing dwelling, whichever is the lesser. IV. It can be demonstrated that the design will not significantly impact on the streetscape. V. There are no objections received from immediately adjoining or adjacent landowners. 	An assessment of the proposal against the matters for consideration listed in Control E.4.4.1.c is included as follows: <ul style="list-style-type: none"> I. A site survey has been completed and is submitted with the DA. The survey confirms that the existing location of the shipping containers is within all property boundaries. There are no encroachments. II. An analysis of the existing streetscape along Bank Street reveals a typical village setting comprised of building stock with predominately low density single storey built forms, housing stock of varying architectural forms and ages and high variation in terms of building line setbacks, landscape enhancements and general level of property maintenance. Subject to an appropriate landscaping response (refer Sheets L.01 to L.03 submitted with the DA), there is a high likelihood that the existing shipping containers will integrate appropriately within the planned site and building layout for 21 Bank Street and present acceptably within the immediate and wider streetscape. III. The plans submitted with the DA show that the height of the shipping containers, with the proposed roof installed, will be 	The proposal does not comply. A variation to control E.4.4.1.c is required.	



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	<p>VI. Where the building is a carport, it can be demonstrated that there are no other practical alternatives for the placement of the building behind the building line, and a new driveway is not required for access.</p> <p>/III. The structure is not wider than 6m or 50% of the total width of the existing dwelling frontage, whichever is the lesser.</p>	<p>approximately 4.02m, representing a variation of 1.32m to the maximum height prescribed by the DCP. The proposed breach is deemed acceptable having regard to the following contextual considerations:</p> <ul style="list-style-type: none"> - The shipping containers are located behind the building lines established by the existing dwellings on the immediately adjoining allotments. - Property holdings along the western side of Bank Street are reasonably well dispersed and settlement density is low. The height of the structures will not generate unacceptable visual or amenity (overshadowing) impacts on neighbouring dwellings. - A landscape strategy has been developed to reduce the potential visual impact of the containers. Native species have been selected to ensure growth occurs quickly and that the plantings are resilient to local climatic conditions. <p>IV. As per item (ii) above.</p> <p>V. The DA has been notified to adjoining property holders. It is understood that there have been no objections received in relation to the proposal.</p> <p>VI. Having properly considered the relevant site constraints, there are limited other practical alternatives for the shipping containers to be located. The landowners have considered the alternative of swapping the house and container locations, but this is not achievable / desirable for the following reasons:</p> <ul style="list-style-type: none"> - The boundaries of the land are angled / skewed. The placement of the dwelling in the NE corner of the land is not possible without variations to setback requirements and the two existing gum trees (shown on the site plan) would likely require removal. These gums are mature trees, are valued by the landowners for
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	<p>ecological and aesthetic reasons, and contribute immensely to the streetscape and village setting. The owners consider that the removal of these trees would have a greater impact on the streetscape than would the retention of the shipping containers in their current location.</p>
VII.	<p>The total width of the shipping containers is 12.1m, representing a variation of 6.1m to the maximum width requirement prescribed by the DCP. The proposed breach is deemed acceptable having regard to the following contextual considerations:</p> <ul style="list-style-type: none">- Whilst the containers are located forward of the building line, they do not obstruct in any way the front façade of the proposed dwelling. The intent of Council’s DCP is to ensure that an ancillary structure placed in front of the building line does not become the dominant structure when viewed from the public street environment. The proposed dwelling is a uniquely but well-designed building and will feature as the prominent structure on the land.- The containers are painted in a consistent colour that is sympathetic with the context and setting of the land. Once the roofed structure is installed, this will assist in providing the containers with an appearance that resembles a traditional shed structure.- A landscape strategy has been developed to reduce the potential visual impact of the containers. Native species have been selected to ensure growth occurs quickly and that the plantings are resilient to local climatic conditions.- The container locations are behind the average building line that is established by reference to the existing



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			dwelling on the immediately adjoining properties on Bank Street.	
	E.4.4.2	New buildings should be designed to be consistent with or compliment the appearance of the existing dwelling. Factory pre-coloured / or new building materials should be used unless it can demonstrated that other finishes / materials would create a more positive contribution to the streetscape or surrounding environment.	The shipping containers are existing structures. Currently, the external finishes are consistent with a typical shipping container. Prior to the issue of the OC, the owners will commit to a paint colour scheme for the containers that is sympathetic to the natural environment, compliments the dwellings, or is consistent with Council's specifications.	The proposal is capable of complying.
	E.4.4.2	The scale of new ancillary buildings should be consistent with the dwelling and should not be more than 4.5 metres high, measured from natural ground level to the peak of the structure.	The shipping containers (and associated proposed roof structure) will not have a height that exceeds 4.5m.	The proposal complies.
Part O	Environmental Hazard Management			
	Objectives			
	0.1.2	Objectives for flood risk management.	Refer to separately attached Flood Planning Report for detailed assessment of the proposed development against the flood planning controls in Part O of the DCP.	The proposal complies.
	Land-use Permissibility			
	0.1.7	Land-use permissibility	Refer to separately attached Flood Planning Report for a detailed assessment of the proposed development against the flood planning controls in Part O of the DCP.	The proposal complies.
	Information to accompany a DA			
	0.1.8	The DCP prescribes the minimum information that must be submitted with a DA for developments on land within the Flood Planning Area.	A Flood Planning Report has been prepared and submitted separately to this Statement of Environmental Effects. The Flood Planning Report includes the minimum information prescribed by Control O.1.8 of the DCP including:	The proposal complies.



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			<ul style="list-style-type: none">▪ A statement or justification as to why the proposed development is appropriate on flood prone land.▪ A survey plan, prepared by a registered surveyor showing existing natural ground levels and proposed site works relevant to the 1% AEP.▪ Reporting that seeks to demonstrate that consistency with the requirements of Section O.1.8(c)(i)-(v).
	Flood Controls		
	O.1.9	The DCP contains controls that apply generally to all development, and specifically to residential development types that are located within a Flood Planning Area.	Refer to separately attached Flood Planning Report for a detailed assessment of the proposed development against the flood planning controls in Part O of the DCP.



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5. ASSESSMENT OF ENVIRONMENTAL ISSUES

The main environmental issues that have been raised and investigated as part of the design process for the proposed development have been documented in this section. Each issue is investigated by way of introducing the key issue(s), documenting existing conditions, assessing impacts and proposing management and mitigation measures.

5.1. Visual impacts and amenity

5.1.1. Assessment of existing condition

The subject land is currently vacant, except for 3 existing shipping containers which have been placed on the land without prior consent from Council. A planning / building design response is potentially required to ensure the continued use of the shipping containers does not have an unacceptable visual impact from Bank Street or adjoining land.

5.1.2. Assessment of potential impact

The proposed development will result in minimal changes to the surrounding village landscape, given the scale of building works and the quality of residential development and associated site works. The site is not heritage listed and is not part of a heritage streetscape or conservation area. The proposed development is expected to fit within the context and setting of the immediate area.

5.1.3. Management and mitigation

No additional mitigation measures are proposed, other than implementation of the design drawings prepared by Kellie Ostini-Donnelly.

5.2. Building Code Compliance

5.2.1. Existing conditions assessment

The 3 existing shipping containers shown on the site plan submitted with the DA have been placed on the land without the prior consent of Cowra Shire Council. Consent is sought to continue the use of the shipping containers for storage purposes. The setbacks of the shipping containers to existing boundaries are in accordance with the minimum requirements of the BCA for Class 10 structures.

5.2.2. Assessment of potential impact

Proposed Dwelling

Architectural plans have been progressed to a point where it is possible to present the preliminary findings of the assessment of the proposal against the Building Code of Australia (BCA) in the SEE. Building works would involve construction of a single storey building constructed of metal clad exterior walls, timber frame, glazed windows and a Colourbond roof. Minor filling is required to facilitate construction of the dwelling with a finished floor level that achieves the requirements of the Cowra and Gooloogong Flood Plain Risk Management Plan and Policy.

The proposed building will be sufficiently setback and designed to comply with the BCA. The specific design detail of the proposed construction works is intended to be further developed at Construction Certificate stage. However, in general it is assessed the proposed dwelling can comply with the BCA.

Shipping containers

The Development Application is supported by plans which show the proposed structural design requirements for the new roof to be attached to and constructed over the existing shipping containers. The plans also show an engineering detail for the footing design that will need to be constructed for the shipping containers to support the new roof structure. Compliance with the BCA can be achieved.

5.2.3. Management and mitigation

A Construction Certificate is proposed to be obtained prior to any new building work, which provides further opportunity to ensure all aspects of the design meets the requirements of the BCA. Roof water from the new buildings will be disposed of on-site away from existing / proposed structures and property boundaries. Plumbing and drainage would be undertaken in accordance with LG approvals.



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5.3. Access and Traffic

5.3.1. Existing conditions assessment

The subject land is currently accessed from Bank Street, which forms part of the local road network owned and maintained by Cowra Shire Council. Bank Street is constructed to a 5.5m (approx.) wide bitumen sealed standard and has public street light infrastructure. The site is not located in close proximity to any large-scale traffic generating developments or railways. As land without an existing residential use, there is no traffic load associated with the existing condition of the site.

5.3.2. Assessment of potential impact

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

- Primary vehicle access to dwellings is intended to be gained directly from Bank Street via two sealed access crossings construction in accordance with Council engineering standards. The new access crossings will connect to a circular internal access driveway constructed of hard stand material.
- On-site car parking is to be provided for residents in an enclosed double garage that has been incorporated into the design of the dwelling and under the main roof line.
- Visitor parking is not provided or required to be provided by Council's DCP. Opportunities for visitor parking will exist within the front setback area to the dwellings, or on-street within Bank Street. The scale of the proposal is unlikely to generate any parking issues on the public street.

Assessment of the implications of the proposal has been undertaken against the general functioning of the local road network and intersections in the area. The general assessment findings are as follows:

- The proposed development is not traffic generating development as defined under the Transport Infrastructure SEPP and is not development that has implications for main roads or railways.
- The proposed development will have the result of increasing the number of daily traffic numbers utilising Bank Street. Based on the 'Guide to Traffic Generating Developments' by NSW Roads, the expected number of daily vehicle trips for low density residential dwellings is estimated to be in the order 7.4 per dwelling. The proposed development will therefore increase the number of daily vehicle trips using Bank Street by 7.4 (one dwelling).
- Bank Street, in its current form and condition, is considered suitable to accommodate the proposal and has capacity to accommodate the likely increase in trip movements associated with the proposed development. Road upgrades are not necessary to be necessary. Section 7.12 Contributions will be made towards public infrastructure costs if deemed applicable by Council.
- The new accesses to Bank Street will be constructed to Council standards and each have safe sight distance.
- Traffic and transport impacts are assessed to be minimal, based on existing local road conditions and the limited additional traffic generation proposed. A traffic management plan is not required for the proposal.

5.3.3. Management and mitigation

It is proposed to apply for a Section 138 Road Permit prior to construction works commencing on the site. No other specific transport or traffic mitigation measures have been identified as being necessary.

5.4. Site Design

5.4.1. Assessment of existing condition

A detail and contour survey has been prepared for the subject land in order to properly inform the site layout and building design requirements for the proposal as parts of the land are identified to be located within a flood hazard.

5.4.2. Assessment of potential impact

Proposed Dwelling

The proposed Dwelling has been positioned on the land to ensure compliance with the relevant setback requirements of the Building Code of Australia taking into account the known locations of existing property boundaries.

The proposed dwelling is sited on the land consistent with the setback requirements of the Cowra DCP 2021 without variation.



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Parts of the site are identified to be below the 1% AEP Flood Level as shown in the Cowra and Gooloogong Floodplain Risk Management Plan. A detailed examination of the flood planning requirements for the subject land is included in the Flood Planning Report which has been submitted separately to this report. In summary the Development Application is submitted to Council with sufficient information to demonstrate that the finished floor level of the proposed dwelling can achieve the identified flood planning level for the land and that the on-site waste management system can be located on parts of the land that are wholly above the 1% AEP Flood Level.

Shipping Containers / Proposed Awning

The existing shipping containers have been placed on the land in locations that do not compromise compliance with the required setbacks for class 10a structure under the Building Code of Australia. It is not necessary to relocate the containers.

The existing shipping containers have been placed on the land in locations that do not comply with the Cowra DCP 2021 relating to ancillary structures that are detached from an existing or proposed dwelling. The structures are to remain in a location that is forward of the building line and for this reason a policy variation is required. The Table to Section 4.5.2 includes appropriate justifications in support of the request for a variation to Council policy.

The existing shipping containers are located on a levelled building pad that has been identified by survey to be AHD 268.1 which is above the 1% AEP Flood level of 267.63 AHD. A special design response dealing with flood risk is therefore not assessed to be necessary for the continued use of the shipping containers in this location.

5.4.3. Management and mitigation

The site layout will be pegged out by survey prior to the commencement of works to ensure that building and other site features are properly located. It is also anticipated that Council will require certification from a registered surveyor that the finished floor level for the dwelling is at least the height of flood planning level prior to the issue of an Occupation Certificate for the development.

5.5. Soils and Water Quality

5.5.1. Assessment of existing condition

The subject land is mapped in Cowra Local Environmental Plan 2012 as containing vulnerable groundwater. There are no riparian lands, water courses or wetland environments impacting the site. The land is mapped as being flood prone. There site does not contain any exposed areas that are shown to be causing soil erosion and related impacts on the land.

5.5.2. Assessment of potential impact

Soil Quality

There are no changes to existing landform required for the existing shipping containers, as these sit on existing levelled pads.

The contour survey submitted with the DA shows that a fall of approximately 400-mm exists across the building pad for the proposed dwelling. A detailed analysis of the flood planning requirements for the development is included in the separately submitted Flood Planning Report, however it has been determined that some minor filling of the land will be necessary in order to achieve the required RL's for finished floor level. The extent of proposed filling is shown on the plans submitted with the DA.

An assessment of the likely impacts of the proposed earthworks confirms the following:

- Site inspection did not reveal any existing natural surface water drainage lines or significant environmental features in proximity to the proposed location of site earthworks.
- The existing topography of the land is gentle. Site earthworks are capable of being undertaken without the need for cut or filled areas to be retained and without creating soil stability issues for the site or nearby land.
- The footprint of required earthworks is to be kept to minimal levels. There are no impacts likely to occur in terms of the future use of redevelopment of the land.
- It is expected that some imported fill will be required to achieve the required finished floor level. Any imported material is to be clean material and free from any contaminants.



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- Due to the minor nature of the proposed earthworks, the likelihood of the development impacting the amenity of adjoining property owners is assessed to be low. The relationship of the proposed dwelling to adjoining properties will not be altered significantly by the proposed filling.
- The likelihood of earthworks disturbing relics is low. Appropriate searches of the AHIMS database has not identified any recorded items within a 50m buffer of the subject land.
- The site of proposed earthworks are sufficiently distanced from any existing water ways, drinking water catchments or environmentally sensitive areas.
- Newly filled areas will be battered away from the proposed building at appropriate grades.

Water Quality

The proposal is unlikely to impact adversely on water quality. The dwelling will be connected to Council's reticulated water supply system and will not rely on extracted groundwater for domestic water supply purposes. On-site waste disposal is required and appropriate field investigations have confirmed that an adequately sized area can be dedicated to this purpose outside of land within the flood hazard and required buffers to buildings and boundaries.

5.5.3. Management and mitigation

The proposed management measures to reduce impacts on water resources are as follows:

- No groundwater will be taken.
- Stormwater runoff entering the site will be managed by perimeter sediment fencing in a manner that minimises soil erosion and the contamination of that water from discharge points to the street drainage system.
- All reasonable and practicable measures will be implemented to control / manage sediment fence lines in such a manner than prevents soil erosion along drainage paths and at the entrance and exit.
- On-site waste disposal to occur in accordance with an approval granted by Cowra Shire Council under Section 68 of the Local Government Act.
- An Erosion and Sediment Control Plan would be implemented at the site in accordance with Managing Urban Stormwater: Soils and Construction – Volume 1 (Landcom, 2004).

5.6. Air Quality

5.6.1. Existing conditions assessment

There are no air quality impacts created by existing site conditions.

5.6.2. Assessment of potential impact

Due to the nature and scale of the proposed development, an air quality assessment by a qualified professional is not considered to be necessary or warranted. Dust pollution is not expected to be an issue with the proposed development as all trafficable surfaces are to be constructed of hardstand materials. The nature and scale of the proposed development is such that air pollution from excessive motor vehicle impurities is not identified to be a key issue.

5.6.3. Management and mitigation

No additional mitigation measures are proposed.

5.7. Noise and Vibration

5.7.1. Existing conditions assessment

There are no noise or vibration impacts created by existing site conditions. The site is located within an established village setting. The predominant use of land within the immediately and wider locality is for residential purposes.

5.7.2. Assessment of potential impact

The POEO Act sets and the statutory framework for managing air quality in NSW and the POEO (Clean Air) Regulation 2010 sets standards of concentration for emissions to air from both scheduled and non-scheduled activities, including odour,



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dust, emissions and excessive motor vehicle air impurities. This statutory framework has been used to establish criteria and assessment findings for the proposed subdivision.

An assessment of the potential impacts of the proposed development on noise and vibration has been undertaken, including an assessment of the likely impacts associated with the continued residential use of the land. No adverse impacts are expected to result.

5.7.3. Management and mitigation

The proposed noise management measures to be employed at the site during construction phase are as follows:

- Limit construction activities to daylight hours.
- Enclose fixed engines, pumps and compressors where practicable.
- Use of electrical motors in mechanical systems where practical.
- Maintain equipment in accordance with the original equipment manufacturer's specifications.
- Shut down equipment when not in use.

5.8. Heritage

5.8.1. Existing conditions assessment

A search of the Aboriginal Heritage Information System (AHIMS) has been completed for the subject land. The search was completed to determine whether there are any items of cultural heritage significance either on the subject land or within 50m of the subject land. The search result found that:

- There are 0 Aboriginal sites recorded in or near the subject land.
- There are 0 Aboriginal places that have been declared in or near the above location.

The site largely comprises 'disturbed land', as defined under The National Parks and Wildlife Regulation 2019 (NPW Regulation).

The subject land is not listed as a heritage item under the Cowra Local Environmental Plan 2012 or State Heritage Register.

5.8.2. Assessment of potential impact

A visual inspection of the site reveals a highly disturbed / modified residential environment. Section 80B of the NPW Regulation define disturbed land as follows:

Land is disturbed if it has been the subject of a human activity that has changed the land's surface, being changes that remain clear and observable. Examples include ploughing, construction of rural infrastructure (such as dams and fences), construction of roads, trails and tracks (including fire trails and tracks and walking tracks), clearing vegetation, construction of buildings and the erection of other structures, construction or installation of utilities and other similar services (such as above or below ground electrical infrastructure, water or sewerage pipelines, stormwater drainage and other similar infrastructure) and construction of earthworks.

Due to the highly disturbed nature of the site, it is unlikely that any items of Aboriginal heritage will be discovered during construction or operation of the Dwelling. The proposal is considered a "low impact activity" and is exempt from the Due Diligence process as per Section 80B (1) of the NPW Regulation. Consequently, an Aboriginal Archaeological Due Diligence Assessment is not required.

Assessment of historic and built heritage is open for assessment, based on the matters for consideration under Section 4.15 of the EP&A Act. This assessment reveals no impacts on heritage items or relics over 50 years old. Consequently, a Heritage Impact Assessment is not required.

5.8.3. Management and mitigation

No specific mitigation strategies are proposed, other than general awareness of the legislative protection of Aboriginal objects under the NPW Act in the unlikely event that artefacts are discovered.



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5.9. Hazards

5.9.1. Assessment of existing condition

The site is mapped in Cowra Local Environmental Plan 2012 as being flood prone. The land is not identified to be within Bushfire Prone Area.

5.9.2. Assessment of potential impact

Flooding

A Flood Planning Report has been prepared and submitted separately to this Statement of Environmental Effects. The Flood Report includes the following work:

- An assessment of the proposed development against the requirements of Clause 5.21 of Cowra Local Environmental Plan 2012.
- Presentation of the findings of registered survey work completed in order to establish the Flood Planning Level for the subject land and its relationship to the proposed building and site design.
- An assessment of the relevant flood planning requirements under Part O of the Cowra Comprehensive Development Control Plan 2021.

On the basis of the information that has been included in the Flood Planning Report, the risk of impact of floodwaters on the proposed development is assessed to be acceptable in the circumstances. The proposed dwelling will have a finished floor level that is located above the Flood Planning Level and flood-free access can be achieved to Bank Street.

Contamination

There are no historic uses of the land that are known to have been carried out at the site which might give rise to potential concerns of contamination. A site inspection of the site has not identified any obvious signs of activities, current or past, which might give rise to potential concerns of contamination. Further investigations are considered unnecessary in the circumstances and the land is considered suitable for the proposed development.

Bushfire

The land is located within an urban area. Bushfire has not been identified as a risk for the subject land.

5.9.3. Management and mitigation

It is anticipated that Council will require certification from a registered surveyor that the finished floor level for the dwelling is at least the height of flood planning level prior to the issue of an Occupation Certificate for the development.

No additional mitigation measures are proposed in order to deal with contamination or bushfire.

5.10. Services and Utilities

5.10.1. Assessment of existing condition

The land has an existing connection to Council's reticulated water supply network. The land has an existing connection to the electricity supply system in Bank Street.

5.10.2. Assessment of Impacts

Water

The land at 21 Bank Street is connected to Council's reticulated water supply system. On-site rainwater tank storage will be utilised to supplement the mains water supply to the dwelling. Adequate arrangements exist and will be made for the provision of a suitable water supply to the development.

Electricity

Electricity supply infrastructure has been made available to 21 Bank Street via a connection point on the site's eastern boundary. Adequate arrangements exist and will be made for the provision of a suitable electrical supply to the proposed development.

Sewage



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The village of Gooloogong does not have a reticulated sewerage supply network. Domestic waste generated from the proposed dwelling will need to be disposed of and managed appropriately on-site. Sufficient space has been identified for this purpose outside of flood prone areas and away from buildings and boundaries. The installation of the on-site waste management system is subject to separate application to Cowra Council, however it can be determined that adequate arrangements exist and will be made for the disposal and management of sewage from the proposed dwelling.

Stormwater

Stormwater is proposed to be managed by diverting all roof-water (including rainwater collection tank overflow) on-site away from all buildings and boundaries. Rainwater tanks are proposed to be installed and will collect roof-water from the proposed dwelling for re-use throughout the development in accordance with the commitments in the BASIX Certificate. Adequate arrangements exist and will be made for stormwater drainage from the proposed development.

5.10.3. Mitigation and Management

The following mitigation measures are proposed:

- New connections (where required) to services and utilities to be completed in accordance with the requirements and specifications of the relevant service providers.
- No physical works to commence without a Construction Certificate from Cowra Council and any other relevant permits / approvals and / or licenses from relevant servicing authorities.
- The site layout will be pegged out by survey prior to the commencement of works to ensure that building and other site features are properly located.
- Stormwater works to be installed in accordance with Council requirements.
- No physical works to commence without first completing a Dial Before You Dig (DBYD) search.





6. EVALUATION AND JUSTIFICATION FOR THE PROPOSAL

6.1. Introduction

This section presents the evaluation and justification of the proposal in light of the objects of the EP&A Act. It also assesses the proposal against the principles of Ecologically Sustainable Development (ESD) and other key policy guidelines in order to provide further guidance as to the acceptability of the proposal, as presented in the SEE. An assessment of the consequences of not proceeding with the proposal and site suitability is also undertaken in this section.

6.2. Objectives of the EP&A Act 1979

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

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

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

6.3. Ecological Sustainable Development

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

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

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

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



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

6.4. Safety, security and crime prevention

The design of the development is acceptable having regard to the location of the land and the characteristics of the existing natural and built features of the surrounding environment. The dwelling will present acceptably to Bank Street and provide opportunities for direct overlooking and passive surveillance of the street. Bank Street is also provided with street lighting. The development, as designed, is generally consistent with the principles of Crime Prevention Through Environmental Design.

6.5. Cumulative Impacts

The potential environmental impacts of the proposal have been detailed in the relevant sections of the SEE. The proposal is not expected to generate net impacts to water and air quality, noise and amenity, safety, loss of views, traffic or parking. Overall, the proposal makes a neutral / positive contribution to the environment. The proposal is considered compatible with the site and its surrounds and does not contribute to having a significant cumulative impact.

6.6. Suitability of the site for the development

The suitability of the site for the proposed dwelling (having particular regard for the identified flood hazard applying to parts of the land) has been examined in detail. With minor filling of the site, the dwelling can be constructed with a finished floor level that is above the Flood Planning Level and flood-free access can be achieved directly to Bank Street without site modification.

With regards to other considerations including serviceability, context and setting, potential environmental impact, and land-use / zoning permissibility, the subject land at 21 Bank Street is assessed to be suitable for the proposed development.

6.7. Public interest

The proposed site has been identified for a small-scale residential use in accordance with the zoning framework applying to the land under Cowra LEP 2012. There are no specific policy statements from either Federal or State Government that are relevant to the proposal, nor any planning studies or strategies that need to be taken into account. There are no covenants, easements or agreements that affect the proposal in the long term. The proposal is assessed to pose no significant detrimental impacts on the public interest, notwithstanding that a minor variation to Council's DCP is proposed.



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7. CONCLUSION

This Statement of Environmental Effects (SEE) has been prepared by Currajong Pty Ltd (Currajong) on behalf of D & L Smith for the proposed development of the land at Lot 198 DP 752927, 21 Bank Street, Gooloogong. The proposal is comprised of several components including:

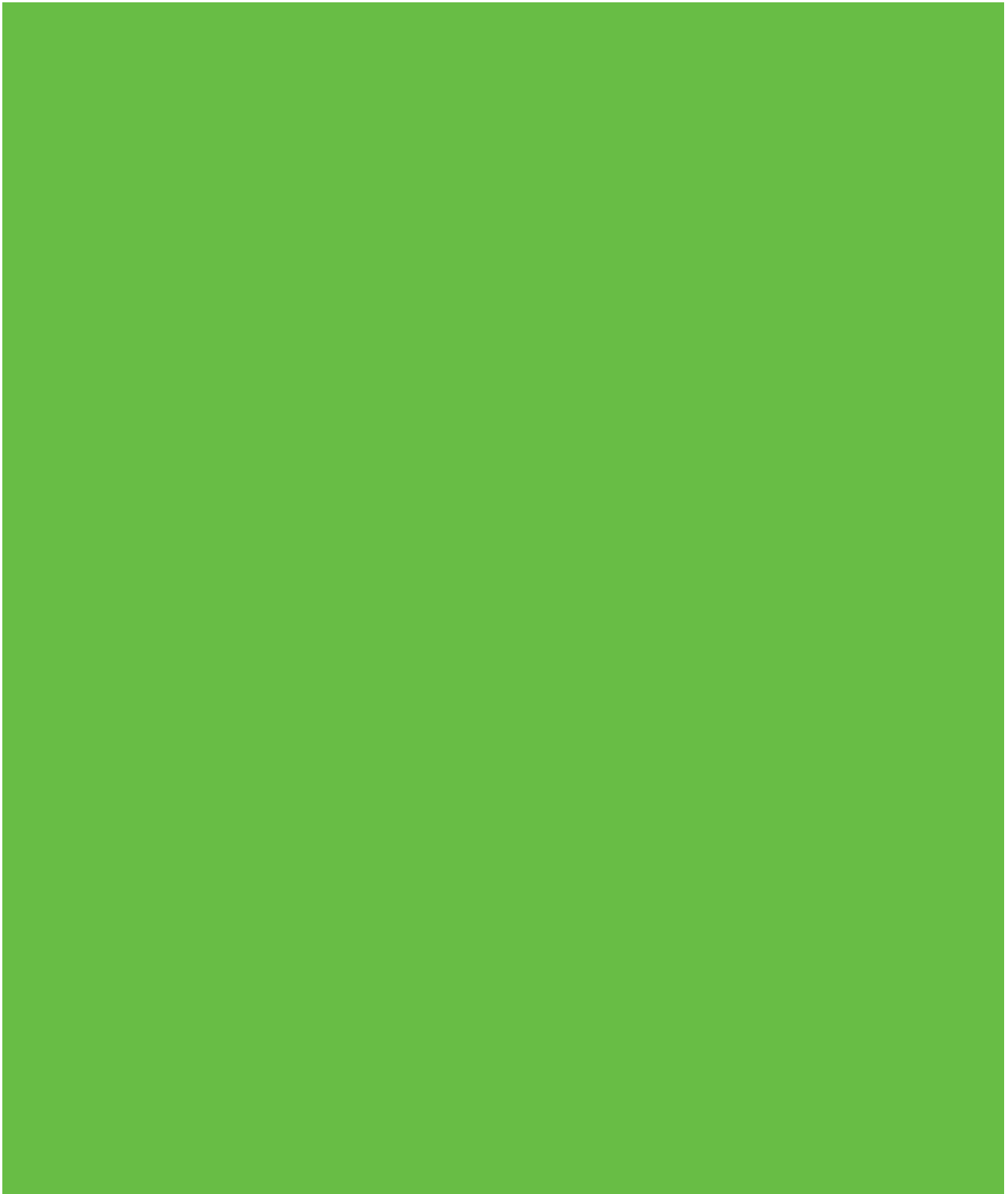
- Construction of a new single storey clad dwelling-house.
- Continued use of 3 x shipping containers which have already been placed on the land.
- Construction of a new metal awning structure over the existing shipping containers.

The proposed developments represent a small-scale use of the land that is consistent with nearby residential dwellings in Bank Street and the wider village neighbourhood in Gooloogong.

The assessment of the proposed development has been documented in this Statement of Environmental Effects to visualise all aspects of the relevant matters for consideration under the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021. The assessment concludes the proposal is permissible in the R5 Large Lot Residential zone and consistent with the Cowra Council Development Control Plan 2021, except for a variation to the required setbacks for the existing shipping containers to the front property boundary (which has been fully justified on planning merit).

It is recommended that sufficient information has been submitted with the Development Application to allow the Cowra Shire Council to make an informed decision on the proposal. It is the findings of this Statement of Environmental Effects that the proposed development should be supported.





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PROJECT

Dwelling, Continued use of 3x Shipping Containers, Awning Structure
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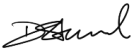
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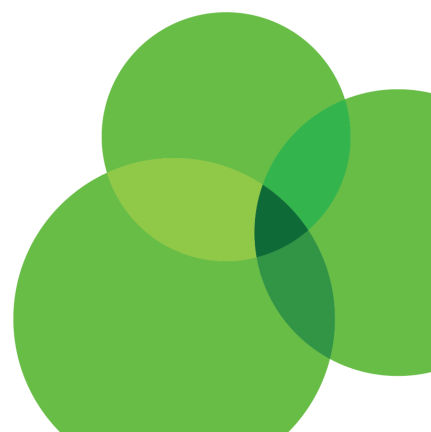
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1. Introduction

1.1. Project Scope

This Flood Planning Report has been prepared by Currajong Pty Ltd (Currajong) on behalf of D & L Smith for the proposed development of the land at Lot 198 DP 752927, 21 Bank Street, Gooloogong. The proposal is comprised of several components including:

- Construction of a new single storey clad dwelling-house.
- Continued use of 3 x shipping containers which have already been placed on the land.
- Construction of a new metal awning structure over the existing shipping containers.

A site layout plan has been prepared to support this Flood Planning Report and is attached to this Flood Planning Report.

1.2. Purpose of this report

This report has been prepared in order to address the requirements of:

- Clause 5.21 of Cowra Local Environmental Plan 2012.
- Part O of the Cowra Council Comprehensive Development Control Plan 2021 which is required to be considered when new development is proposed on flood prone land.

The report has also been prepared in order to present the findings of registered survey work completed in order to establish the Flood Planning Level for the subject land and it's relationship to the proposed site and building design.



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2. Flood Planning Policy Context

The following policies / legislative provisions form the flood planning framework for land in the Cowra Shire:

- Cowra and Gooloogong Floodplain Risk Management Plan and Study 2006, prepared by SMEC.
- Cowra and Gooloogong Flood Studies 1999, prepared by Lyall and Macoun Consulting Engineers.
- Cowra Local Environmental Plan 2012 (the LEP) and specifically the provisions contained in Clause 5.21 - Flood Planning, and the accompany Flood Planning Maps.
- Cowra Comprehensive Development Control Plan 2021 (the DCP) and specifically the provisions contained in Part O.1 - Flood Risk Management.
- Building Code of Australia.

A detailed review of the flood planning framework has been completed as part of the preparation of this report. The following information has been determined to be particularly relevant for consideration as part of the proposed development.

- It appears the technical information in the Cowra and Gooloogong Floodplain Risk Management Plan 2006 is based on the same data in the Cowra and Gooloogong Flood Studies 1999. The difference in the two studies is that the 2006 study has been prepared in accordance with the guiding framework in the NSW Government's Flood Prone Land Policy and the Floodplain Development Manual. In determining the relevant flood planning requirements for the subject land, both studies are of particular relevance and have been considered conjointly.
- The subject land is shown to be located partly within the Flood Planning Area. This is evidenced on Flood Planning Map FLD_001A in Cowra Local Environmental Plan 2012..
- A detailed site survey confirms that part of the land is below the Flood Planning Level. This assessment finding is based on the practical application of the AHD levels informing the 1% AEP Flood Level in the Cowra and Gooloogong Floodplain Risk Management Study and Plan.
- The Flood Hazard Category for the subject land is identified to be High Hazard Floodway. This is evidence in Plan 5 – 1% AEP Flood Hazard Map Gooloogong within the Cowra and Gooloogong Floodplain Risk Management Study.
- The land is shown to be wholly within the Probable Maximum Flood (PMF) area. This is evidenced in Plan 2 – Flood Extents for Gooloogong within the Cowra and Gooloogong Floodplain Risk Management Study. Cowra Council does not apply flood controls to land between the 1% AEP and the PMF level.



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3. Establishing the Flood Planning level

A review of the following flood studies have been undertaken in order to establish the relevant Flood Planning Levels for the proposed development:

- Cowra and Gooloogong Floodplain Risk Management Plan and Study 2006, prepared by SMEC. Referred to in this section as the SMEC Study.
- Cowra and Gooloogong Flood Studies 1999, prepared by Lyall and Macoun Consulting Engineers. Referred to in this section as the Lyall and Macoun Study.

The relevant levels are described in Table 1.

For the purposes of Part O.1 of the DCP, the Flood Planning Level means the level of a 1% flood event plus 0.5 metre freeboard. The Flood Planning Level determines the Flood Planning Area. In Cowra and Gooloogong, the Flood Planning Level has been set as the 1% AEP Flood even plus 0.5m for residential and commercial development.

Table 1 – Flood Levels

AEP	Translation	Identified Level	Policy Reference
1%	1 in 100 year Flood	267.63 AHD	Lyall & Macoun Study, Table 6.3 (P.40) – River Station 3.5 SMEC Study, Plan 2 – River Station 3.5
2%	1 in 50 year Flood	267.14 AHD	Lyall & Macoun Study, Table 6.3 (P.40) – River Station 3.5
5%	1 in 20 year Flood	266.36 AHD	Lyall & Macoun Study, Table 6.3 (P.40) – River Station 3.5

The Flood Planning Level for Lot 198 DP 752927 is therefore the 1% AEP level + 0.5m freeboard. The Flood Planning Level is therefore calculated to be 267.63 AHD + 0.5m = 268.13 AHD

A detailed site survey and contour plan has been prepared for this project. The location of the 1% AEP has been clearly marked on the plan. The development plans for the project also show the finished pad levels for the proposed dwelling and existing shipping containers and the finished floor level for the proposed dwelling. These levels are detailed as follows:

- Levelled Pad – Existing Shipping Containers – 268.1 AHD
- Finished Pad Level – Proposed Dwelling – 267.9 AHD
- Finished Floor Level – Proposed Dwelling – 268.2 AHD

Having regard to the above levels, it can be determined that:

- The existing levelled pad for the shipping containers is 270mm above the 1% AEP Flood Level.
- The Finished Floor Level for the proposed dwelling will be 70mm above the Flood Planning Level, being the 1% AEP Flood Level + 0.5m Freeboard.

A copy of the plan prepared by the registered surveyor (CPC Land Development Consultants) and used to inform the above calculations is attached to this Flood Planning Report.



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4. Establishing the Peak Floodwater Velocity

A review of the following flood studies has been undertaken in order to establish the expected peak floodwater velocity for the subject land:

- Cowra and Gooloogong Floodplain Risk Management Plan and Study 2006, prepared by SMEC. Referred to in this section as the SMEC Study.
- Cowra and Gooloogong Flood Studies 1999, prepared by Lyall and Macoun Consulting Engineers. Referred to in this section as the Lyall and Macoun Study.

The expected peak floodwater velocities for the various flood events are described in Table 2.

Part O.1.9 of the DCP requires a DA to demonstrate that proposed structures within the Flood Planning Area can withstand the force of floodwaters on the land.

Table 2 – Flood Velocities

AEP	Translation	Peak Velocity	Policy Reference
1%	1 in 100 year Flood	0.8m/s	Lyall & Macoun Study, Table 6.3 (P.40) – River Station 3.5
2%	1 in 50 year Flood	0.7m/s	Lyall & Macoun Study, Table 6.3 (P.40) – River Station 3.5
5%	1 in 20 year Flood	0.5m/s	Lyall & Macoun Study, Table 6.3 (P.40) – River Station 3.5

As the proposed dwelling is to be constructed as a slab on ground construction with a finished floor level that is above the identified Flood Planning Level, the building does not require engineering certification dealing with expected flood velocity.

As the existing shipping containers are located on finished pad levels that are above the identified 1% AEP Flood Level, the buildings do not require engineering certification dealing with expected flood velocity.



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5. Establishing permissibility of use

5.1. Cowra Local Environmental Plan 2012

The site is zoned R5 Large Lot Residential under the Cowra Local Environmental Plan 2012. Figure 2 of the Statement of Environmental Effects lodged in support of the DA includes a map that shows the zoning framework for the site and surrounding areas.

Dwelling (and ancillary) development is permissible in the R5 zone with consent of Council.

Special provisions are contained in Clause 5.21 of Cowra Local Environmental Plan 2012 relating to development generally in flood prone areas and this is assessed in a further section of this report.

5.2. Cowra Comprehensive Development Control Plan 2021

Section O.1.7 of the Cowra Comprehensive Development Control Plan 2021 (the DCP) establishes a framework to guide the permissibility of certain uses on land that is located within the Flood Planning Area.

The DCP requires the flood hazard category for the land to be established in the first instance. The Flood Hazard Category for the subject land is identified to be High Hazard Floodway, as shown on Plan 5 – 1% AEP Flood Hazard Map Gooloogong within the Cowra and Gooloogong Floodplain Risk Management Study.

Table 2 of the DCP provides that residential development is not permissible on land that is identified to be within a High Hazard Floodway area. The plans submitted with the Development Application adequately demonstrate that the dwelling will be located above the 1% AEP Flood Level and therefore outside of any High Hazard Floodway classification applying to the land.



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6. Designing for flood compatibility

With the flood planning requirements for the land having been established, the site and building design process has subsequently been completed in a way that minimises potential impacts from flooding on both the subject land and nearby properties and land-uses.

The following components of the site design have been purposefully created with this focus:

- Positioning of the proposed dwellings on land within a floor level that is above the Flood Planning Level.
- Provision of site access (vehicles and pedestrians alike) to Bank Street via land that is above the 1% AEP Flood Level.
- Minimisation of site fill as much as is practically possible in order to achieve the required finished floor level for the proposed dwelling. It is estimated that fill ranging in depth from approximately 200-600mm would be required over the building pad for this purpose, battered back to natural ground level at minimum 3:1 to ensure minimum changes to existing topography. No other changes are required to existing natural ground level.
- Provision for on-site waste management via a new 3200L A&A Worm Farm Waste Treatment System that is 100% above the 1% AEP Flood Level identified for the land.



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7. Environmental Impact Assessment

13.1. Cowra Local Environmental Plan 2012

Clause 5.21 of Cowra Local Environmental Plan 2012 applies to any new development that the consent authority considers to be within the Flood Planning Area.

The objectives of Clause 5.21 are as follows

- To minimise the flood risk to life and property associated with the use of land,
- 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,
- To avoid adverse or cumulative impacts on flood behaviour and the environment,
- To enable the safe occupation and efficient evacuation of people in the event of a flood.

The proposed development is generally consistent with the objectives of Clause 5.21. Appropriate measures have been incorporated into the site and building design to ensure that flooding will not impact the use of the land for residential purposes.

Clause 5.21(2) requires that Cowra Shire Council must not grant consent to development on land within the Flood Planning Area unless it is satisfied in relation to a number of matters. These matters are listed in Table 3 including an appropriate assessment response.

Table 3 – Clause 5.21(2) Assessment

Clause	Provision	Assessment Response
5.21(2)(a)	The consent authority must be satisfied that the development is compatible with the flood function and behaviour of the land.	The proposed development is likely to be compatible with the flood prone nature of the land for the reasons specified in Section 6 of this report.
5.21(2)(b)	The consent authority must be satisfied that the development will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties	<p>The analysis presented in Sections 3 and 4 of this Flood Report identifies that a part of the site is likely to be affected by floodwaters in a 1% AEP event and that the flood hazard category for the land is identified to be High Hazard Floodway.</p> <p>Minimal changes to existing site topography are identified to be necessary in order to achieve the required finished floor level for the proposed dwelling. Some filling is required (in the order of between 200-600mm) across the building pad, battered back to natural ground level at minimum 3:1 grade. No other changes are required to existing natural ground level.</p> <p>The described changes to existing site topography are minimal and of small scale and extent when considered in relation to the context and setting of the site. The subject land is larger sized holding at 4,900m² (approx.) and the density of built form in the area, particularly on the western side of Bank Street is low. Downstream land-use comprises open wide agricultural cropping and grazing land that forms part of the main floodplain of the Lachlan River. The likelihood that the proposed site fill will adversely affect flood behaviour in a way that is detrimental to other properties, including adjoining residential uses, is assessed to be low.</p>
5.21(2)(c)	The consent authority must be satisfied that the development will not adversely affect the safe occupation and efficient evacuation	The proposed site design allows unimpeded evacuation from the proposed dwelling directly to Bank Street via land that is shown to be above the 1% AEP Flood Level.



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Clause	Provision	Assessment Response
	of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood	
5.21(2)(d)	The consent authority must be satisfied that the development incorporates appropriate measures to manage risk to life in the event of a flood	<p>Recent floods in the Lachlan River have shown that adequate warning and evacuation procedures are generally in place for the Cowra community, managed by the NSW State Emergency Service and Cowra Shire Council.</p> <p>The following features of the site and building design will ensure that the development will not pose an unacceptable risk to life in the event of a flood:</p> <ul style="list-style-type: none"> ▪ Finished floor level for the proposed dwelling to be above the Flood Planning Level. ▪ Unimpeded evacuation from the proposed dwelling will be available for occupants directly to Bank Street via land that is shown to be above the 1% AEP Flood Level. <p>On this basis, the consent authority can be satisfied that appropriate measures have been incorporated to manage risk to life in the event of a flood.</p>
5.21(2)(e)	The consent authority must be satisfied that the development will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.	<p>The Statement of Environmental Effects submitted in support of the Development Application contains confirms that the proposed development is likely to have an acceptable environmental impact. Appropriate measures have been identified to help minimise likely impacts related to soil and water quality.</p> <p>The land does not contain any riparian vegetation and is sufficiently distanced from the banks of the Lachlan River. Impacts are unlikely.</p>

Clause 5.21(3) requires that Cowra Shire Council, in deciding whether to grant consent to the proposed development, must consider a number of matters. These matters are listed in Table 6 including an appropriate assessment response.

Table 4 – Clause 5.21(3) Assessment

Clause	Provision	Assessment Response
5.21(3)(a)	The consent authority must consider the impact of the development on projected changes to flood behaviour as a result of climate change	The proposed development has been designed to comply with current planning controls which aim to protect the development from flooding impacts based on known historical flood data. The changes to the expected flood levels in the Lachlan River as a result of climate change are difficult to predict with any certainty. In the absence of any credible scientific analysis it is difficult to form an assessment opinion that the proposed development should be refused on the basis of climate change impacts on flooding in the Lachlan River.
5.21(3)(b)	The consent authority must consider the intended design and scale of buildings resulting from the development.	The proposed dwelling is to be located above the Flood Planning Level. The design and scale of the proposed dwelling is therefore acceptable and will not be impacted by flooding.
5.21(3)(c)	The consent authority must consider whether the development incorporates measures to minimise	Recent floods in the Lachlan River have shown that adequate warning and evacuation procedures are generally in place for the



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Clause	Provision	Assessment Response
	the risk to life and ensure the safe evacuation of people in the event of a flood	<p>Cowra community, managed by the NSW State Emergency Service and Cowra Shire Council.</p> <p>The following features of the site and building design will ensure that the development will not pose an unacceptable risk to life in the event of a flood:</p> <ul style="list-style-type: none"> Finished floor level for the proposed dwelling to be above the Flood Planning Level. Unimpeded evacuation from the proposed dwelling will be available for occupants directly to Bank Street via land that is shown to be above the 1% AEP Flood Level. <p>On this basis, the consent authority can be satisfied that appropriate measures have been incorporated to manage risk to life in the event of a flood.</p>
5.21(3)(d)	The consent authority must consider the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.	<p>The proposed dwelling will have a finished floor level that is above the Flood Planning Level. Modification, relocation or removal of the building will not be necessary.</p> <p>The shipping containers are also located on land that is above the identified 1% AEP Flood Level. Whilst the shipping containers are relocated structures, this is not anticipated to be necessary.</p>

13.2. Cowra Development Control Plan 2021 – Part O

Part O applies to all new development in the Cowra Shire Local Government Area. Part O. 1 has particular relevance to the proposed development as part of the land is located within the Flood Planning Area.

A review of Part O.1 has been completed and an assessment of consistency against key standards and controls included in Table 5.

Table 5 – DCP Assessment – Part O

Clause	Provision	Assessment Response
Information to accompany a Development Application		
O.1.8.a	A statement or justification as to why the proposed development is appropriate on flood prone land.	<p>The proposed development is considered to be appropriate on flood prone land for the following reasons:</p> <ul style="list-style-type: none"> The proposed dwelling will have a finished floor level that is above the Flood Planning Level. The dwelling is provided with site access (vehicles and pedestrians alike) to Bank Street via land that is above the 1% AEP Flood Level. Changes to existing natural ground level have been minimised as much as is practically possible to mitigate against possible changes in flood behaviour on the land. The proposed use is permissible under the zoning framework for the land in Cowra Local Environmental Plan 2012. On the basis that the dwelling will be above the Flood Planning Level, the proposed use is permissible under the land-use



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Clause	Provision	Assessment Response
		<p>guidelines established in the Cowra Comprehensive DCP 2021 for the relevant flood hazard category assigned to the land.</p> <ul style="list-style-type: none"> An environmental impact assessment confirms that the proposed development is within acceptable limits.
O.1.8.b	A survey plan showing the proposed building, existing ground levels to AHD around the perimeter of the building, the level of the 1% AEP Flood, and the proposed floor levels relative to the 1% AEP Flood.	A survey plan has been prepared and is included separately to this Flood Report. A detailed analysis of levels is also included in Section 3 of this Flood Report.
O.1.8.c	<p>A report from a qualified engineer that demonstrates that:</p> <ul style="list-style-type: none"> The development will not increase the flood hazard or risk to other properties; The structure of the proposed buildings will be adequate to deal with flooding situations; The proposed building materials are suitable; The buildings are sited in the optimum position to avoid flood waters and allow safe flood access for evacuation; The proposed redevelopment will not expose any resident to unacceptable levels of risk, or any property to unreasonable damage; and 	<p>This Flood Report is provided in support of the Development Application to address the requirements of O.1.8.c of the DCP. Currajong is suitably qualified urban planning consultancy with experience in flood planning and environmental impact assessment.</p> <p>This Flood Report includes a detailed assessment of the matters prescribed by Clause 5.21 of Cowra Local Environmental Plan 2012. This assessment finds that the proposed development should not adversely impact flood behaviour or increase flood risk to vulnerable properties adjacent or nearby to the subject land.</p> <p>The proposed dwelling is to have a finished floor level that is above the Flood Planning Level. The building is to be a slab-on-ground construction. The shipping containers are located on existing levelled pads which are also above the 1% AEP Flood level. Special engineering for the proposed dwelling / existing shipping containers is not anticipated to be necessary.</p> <p>The proposed building and construction materials are as noted on the plans submitted with the Development Application.</p> <p>The proposed will not expose any resident to unacceptable levels of risk, or any property to unreasonable damage.</p>
Flood Controls - Generally		
O.1.9.1.a	Cut and fill should be minimised for all development at or below the FPL.	<p>Minimal changes to existing site topography are identified to be necessary in order to achieve the required finished floor level for the proposed dwelling. Some filling is required (in the order of between 200-600mm) across the building pad, battered back to natural ground level at minimum 3:1 grade. No other changes are required to existing natural ground level.</p> <p>The described changes to existing site topography are minimal and of small scale and extent when considered in relation to the context and setting of the site. The subject land is larger sized holding at 4,900m² (approx.) and the density of built form in the area, particularly on the western side of Bank Street is low. Downstream land-use comprises open wide agricultural cropping and grazing land that forms part of the main floodplain of the Lachlan River. The likelihood that the proposed site fill will adversely affect flood behaviour in a way that is detrimental to other properties, including adjoining residential uses, is assessed to be low.</p>
O.1.9.1.b	All buildings at or below the FPL should be constructed of flood compatible materials. Refer to	There are no buildings proposed below the Flood Planning Level.



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Clause	Provision	Assessment Response
	Appendix B for flood compatible materials.	
O.1.9.1.c	All development applications should demonstrate that the proposed structure can withstand the force of floodwater, debris and buoyancy	There are no buildings proposed below the Flood Planning Level. Special engineering for the proposed dwelling / existing shipping containers is not anticipated to be necessary.
O.1.9.1.d	Solid fences that impede the flow of floodwaters are not permissible. Fences should be at least 50% open to allow the progress of floodwaters.	Solid fencing is not proposed.
Flood Controls – Residential Development		
O.1.9.2.a	Floor levels of all habitable rooms or rooms with connection to sewer infrastructure should not be less than the Flood Planning Level (which means the level of a 1:100 ARI flood even plus a 0.5m freeboard).	The proposed development complies. The assessment work presented in this Flood Report suitably demonstrates that the finished floor level of the proposed dwelling will be above the Flood Planning Level.
O.1.9.2.b	Upon completion and prior to the occupation (where relevant) a certificate by a registered surveyor should be submitted to Council showing that the finished ground and floor levels conform to approved to approved design levels.	The applicant expects that Council will apply a condition of consent. The proposal is capable of complying.
O.1.9.2.c	Despite controls (a) and (b) above and the controls contained in Section 0.1.7, this plan permits alterations and additions to existing dwellings with floor levels below the Flood Planning Level, subject to certain prescribed requirements.	Not relevant to the proposed development.
Flood Controls – On-site Sewage Management		
O.1.9.5.a	On-site sewage management facilities should be sited and designed to withstand flooding conditions (including consideration of structural adequacy, avoidance of inundation and flushing/leaking into flowing flood waters)	<p>The plans submitted with the Development Application adequate demonstrate that an on-site sewage management system can be located on the land:</p> <ul style="list-style-type: none"> ▪ In accordance with the recommendations of an effluent management report prepared by a qualified geotechnical engineer, and ▪ In a location that is wholly above the 1% AEP Flood Level applying to the subject land in accordance with the Cowra and Gooloogong Floodplain Risk Management Plan and Study 2006.



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Clause	Provision	Assessment Response
O.1.9.5.b	As a minimum, all components of new on-site waste management systems must be located above the identified 5% AEP flood level (1 in 20 year). Components should be located above the 1% AEP flood level where this can be achieved.	As above.





8. Conclusion

This Flood Planning Report has been prepared by Currajong Pty Ltd (Currajong) on behalf of D & L Smith for the proposed development of the land at Lot 198 DP 752927, 21 Bank Street, Gooloogong. The proposal is comprised of several components including:

- Construction of a new single storey clad dwelling-house.
- Continued use of 3 x shipping containers which have already been placed on the land.
- Construction of a new metal awning structure over the existing shipping containers.

This report has been prepared in order to address the requirements of:

- Clause 5.21 of Cowra Local Environmental Plan 2012.
- Part O of the Cowra Council Comprehensive Development Control Plan 2021 which is required to be considered when new development is proposed on flood prone land.

The report has also been prepared in order to present the findings of registered survey work completed in order to establish the Flood Planning Level for the subject land and its relationship to the proposed site and building design.

The Flood Report concludes that the proposed use of the land is generally appropriate having regard to an assessment of the relevant policy / legislative considerations contained in Cowra LEP 2012 and the Cowra Comprehensive DCP 2021.

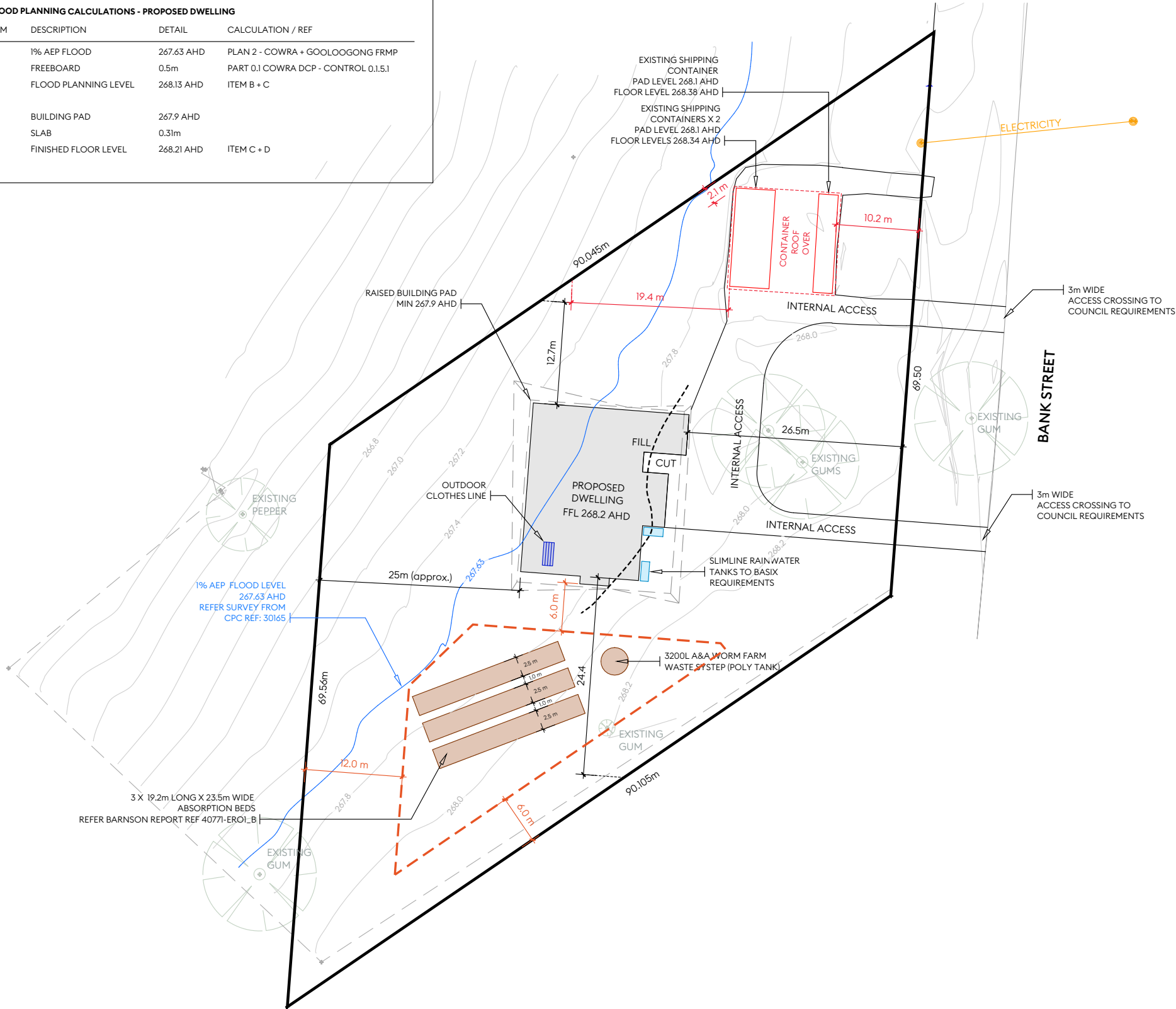
The proposed development is considered to be appropriate on flood prone land for the following reasons:

- The proposed dwelling will have a finished floor level that is above the Flood Planning Level.
- The dwelling is provided with site access (vehicles and pedestrians alike) to Bank Street via land that is above the 1% AEP Flood Level.
- Changes to existing natural ground level have been minimise as much as is practically possible to mitigate against possible changes in flood behaviour on the land.
- The proposed use is permissible under the zoning framework for the land in Cowra Local Environmental Plan 2012.
- On the basis that the dwelling will be above the Flood Planning Level, the proposed use is permissible under the land-use guidelines established in the Cowra Comprehensive DCP 2021 for the relevant flood hazard category assigned to the land.
- An environmental impact assessment confirms that the proposed development is within acceptable limits.





FLOOD PLANNING CALCULATIONS - PROPOSED DWELLING			
ITEM	DESCRIPTION	DETAIL	CALCULATION / REF
A	1% AEP FLOOD	267.63 AHD	PLAN 2 - COWRA + GOOLOOGONG FRMP
B	FREEBOARD	0.5m	PART 0.1 COWRA DCP - CONTROL 0.1.5.1
C	FLOOD PLANNING LEVEL	268.13 AHD	ITEM B + C
C	BUILDING PAD	267.9 AHD	
D	SLAB	0.31m	
E	FINISHED FLOOR LEVEL	268.21 AHD	ITEM C + D





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PLANNING, PROPERTY + PROJECT MANAGEMENT

250A Clarinda Street
PARKES NSW 2870

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

A	FIRST ISSUE	DS	15/05/2023
REV	DESCRIPTION	BY	DATE

SHEET NO:
01

SHEET NAME:
SITE LAYOUT PLAN

DRAWING STATUS
FOR APPROVAL

CLIENT NAME
Darren & Lea Smith

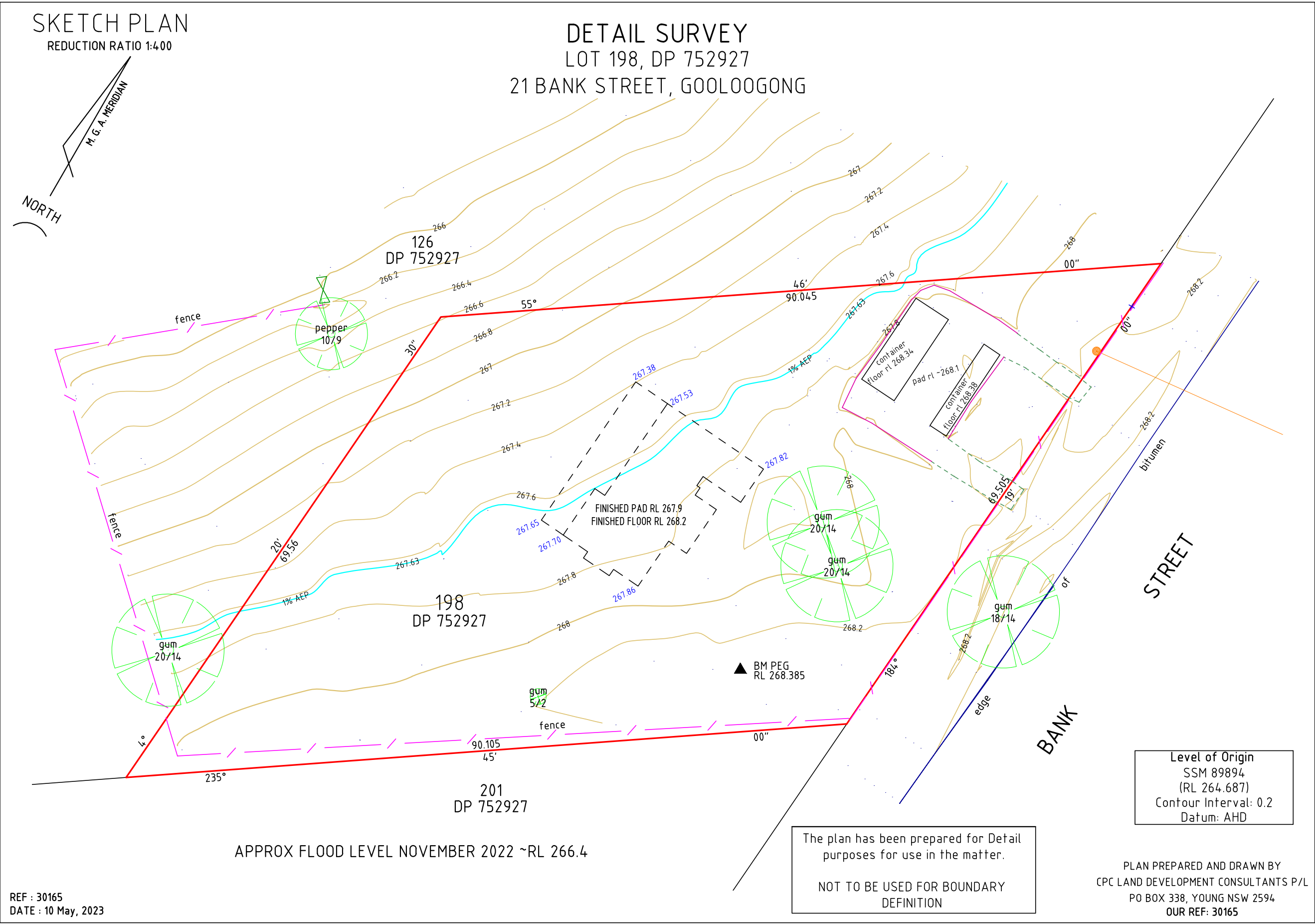
SITE DESCRIPTION
21 Bank Street
Gooloogong NSW 2805

PROJECT NAME
Proposed Dwelling, Awning and
Continued Use of 2 x Shipping
Containers

DRAWN:
15/05/2023

SCALE
1:500 @ A3





Created on 05/09/2023



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Projection: GDA94 / MGA zone 55

Date: 05/09/2023 10:12 AM

DA 51/2023 - 21 Bank Street Gooloogong

Map Scale: 1:3692 at A4

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Map Scale: 1:968 at A4

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 DIRECTOR-CORPORATE SERVICES**9.1 Request for Water Account Adjustment - Assessment Number 49851**

This matter is considered to be confidential under Section 10A(2)(b) 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 discussion in relation to the personal hardship of a resident or ratepayer.

10 CONFIDENTIAL DIRECTOR-INFRASTRUCTURE & OPERATIONS**10.1 Request for Tender 9/2023 - Cowra Sewer CCTV and Relining**

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.