

# AGENDA

## **General Committee Meeting**

Date: 9 October 2023

Time: 5pm

Location: Cowra Council Chambers 116 Kendal Street, Cowra

> Paul Devery General Manager

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#### **Order Of Business**

#### I INTRODUCTION

#### I.I Recording & publishing

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

#### I.2 Acknowledgement of Country

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

#### 1.3 Apologies and Applications for Leave of Absence by Councillors

List of apologies for the meeting.

#### I.4 Disclosures of Interest

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

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

#### I.5 Presentations

#### I.6 Public Forum

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

#### 2 CONFIRMATION OF MINUTES

Confirmation of Minutes of General Committee Meeting held on 11 September 2023



# MINUTES

## General Committee Meeting Monday, II September 2023

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#### MINUTES OF COWRA COUNCIL GENERAL COMMITTEE MEETING HELD AT THE COWRA COUNCIL CHAMBERS, 116 KENDAL STREET, COWRA ON MONDAY, 11 SEPTEMBER 2023 AT 5PM

- PRESENT: Cr Bill West (Mayor), Cr Judi Smith (Deputy Mayor), Cr Sharon D'Elboux, Cr Cheryl Downing, Cr Ruth Fagan, Cr Nikki Kiss, Cr Paul Smith, Cr Erin Watt, Cr Peter Wright
- **IN ATTENDANCE:** Mr Paul Devery (General Manager), Mrs Larissa Hackett (Director-Environmental Services), Mr Michael Jones (Director - Corporate Services), Mr Dirk Wymer (Director - Infrastructure & Operations)

#### I INTRODUCTION

I.I Recording & Publishing

The Mayor advised that the meeting was being recorded.

I.2 Acknowledgement of Country

The Mayor delivered the Acknowledgment of Country.

1.3 Apologies and Applications for Leave of Absence by Councillors

Nil

1.4 Disclosures of Interest

Cr Peter Wright declared a non-pecuniary interest in relation to item 9.1 Request for Water Account Adjustment - Assessment Number 49851 as he and the applicant are both NRM Committee Members and will vacate the Chamber during discussion of this item.

Cr Sharon D'Elboux declared a non-pecuniary interest in relation to item 3.1 Section 355 Committee Minutes – Cowra Sport & Recreation Council as she is Treasuer for Junior Soccer and will remain in the Chamber during discussion of this item.

I.5 Presentations

Nil

I.6 Public Forum

Nil

#### 2 CONFIRMATION OF MINUTES

#### **COMMITTEE RESOLUTION**

Moved: Cr Sharon D'Elboux Seconded: Cr Nikki Kiss

That the minutes of General Committee Meeting held on 14 August 2023 be confirmed.

CARRIED

#### **3 DIRECTOR-CORPORATE SERVICES REPORT**

3.1 Section 355 Committee Minutes – Cowra Sport & Recreation Council COMMITTEE RESOLUTION

Moved: Cr Cheryl Downing Seconded: Cr Erin Watt

That the Draft Minutes of the Cowra Sport & Recreation Council meeting held on 19 July 2023 be noted.

CARRIED

#### 3.2 Investments

#### **COMMITTEE RESOLUTION**

Moved: Cr Judi Smith Seconded: Cr Erin Watt

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

CARRIED

3.3 Donation - Cowra & District Senior Citizens Club Inc. COMMITTEE RESOLUTION

> Moved: Cr Sharon D'Elboux Seconded: Cr Nikki Kiss

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.

CARRIED

#### 4 DIRECTOR-INFRASTRUCTURE & OPERATIONS REPORT

#### <u>4.1</u> <u>Section 355 Committee Minutes - Tidy Towns Committee</u>

#### **COMMITTEE RESOLUTION**

Moved: Cr Judi Smith Seconded: Cr Ruth Fagan

That the minutes of the Tidy Towns & Urban Landcare Committee meeting held on 23 August 2023 be noted.

CARRIED

#### 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

#### **COMMITTEE RESOLUTION**

Moved: Cr Judi Smith Seconded: Cr Nikki Kiss

- 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**

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

Plan No./		Cowra Shire
Supporting Document	Prepared by/Reference Details	Council Reference
Supporting Document		Received
	Currajong	2/6/1023
Flood Planning Report	15/05/2023	Stamped No.
	Rev A	DA 51/2023
	CPC Land Development	Received
Site Summer	Consultants P/L	2/6/1023
Site Survey	10 May 2023	Stamped No.
	Ref 30165	DA 51/2023
Site and Soil Assessment	Barnson Pty Ltd	Received
for On-site Effluent	I3 March 2023	2/6/1023
Management System	Ref 40771-ER01 A	Stamped No.
		DA 51/2023
	Currajong	Received
Site Layout Plan	04/08/2023	24/08/2023
Sheet 01	Rev B	Stamped No. DA
		10.2023.51.1(A)
Site Plan	K Ostini Donastka	Received 04/08/2023
Site Plan Sheet 01	K. Ostini-Donnelly 27/07/2023	Stamped No. DA
Sheet UI	27/07/2023	10.2023.51.1(A)
		Received
Proposed Floor Plan	K. Ostini-Donnelly	04/08/2023
Sheet 02	27/07/2023	Stamped No. DA
	2110112020	10.2023.51.1(A)
		Received
Elevations	K. Ostini-Donnelly	04/08/2023
Sheet 03	27/07/2023	Stamped No. DA
		10.2023.51.1(A)
Container Floor Plan and		Received
Elevations	K. Ostini-Donnelly	04/08/2023
Sheet 04	27/07/2023	Stamped No. DA
Sheet 04		10.2023.51.1(A)
	Currajong	Received
Statement of	04/08/2023	04/08/2023
Environmental Effects	Rev B	Stamped No. DA
		10.2023.51.1(A)
		Received
BASIX Certificate	Kellie Ostini	2/6/2023
No. 1391593S	16 May 2023	Stamped No.
		DA 51/2023 Received
Structural Certification	Kamal Kouli	2/6/2023
For Shipping Container-	I 4 March 2023	Stamped No.
Based Roof Structure		DA 51/2023
		Received
Proposed Landscape	Currajong	24/08/2023
Strategy	22/08/2023	Stamped No. DA
Sheet L.01	Rev B	10.2023.51.1(B)
Planting Cabadula 9	<b>C</b>	Received
Planting Schedule & Details	Currajong	24/08/2023
Details Sheet L.02	22/08/2023 Rev B	Stamped No. DA
Sheet L.VZ		10.2023.51.1(B)

#### table except where modified by any conditions of this consent.

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 <sup>1</sup>	Levy Percentage	Total Contribution	Contribution Rate Remains Current Until
Section 94A Contribution <sup>2</sup>	\$516,500.00	١%	\$5,165.00	30 June 2024
Notos				

<sup>1</sup> As shown on the Development Application/Construction Certificate Application/ Complying Development Certificate Application

<sup>2</sup> 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.

CARRIED

- In Favour: Crs Bill West, Judi Smith, Sharon D'Elboux, Cheryl Downing, Ruth Fagan, Nikki Kiss, Paul Smith, Erin Watt and Peter Wright
- <u>Against:</u> Nil

CARRIED 9/0

#### 6 LATE REPORTS

Nil

#### 7 NOTICES OF MOTIONS

Nil

#### 8 CONFIDENTIAL MATTERS

#### **COMMITTEE RESOLUTION**

Moved: Cr Cheryl Downing Seconded: Cr Sharon D'Elboux

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.

CARRIED

#### 3 DIRECTOR-CORPORATE SERVICES REPORT

3.1 Donation - Cowra Public School, Schools Spectacular Event

File Number: D23/1495

Author: Michael Jones, Director - Corporate Services

#### RECOMMENDATION

That Council donates \$2,000 to Cowra Public School to attend the School Spectacular event in Sydney in November 2023 from the section 356 donations budget.

#### INTRODUCTION

Cowra Public School has written to Council seeking financial assistance with sending 21students and 4 teachers/parents to the Schools Spectacular in Sydney from 21-26 November 2023, providing the opportunity to all students including those from a low socio economic and indigenous background who nay not otherwise have the opportunity to attend.

#### BACKGROUND

The Schools Spectacular is a weeklong event that occurs towards the end of November each year and is held at the arena in Homebush. Cowra have auditioned for both dance and choir and were successful to make both. Students have been actively fundraising through various events to raise money towards the costs of attending. The event provides an amazing experience for our local Cowra children and allows them to participate in an event that would otherwise only be available to city students. The audition process is very difficult and a lot of schools sadly miss out, however, this year on the 40<sup>th</sup> anniversary of the Schools Spectacular in NSW Public Schools, Cowra have been successful.

Objective I: To provide benefit to the residents of Cowra Shire Council. Cowra Public School has a large percentage of indigenous students and others from low socio economic backgrounds and this excursion gives our students an opportunity to experience a large city, perform for large audiences and appreciate the benefits of preparation and working hard to achieve a common goal that results in life long memories, friendships and artistic endeavour.

The financial cost is high to take students to Sydney. In addition to fundraising, the School has approached Council with a request for a donation to assist with costs including:

- transport to and from Sydney
- accommodation
- costumes
- food and incidentals.

#### ELIGIBILITY

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

- 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.

In respect of sporting representatives and cultural and academic pursuits:

- An individual or organisation/group is limited to one donation per annum, unless Council deems an exception.
- Council donations to sporting representatives and cultural and academic pursuits will be made using the following guidelines:-
  - Australian/NSW/Territory Representative or team competing in NSW or interstate to a maximum of \$400 in total.

#### BUDGETARY IMPLICATIONS

\$18,909.46 is the current balance in the 2023/24 Budget for Section 356 Donations. Whilst the policy indicates a maximum of \$400 per team, consideration should be given regarding the number of participants involved.

By way of comparison, Council last month endorsed a donation of \$2,000 to the Mulyan Public School to attend the same event with 24 student and 8 teachers/parents attending the week-long event.

#### RECOMMENDATION

Given the success of Cowra Public School in qualifying in both dance and choir categories, it is recommended that Council donates \$2,000 to the school to attend the School Spectacular event in Sydney in November 2023 from the section 356 donations budget.

#### ATTACHMENTS

I. Attachment - Donation Application - Cowra Donation Application from Cowra Public School - 22 September 2023 J.

Council		co	uncil@co	6340 2000 owra.nsw.ge	ov.au
				acouncil.co	
	lication fo	or Finan	cial A	ssistan	ce/Donat
Applicant Information			Course	Dublic Co	chool DET
Local Sporting Team/Organisation [ applications must be made by the loca	I team of wh	hich the ind			
		ner ere ma	Invidual I	5 d memor	
Contact Name/ Sporting Applicant: Mary-ann Wri					
Mailing address: Cowra Public School, Vaux St, Co					
Phone: (Home)	(Business)	63 4224	00		
	Email:	Mary-an	n.wright	t@det.nsw	v.edu.au
Signature:	Date:	22		/ 09	/ 2023
Organisation Details					
Organisation responsible for the event/activity:	Cowra Pub	ic School F	DET		
President/Secretary Contact Details:	Mary-ann V			ts Teacher	•
Organisation Type (please circle): Non Profit / Charity / Inco					
Do membership fees apply ?	TYES				
	s				
f yes, annual membership/fees					
If yes, annual membership/fees Event Details					
If yes, annual membership/fees <b>Event Details</b> Description of the event/project/request/person for whic		s sought			
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Event Details Description of the event/project/request/person for which 21 students and 4 staff have been selected to attend and and Dance. This requires all to attend from Wed to Satu Olympic Park ( Qudos Arena) Date/s of the proposed event/project Venue where will the event/project take place? Financial Details Amount of assistance being sought:	th assistance i perform at t rday night . R 21¤ Noveni Qudos Are \$2000 \$Approxim	he Schools ehearsals a per 2023 – na, Valentir ately \$18,0 from Cupo	nd perfe 26th No ne Sport 00 cake sale	ormances wember, 2 ss Park (Ac	are held at Sy 2023 ccommodation ol, Teatowels
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	Community development projects – projects that meet an identified community need, have been eveloped in consultation with the community and encourage participation in the development of th
	roject. estivals and special events which enhance community spirit.
	upport for a locally based voluntary community service or program where the majority of its incom
X L	s fundraising. .ocal 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 o assist an individual's or team's sporting, cultural or academic achievement at a significant and
	ecognised level. Community, charity and not for profit organisations' use of Council owned and controlled facilities
	ncluding halls, sporting grounds and other venues. <b>Juest Details</b> – Please complete either A <u>or B</u> below
Α.	Sporting applications - Please select relevant sporting category below
	<ul> <li>Australian/NSW/Territory Representative or team competing overseas</li> <li>Australian/NSW/Territory Representative or team competing in NSW or interstate</li> </ul>
	<b>PLEASE NOTE:</b> Sporting applications <u>will only be considered</u> when made by the local organisation/club which the individual/team is a member, and must be supported by a letter of confirmation from the St or National body.
	Attachments required for sporting applications:
	<ul> <li>Supporting letter from local organisation body</li> <li>Supporting letter from State/Australian Supporting body</li> </ul>
	<ul> <li>Please attach any other information to support your application to Council</li> </ul>
Β.	Community/Event applications – Please ensure all questions are answered Council Community Objectives - To enable Council to consider your application, Council requidetails of how this event/project will meet Council's objectives. Objective I: To provide benefit to the residents of Cowra Shire Council. Cowra Public School has a large percentage of indigenous students and others from la
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	COWRA PUB	LIC SCH	100L	
School Spec Costing - 2023 ESTIMATES ONL	Y AT TIME OF PRINTING	1		
	Total inc GST	GST	Less GST	
Coach Travel	1550			
Divided by 27 participants including staff				per head
Accommodation				
Total Cost Per Person Per Night	56.82	excluding GST per person		
Total Cost Per Person X4 nights	227.28			
Teacher Accommodation Saturday	500			
TOTAL ACCOMMODATION	6175	(Cost at time of booking - I	Vov 2022	
Transport				
Mini Van 1	719		100 per stu	dent
Mini Van 2	719			
Fuel for Vans				
Fuel for Teacher Car	200			
Parking For Teacher Car	120	30 per day		
Total	1958			
Costumes and Souvineer Tshirt				
DANCE 120 per student	960	8 students		
Choir 80 per student		13 students		
Total	2000			
Divided by 21 students	95		-	
Dance Stuff	100	4.761904762	Hairnets, bo	bby pins, ł
Meals				
Breakfast	20	\$5 per head per day	Cereal, toas	t and juice
Lunch	40	\$10 per head per day	Click and co	llect fruit,
Dinner @accommodation	10	\$10 per head per day	Click and co	llect Sushi
Ribs and Rump Wednesday	20	Sale Sale		

RIbs and Rump Friday			20		
TOTAL EXTRAS			2310		
Total per student			110	CIRX and the literal Science	
NOTE: Thursday dinner at own co	st at food court		submere can day	Chel and other teates	
NOTE: Saturday dinner at own cos	st at Spec Fest	ior in	APD 180 BELLEVEL	callear the Land Mice	
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3.2 Investments

File Number: D23/1512

Author: Ken Apps, Acting Director - Corporate Services

#### RECOMMENDATION

That Council note the Investments and Financial Report for September 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 I September 2021, requires the Responsible Accounting Officer of a Council to provide a written report setting out details of all monies that have been invested under Section 625 (2) of the Local Government Act 1993, as per the Minister's Order of 12 January 2011 published in the Government Gazette on 11 February 2011. The Responsible Officer must also include in the report a certificate as to whether the investment has been made in accordance with the Act, the Regulations and the Council's Investment Policies. This certificate appears below the table of investments

#### **BUDGETARY IMPLICATIONS**

Nil

#### ATTACHMENTS

I. Investments & Financial Report - September 2023 😃

### ATTACHMENT

### Investments and Financial Report

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#### Investments

#### I. Investments Portfolio as at 30 September 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.

	0.05	2	-	<u> </u>		
	S&P	Date	Term	%	Date	Principal \$
	Rating	Lodged	(Days)	4.000/	Due	4 000 000 00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	8/12/2022	306	4.26%	10/10/2023	1,000,000.00
NATIONAL AUSTRALIA BANK LTD	A-2	10/01/2023	274	4.44%	11/10/2023	500,000.00
ING BANK	A-2	24/01/2023	294	4.30%	14/11/2023	500,000.00
ING BANK	A-2	14/03/2023	273	4.83%	12/12/2023	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-2	28/03/2023	210	4.45%	24/10/2023	500,000.00
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
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
BANK OF QUEENSLAND	A-2	3/05/2023	181	4.60%	31/10/2023	1,000,000.00
ING BANK	A-2	3/05/2023	181	4.12%	31/10/2023	920,914.23
COMMONWEALTH BANK OF AUSTRALIA	A-1+	4/05/2023	271	4.58%	30/01/2024	500,000.00
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-1+ A-2	23/05/2023	196	4.85%	5/12/2023	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-2 A-1+	30/05/2023	203	4.85%	19/12/2023	500,000.00
SUNCORP-METWAY LTD	A-1	30/05/2023	245	4.96%	30/01/2024	2,000,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	6/06/2023	217	4.81%	9/01/2024	500,000.00
IMB LTD	A-2	6/06/2023	182	5.05%	5/12/2023	250,000.00
SUNCORP-METWAY LTD	A-1	6/06/2023	245	5.10%	6/02/2024	500,000.00
ST GEORGE BANK	A-1+	14/06/2023	216	4.40%	16/01/2024	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
COMMONWEALTH BANK OF AUSTRALIA	A-1+	27/06/2023	210	5.14%	23/01/2024	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	4/07/2023	189	5.40%	9/01/2024	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
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
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	A-1	5/07/2023	153	5.27%	5/12/2023	500,000.00
IMB LTD	A-1	12/07/2023	90	5.00%	10/10/2023	600,000.00
ING BANK	A-2	18/07/2023	182	5.00%	16/01/2024	500,000.00
ING BANK	A-2	25/07/2023	189	5.00%	30/01/2024	500,000.00
ST GEORGE BANK			128			,
	A-1+	25/07/2023		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
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
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+	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
IMB LTD	A-2	5/09/2023	182	5.00%	5/03/2024	500,000.00
ING BANK	A-2	5/09/2023	217	4.80%	9/04/2024	1,000,000.00
BANK OF QUEENSLAND	A-2	12/09/2023	182	4.90%	12/03/2024	500,000.00
ING BANK	A-2	14/09/2023	215	4.07%	16/04/2024	500,000.00
BENDIGO & ADELAIDE BANK LTD	A-2	19/09/2023	182	4.81%	19/03/2024	1,000,000.00
IMB LTD	A-2	19/09/2023	182	5.00%	19/03/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	26/09/2023	245	5.15%	28/05/2024	500,000.00
SUNCORP-METWAY LTD	A-1+	26/09/2023	245	5.15%	28/05/2024	500,000.00
TOTAL	<u>7-1</u>	2010312023	240	0.1070	20/00/2024	\$34,270,914.23
IVIAL						JJ4,ZIU,714.ZJ

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 30/09/23 Page | 2

#### 2. Interest Rate

The average interest rate for Council's investments held is 4.84%. At the time of preparing this report, average (market rates) interest rates were as follows as at 30 September 2023

30	60	90	120	١50	180	270	I YR
Days							
3.30%	3.44%	4.66%	4.75%	4.86%	5.00%	5.05%	5.20%

#### 3. General Fund Balance

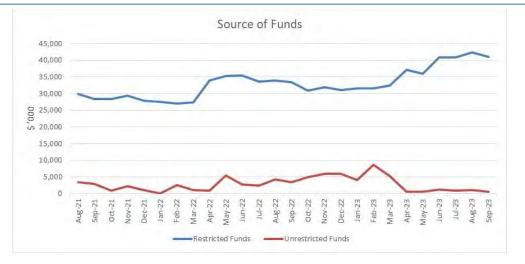
As at 30 September 2023 balances for Cowra Shire Council for Transaction Accounts and Cash in hand were as follows:

	\$ \$'000
CBA General Account	
General Fund bank account	\$ 334
On-Call account balance	\$ 7,000
Cash in hand	\$ 4
TOTAL	\$ 7,338

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	\$	7,338
TOTAL	\$	41,609
	\$	
Represented By:	\$	
Restricted Funds	\$	41,006
Unrestricted Funds	\$	603
TOTAL	\$	41,609





#### 4. Council's Investments – Mix of Investment Ratings

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

#### **"6. Approved Investments**

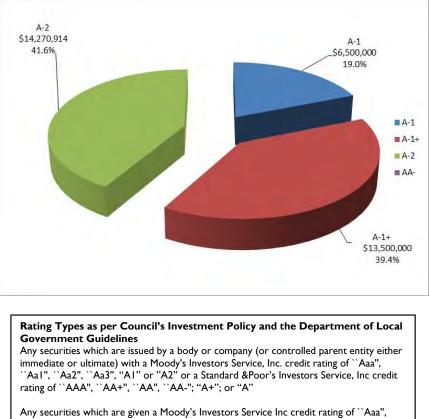
Investments are limited to those allowed by the most current Ministerial Investment Order that has been issued by the NSW Minister for Local Government.

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

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

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

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



Service, Inc credit rating of ``AAA", ``AA+", ``AA", ``AA-", "A+"; "A"; AI+" or ``AI"

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#### 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.

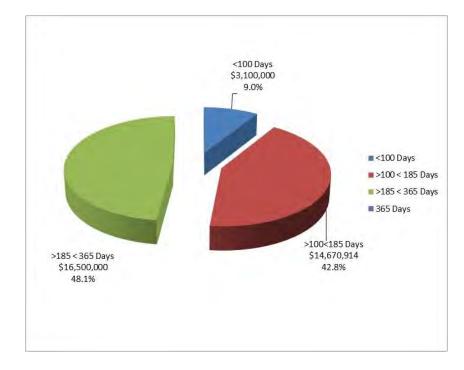
### 6. Term Deposit Average Monthly Interest Rate Compared to the RBA Cash Rate Target

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.

4.90%	4.84%
4.90%	4.0436
4.80%	
4 70%	4 63% 4.77%
	1
4 80%	
4,50%	
4.40%	
4 30%	
4 20%	4.10% 4.10%
4.10%	4,10% 4,10% 4.10%
4 00%	
3,90%	
3.80%	
3.70%	
3.60%	
3,50%	
3.40%	
3 30%	
3.20%	
3,10%	
3,00%	and at at at at at at at at at
	Part to an to

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#### 7. Maturity Profile of Council's Investments

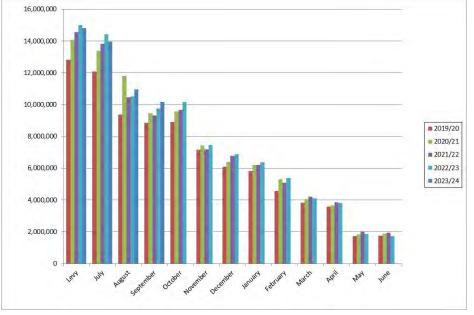


The following pie-chart shows the mix of Council investments for the month by maturity type.

#### Rates

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

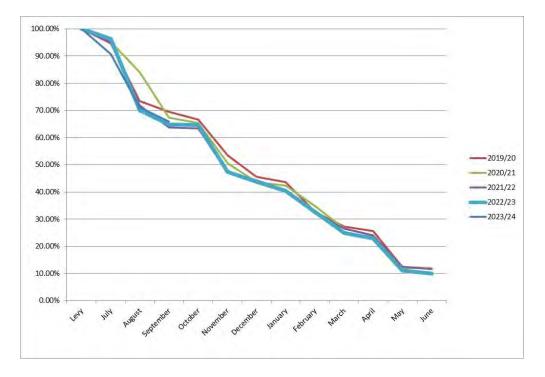
The following graph shows the total rate levy and arrears carried forward at the time of the rate levy in July 2024. Council's debt collection policy has the objective of having no more than 10% of rates outstanding by the end of each financial year.





#### 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)	\$ 247,399	
Collected in September 2023	\$ 98,356	\$ 345,755
Balance as at 3 <sup>rd</sup> October 2023		\$ 1,386,673
Rates – Currently under legal proceedings	\$ 123,274	
Arrangements (Repayment Schedules)	\$ 1,263,399	
	\$ 1,386,673	

#### II. 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.

	BUDGET INCO	OME STAT	EMENT - 2	023/2024		BUDGET CASH	AT END C	)F YEAR - :	2023/2024	
OPERATING RESULT - BEFORE CAPITAL GRANTS & CONTRIBUTIONS										
Resolution	Consolidated	General	Water	Sewer	Waste	Consolidated	General	Water	Sewer	Waste
	·000	ʻ000ʻ	'000'	'000	'000	·000	'000	ʻ000	ʻ000	'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 6.48%.

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#### 13. Loan Summary

Loan no	Lender	Date Obtained	Due date	Principal \$	Interest rate %	Principal \$ o/s 30/9/23
	GENERAL	Obtained	uale	Ŷ		\$ 0/S 30/9/23
233	NATIONAL AUST. BANK (SALEYARDS)	29/05/2003	29/11/2022	220,000	6.20	0
234	NATIONAL AUST. BANK (POOL KIOSK)	13/06/2003	13/06/2023	1,600,000	5.81	0
236	COMMONWEALTH (RIVER PK AMEN/VAUX DRAINAGE)	28/01/2005	1/02/2025	433,500	6.31	53,881
241B	COMMONWEALTH BANK (VAUX ST DRAINAGE WEST)	18/12/2006	18/12/2036	166,000	6.35	111,742
242B	COMMONWEALTH BANK (MULYAN OVAL AMENITIES)	22/08/2007	24/08/2037	95,000	6.80	66,932
249	NATIONAL AUST. BANK (CIVIC CENTRE REFURBISHMENT)	22/12/2008	22/12/2033	1,395,390	8.15	901,552
245	NATIONAL AUST. BANK (CIVIC CENTRE REFURBISHMENT)	29/06/2009	29/06/2029	234,000	8.33	111,465
246	NATIONAL AUST. BANK (SALEYARDS EFFLUENT SCREENS)	16/04/2010	16/04/2025	225,000	8.01	41,932
250	NATIONAL AUST. BANK (DRAINAGE IMPROVEMENTS)	28/06/2013	28/06/2028	250,000	6.36	105,827
253A	NSW TREASURY (DEPOT REDEVELOPMENT - STAGE 1)	27/06/2016	27/06/2026	400,000	2.63	120,686
253B	NSW TREASURY (AIRPORT SUBDIVISION)	27/06/2016	27/06/2026	1,478,993	2.63	446,198
253C	NSW TREASURY (CEMETERY EXPANSION)	27/06/2016	27/06/2026	250,000	2.63	75,405
254A	NSW TREASURY (DEPOT REDEVELOPMENT - STAGE 2)	11/05/2020	11/05/2040	512,120	2.41	444,625
254B	NSW TREASURY (CBD FOOTPATH REFURBISHMENT)	11/05/2020	11/05/2040	1,437,788	2.41	1,248,567
254C	NSW TREASURY (LOW LEVEL BRIDGE REPAIRS)	11/05/2020	11/05/2040	500,000	2.41	434,201
						4,163,015
	WASTE					
247	NATIONAL AUST. BANK (RECYCLING PLANT)	16/04/2010	16/04/2025	538,500	8.01	100,356
						100,356
	WATER					
238	COMMONWEALTH (CBD MAINS REPLACEMENT)	22/02/2006	23/02/2031	1,000,000	6.03	464,748
241A	COMMONWEALTH BANK (WATER MAIN REPLACEMENT)	18/12/2006	18/12/2036	1,256,000	6.35	845,772
242A	COMMONWEALTH BANK (1C1 ZONE)	22/08/2007	24/08/2037	1,286,500	6.80	905,922
251	WESTPAC (EMERGENCY WATER SUPPLY CONSTRUCTION)	28/06/2013	27/06/2033	1,186,124	6.566	765,681
252	NATIONAL AUSTRALIA BANK (WATER TREATMENT PLANT AUTOMATION)	18/06/2014	18/06/2024	3,875,000	5.050	362,852
						3,344,975
	SEWERAGE					
244	NATIONAL AUST. BANK (SEWER TREATMENT PLANT )	6/05/2010	04/05/2040	7,213,230	8.13	5,900,456
						5,900,456
	GRAND TOTAL					13,508,802

Summary of Current Loans and Purpose as at 30 September 2023.

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#### 4 DIRECTOR-ENVIRONMENTAL SERVICES REPORT

4.1	Development Application No. 1/2023, Lot 1 DP 599492, 17 Walker Street Cowra, two additional dwellings and 3 lot subdivision, lodged by Currajong Pty Ltd
File Number:	D23/1478
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 application was publicly notified and two submissions were received and have been adequately addressed; and
- 2. That Development Application No. 1/2023, for the construction of two additional dwellings and 3 lot subdivision on Lot 1 DP 599492, 17 Walker 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 Plan Sheet 01	K. Ostini-Donnelly 9 December 2022	Received 3 January 2023 Stamped No. DA 1/2023
Floor Plans Sheet 02	K. Ostini-Donnelly 9 December 2022	Received 3 January 2023 Stamped No. DA 1/2023
Elevation Plan Sheet 03	K. Ostini-Donnelly 9 December 2022	Received 3 January 2023 Stamped No. DA 1/2023
Notes & Basix Commitments Sheet 04	K. Ostini-Donnelly 9 December 2022	Received 3 January 2023 Stamped No. DA 1/2023
Proposed Plan of	Currajong Pty Ltd	Received

Subdivision Sheet A.01 Rev E	I4 April 2023	14 April 2023 Stamped No. DA 1/2023(C)
Proposed Vehicle Surfaces Sheet A.02 Rev D	Currajong Pty Ltd 22 March 2023	Received 22 March 2023 Stamped No. DA I/2023(B)
Landscaping Plan Sheet A.03 Rev B	Currajong Pty Ltd 22 March 2022	Received 22 March 2023 Stamped No. DA I/2023(A)
Landscaping Plan Sheet A.04 Rev A	Currajong Pty Ltd 20 December 2022	Received 3 January 2023 Stamped No. DA 1/2023
Sewer – Zone of Influence Assessment Sheet A.05 Rev A	Currajong Pty Ltd 7 March 2023	Received 7 March 2023 Stamped No. DA 1/2023
Sewer Layout Plan Issue E Dwg No. C01	Calare Civil Consulting Engineers 6/04/23	Received I4 April 2023 Stamped No. DA I/2023(A)
Stormwater Management Plan Issue C Dwg No. G01, G02, C01, C02 & C03	Calare Civil Consulting Engineers 20/02/23	Received 7 March 2023 Stamped No. DA 1/2023(A)
BASIX Certificate No. 1355841S	Currajong Pty Ltd Issued: 8 December 2022	Received 3 January 2023 Stamped No. DA 1/2023
BASIX Certificate No. 1361831S	Currajong Pty Ltd Issued: 8 December 2022	Received 3 January 2023 Stamped No. DA 1/2023
Statement of Environmental Effects Rev E	Currajong Pty Ltd 28 August 2023	Received 29 August 2023 Stamped No. DA 1/2023(B)

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

- 2. The applicant shall comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the Environmental Planning and Assessment Regulation 2021 (see attached Advisory Note).
- 3. The development is to be undertaken in the following stages:
  - Stage I The construction of two new dwellings and associated infrastructure including access crossing, driveway, landscaping and all service connections.
  - Stage 2 The subdivision of Lot | DP 599492 into 3 lots.
- 4. Pursuant to Section 4.17(4) of the Environmental Planning & Assessment Act 1979, the outcome that this development must achieve is the establishment of a single dwelling on each allotment. This is to be achieved by ensuring that both stages of the development are completed in accordance with condition 3.
- 5. All traffic movements in and out of the development are to be in a forward direction.
- 6. Where the proposed building works necessitate the cutting-in of new stormwater outlets into the existing street kerb, the Applicant and plumbing/drainage contractor shall ensure that the following procedures are carried out:
  - (i) A kerb adaptor suitable for the particular kerb profile and capable of withstanding vehicle loadings is to be utilised;
  - (ii) The opening in the kerb is created by either a saw cut or bored hole only. Breaking out the kerb by impact methods is not permitted;
  - (iii) The kerb adaptor is to be kept flush with the top and outside face of the kerb; and
  - (iv) The fixing of the kerb adapter and filling in of side gaps is to be undertaken by the use of an epoxy resin. Mortar or concrete is not to be used.

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

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

Contribution Type	Proposed Cost of Development'	Levy Percentage	Total Contribution	Contribution Rate Remains Current Until
Section 94A Contribution <sup>2</sup>	\$560,00.00	1%	\$5,600.00	30 June 2023
	Development Applic rtificate Application	ation/Construct	ion Certificate Ap	plication/Complying

- <sup>2</sup> Council's Section 94A Contributions Plan 2016 may be viewed during office hours at Council's Customer Service Centre, 116 Kendal Street Cowra, or on Council's website www.cowracouncil.com.au
- 8. Prior to the issue of a Construction Certificate, the Applicant must obtain consent from the roads authority pursuant to Section 138 of the Roads Act 1993 for the carrying out of works in a road reserve.
- 9. Prior to the issue of a Construction Certificate, a separate application is to be made to Council, with the appropriate fee being paid, for the provision of suitably sized metered water services to the new dwellings.

## CONDITIONS TO BE COMPLIED WITH PRIOR TO THE COMMENCEMENT OF WORKS

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

after the construction phase of the development. The erosion and sediment control measures are to comply with Part B of Cowra Shire Council Development Control Plan 2021 at all times.

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

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

#### CONDITIONS TO BE COMPLIED WITH DURING CONSTRUCTION

- 15. All construction work shall be carried out within the confines of the property unless separate written permission is obtained from the relevant landowner and/or authority in control of the land. A copy of any written notices authorising off-site construction operations shall be submitted to Council prior to any operations commencing on the affected land.
- 16. While building work is being carried out, any such work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.
- 17. Any damage caused to footpaths, roadways, utility installations and the like by reason of construction operations shall be made good and repaired to a standard equivalent to that existing prior to commencement of construction. The full cost of restoration/repairs of property or services damaged during the works shall be met by the Applicant.
- 18. Any damage caused to footpaths, roadways, utility installations and the like by reason of construction operations shall be made good and repaired to a standard equivalent to that existing prior to commencement of construction. The full cost of restoration/repairs of property or services damaged during the works shall be met by the Applicant.
- 19. All storage of goods and building materials and the carrying out of building operations related to the development proposal shall be carried out within the confines of the property. All vehicles must be parked legally and no vehicles are

permitted to be parked over the public footpath. The unloading of building materials over any part of a public road by means of a lift, hoist or tackle projecting over the footway will require separate approval under Section 68 of the Local Government Act 1993.

- 20. Building activities and excavation work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 6.00 pm on weekdays and 8.00 am and 1.00 pm on Saturdays. No work on Sundays or Public Holidays is permitted.
- 21. All building rubbish and debris, including that which can be windblown, shall be contained on site in a suitable container for disposal at an approved Waste Landfill Depot. The container shall be erected on the building site prior to work commencing and shall be maintained for the term of the construction to the completion of the project. No building rubbish or debris shall be placed or permitted to be placed on any adjoining public reserve, footway or road. The waste container shall be regularly cleaned to ensure proper containment of the building wastes generated on the construction site.
- 22. As soon as is practical, and within a maximum of 7 days following the placement of any roofing material, all guttering and downpipes must be installed and connected to Council's drainage system.
- 23. The Applicant shall discharge sewerage to the Low Pressure Sewerage Scheme connected to the property. All work shall be carried out by a licensed plumber and drainer and to the requirements of NSW Environment and Health Protection Guidelines and Australian Standard/ New Zealand Standard 1547:2000 On-Site Domestic Wastewater Management, Australian Standard 3500, 'National Plumbing and Drainage' and the 'New South Wales Code of Practice; Plumbing and Drainage'.

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

- a) Tank Installation: When the tank is installed and prior to backfilling.
- b) Pump Installation: When the pump is installed and prior to backfilling.
- c) Boundary Kit Installation: When the boundary kit with a non-return valve is installed and connected to internal sewer plumbing and to the rising main that connects to the existing reticulated sewer.
- d) Rising main construction: When the rising main is constructed prior to backfill. The rising main will connect the property to council's sewer reticulation and terminate at the boundary kit of the property and should be appropriately sized.
- 24. All plumbing work shall be carried out by a licensed plumber and drainer and to the requirements of the Plumbing Code of Australia. The licensed plumber or drainer must submit a Notice of Works form to Council prior to the commencement of any plumbing and drainage works and a Certificate of

Compliance at the completion of the works. The plumbing and drainage works must be inspected by Council at the time specified below:

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

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

- 25. The Applicant must not commence occupation or use of the proposed dwellings until a Whole or Partial Occupation Certificate has been issued from the Principal Certifier appointed for the subject development.
- 26. Prior to the issue of any Occupation Certificate, all roofed areas from the proposed dwellings and the existing rear shed are to be properly drained in accordance with the Plumbing Code of Australia and discharged to Council's stormwater management system on Walker Street in accordance with the approved Stormwater Management Plan.
- 27. Prior to the issue of any Occupation Certificate, the applicant shall connect the new dwellings to Council's reticulated water and sewer supply systems and to the satisfaction of the relevant service provider, being Cowra Shire Council.
- 28. Prior to the issue of any Occupation Certificate, the Applicant shall seal or concrete internal driveways and manoeuvring areas in accordance with the approved plans and with Cowra Infrastructure and Operations Engineering Standards.
- 29. Prior to the issue of any Occupation Certificate, the Applicant shall construct an access crossing to the development site from Walker Street in accordance with consent from the road's authority pursuant to Section 138 of the Roads Act 1993 for the carrying out of works in a road reserve. The driveway is to be constructed in accordance with the Section 138 Permit. All costs associated with the construction of the access driveway(s) shall be borne by the Applicant.
- 30. Prior to the issue of a Whole Occupation Certificate, all landscape works shall be completed in accordance with the approved plans including the installation of the proposed internal fencing dividing dwellings I and 2.

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

31. The Applicant is to lodge with Cowra Shire Council a Subdivision Certificate

Application together with the original plan and a minimum of four copies for signature. All necessary information to support the certificate release and the necessary fee is required to be included with the Subdivision Certificate Application.

- 32. The Applicant shall include on the final plan of subdivision all necessary easements required over access, water, sewer, stormwater, electricity and telecommunications mains. This includes 3 metre wide easements centrally located over all sewerage mains for the purpose of providing access to the mains system and for maintenance purposes.
- 33. The plan of survey subject of a Subdivision Certificate shall indicate restrictions on title under Section 88B of the Conveyancing Act 1919 creating:
  - (a) a right of carriageway in favour of the lot(s) for which access is to be provided being of a width adequate to accommodate the full width as constructed;
  - (b) a restriction as to user whereby it is noted that responsibility for construction and/or maintenance of the right of carriageway is with the owner(s) of the lots benefited.

## ADVICE

- ١. The Applicant is required to obtain a Certificate of Compliance pursuant to Section 68 of the Local Government Act 1993 certifying that all works, fees and charges required in connection with the provision of water and sewer supply to the development have been undertaken and complied with in full. The certificate shall include all relevant works verified by appropriate inspections, fees and charges that are currently being applied at the time of the issue of the Occupation Certificate. Water and sewer reticulation mains and metered services must be physically provided to the development in accordance with Cowra Infrastructure and Operations Engineering Standards. Council will not issue the Occupation Certificate until a Compliance Certificate has been issued, verifying that all works have been satisfactorily completed. All monetary contributions in relation to the augmentation of reticulated water and sewer supply must be paid in full to Cowra Shire Council before the Occupation Certificate will be issued. Necessary inspections must be arranged at least 48 hours in advance. Contact Cowra Infrastructure and Operations on (02) 6340 2070.
- 2. If, during work, an Aboriginal object is uncovered then WORK IS TO CEASE IMMEDIATELY and the Office of Environment & Heritage is to be contacted urgently on (02) 6883 5300. Under the National Parks and Wildlife Act 1974 it is an offence to harm an Aboriginal object or place without an 'Aboriginal heritage impact permit' (AHIP). Before making an application for an AHIP, the applicant must undertake Aboriginal community consultation in accordance with clause 80C of the NPW Regulation.

# INTRODUCTION

Development Application No. I/2023 proposes the construction of two additional dwellings and 3 lot subdivision on Lot I DP 599492, I7 Walker Street Cowra. The application was lodged by Currajong Pty Ltd on 3 January 2023.

The application is being reported to Council because two objections have been received to the proposed development following Council's neighbour notification process.

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

## **Description of Site**

Lot I DP 599492, 17 Walker Street Cowra is a battleaxe shaped allotment of approximately 4,023m<sup>2</sup>. The lot is located in the RI General Residential zone under Cowra Local Environmental Plan (LEP) 2012. The site slopes gently down in a north-east direction away from Walker Street and contains an existing dwelling and two sheds, one located behind the dwelling and the other located near the northern boundary towards the rear of the site. An existing access crossing (currently unsealed) provides vehicular access from Walker Street.

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

## Description of Proposal

The applicant proposes to undertake the construction of two new dwellings and a 3 lot subdivision of the existing  $4,023m^2$  lot in the following stages:

Stage One:

The construction of two new dwellings and all infrastructure requirements, services and site works. The two proposed new dwellings are single storey brick veneer buildings with identical floor plans consisting of 2 bedrooms, living area, kitchen, laundry, bathroom and an attached carport. A sealed driveway and manoeuvring area will facilitate vehicular access to both new dwellings from Walker Street. The dwellings will be connected to Council's reticulated water and sewer services. Stormwater from the roof of the proposed dwellings and the existing rear shed is proposed to be discharged to Council's stormwater management system in Walker Street.

Stage two:

A 3 lot subdivision of the existing 4,023m<sup>2</sup> lot resulting in a single dwelling on each allotment. Proposed lot sizes are as follows:

Lot No.	Lot area
Lot I (with existing dwelling & sheds)	2,783m <sup>2</sup>
Lot 2 (with new dwelling)	619m <sup>2</sup>
Lot 3 (with new dwelling)	619m <sup>2</sup>

During the assessment of the development application it has been revealed that three unauthorised uses exist on the site. The shed located near the northern boundary is being partially leased as self-storage units and the shed behind the existing dwelling is partially being used as a secondary dwelling containing a single bedroom. Both of the sheds were approved as Class 10a

buildings ancillary to the use of the existing dwelling. Two unauthorised awnings (carports) have also been attached to this shed.

The property owner has lodged development applications seeking separate development consent for the continued use of the self-storage units and carport structures. These applications have recently been determined by way of approval. The owner will cease the use of the shed as a secondary dwelling. The property owner addresses these matters in the letter to Council dated 24 August 2023 included in Attachment '5' to this report.

### Environmental Impact Assessment

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

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

## Cowra Local Environmental Plan 2012

Cowra LEP – Zoning Map



The subject land is zoned RI General Residential under the provisions of the Cowra Local Environmental Plan (LEP) 2012. Dwelling houses are permissible with consent in the zone. The subdivision of land is also permissible with consent under Cowra LEP 2012 clause 2.6.

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

#### **RI** General Residential

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide attractive, affordable, well located and market-responsive residential land.
- To ensure that any non-residential land uses permitted within the zone are compatible with the amenity of the area.
- To ensure that housing densities are broadly concentrated in locations accessible to public transport, employment, services and facilities.
- To maximise public transport patronage and encourage walking and cycling.

The proposed development is to be undertaken in an area characterised primarily by residential development and contributes to the variety of housing types and densities in the locality. The development does not involve any non-residential development. The development is compatible with the amenity of the area and is consistent with the zone objectives.

Other Clauses of the Cowra Local Environmental Plan 2012 are also relevant to this application as follows:

# Clause 4.1 Minimum lot size

Clause 4.1 requires that the size of any lot resulting from a subdivision is not to be less than the minimum lot size shown on the lot size map relating to Cowra Local Environmental Plan 2012. The lot size map shows the minimum lot size for this site as 700m<sup>2</sup>. Proposed Lot I complies with the minimum lot size. Proposed Lots 2 and 3 do not, however the provisions of clause 4.1C allow for an exception to the minimum lot size (see below).

# Clause 4.1C Exceptions to minimum subdivision lot sizes for certain residential development

- (1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.
- (2) This clause applies to development on land in the following zone—
  - (a) RI General Residential.
- (3) Development consent may be granted to a single development application for development to which this clause applies that is both of the following—
  - (a) the subdivision of land into 2 or more lots,
  - (b) the erection of a dwelling house, an attached dwelling or a semi-detached dwelling on each lot resulting from the subdivision, if the size of each lot is equal to or greater than 300 square metres.

The minimum lot size that applies to the land is  $700m^2$  and the proposed development relies on the application of clause 4.1C to enable proposed lots 2 and 3 to be created at  $619m^2$  each. The erection of a dwelling house is proposed on each lot to enable compliance with clause 4.1C.

# Clause 5.21 Flood planning

Clause 5.21 applies to any new development that is within the flood planning area. Lot I DP 599492 is not mapped as flood prone. The blue overlay on the map illustrated below represents the extent of the 1% AEP flood level mapping contained in Cowra LEP 2012:



However, a site survey confirms that part of the land (in the northeastern part of the allotment) is below the flood planning level. The flood planning level for residential development is the 1% AEP level plus 500mm freeboard. All land at or below the flood planning level is considered to be within the flood planning area and subject to flood related development controls including the following considerations of clause 5.21:

- (2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—
  - (a) is compatible with the flood function and behaviour on the land, and
  - (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
  - (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
  - (d) incorporates appropriate measures to manage risk to life in the event of a flood, and
  - (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
- (3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—
  - (a) the impact of the development on projected changes to flood behaviour as a result of climate change,

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

### Comment:

The flood planning level for the site is calculated to be 288.92 AHD + 500mm freeboard = 289.42 AHD. The following surface levels are associated with the site of the proposed dwellings:

- 290.3 AHD for proposed dwelling No.1
- 289.8 AHD for proposed dwelling No.2

Accordingly, the proposed dwellings are to be constructed on land above the flood planning level. Site access to Walker Street is also above the flood planning level. As the proposed dwellings and access are to be constructed above the flood planning level it is assessed that the development will not affect flood behaviour and safe evacuation can be achieved in a flood event. Floodwater impacting the site is likely to be shallow and slow moving and confined to the northeast corner of the allotment in a 1% AEP flood event.

It is assessed that the design and scale of the proposed development is suitable given the flood hazard of the land. It is unlikely to impact on flood behaviour and does not increase risks to life from flood. No significant or unsustainable environmental or social impacts and costs are likely to result from the development which is assessed as satisfactory in consideration of the requirements of Clause 5.21(2) & (3).

#### Clause 7.1 Earthworks

The site slopes gently down towards the northeast and the submitted plans indicate that an even balance of approximately 400mm of cut and fill is required to provide level building pads for the proposed dwellings. Accordingly, the proposed earthworks are not extensive and no significant impacts are anticipated on the environment or adjoining land uses. Council's standard conditions relating to sedimentation and erosion controls are recommended.

# **Clause 7.3 Terrestrial Biodiversity**

Part of the land is identified as "Biodiversity" on the <u>Terrestrial Biodiversity Map</u> in CLEP 2012. The following clauses 7.3(3) & (4) apply:

- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider:
  - (a) whether the development is likely to have:
    - (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and
    - (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and

- (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and
- (iv) any adverse impact on the habitat elements providing connectivity on the land, and
- (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
  - (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
  - (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or
  - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

The proposed development does not require any native vegetation removal. The development is suitably designed and sited to avoid any significant environmental impacts and complies with the requirements of Clause 7.3.

# Clause 7.6 Groundwater Vulnerability

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

- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following:
  - (a) the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),
  - (b) any adverse impacts the development may have on groundwater dependent ecosystems,
  - (c) the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),
  - (d) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
  - (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
  - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
  - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

# GENERAL COMMITTEE MEETING AGENDA

The proposed development requires minimal earthworks and will be connected to Council's reticulated water and sewer services. It is assessed that the proposal is unlikely to impact adversely on either the supply or quality of groundwater in the locality. The development is suitably designed and sited to avoid any significant environmental impacts and complies with the requirements of Clause 7.6.

### Clause 7.8 Essential Services

Clause 7.8 requires Council to be satisfied that the proposed development will be connected to essential services:

### Water

The proposed development will be connected to Council's reticulated water supply.

## Electricity

Electricity is available for connection.

#### Sewage

The proposed development will be connected to Council's reticulated sewer service.

#### Stormwater

Stormwater is proposed to be managed on site using a system of rainwater tanks to capture roofwater from the proposed buildings, with overflow discharged to Council's stormwater management system in Walker Street.

#### Access

Vehicular access to the existing dwelling from Walker Street will be retained and access to the proposed dwellings will be achieved via a right of access over an internal driveway. The vehicular access crossing, driveways and manoeuvring areas are proposed be constructed of concrete and bitumen seal. Recommended conditions of consent apply with regard to the construction of access crossings and driveways in compliance with Council's engineering standards.

#### State Environmental Planning Policies

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

SEPP	COMMENTS
SEPP (Housing) 2021	Not applicable
SEPP (Primary Production) 2021	Not applicable
SEPP (Resources and Energy) 2021	Not applicable
SEPP (Resilience and Hazards)	Includes the former SEPP 55 – Remediation of Land.
2021	See comments below.
SEPP (Industry and Employment)	Not applicable
2021	

# GENERAL COMMITTEE MEETING AGENDA

SEPP (Transport and Infrastructure) 2021	Not applicable.
SEPP (Biodiversity and Conservation) 2021	Not applicable
SEPP (Planning Systems) 2021	Not applicable
SEPP (Precincts – Eastern Harbour City) 2021	Not applicable
SEPP (Precincts – Central River City) 2021	Not applicable
SEPP (Precincts – Western Parkland City) 2021	Not applicable
SEPP (Precincts - Regional) 2021	Not applicable
SEPP (Building Sustainability Index: BASIX)	BASIX certificates have been submitted that demonstrate compliance.
SEPP 65—Design Quality of Residential Apartment Development	Not applicable
SEPP (Exempt and Complying Development Codes) 2008	Not applicable

# SEPP (Resilience and Hazards) 2021

# 4.6 Contamination and remediation to be considered in determining development application

- (1) 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.
- (2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.
- (3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

- (4) The land concerned is:
  - (a) land that is within an investigation area,
  - (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,
  - (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:
    - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table I to the contaminated land planning guidelines has been carried out, and
    - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).

#### <u>Comment</u>

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

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

#### **Cowra Shire Council Development Control Plan 2021**

#### PART A – PLAN INTRODUCTION

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

#### PART B – LAND MANAGEMENT

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

## PART C – BIODIVERSITY MANAGEMENT

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

# PART D – SUBDIVISION DEVELOPMENT

Section	Comments
D.3.1 Application of this part	The proposed development includes infill subdivision on land zoned RI General Residential
D.3.2 Objectives	The proposed development will facilitate greater diversity in housing choice to meet community and economic needs and accommodates all essential service requirements. The proposal is assessed to meet the objectives of the clause.
D.3.3 Lot size, layout and dimensions	The proposed development complies with Section D.3.3 however the applicant has applied for variations to Sections D 3.3.f.i and D.3.3.f.ii which relate to allotment size for battleaxe allotments and the length of the access handle. It is assessed that proposed Lots 2 and 3 are not battleaxe allotments and therefore the Sections are not applicable and a variation is not required to be granted. Nevertheless the applicant has chosen to address the requirements of this section. See below for further explanation and comments on these clauses.
D.3.4. Street Design	N/A as no new street proposed.
D.3.5. Access provision	Practical and legal access to the proposed lots is to be provided from the existing access location on Walker Street. The access will be upgraded to comply with Council's engineering standards.
D.3.6. Utility provision	The proposed dwellings will be connected to sewer, water, stormwater, electricity and telecommunications in accordance with the relevant servicing authorities and Council's engineering standards.
D.3.7. Stormwater, drainage and waterways	A stormwater management design for the development has been prepared by Calare Civil. Stormwater is proposed to be managed by collecting roofwater from the proposed dwellings into water tanks which will discharge to Council's stormwater management system in Walker Street via a system of charged pipes. The existing shed near the northern boundary is also proposed to be connected to this design since it is not currently connected to a stormwater management system.

Section D.3.3.f of Part D applies to battle-axe shaped allotments.

The proposed lots are not battle-axe shaped allotments since access is achieved via a right of access benefitting both new Lots 2 and 3 rather than battle-axe handles that form part of each new allotment. Therefore, it is assessed that it is not necessary for the applicant to apply for variations to the DCP controls that relate to battleaxe shaped allotments.

Nevertheless, the subdivision layout including the right of access bears distinct similarities with a traditional battle-axe design and will have similar potential impacts. Therefore, in the Statement of Environmental Effects the applicant has chosen to address the relevant clauses listed below.

#### Section D.3.3.f states that:

"Battle-axe shaped allotments should be avoided in the subdivision where possible, but where these are proposed and Council is satisfied that there is no other means of gaining access to the public road system, they should meet the following requirements":

#### Section D.3.3.f.i

i. The total area of the allotment should not be less than 900sqm, exclusive of the access handle.

#### Comment:

Proposed Lots 2 and 3 are 619m<sup>2</sup> which is less than the 900m<sup>2</sup> prescribed by this control. The applicant provides the following justifications:

- The proposed lot sizes are consistent with the special provisions contained in Clause 4.1C of the Cowra LEP which allows for the creation of smaller lot sizes where the dwelling design is incorporated into the application for subdivision.
- In the case of the proposed development, the plans show that 619m<sup>2</sup> of lot area is more than sufficient to accommodate the proposed dwelling designs. The design generally exceeds minimum standards and controls relating to setbacks, private open space provision, visual/acoustic privacy and sunlight access.
- The design does not create any unacceptable amenity impacts on neighbouring properties.

There is no other means of gaining access from the public road system to the proposed lots. The proposed lot sizes of 619m<sup>2</sup> are well in excess of the 300m<sup>2</sup> minimum lot size allowable under Clause 4.1C of Cowra LEP 2012. The dwellings are satisfactorily designed to comply with the relevant development controls and provide additional diversity in the housing types and densities available in the locality. It is assessed that the proposed lots are of sufficient size to accommodate the proposed dwellings without unsatisfactory adverse impacts on the environment or nearby land uses.

#### Section D.3.3.f.ii

ii. Single access handles should have a minimum width of 4 metres and a maximum length of 30 metres.

#### <u>Comment:</u>

Practical and legal access to the proposed lots will be achieved via an internal access handle providing a minimum 5.5m wide trafficable surface. The length of the handle at 41m exceeds the maximum length of 30m prescribed in the control. The applicant provides the following justifications:

- The access handle length is the result of the existing lot configuration.
- It is not possible to shorten the handle through a change to the design of the proposed development.
- The site design allows for the adequate movement of vehicles.

# GENERAL COMMITTEE MEETING AGENDA

At 41m, the access handle is 11m longer than the 30m prescribed in the development control. The access length cannot be reduced due to the existing lot layout. The proposed dwellings are located and designed to avoid flood prone areas of the site and to achieve compliance with the relevant development controls that apply to dwellings. The access to each dwelling including the turning area is proposed to be sealed with concrete or bitumen seal which will minimise noise emissions and it is assessed that the length of the access handle does not create any unsatisfactory adverse impacts on the environment or nearby land uses.

# PART E – URBAN AND VILLAGE DEVELOPMENT

# Part E.2 Medium Density Housing

Section	Comments	
E.2.1 Application of Section	The subject land is zoned R1 General Residential. It contains an existing dwelling and 2 new dwellings are proposed. The DCP states that Part E.2 (medium density housing) applies to development that would be defined as multi-dwelling housing if it were not for any subdivision proposed as part of the development. Therefore part E.2 applies.	
E.2.2 Objectives	The proposed development meets these objectives.	
E.2.3 Site Analysis	The application includes an analysis of existing site conditions, opportunities and constraints.	
E.2.4. Soil Erosion and Sedimentation Control	Appropriate controls to be put in place as conditioned.	
E.2.5. Landscaping	A compliant landscape plan has been submitted with the DA.	
E.2.6. Cut and Fill Controls	The site is gently sloping and minimal cut/fill required as shown on the site plan.	
E.2.7. Site Area and Frontage Controls	Complies	
E.2.8. Streetscape Controls	Complies. The proposed dwellings will not be visible from Walker Street.	
E.2.9. Height Controls	Complies. The proposed dwellings are single storey.	
E.2.10. Solar Access Controls	Complies.	
E.2.11. Front setback controls	N/A – The proposed dwellings do not have street frontage.	
E.2.12 Side Setbacks	Complies.	
E.2.13. Rear Setbacks	Complies.	
E.2.14. Visual & Acoustic Privacy Controls	Complies.	
E.2.15. Private Open Space	Complies.	
E.2.16. Sustainable Building Design	Complies. A BASIX Certificate has been provided for both proposed dwellings.	

Controls	
E.2.17. Liveable Housing Design	Complies.

# PART K – LAND USE BUFFERS

## **Cowra Airport Obstacle Limitation Surface**

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

# PART M – PARKING, ACCESS AND MOBILITY

The proposed development provides a parking space for each dwelling, consistent with Table M.1.5.1. Practical and legal access to the proposed lots will be provided from the existing access location on Walker Street. The existing access crossing will require upgrade works to be undertaken to enable compliance with Section M.2.2 and Council's engineering standards. Recommended conditions of consent apply. The proposal includes a sealed internal driveway that meets the requirements of Section M.2.4 which requires a minimum width of 3m (for one way sections) and 5.5m (two way sections). The driveway is proposed to be sealed. A sealed manoeuvring area is also proposed which will enable forward entry and exit in accordance with Section M.2.4 and car parking surfaces comply with Section M.2.5.

# PART N – LANDSCAPING

The proposed dwellings will not be visible from Walker Street. Nevertheless, the proposed retention of existing vegetation and additional landscaping works associated with the proposed development is considered to be satisfactory and compliant with the DCP.

# PART O – ENVIRONMENTAL HAZARD MANAGEMENT

The subject land is not mapped as bushfire prone but is partially mapped as flood prone as discussed previously in this report. The flood report included in the development application addresses the relevant requirements of Part O. The proposed development is to be constructed on land above the flood planning level and is assessed to be suitable given the nature of the flood hazard on the land. There is no identified contamination on the subject land.

# PART P – CPTED PRINCIPLES

The development application addresses the CPTED principles. The proposed development is not expected to unsatisfactorily increase crime or security risks in the locality.

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

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

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

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

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

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

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

#### Context and Setting

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

#### Access, Transport and Traffic

The proposed development will achieve access from the existing crossover on Walker Street. This access crossing will require upgrade works to enable compliance with Council's engineering standards. The upgraded access crossing will be constructed of concrete and will connect to a bitumen sealed driveway enabling access to each carport associated with the proposed dwellings. A bitumen sealed manoeuvring area allows for forward entry and exit onto Walker Street.

The applicant estimates that the existing dwelling and each proposed dwelling will generate an average of approximately 7.4 trip movements per day. This is based on the "Guide to Traffic Generating Developments" published by Transport for NSW. Accordingly, the proposed two new dwellings will generate approximately 14.8 daily trip movements. The applicant also estimates that the existing uses that have not been approved, being the part use of a shed for a home business (self-storage units) and a one bedroom secondary dwelling, will generate an average of approximately 0.57 trips and 1.93 trips per day respectively. However, these uses do not form part of the current proposal and will be subject to a separate development application.

# GENERAL COMMITTEE MEETING AGENDA

It is assessed that the existing road network can accommodate the additional traffic movements associated with the two additional proposed dwellings. The proposed dwelling density is not excessive given the size of the allotment and the proposed dwelling setbacks, sealed driveway and existing 1.8m high Colorbond boundary fencing will mitigate against any unsatisfactory vehicular noise, vibration or lighting impacts on adjoining land uses.

#### 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.

#### <u>Heritage</u>

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

#### Other Land Resources

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

#### Stormwater, Water and Sewerage

The proposed dwellings will be connected to Council's reticulated water and sewer services. Roofwater from the proposed dwellings will be directed to rainwater tanks with overflow discharged to Council's stormwater management system in Walker Street. Roofwater from the rear shed currently discharges onto the ground in a manner that impacts on the adjoining (northern) property. To rectify this existing issue, the applicant proposes to connect stormwater from the shed to the stormwater system that will service the dwellings. Recommended conditions of consent apply in this regard.

#### <u>Soils</u>

The development proposes a maximum of 400mm of cut and fill and will not have a negative impact on soils. A condition of consent is recommended requiring compliance with the erosion and sedimentation controls contained in Council's DCP.

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

### <u>Waste</u>

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

#### Energy

A BASIX Certificate has been provided for each dwelling.

#### Noise and Vibration

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

#### Natural Hazards

The site is partially mapped as flood prone as addressed elsewhere in this report. The development will be constructed above the flood planning level and is assessed as being satisfactorily designed in consideration of the nature of the flood hazard. The land is not identified as being subject to bushfire or any other potential hazards.

#### Technological Hazards

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

#### Safety, Security and Crime Prevention

The application satisfactorily addresses the CPTED principles. 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 is unlikely to result in any identified negative social or economic impacts.

#### Site Design and Internal Design

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

#### **Construction**

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

#### Cumulative impacts

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

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

# GENERAL COMMITTEE MEETING AGENDA

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. Appropriate services for water, waste disposal and other utilities are available to the site. It is assessed that the development as conditioned will not impact upon any existing services. The development site is not identified as bushfire prone. The design of the development satisfactorily addresses the flood hazard as discussed in this report. The site is not 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 Received

## Public Consultation

The subject Development Application was notified to adjoining owners in writing from 11 January 2023 to 25 January 2023, in accordance with Cowra Community Participation Plan 2020. Two submissions were received in relation to the proposed development and are included in Attachment '6' to this report. The applicant has provided a response to the submissions which is included in Attachment '7' to this report. Concerns expressed in the submissions that are relevant to this development application (or the subject site) are summarised below followed by assessment comments.

## Objection

The proposed stormwater design will direct rainwater tank overflow onto the adjoining property.

#### Comment:

The proposed method of discharging roofwater from the proposed dwellings originally involved on-site disposal via a level spreader and was designed by Calare Civil Pty Ltd. It was supported by calculations demonstrating that post development flows offsite would not exceed predevelopment flows. However, the land owner and applicant acknowledge the concerns raised by the objector and in response undertook a redesign of the proposed stormwater management system. Amended plans prepared by Calare Civil Pty Ltd illustrate the discharge of roofwater via a piped system to Council's stormwater management system on Walker Street. This addresses the concerns expressed by the objector.

#### Objection

Stormwater from the existing rear shed currently discharges in a manner that impacts on the objector's property. The objector requests that this existing situation be rectified.

#### Comment:

The applicant agrees that the existing situation is unacceptable and will connect stormwater from the existing shed into the proposed piped system that will service the dwellings. A recommended condition of consent is also applied in this regard.

#### Objection

The location of a sewer main as illustrated on the development plans is inaccurate.

#### Comment:

Further investigations by the applicant and Council confirmed that the sewer main was represented inaccurately on the originally submitted plans. Amended plans now show the accurate location of sewer infrastructure within the subject property.

# Objection

The entry to the 2 houses is less than 2m from my house at 19 Walker Street causing undue noise from vehicle movements.

### <u>Comment:</u>

The close proximity of the access to the objector's dwelling is acknowledged. However, the existing and proposed boundary setbacks, the density of the proposed development and associated light traffic movements is considered to be in keeping with the character of the locality and appropriate in general given the RI General Residential zoning of the land. The proposal is not considered to represent an overdevelopment of the site. The subject land is in excess of 4,000m<sup>2</sup> and there is no alternative means of access to the public road system.

The application as originally submitted included a gravel driveway adjacent to the adjoining dwelling. In response to the objection the applicant has amended the Vehicle Surfaces Plan to incorporate a sealed surface for the entire length of the driveway which will assist to minimise noise emissions. It is noted that there are no windows on the eastern elevation of the adjoining dwelling and vehicular noise is also mitigated by existing 1.8m high Colorbond fencing on the property boundary. It is assessed that there is insufficient justification for the refusal of the application on the basis of noise emissions.

# Objection

There are already additional traffic movements associated with the renting out of bays in an existing shed and a person living in another shed.

#### Comment:

The unauthorised uses referenced in the objection have been acknowledged by the property owners in the letter to Council included in Attachment '5' to this report. The owners have lodged a separate development application for the continued use of the self-storage units and have removed the kitchen and cooking facilities in the shed and converted it back to a non-habitable building. The assessment of traffic movements associated with the use of the self-storage units will be undertaken as part of the separate development application and are not subject to review in association with this application. It is noted that this separate development application has now been determined by way of approval.

# Objection

Walker Street is narrow and a single car parked in the street causes traffic to stop and give way. More vehicles will only make the street more dangerous.

#### <u>Comment:</u>

As discussed previously in this report, the existing road network can accommodate the additional traffic movements associated with the proposed development. The proposal is of a scale that is assessed to be appropriate in the locality and given the general residential zoning of the land and the character of local area. The proposal is not a significant traffic generating development.

# Objection

Cowra is a country town with no need to jam houses in unnecessary spots as subdivisions are not completely full.

## <u>Comment:</u>

The site is in excess of 4,000m<sup>2</sup> in area and has the capacity to accommodate additional dwellings and comply with the zone objectives in relation to the provision of local housing needs and additional housing diversity. The proposal utilises the relevant clauses of Cowra LEP 2012 to undertake infill development which is an important contributor to housing supply. The proposal is assessed to be of an appropriate density for the site.

# Objection

It is noted that a similar proposal was "knocked back" by Council some time ago.

## <u>Comment:</u>

Council records indicate that DA 263/2006 for 8 residential flat units and 3 lot subdivision on the site was refused by Council on 27 October 2008. This is not a basis for refusing the current application which is of a smaller scale and is subject to separate and independent assessment.

#### Public Authority Consultation:

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

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

#### Community Interest

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

# **S7.12 Fixed development consent levies**

Development contributions under Section 7.12 (formerly Section 94A) of the Environmental Planning & Assessment Act 1979 are applicable to this development and contributions calculated in accordance with Cowra Council S94A Contributions Plan 2016 are included in the recommended conditions of consent. Water and sewer headworks charges are also payable in accordance with Council's Developer Servicing Plans for water and sewer.

# Conclusion

Development Application No. 1/2023 proposes the construction of 2 dwellings and 3 lot subdivision on Lot I DP 599492, 17 Walker Street Cowra. The application was lodged by Currajong Pty Ltd on 3 January 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.

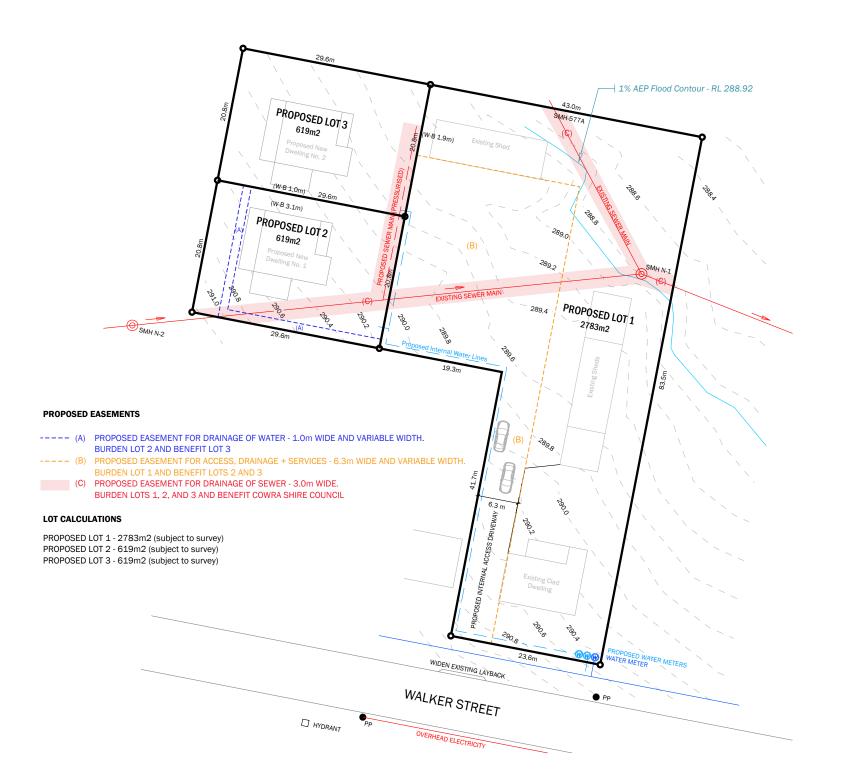
The proposed development has been assessed to be consistent with the requirements of Cowra Local Environmental Plan 2012, relating to development in the R1 zone and is consistent with existing land-use activities of the locality. The development application was notified in accordance with Cowra Community Participation Plan 2020. Two submissions were received following the consultation process and are addressed in this report.

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

- I. DA I/2023 Development plans 🕹
- 2. DA 1/2023 Statement of Environmental Effects 😃
- 3. DA 1/2023 Location map 😃
- 4. DA 1/2023 aerial view 😃
- 5. DA 1/2023 Applicants response to Unauthorised use 🗓
- 6. DA 1/2023 Copies of Submissions 🕹
- 7. DA 1/2023 Applicants response to submissions J

RECEIVED Cowra Shire Council 14/4/2023 Plan No: DA 1/2023 (A)





#### **GENERAL NOTES:**

 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

Е	ADD PROPOSED SEWER MAIN	DS	14.04.2023
D	DIMENSIONS / EASEMENT DETAILS	DS	22.03.2022
С	AMEND SERVICES / VEHICLE SURFACES	DS	07.03.2023
в	AMEND SEWER EASEMENT	DS	20.12.2022
А	FIRST ISSUE	DS	18.12.2022
REV	DESCRIPTION	BY	DATE





SHEET NAME: Proposed Plan of Subdivision

DRAWING STATUS FOR DA APPROVAL

CLIENT NAME T & G Bruin

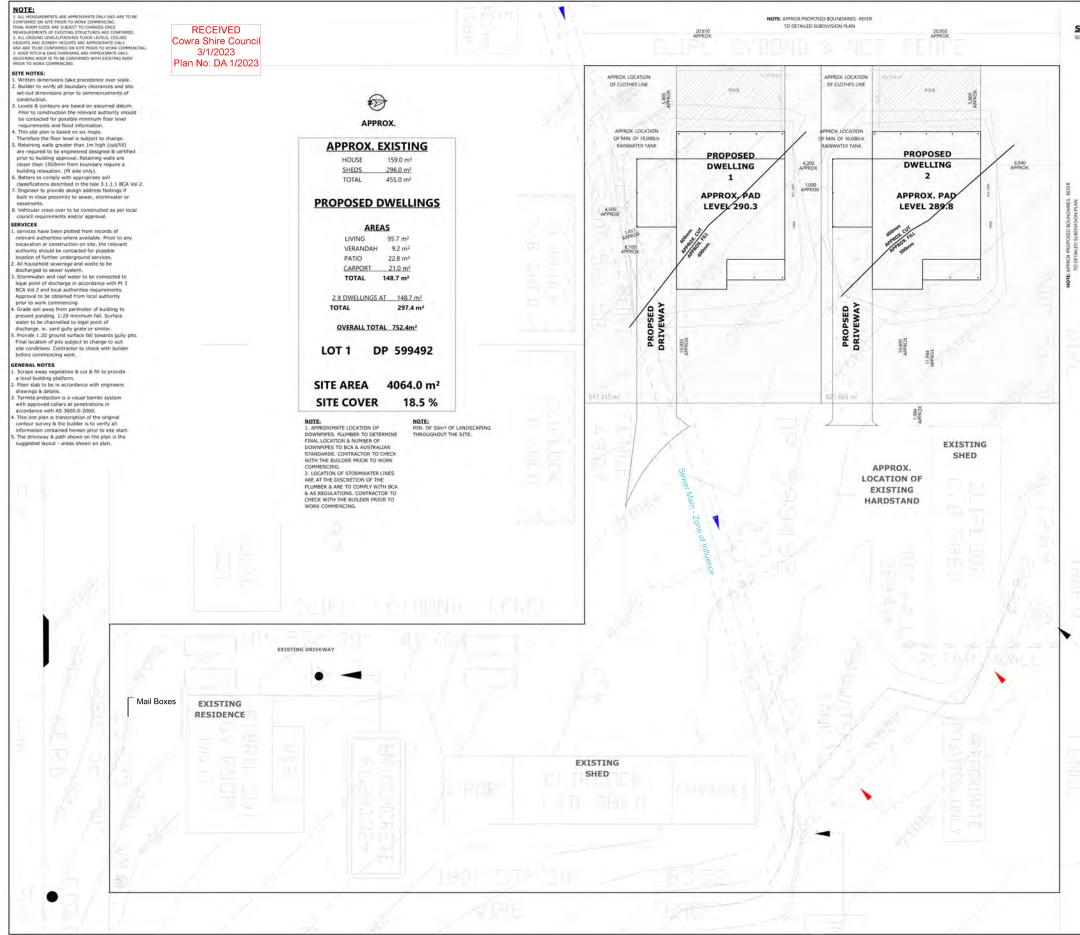
SITE DESCRIPTION 17 Walker Street Cowra NSW 2794

PROJECT NAME Proposed 3 lot subdivision & construction of 2 dwellings

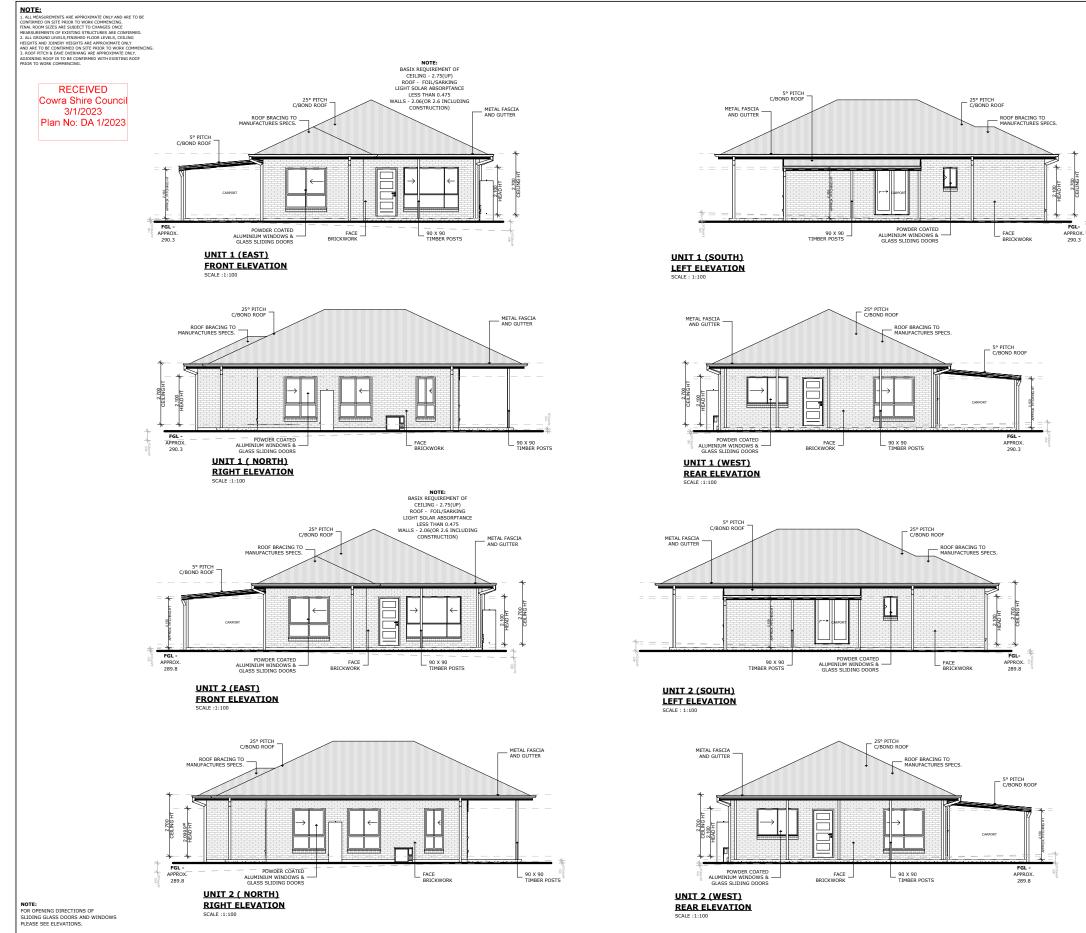
DRAWN: 14/04/23



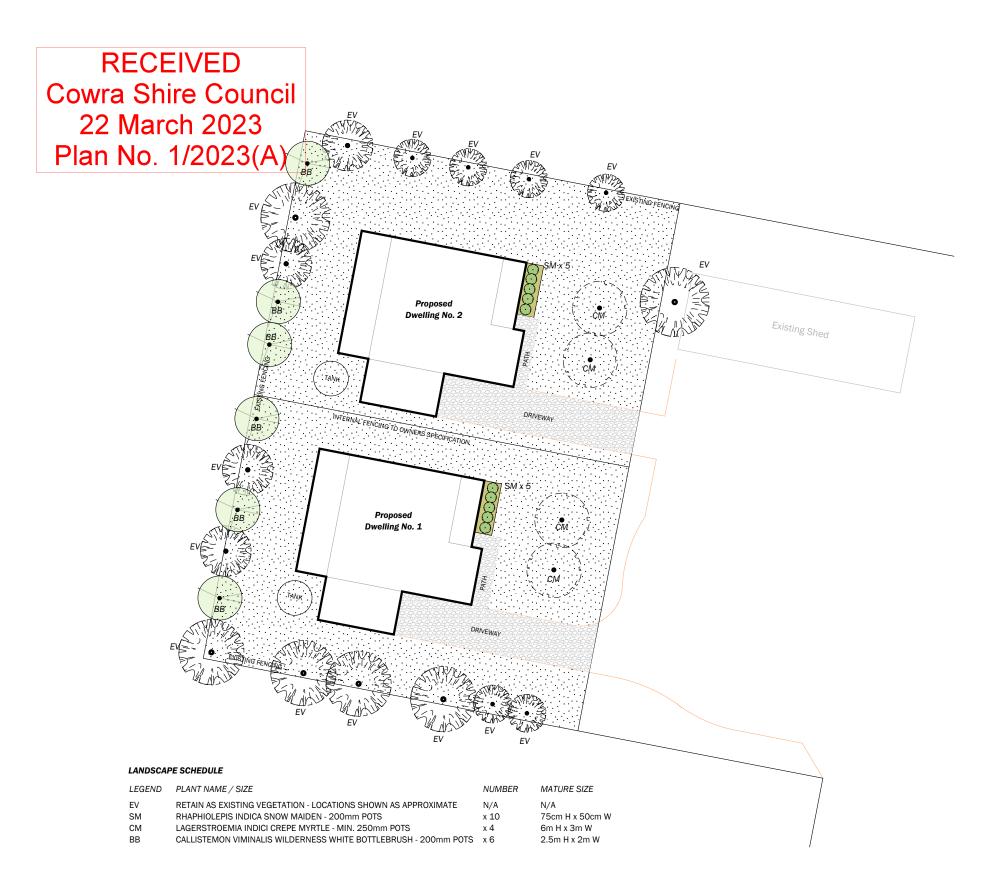




SITE PLAN CALE : 1:200	<ul> <li>NOTES :</li> <li>4. Written dimensions take precedence over scale.</li> <li>6. Nales to verify all dimensions:</li> <li>6. Nales to verify all dimensions:</li> <li>6. Nales to verify all dimensions:</li> <li>7. Nature dimensions takes all on the transport of the transp</li></ul>
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	ADDRESS:         17           WALKER STREET, COWRA NSW 2794         10           DESIGNED BY:         OWNER           DRAWN BY:         K. OSTINI-DONNELLY           ISSUE:         PRELIMINARY 01           WIND CLASS:         TBA           SCALE:         1:200
	WIND CLASS : TBA         DATE : 9/12/2022           SCALE : 1:200         SHEET : 01



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<ol> <li>All internal dimensions stated         <ul> <li>excluding linings.</li> </ul> </li> <li>This building has been designed AS 1684.2-2006 (Residential times)</li> </ol>	are to frame size	
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#### **GENERAL NOTES:**

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

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





SHEET NAME: Landscaping Plan

DRAWING STATUS FOR DA APPROVAL

CLIENT NAME T & G Bruin

SITE DESCRIPTION 17 Walker Street Cowra NSW 2794

PROJECT NAME Proposed 2 lot subdivision & construction of 2 dwellings

DRAWN: 22/03/23





RECEIVED **Cowra Shire Council** 22 March 2023 Plan No. 1/2023(B) PROPOSED LOT 3 619m2 Existing Sher PC PBS PROPOSED LOT 1 PBS 2783m2 PROPOSED LOT 2 619m2 4 3.0 m 3.0m EBM PC PBS 29.6 EBM 19,3 551 **PROPOSED SURFACE MATERIALS - LEGEND** PC PROPOSED CONCRETE SURFACES PBS PROPOSED BITUMEN SEAL SURFACES EXISTING BLUE METAL SURFACES EBM 6.3 m 5.5 m PBS Xisting Clau PC 23.6m WALKER STREET



#### **GENERAL NOTES:**

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

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



SHEET NAME: Proposed Vehicle Surfaces

DRAWING STATUS FOR DA APPROVAL

CLIENT NAME T & G Bruin

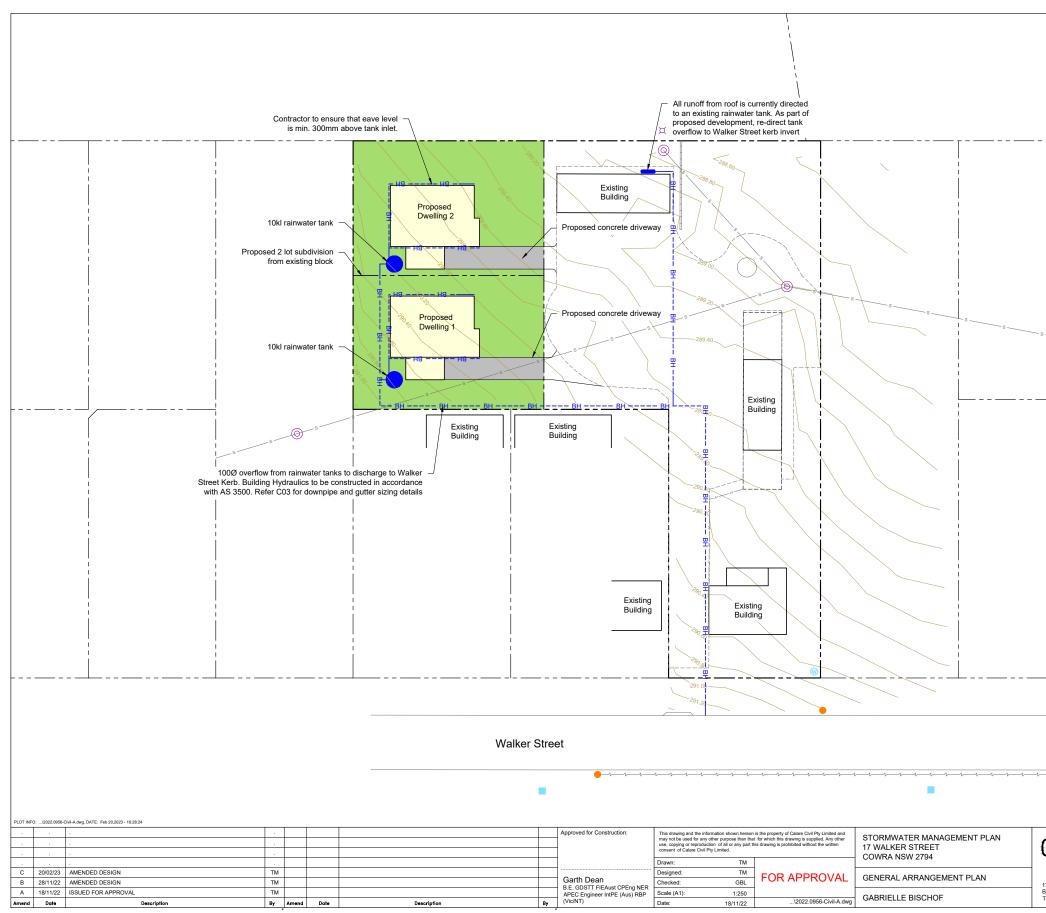
SITE DESCRIPTION 17 Walker Street Cowra NSW 2794

PROJECT NAME Proposed 3 lot subdivision & construction of 2 dwellings

DRAWN: 22/03/23







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# 9 OCTOBER 2023

ATE

28.08.2023 (Rev E)

RECEIVED Cowra Shire Council

29 August 2023 Plan No. 1/2023(B)

> CLIENT Thomas and Gabrielle Bruin

PROJECT

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

DOCUMENT TITLE

Statement of Environmental Effects

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

Item 4.1 - Attachment 2







# DOCUMENT CONTROL

PROJECT REPORT DETAILS					
Document Title	Statement of Environmental Effects				
Principal Author	Dean Steward, Senior Planner				
Client	Mr Thomas and Gabrielle Bruin				
Project Reference	APC220812				
DOCUMENT STATUS					
Issue	E				
Status	For Council approval				

DISTRIBUTION RECORD		
Recipient	Distribution Method	Date
Thomas Bruin	Emailed	28.08.2023
Gabrielle Bruin	Emailed	28.08.2023
Cowra Shire Council	NSW Planning Portal	28.08.2023 (Rev E)

28.08.2023

#### DISCLAIMER

Date

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

CURRAJONG





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

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

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

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

The land slopes generally away from Walker Street. A detailed contour survey has been completed, which shows that the land has a total fall of approximately 2.6m from the Walker Street frontage to the NE corner of the property. The survey has also discovered the locations of Council's gravity sewerage main within the boundaries of the subject land. The proposed dwellings have been carefully positioned on the land to avoid this infrastructure. Cowra Local Environmental Plan 2012 (LEP) is the primary environmental planning instrument apply to the proposed development. The proposed development has been assessed against the relevant provisions of the LEP and is consistent with all requirements, without variation.

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

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

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

#### CURRAJONG



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CURRAJONG PLANNING, PROPERTY + PROJECT MANAGEMENT

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# 01



#### 1.1 Scope

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

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

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

In order to address these issues, the landowners have:

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

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

#### 1.2 Overview

The land at 17 Walker Street contains an existing dwellings and several ancillary metal shed structures. The area of the land is calculated to be approximately 4064m<sup>2</sup>. The site contains a number of existing mature trees and landscaped areas.

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

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

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



PAGE 7

#### 01 | INTRODUCTION

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

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

#### 1.3 Approvals required

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

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

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

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

#### 1.4 Application particulars

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

#### Table 1 - Application particulars

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

#### CURRAJONG

#### Item 4.1 - Attachment 2

#### 01 | INTRODUCTION

PAGE 8

#### 1.5 Format of this document

#### Schedule of plans and drawings 1.6

The information presented in this SEE covers all aspects of the proposal as The information presented in this SEE is supported by a number of specified under the EP&A Regulation. The SEE has been prepared as a single additional plans and drawings which are described in Table 3. document of several sections as described in Table 2.

Table 2 - Format of the document

Table 3 - Schedule of Plans, Drawings and Reports

Detail	Description	Ref	Prepared By	Sheet Description	Date		
Section 1	Introduces the proposal and the main project drivers	Sheet 01	Kellie Ostini	Site Plan	09/12/2022		
Section 2	Describes the main features of the site and surrounds.	Sheet 02	Kellie Ostini	Architectural Floor Plans	09/12/2022		
0.11.0		Sheet 03	Kellie Ostini	Architectural Elevations	09/12/2022		
Section 3	Provides a description of the proposal, including a description of proposed staging arrangements.	Rev E	Currajong	Statement of Environmental Effects (this report)	28/08/2023		
		1355841S	Currajong	BASIX Certificate - Dwelling No. 1	08/12/2022		
Section 4 Reviews the proposal against the relevant legislative requirements	1361831S	Currajong	BASIX Certificate - Dwelling No. 2	08/12/2022			
Section 5	Assesses the potential environmental impacts of the	A.01 - Rev E	Currajong	Proposed Plan of Subdivision	14/04/2023		
	proposal and documents the proposed mitigation and management strategies proposed to minimise impacts	A.02 - Rev D	Currajong	Proposed Vehicle Surface Finishes `	22/03/2023		
Section 6		A.03, A.04 - Rev B	Currajong	Proposed Landscape Plan	22/03/2023		
occuon o	development against relevant environmental planning considerations.	A.05 - Rev A	Currajong	Zone of Influence Assessment	07/03/2023		
Section 7	Provides the conclusion for the SEE	22-154	Karl Lupis Survey	Detailed site survey	20/02/2023		
Section	Provides the conclusion for the SEE	G01, Issue C	Calare Civil	Stormwater Management Plan	20/02/2023		
		C01, Issue E	Calare Civil	Sewer Layout Plan	06/04/2023		

#### CURRAJONG

# 02





CURRAJONG

## 2.1 Site Description

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

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

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

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

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

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

#### 02 | DESCRIPTION OF THE SITE

PAGE 10

#### Photograph No. 1 - View SW from development site.



Photograph No. 2 - View NE from development site

Photograph No. 5 - Walker Street road reserve



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



Photograph No. 4 - Internal access driveway





Photograph No. 6 - View South East from site



#### 02 | DESCRIPTION OF THE SITE

## PAGE 11

#### 2.2 Land Zoning

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

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



Land Zoning Large Lot Residential R5 B1 Neighbourhood Centre Public Recreation B2 Local Centre RE2 Private Recreation B5 **Business Development** RU1 87 Primary Production **Business Park** RU3 Forestry National Parks and Nature Reserves RU4 Primary Production Small Lots E2 Environmental Conservation E3-RU5 Village Environmental Management SP2 IN1 General Industrial Infrastructure SP3 IN2 Light Industrial Tourist W2 R1 General Residential Recreational Waterways

#### 02 | DESCRIPTION OF THE SITE

#### 2.3 Surrounding Land-use

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

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

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

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

#### Photograph No. 7 - Typical housing in Walker Street



Photograph No. 9 - Medway Machining



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



# 03



#### 3.1 Purpose

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

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

#### 3.2 The Proposal

#### 3.2.1 Subdivision Works

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

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

#### 3.2.2 Building Works

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

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

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

#### 3.2.3 Practical and legal access

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

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

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

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

#### 3.2.5 Landscaping

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

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

#### 3.2.6 Utilities and services

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

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

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

#### 3.2.7 Staging

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

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

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## PLANNING AND LEGISLATIVE CONTEXT

#### 4.1 Commonwealth Legislation

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

#### 4.2.1 Environmental Planning and Assessment Act 1979

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

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

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

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

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

#### 4.2.2 Local Government Act 1993

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

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



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

#### 4.2.3 National Parks and Wildlife Act 1974

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

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

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

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

#### 4.2.4 Biodiversity Conservation Act 2016

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

 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
- c. It is carried out in a declared area of outstanding biodiversity value.

There is no existing native vegetation on the land. The potential for the proposed development to impact on matters that are of biodiversity significance is assessed to be nil.

#### 4.2.5 Water Management Act 2000

The objectives of this Act are to provide for the sustainable and integrated management of the water sources of the NSW for the benefit of both present and future generations through orderly, efficient and equitable sharing of water resources. The Act deals with the management of overland flows (including floodwater, rainfall run-off and urban stormwater) that is flowing over or lying on the ground as a result of rain or rising to the surface from underground. Importantly, the Act does not control water collected from a roof.

No specific approvals are required under the WM Act. Riparian land and vulnerable groundwater issues are not identified as key issues for the development.

#### 4.2.6 Heritage Act 1977

The Heritage Act 1977 provides for the conservation of environmental heritage defined as places, buildings, works, relics, moveable objects, and precincts, of State or local heritage significance which are at least 50 years old. The Act applies to non-Aboriginal relics only, as Aboriginal relics are protected under the National Parks and Wildlife Act 1974. The subject site is not listed on the State Heritage Register and an approval from Heritage NSW is not required under the Heritage Act 1977.

Heritage issues are assessed under Section 5 of this SEE. In general, no built heritage issues / impacts have been assessed to apply, and no separate approvals are required under the Heritage Act.

#### 4.2.7 Protection of the Environment Operations Act 1997

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

The proposal will be not be required to operate under an Environment Protection Licence (EPL).

#### 4.2.8 Roads Act 1993

Under Section 138 of the Roads Act 1993 a person must not erect a structure or carry out a work in, on or over a public road, or dig up or disturb the surface of a public road, otherwise than with the consent of the appropriate road authority.

New access are not proposed to be constructed to a public road. Works will be required to upgrade the existing surface condition of the access and therefore a permit under Section 138 of the Roads Act 1993 will be required from Cowra Shire Council prior to the commencement of any works.

#### 4.2.9 Contaminated Land Management Act 1997

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

There are no known historic uses of the land which are likely to have resulted in the contamination of the land.

#### 4.2.10 Rural Fires Act 1997

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

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

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#### 4.3 State Environmental Planning Policies

#### 4.3.1 SEPP Overview

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

#### Table 4 - Preliminary SEPP Assessment

Name of SEPP	Applicability	Further Assessment Warranted?
SEPP (Biodiversity and Conservation) 2021	Not applicable	No
SEPP (BASIX) 2004	Applicable	Yes. See Section 4.3.2
SEPP (Exempt and Complying Development Codes) 2008	Not applicable	No
SEPP (Housing) 2021	Potentially	Yes. See Section 4.3.2
SEPP (Industry and Employment) 2021	Not applicable	No
SEPP 65 (Design Quality of Residential Apartment Development)	Not applicable	No
SEPP (Planning Systems) 2021	Not applicable	No
SEPP (Primary Production) 2021	Not applicable	No
SEPP (Precincts - Central River City) 2021	Not applicable	No
SEPP (Precincts - Eastern Harbour City) 2021	Not applicable	No
SEPP (Precincts - Western Parkland City) 2021	Not applicable	No
SEPP (Precincts - Regional) 2021	Not applicable	No
SEPP (Resilience and Hazards) 2021	Potentially	Yes. See Section 4.3.2
SEPP (Resources and Energy) 2021	Not applicable	No
SEPP (Transport and Infrastructure) 2021	Potentially	Yes. See Section 4.3.2

#### 4.3.2 SEPP Assessment

#### SEPP - Resilience and Hazards 2021

This SEPP requires that a consent authority must consider the contamination potential of the land, and if the land is contaminated, it is satisfied that the land is suitable for the development in its contaminated state, or that appropriate arrangements have been made to remediate the site prior to the development being carried out.

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

#### SEPP - Transport and Infrastructure 2021

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

Development Likely to affect an electricity transmission or distribution. network

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

- + The penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,
- Development carried out within or immediately adjacent to an easement for electricity purposes or substation, or within 5 metres of an exposed overhead electricity power line.



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- Development involving the installation of a swimming pool within 30m of a structure supporting an overhead transmission line, or within 5m of an overhead electricity power line.
- + Development involving or requiring the placement of power lines underground.

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

Development in or adjacent to road corridors and road reservations

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

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

#### 4.4 Local Environmental Plans

#### 4.4.1 Relevant Local Environmental Plan

Cowra Local Environmental Plan 2012 (LEP) applies to the land. The site of the proposed development is zoned R1 General Residential.

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

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

#### Table 5 - Preliminary LEP Assessment

Clause	Clause Name / Summary	Statement of applicability
1.9A	Suspension of covenants, agreements & instruments	Not applicable to proposal
.3	Zone objectives	Assessment Required. See Section 4.4.2
.5	Additional permitted uses for particular land	Not applicable to proposal
5	Subdivision - consent requirements	Assessment Required. See Section 4.4.2
	Demolition requires development consent	Not applicable to proposal
	Temporary use of land	Not applicable to proposal
	Land-use Table	Assessment Required. See Section 4.4.2
-4.1C	Minimum Lot Size Standards	Assessment Required. See Section 4.4.2
D	Boundary changes between lots in certain rural, residential and enviro zones Not applicable to proposal	
	Rural Subdivision Not applicable to proposal	
A	Subdivision for the purposes of intensive livestock agriculture	Not applicable to proposal
3	Erection of dwelling houses on land in certain rural zones	Not applicable to proposal
0	Erection of rural workers dwellings	Not applicable to proposal
	Exceptions to development standards	Not applicable to proposal
	Relevant acquisition authority	Not applicable to proposal
	Classification and reclassification of public land	Not applicable to proposal
	Development near zone boundaries	Not applicable to proposal
	Controls relating to miscellaneous uses	Not applicable to proposal
	Controls relating to secondary dwellings on land in a rural zone	Not applicable to proposal
	Conversion of fire alarms	Not applicable to proposal

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#### Table 5 - Preliminary LEP Assessment - Continued

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



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#### 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 RI General Residential are to:

- a. To provide for the housing needs of the community.
- b. To provide for a variety of housing types and densities.
- c. To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- d. To provide attractive, affordable, well located and market-responsive residential land.
- e. To ensure that any non-residential land uses permitted within the zone are compatible with the amenity of the area.
- f. To ensure that housing densities are broadly concentrated in locations accessible to public transport, employment, services and facilities.
- g. To maximise public transport patronage and encourage walking and cycling.

The proposed development is assessed to be consistent with the objectives for the R1 General Residential zone. The project involves the redevelopment of underutilised residential zone d land for future housing purposes. It will positively contribute to housing supply and variety within the Cowra community, which is identified to be in short supply at the moment. The site is located within an established residential neighbourhood.

#### **Clause 2.6 - Subdivision Consent Requirements**

Clause 2.6 of Cowra Local Environmental Plan 2012 states that land may be subdivided, but only with development consent from Cowra Shire Council.

This Statement of Environmental Effects has been prepared to support the lodgement of a Development Application with Cowra Shire Council. Subject to consent being granted by Council, a Subdivision Works Certificate and Subdivision Certificate Application will be prepared and submitted to Council.

#### Land-use Table - R1 General Residential zone

The proposed development is for the purpose of a residential subdivision and construction of 2 x single dwellings. The development is permissible in the R1 General Residential zone with the consent of Council.

#### Clause 4.1 - Minimum Lot Size

The objective of the Clause is to ensure land use and development are undertaken on appropriately sized parcels of land.

Clause 4.1 requires that the size of any lot resulting from a subdivision is not to be less than the minimum size shown on the Lot Size Map relating to Cowra Local Environmental Plan 2012.

A review of Cowra Local Environmental Plan 2012 has been completed to determine the relevant lot size applying to the subdivision of the land. The site is shown on Map Tile 002C. The minimum lot size is 700m<sup>2</sup>. The proposed subdivision creates lots that are less than 700m<sup>2</sup> however, the provisions of Clause 4.1C allow an exception to the minimum lot size where the development is for certain residential purposes. The provisions of Clause 4.1C are assessed in a following section of this report.

## Clause 4.1C - Exceptions to minimum subdivision lot sizes for certain residential development

The objective of the Clause is to encourage housing diversity without adversely impacting on residential amenity.

Clause 4.1C(3) provides that Council may grant development consent to a single Development Application for development that is both of the following:

- + the subdivision of land into 2 or more lots.
- the erection of a dwelling house, an attached dwelling or a semidetached dwelling on each lot resulting from the subdivision, if the size of each lot is equal to or greater than 300m<sup>2</sup>.

This Development Application proposes a scenario that is consistent with the provisions of Clause 4.1C and specifically:

- Proposed Lot 1 is to be created for the purposes of an existing dwelling and has an area that is calculated to be 2783m<sup>2</sup> (note - this lot complies with Clause 4.1 and does not rely on the provision of Clause 4.1C)
- Proposed Lot 2 is to be created for the purposes of a new single dwelling and has an area that is calculated to be 619m<sup>2</sup>. Plans for this dwelling are lodged in support of the Development Application.
- Proposed Lot 3 is to be created for the purposes of a new single dwelling and has an area that is calculated to be 619m<sup>2</sup>. Plans for this dwelling are lodged in support of the Development Application.

The proposed development is assessed to be consistent with the provisions of Clause 4.1C of Cowra Local Environmental Plan 2012.

#### Clause 5.21 - Flood Planning

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

The objectives of Clause 5.21 are as follows

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

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

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

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

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

The subject land is not shown to be located within the Flood Planning Area. This is shown on Flood Planning Map FLD\_002C in Cowra Local Environmental Plan 2012, an extract of which is shown in Figure 3. However, detailed site survey confirms that part of the land is below the Flood Planning Level, having regard to the information derived from a review of the Cowra and Gooloogong Floodplain Risk Management Study and Plan.

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

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

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#### Clause 7.1 - Earthworks

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

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

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

The proposed development has been carefully designed to ensure that any changes to existing landform is kept to a minimum. The site plan submitted in support of the DA shows that approximately 400mm cut/fill will be required in order to provide for a level building pad for the proposed dwellings. Retaining walls will not be necessary. No significant impacts on environmental functions, stormwater drainage, neighbouring uses, cultural or heritage items or features of the surrounding land have been identified that cant be addressed through appropriate soil and erosion control techniques where required.

#### Clause 7.3 - Terrestrial Biodiversity Map

Clause 6.3 of Cowra Local Environmental Plan 2012 applies to the subject land as parts of the property are mapped as containing vegetation that is of biodiversity significance. See Sheet BIO\_002 of the Terrestrial Biodiversity Map.

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

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

There is no proposal to remove any existing vegetation (native or otherwise). The site area proposed for the dwellings is a disturbed area and does not contain any existing native vegetation. The potential for the proposed development to impact on matters that are of terrestrial biodiversity significance is assessed to be low. There are no mitigating measures considered necessary to ensure the proposal avoids or minimises likely impacts.

#### Clause 7.6- Groundwater Vulnerability

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

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

#### The objectives of the Clause are:

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

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

- 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,
- c. The cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),
- d. Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Council must not grant consent to development unless:

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

The proposed development is unlikely to result in significant impacts on groundwater resources in the locality. The development will be connected to urban services including reticulated water and sewer. There will be no on-



site storage or disposal or domestic waste. The likelihood that the proposed development will intercept groundwater in the locality is assessed to be low.

#### Clause 7.8 - Essential Services

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

- a. The supply of water
- b. The supply of electricity
- c. The disposal and management of sewage
- d. Stormwater drainage or on-site conservation
- e. Suitable vehicle access.

Urban services and utilities are connected to the existing dwelling located on the land are available for connection to the proposed dwellings.

There is an existing connection to reticulated water supply located in the south eastern corner of the site. Any upgrades to the water service necessary to provide for the proposed development will be completed at no cost to Council.

Electricity supply infrastructure is available for connection. The provision of an electrical supply to the proposed development is subject to further application with the supply authority and completion of any necessary connection / upgrade works.

The subject land is connected to reticulated sewer. A detailed site survey has confirmed the location and depths of the existing sewer main and manhole infrastructure that is located within the boundaries of the site. The proposed development has been carefully designed to ensure the placement of built structures outside of the zone of influence of the sewer main. New connections to the main are subject to the relevant engineering requirements of Cowra Shire Council.

Stormwater is proposed to be managed on-site using a system of on-site rainwater storage tanks to capture roofwater from proposed buildings,

with overflow diverted to Walker Street. The stormwater system has been properly engineered to ensure that post-developed flows do not exceed pre-developed flows. The stormwater design has considered the locations and depths of existing sewer mains located within the boundaries of the subject land.

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

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

It is assessed that adequate arrangements have been made for the provision of access to the proposed development.

The proposed subdivision is capable of being connected to essential services in accordance with the requirements of Clause 7.8. Council is asked to grant consent subject to normal conditions relating to the servicing of the development to the requirements of the relevant service providers. PAGE 24

#### 4.5 Development Control Plans

#### 4.5.1 Relevant Development Control Plan

The Cowra Shire Development Control Plan 2021 (the DCP) applies to all land within the Cowra Local Environmental Plan Area.

The DCP is comprised of 16 separate Parts, with each part applying standards and controls depending on the type of development being proposed.

An assessment has been completed to determine the potential applicability of each Part of the DCP to the proposed development. This work is presented in Table 6 as follows.

Where it is identified that a clause of Cowra Local Environmental Plan 2012 applies to the proposed development, this assessment work is presented in Section 4.5.2

#### Table 6 - Preliminary DCP Assessment

Part	Part Name Statement of applicability	
Part	Name	Statement of applicability
А	Plan Introduction	Considered. Detailed assessment not nececssary.
В	Land Management	Applicable. Assessment required.
С	Biodiversity Management	Applicable. Assessment required.
D	Subdivision Development	Applicable. Assessment required.
E	Urban and Village Development	Applicable. Assessment required.
F	Rural Development	Not applicable to proposal
G	Large Lot Development	Not applicable to proposal
Н	Commercial Development	Not applicable to proposal
1	Industrial Development	Not applicable to proposal
J	Cowra Regional Airport	Not applicable to proposal
К	Land-use Buffers	Not applicable to proposal
L	Advertising and Signage	Not applicable to proposal
М	Parking, Access and Mobility	Applicable. Assessment required.
Ν	Landscaping	Not applicable to proposal
0	Environmental Hazard Management	Applicable. Assessment required.
Ρ	CPTED principles	Applicable. Assessment required.

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#### 4.5.2 DCP Assessment

#### Part B - Land Management

Part B outlines the Council's requirements for soil erosion and sediment control on construction sites in the Cowra Local Government Area.

A review of Part B has been completed and an assessment of consistency against key standards and controls included in Table 7.

#### Table 7 - DCP Assessment - Part B

Clause	Requirement (Summarised)	Statement of Consistency
B.1.4	Submission of an Erosion and Sediment Control Plan	Soil erosion and sediment control measures will be detailed on the final plans for construction of the proposed development and submitted with the application for Construction Certificate.
B.1.7	Guiding principles for preparing an Erosion and Sediment Control Plan	As above.
B.1.8	Guidelines for erosion and sediment control techniques	As above.

#### Part C - Biodiversity Management

Part C applies to all development in the Cowra Shire that proposes to directly remove or indirectly impact native vegetation or is in the proximity of an area that contains native vegetation.

A review of Part C has been completed and an assessment of consistency against key standards and controls included in Table 8.

#### Table 8 - DCP Assessment - Part C

Clause	Requirement (Summarised)	Statement of Consistency
C.1.4 Provides guidance on relevant assessment pathways which determine the level of biodiversity assessment	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:	
	and information required to support a development application.	<ul> <li>The minimum lot size applying to the development site is 700m2, and the proposed development does not require the clearing of native vegetation that has an area exceeding the nominated threshold of 0.25ha.</li> </ul>
		<ul> <li>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.</li> </ul>
		+ 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.
		Assessment pathway No. 1 is considered to apply (assessment under Part 4 of the EP&A Act)
C.1.5.1	Specifications for information to accompany DA's that have the potential to impact biodiversity.	A response to the threatened species test of significance set out under s7.3(1) of the BC Act is no considered necessary, as there is to be no clearing of native vegetation.



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#### Part D - Subdivision Development

Part D applies to any subdivision development in the Cowra Local Government Area. Part D.3 in particular provides the relevant standards and controls for infill residential subdivision.

A review of Part D.3 has been completed and an assessment of consistency against key standards and controls included in Table 9.

#### Table 9 - DCP Assessment - Part D

Clause	Requirement (Summarised)	Statement of Consistency
Objectives		
H.3.2	Objectives for infill residential subdivision	The project involves the redevelopment of underutilised residential zoned land for future housing purposes. It will positively contribute to housing supply and variety within the Cowra community, which is identified to be in short supply at the moment. The site is located within an established residential neighbourhood and all essential services are readily available for connection. The proposal is capable of integrating with existing road and transport networks. This Statement of Environmental Effects seeks to demonstrate that the nature and scale of the proposed development is acceptable in terms of environmental impact and amenity.
Lot Size, lay	out and dimensions	
D.3.3	Allotments should have minimum frontage and square width that is consistent with the dominant lot size and configuration along the street, or within the immediate vicinity of the site.	The proposed design of the subdivision will not result in new allotments with direct frontage to Walker Street. The proposal is not inconsistent.
	Allotments should be of sufficient size and shape to enable efficient siting of a dwelling and provision for outbuildings, acceptable private outdoor space, vehicle access and parking.	The plans submitted with the DA demonstrate that the proposed lot sizes are sufficient for their intended purposes. The dwelling sizes are modest and adequate area has been provided for ancillary purposes including private open space, vehicle access and undercover resident parking. The proposal complies.
	Higher densities, where provided, should be located in areas closer to shops, parks, community facilities and public transport routes.	The site has a larger area of approximately 4064m2. The proposed development will result in a total of 3 dwellings on the land, yeilding an average of 1 dwelling per 1,354m <sup>2</sup> of site area. The proposal is not considered to be a higher density development, although the site has established connections to nearby shops, parks and community facilities. The proposal complies.
	Allotments should be orientated and configured, where possible, to maximise opportunities for solar access.	The plans submitted with the DA demonstrate that adequate solar access into the living rooms and private open space areas of the two new dwellings can be achieved. The proposal complies.



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#### Table 9 - DCP Assessment - Part D (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
	Corner allotments should be designed to enable the construction of a dwelling that can comply with the prevailing setback requirements along both street frontages.	The subdivision does not involve the creation of a corner allotment. The proposal complies.
	Battle-axe shaped allotments should be avoided in the subdivision where possible, but where these are proposed and Council is satisfied that there is no other means of gaining access to the public road system, they should meet the following requirements: i. The total area of the allotment should not be less than 900sqm, exclusive of the access handle. ii. Single access handles should have	<ul> <li>17 Walker Street is an existing battle-axe shaped allotment. The proposed subdivision does not create new battle-axe shaped lots, notwithstanding that the practical arrangement of the subdivision layout bears similarities with traditional battle-axe subdivision design. An assessment of the proposal against the controls for battle-axe shaped lots is included as follows:</li> <li>         The proposed lots are created at 619m2, which is less than the 900m2 minimum prescribed by control D.3.3(f)(i) for battle-axe shaped lots. A variation is requested and the following justifications are provided for Council's consideration:     </li> <li>         The proposed lot sizes are consistent with the (prevailing) special provisions contained in Clause 4.1C of the Cowra LEP which allows for the creation of smaller lot sizes where the dwelling design is incorporated into the application for subdivision     </li> </ul>
	<ul> <li>a minimum width of 4 metres and maximum length of 30 metres.</li> <li>iii. Dual access handles should have a minimum combined width of 5 metres (with reciprocal right of carriageway) and maximum length of 30 metres.</li> </ul>	<ul> <li>In the case of the proposed development, the plans show that 619m2 of lot area is more than sufficient to accommodate the proposed dwelling design. The design generally exceeds minimum standards and controls relating to setbacks, private open space provision, visual / acoustic privacy and sunlight access.</li> <li>The design does not create any unacceptable amenity impacts on neighbouring properties.</li> </ul>
	<ul> <li>iv. Adequate provision should be made for the collection of garbage.</li> <li>v. Adequate provision should be made for the manoeuvring of vehicles.</li> <li>vi. The access handle should be sealed, paved or concreted for it's entire length.</li> </ul>	<ul> <li>Practical and legal access to the proposed lots will be provided via an internal access handle providing a minimum 5.5m wide trafficable surface. The length of the handle (at 41m) exceeds the maximum length of 30m prescribed control D.3.3(f)(ii). A variation is requested and the following justifications are provided for Council's consideration:         <ul> <li>The access handle length is the result of the existing lot configuration.</li> <li>It is not possible to shorten the handle through a change to the design of the proposed development.</li> <li>The site design allows for the adequate movement of vehicles.</li> </ul> </li> </ul>



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#### Table 9 - DCP Assessment - Part D (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
		<ul> <li>The collection of garbage will occur roadside on Walker Street. Adequate space exists along the frontage of 17 Walker Street for the placement of 6 bins.</li> </ul>
		The access handle is currently constructed with a mix of crushed rock and patchy concrete. Plan A.02 prepared by Currajong and submitted with the DA shows the proposed surface finishes for the access components of the proposed development. Apart from the site access on Walker Street which is to be concreted, a bitumen sealed surface is proposed for the access handle and internal manoeuvring areas of the development. The proposal complies.
Street Des	ign	
D.3.4	This Section of the DCP provides the standards for street design where new public roads are created by infill subdivision proposals.	The proposed development does not involve the creation of new public streets.
Access Pro	vision	
D.3.5	Site frontages of new allotments should be sufficient to permit practical and legal access to the site	Practical and legal access to the proposed lots will be provided from the existing access location on Walker Street. The proposal complies.
	The subdivision design should provide a safe and convenient access to each proposed allotment in accordance with Cowra Shire Council Engineering Standards. Access locations must have adequate sight distance in both directions.	Practical and legal access to the proposed lots will be provided from the existing access locatio on Walker Street. There are no sight distance issues idenified to be present at this location. The proposal complies.
	Vehicle access to proposed allotments should be gained onto the Council's public local road network, and not directly onto a classified road or highway.	Practical and legal access to the proposed lots will be provided from the existing access locatio on Walker Street, which is a local road that is owned and maintained by Cowra Shire Council. The proposal complies.

Table 9 - DCP Assessment - Part D (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
D.3.5 (cont.)	The subdivision design should limit the number of vehicle accesses provided to the proposed allotments	Practical and legal access to the proposed lots will be provided from the existing access location on Walker Street. No new access to the public road system are required. The proposal complies.
	Vehicle access points should be grouped at existing or limited access points whenever feasible to minimise the traffic impact and risk on additional access points to the public road system.	As above. The proposed complies.
	Existing access abutting the subdivision, including roads, driveways and concrete footpaths, should be upgraded / replaced where they are assessed to be in poor condition.	The existing access to the site from Walker Street is assessed to be in fair and reasonable condition. The layback is proposed to be widened to accommodate the access needs of the development. The proposal complies.
	Access required to be constructured and / or upgraded to service the subdivision must be in accordance with Cowra Shire Council Engineering Standards, with all costs associated with the work borne by the developer.	As above. The proposed complies.

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#### Table 9 - DCP Assessment - Part D (cont.)

Clause	Requirement (Summarised)	Statement of Consistency	
Utility pro	Utility provision		
D.3.6	The design and installation of sewerage, water and stormwater should be in accordance with Cowra Shire Council Engineering Standards.	The proposed development is intended to be connected to Council's reticulated water and sewerage supply system. Connections will be provided in accordance with the relevant engineering requirements of Council. The proposal is capable of compliance. Stormwater is proposed to be managed by discharing roofwater from the proposed dwellings	
		(and the existing shed located adjacent to the northern boundary) directly to the public drainage system in Walker Street via a system of charged pipes. The stormwater design has considered the locations and depths of existing sewer mains located within the boundaries of the subject land.	
	The design and installation of electricity, street lighting, telephone and gas services should be in accordance with the requirements of the relevant servicing authorities.	Electricity will be connected to the new dwellings in accordance with the requirements of Essential Energy. NBN infrastructure will be connected to the dwellings in accordance with the requirements of the NBN Co. Street lighting is not proposed or required. The proposal is capable of compliance.	
	Electricity and telecommunications infrastructure should be provided as underground services.	As above. The proposal is capable of compliance.	
	Compatible public utility services should be coordinated in common trenching to minimise construction costs for underground services and reduce restrictions on landscaping within road reservations.	Detailed designs for service and utility installations will be commissioned as part of the Construction Certificate and / or Subdivision Works Certificates process. Common trenching of services will be completed where practical and as permitted by relevant servicing authorities. The proposal is capable of compliance.	
	All new residential allotments (including Torrens Title, Strata Title and Community Title) should be provided with a separate and distinct connection to the Council's reticulated water and sewerage supply system.	Separate connections will be provided in accordance with the relevant engineering requirements of Cowra Shire Council. The proposal is capable of compliance.	



#### Table 9 - DCP Assessment - Part D (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
Stormwate	er, Drainage and Waterways	
D.3.7	Post-development runoff rates should be equal to or less than pre- development runoff rates for the full range of design storm events. Drainage from the proposed lots should not significantly alter predevelopment stormwater patters and flow regime.	A stormwater design for the proposed subdivision / dwelling development has been prepared by Calare Civil and submitted in support of the DA for assessment by Cowra Shire Council. Stormwater is proposed to be managed by discharing roofwater from the proposed dwellings (and the existing shed located adjacent to the northern boundary) directly to the public drainage system in Walker Street via a system of charged pipes. The stormwater design has considered the locations and depths of existing sewer mains located within the boundaries of the subject land.
	Stormwater drainage systems should be designed using the major and minor event philosophy, where the major event is the 100 year Average Recurrence Interval (ARI) design storm and the minor event is the 5 year ARI design storm.	As above. The proposal complies.
	The adopted method of stormwater control should not result in unacceptable environmental damage within existing water courses and receiving waters	The proposed method of stormwater is unlikely to result in unacceptable environmental damage. There are no water courses of receiving waters within close proximity to the subject land. The proposal complies.
	Stormwater from the proposed allotments in the subdivision should discharge to the street gutter or inter- allotment drainage system.	As above. The proposal complies.
	Easements to drain stormwater should provided over all pipelines, inter- allotment drainage, channels and overland flow paths (except natural water courses).	The proposed plan of subdivision identifies appropriate easements for the inter-allotment drainage of stormwater within the proposed development. The proposal complies.



#### Table 9 - DCP Assessment - Part D (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
D.3.7 (cont.)	Easements for drainage over downstream properties should be secured for any proposed allotment that does not discharge stormwater flows directly to the street or inter-allotment drainage system.	The stormwater design for the proposed development does not require the procurement of easements of adjoining properties.
	Water Sensitive Urban Design principles should be designed and implemented where applicable throughout the development to promote sustainable and integrated land and water resource management. Best practice stormwater, water conservation and environmental protection measures should be incorporated into the subdivision design.	Due to the nature and scale of the proposed sudivision, there are limited opportunities to incorporate WSUD principles into the stormwater design. The design has been prepared with the principal aim of ensuring that roofwater from the proposed development is discharged to the public street drainage system in Walker Street.
	Subdivisions of land adjacent to or within the catchment of waterways, water bodies and riparian vegetation should be designed appropriately.	Not relevant to the proposed development.
	Where the stormwater drainage system requires upgrading, the developer should make all necessary arrangements for the extension of these services to service each allotment in the subdivision, with all costs associated with the extension of services borne by the developer.	The proposed subdivision is unlikely to required upgrading of the public stormwater drainage system.

#### 04 | PLANNING & LEGISLATIVE CONTEXT

#### Part E - Urban and Village Development

Part E provides the standards and controls for residential development types in urban and village areas within the Cowra Shire Local Government Area.

Part E.1 in particular applies to new dwellings and is therefore relevant for consideration in relation to the proposed development.

Part E.2 in particular applies to medium density development and is also relevant for consideration as the proposal represents medium density housing if were not for the subdivision component.

A review of Parts E.1 and E.2 has been completed and an assessment of consistency against key standards and controls included in Table 10.

#### Table 10 - DCP Assessment - Part E

Clause	Requirement (Summarised)	Statement of Consistency
Objectives		
E.1.2	Objectives for new dwellings.	The proposal relates to the construction of two new single storey brick veneer dwellings. The dwellings are are consistent in scale with existing built form on adjoining properties and within the locality generally. Due to the location of the dwellings on the site, they will not be immediately visible from the public streetscape in Walker Street, however they are well designed and will present acceptably from nearby private land. The dwellings will be capable of achieving adequate visual and acoustic privacy from each other, from the existing dwelling on the land and from existing dwellings on adjoining properties. Good solar access is available to internal living spaces and proposed private open space and outdoor dining areas. Practical and legal access can be achieved and connections to all available urban utilities and services will be provided for. The proposed development is generally consistent with all objectives for new dwellings.
Site analys	is planning	
E.1.3	This section provides guidance on the range of issues that should be considered as part of the initial site planning of the development.	The proposed development has been carefully designed in response to a site opportunities and constraints analysis. Key issues relate to residential amenity, protecting existing public infrastructure (sewer), flood p[lanning, stormwater management and site access. These issues are assessed generally in appropriate sections of this Statement of Environmental Effects.
Soil erosio	n and sedimentation control	
E.1.4	This section provides controls relating to the proper management of soil erosion during construction phases of the proposed development.	Soil erosion and sediment control measures will be detailed on the final plans for construction o the proposed development and submitted with the application for Construction Certificate. The proposal is capable of compliance.
Cut and fill	controls	
E.1.5	Development Applications for new dwellings on sloping sites must be accompanied by a cut and fill plan, prepared to scale, showing the extent of all cut and fill proposed for the development.	The site plan submitted with the Development Applications shows the extent of cut and fill proposed on the land. The proposal complies.

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#### Table 10 - DCP Assessment - Part E (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
E.1.5 (cont.)	Split level or pier foundation house designs are encouraged for sloping sites to minimise site disturbance and achieve a design response that relates to the topography of the site.	Not necessary for the proposed development.
	Cut areas should be setback from boundaries a minimum of 0.9 metres, and fill areas are to be setback from boundaries a minimum of 1.5 metres.	All cut areas will be setback a minimum distance of 0.9m from existing property boundaries. All filled areas will be setback a minimum distance of 1.5m from existing property boundaries. The proposal complies.
	Cut and fill batters should not exceed a slope of 1:2 (v:h) unless a geotechnical report has been submitted to Council certifying site stability. All batters are to be provided with both short term and long term stabilisation to prevent soil erosion, and adequate drainage is to be provided to divert water away from batters	The proposal is capable of complying.
	Stormwater or surface water runoff should not be redirected or concentrated onto adjoining properties so as to cause a nuisance.	Cut and fill will not result in stormwater being redirected or concentrated onto adjoining properties. The proposal complies.
	Cut and fill levels for new dwellings should generally not exceed one metre	The proposal complies.
Streetscape	controls	
E.1.6	This section provides standards and controls which aim to ensure there is consistency in built and landscape form along streets on private sites.	The proposed development will not result in new built form that is visible from Walker Street. A more detailed assessment of controls is not considered to be necessary.



#### Table 10 - DCP Assessment - Part E (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
Height cor	ntrols	
E.1.7	The maximum height to the ridge of the roof of the building should not exceed 9.0 metres above the natural ground level vertically below that point.	The dwellings are single storey structures and are below the 9.0m height limit. The proposal complies.
	Where steep or sloping sites exist, the building should not protrude from the landscape but should be designed to be staggered or stepped into the natural slope of the land to accommodate the height control.	The land is not steeply sloping. A special design response is not considered to be necessary in order to stop the buildings protruding from the landscape. The proposal complies.
	For dwelling proposals involving two (or more) storeys, or where there is any uncertainty relating to the overall height of a development, Council may require plans to show reduced levels (RL), taken from a fixed datum point, for the maximum ridge height and natural ground levels.	Not relevent to the proposal. The buildings are single storey structures.
Solar Acce	ess Controls	
E.1.8	Residential buildings should be designed to ensure that living areas of adjoining dwellings and at least 50% of their usable private open space, receive a minimum of 3 hours sunlight between 9am and 3pm on 21 June (winter solstice). Where such areas already receive less than 3 hours of sunlight, new development should not further reduce sunlight access.	The scale of the proposed buildings and site position means that solar access will not be compromised for adjoining dwellings or their private open space areas. Shadow diagrams are not considered to be necessary. The proposal complies.

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#### Table 10 - DCP Assessment - Part E (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
E.1.8 (cont.)	Shadow diagrams should be provided by the applicant where there is a reasonable likelihood of the development causing overshadowing impacts on adjoining property. Shadow Diagrams should show magnetic and true north.	Shadow diagrams are not considered to be necessary.
	Where possible, new residential buildings should be orientated on a north-south or east-west axis to maximise solar access, with living spaces to be located predominantly to the north.	The proposed dwelling been been design with floor plans and site positions which allow penetration of northern sunlight into the primary living areas, private open space areas and outdoor dining areas. The proposal complies.
Front setbad	ck controls	
E.1.9.1	This section describes the front setback requirements for new residential dwellings.	The proposed dwellings do not have frontage to Walker Street. Front setback controls are assessed not to apply in the circumstances.
E.1.9.2	This section describes the front setback requirements alterations and additions to existing dwellings.	Not relevant for consideration.
E.1.9.3	This section describes the setback requirements for articulation features on new dwellings.	Not relevant for consideration.
E.1.9.4	This section describes the setback requirements for new dwellings on corner lots.	Not relevant for consideration.
Side setback	k controls	
E.1.10	Single storey buildings should be setback a minimum 0.9 metres from the boundary (eaves must be a minimum 0.45 metres from the boundary).	The proposal complies.

#### Table 10 - DCP Assessment - Part E (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
E.1.10 (cont.)	Two storey buildings should be setback a minimum 1.5 metres from the boundary (eaves must be a minimum 0.45 metres from the boundary)	Not relevant for consideration.
Rear setba	ck controls	
E.1.11	All dwellings on a lot having an area of 700m2 or less should be setback a minimum 5 metres from the rear boundary.	The proposal complies.
	All dwellings on a lot having an area of more than 700m2 should be setback a minimum 8 metres from the rear boundary.	Not relevant for consideration.
Visual and	Acoustic Privacy	
E.1.12	Dwellings or additions should be designed so that windows, balconies and decks are not situated directly opposite windows of primary (living, kitchen, dining) rooms of any adjoining dwellings, unless privacy can be addressed	The proposed dwellings are adequately separated from each other and existing dwellings on adjoining properties. The use of existing and proposed fencing will assist in achieving acceptable levels of acoustic and visual privacy for residents. The proposal complies.
	Visual privacy for adjoining properties and within dwellings should be achieved by using windows in elevated positions which are narrow, translucent, or obscured and ensuring that windows do not face directly onto the windows, balconies, or courtyards of adjoining dwellings.	As above. The proposal complies.

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#### Table 10 - DCP Assessment - Part E (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
	Noise generating areas of development (e.g. air conditioning plant, swimming pool areas and the like) should be adequately screened or located away from the bedroom areas of neighbouring properties to minimise their impact.	As above. The proposal complies.
	Where a proposed dwelling adjoins land in an industrial or commercial zone, the design of the proposed dwelling should avoid sound being reflected into noise-sensitive rooms. In this regard, bedrooms and other sensitive areas should be located furthest from a potential noise source, with the kitchen, bathroom and garage areas located closest to a potential noise source).	The proposed dwellings will be adjoined by light industrial zoned land on the north, however the property is currently used for residential purposes. In any instance, the floor plan designs for the dwellings places the bedrooms on the southern side of the buildings. The proposal complies.
Landscape	d area controls	
E.1.13	Single dwelling proposals are not required to submit a Landscape Plan for approval in accordance with the requirements of Part N of this DCP, however a minimum of 40% of the total site area should be comprised of landscaped area	Approximately 70% of the site area for the proposed lots around Dwellings No. 1 and 2 will be dedicated to landscaped spaces. The proposal complies.
	Development plans submitted to Council for approval should include calculations demonstrating compliance with control (b)	As above.

#### Table 10 - DCP Assessment - Part E (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
Sustainab	le Building Design	
E.1.14	Development Applications for new housing proposals and specified alterations and additions must be accompanied by a BASIX Certificate, issued by the NSW Government.	Separate BASIX certificates have been prepared for the proposed dwellings and submitted in support of the DA. The proposal complies.
	Applicants should consider the potential sustainability performance of the development when the proposal is being designed and commit to a range of measures offered in BASIX to ensure that the development meets (or exceeds) the NSW Government's sustainability targets.	As above.
	Council will check that the details of the proposed development contained in the BASIX certificate are consistent with the details contained in the Development Application, and that the relevant BASIX commitments are shown on plans.	Noted.
	The design of new dwellings should adopt the nominated principles which promote sustainable building practices.	The proposed dwellings have been desgined with floor plans that allow sunlight penetration in primary living spaces, outdoor dining areas and private open space areas. Awnings, verandahs and eaves are used appropriately. The proposal complies.
Liveable F	lousing Design	
E.1.15	This section requires the proposed dwellings to achieve a silver performance level in accordance with the Livable Housing Guidelines.	<ul> <li>The proposal is assessed to comply. The following design features will allow the dwellings to achieve the required silver performance level:</li> <li>A step free path of travel from Walker Street to the dwelling locations.</li> <li>Step free entrance provided to main entry. This can be achieved with minimal grading of the concrete entry porch.</li> </ul>



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#### Table 10 - DCP Assessment - Part E (cont.)

Clause	Requirement (Summarised)	Stat	ement of Consistency
E.1.15 (cont.)		+	Internal doors and corridors that facilitate comfortable and unimpeded movement between space. The floor plan is based around open plan living principles.
		+	A bathroom that is capable of accommodating a hobless shower. Further details can be shown on the application for CC if necessary.
		+	A toilet that is located on the ground (and only) floor of the dwellings.
		+	A bathroom design that allows for the installation of grab-rails at a later date. Further details can be shown on the application for CC if necessary.
Objectives	- Medium Density Housing		
E.2.2	Objectives for medium density housing	resu	proposal relates to the construction of two new single storey brick veneer dwellings, lting in a total three dwellings on the subject land. The proposal is generally consistent with objectives for medium density housing, as described below:
		+	The project will increase housing choice in Cowra.
		+	The design of the project responds to identified site constraints and conditions.
		+	Due to the location of the dwellings on the site, they will not be immediately visible from the public streetscape in Walker Street, however they are well designed and will present acceptably from nearby private land.
		+	Appropriate areas are provided for private outdoor recreation and relaxation.
		+	The dwellings will be capably of achieving adequate visual and acoustic privacy from each other, from the existing dwelling on the land and from existing dwellings on adjoining properties.
		+	Good solar access is available to internal living spaces and proposed private open space and outdoor dining areas.
		+	Practical and legal access can be achieved and connections to all available urban utilities

and services will be provided for.



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#### Table 10 - DCP Assessment - Part E (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
Site Analys	is	
E.2.3	Site Analysis	The proposed site design has been developed in response to existing site conditions, opportunities and constraints. A detailed site survey has been used to inform key aspects of the design. The proposed complies.
Soil Erosio	n and Sedimentation Control	
E.2.4	This section provides controls relating to the proper management of soil erosion during construction phases of the proposed development.	Soil erosion and sediment control measures will be detailed on the final plans for construction of the proposed development and submitted with the application for Construction Certificate. The proposal is capable of compliance.
Landscapir	ıg	
E.2.5	This section requires the preparation of a landscape plan for new medium density housing proposals that complies with the requirements of Part N.	A Landscape Plan has been prepared and submitted with the DA. The proposal complies.
Cut and Fil	l	
E.2.5.a	Development Applications for new dwellings on sloping sites must be accompanied by a cut and fill plan, prepared to scale, showing the extent of all cut and fill proposed for the development.	The site plan submitted with the Development Applications shows the extent of cut and fill proposed on the land. The proposal complies.
E.2.5.b	Split level or pier foundation house designs are encouraged for sloping sites to minimise site disturbance and achieve a design response that relates to the topography of the site.	Minimal fall exists across the proposed building sites. Split level design is not necessary for this project.



#### Table 10 - DCP Assessment - Part E (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
E.2.5.c	Cut areas should be setback from boundaries a minimum of 0.9 metres, and fill areas are to be setback from boundaries a minimum of 1.5 metres.	The proposal complies. Cut and filled areas are located the recommended distances from existing property boundaries.
E.2.5.d	Cut and fill batters should not exceed a slope of 1:2	The proposal complies.
E.2.5.e	Stormwater ruoff should not be redirected or concentrated onto adjoining properties so as to cause a nuisance.	A Stormwater Management Plan has been prepared and engineered for the project. Stormwater is proposed to be directed to the public drainage system in Walker Street via a system of charged pipes. Stormwater will not be directed to adjoining properties.
E.2.5.e	Cut and fill should not exceed 1m.	The proposal complies.
Site Area a	nd Frontage Controls	
E.2.7a	A minimum site area of 300m2 per dwelling is required.	The proposal complies.
E.2.7.b	A minimum site frontage of 18 metres is required for medium density housing proposals.	The proposal complies.
Streetscap	e Controls	
E.2.8.a	Developments in existing urban areas must be consistent with the scale and character of adjoining dwellings.	The proposed dwellings are single storey structures consistent with the scale of existing dwellings on adjoining properties. The proposal complies.
E.2.8.b	Developments on sites with two or more street frontages must address both frontages.	Not relevant to the proposed development.
E.2.8.c	Each dwelling to provide a major window to a habitable room directly overlooking the street.	The proposed dwellings are not visible from Walker Street or any other public place. Notwithstanding, the dwelling designs include a major window overlooking the proposed internal access. The proposal is not inconsistent.

#### Table 10 - DCP Assessment - Part E (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
E.2.8.d	Site and building design should consider the existing topographic setting and characteristics of other buildings along the street.	The proposed dwellings are not visible from Walker Street or any other public place. Walker Street does not contain special characteristics that are identified to be of particular importance to the design of the proposal. The proposal complies.
E.2.8.e	New development should provide landscaping that enhances the appearance of the development and surrounding area.	A Landscape Plan has been prepared and submitted with the DA. The proposal complies.
E.2.8.f	Walls along side and rear boundary setbacks should be broken or staggered to avoid the appearance of unduly massive of long walls.	The scale and location of the proposed dwellings does not necessitate a special design response. The proposal complies.
E.2.8.g	Carports visible from the public domain should be compatible with the design of the residential building.	The proposed carport structures are not visible from Walker Street.
E.2.8.g	Removal of street trees is not permitted without prior approval of Council.	The proposal does not necessitate the removal of street trees.
Height con	trols	
E.2.9	This section contains controls which aim to limit the height of dwellings, particularly on sloping sites.	The dwellings are less than the required height limited (9.0m). The proposal complies.
Solar Acces	s Controls	
E.2.10.a	Medium density housing should be designed to ensure that living areas of adjoining dwellings and at least 50% of their usable private open space, receive a minimum of 3 hours sunlight between 9am and 3pm on 21 June (winter solstice).	The proposed dwellings will not reduce the solar access of living areas / private open spaces to neighbouring dwellings given the dwellings are proposed as single storey structures and are setback sufficiently from existing / proposed boundaries. The proposal is capable of complying.



## Table 10 - DCP Assessment - Part E (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
E.2.10.b	Medium density housing should be designed to ensure that the living areas and private open spaces of 75% of the dwellings receive a minimum of 3 hours of sunlight between 9am and 3pm on 21 June.	The proposed dwelling s have been designed with floor plans and site positions which allow penetration of northern sunlight into the primary living areas, private open space areas and outdoor dining areas. The proposal complies.
E.2.10.b	Council may request shadow diagrams where there is a reasonable likelihood of the development causing overshadowing impacts on adjoining properties.	Shadow diagrams are not assessed to be necessary unless specifically requested by Council.
Front setba	ck controls	
E.2.11.1	This section describes the front setback requirements for new residential dwellings.	The proposed dwellings do not have frontage to Walker Street. Front setback controls are assessed not to apply in the circumstances.
E.2.11.2	This section describes the setback requirements for articulation features on new dwellings.	Not relevant for consideration.
E.2.11.3	This section describes the setback requirements for corner lots	Not relevant for consideration.
Side setbac	k controls	
E.2.12	Single storey buildings should be setback a minimum 0.9m from the boundary.	The proposal complies.
Rear setbac	k controls	
E.2.13	Single storey buildings should be setback a minimum 3m from the boundary	The proposal complies.

## Table 10 - DCP Assessment - Part E (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
Visual and	Acoustic Privacy	
E.2.14.a	Building elements such as balconies and decks should be designed to minimise overlooking of living areas and private open space areas of adjoining dwellings	The dwellings are designed with front porches and rear outdining areas. These areas do not directly overlook neighbourinhg properties. The proposal complies.
E.2.14.b	The windows of dwellings should be located and designed so they do not provide direct and close views into the living area windows or courtyards of other dwellings	The proposed dwellings are adequately separated from each other and existing dwellings on adjoining properties. The use of existing and proposed fencing will assist in achieving acceptable levels of acoustic and visual privacy for residents. The proposal complies.
E.2.14.c	A minimum separation of 12 metres should be provided between buildings where habitable rooms / balconies face habitable rooms/ balconies	The proposed new dwellings have the same orientation on the land. The design does not result in habitable rooms or spaces directly facing each other. A 12m separation is assessed not be required.
E.2.14.d	A minimum separation of 9 metres should be provided between buildings where non habitable rooms / balconies face habitable rooms/ balconies	The proposed new dwellings have the same orientation on the land. The design does not result in habitable rooms/spaces or non habitable rooms/spaces directly facing each other. A 9m separation is assessed not be required.
E.2.14.e	A minimum separation pf 3 metres should be provided between buildings where non-habitable rooms / blank walls face other non-habitable rooms / blank walls	The proposed new dwellings have the same orientation on the land. A 3m separation is required and is achieved. The proposal complies.
E.2.14.f	Separation distance may be reduced by up to 25% where privacy issues can be addressed by other means to the satisfaction of Council.	Not relevant.
E.2.14.g	Dwellings within each development should be designed to minimise noise transmission by locating busy, noisy areas next to each other and quieter areas next to other quiter areas.	The proposed dwellings have the same orientation on the land. Adequate separation is available to ensure that acoustic privacy will not be an issue for the future residents of the dwelling. The proposal is capable of complying.



#### Table 10 - DCP Assessment - Part E (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
Private Op	en Space Controls	
E.2.15.a	Private open space should be oriented to have a north easterly aspect where possible.	The private open space will have access to northern sunlight. The proposal complies.
E.2.15.b	Living areas should open out into the private open space area.	The dwellings are design with open plan living areas. These areas open directly onto the outdoor dining and private open space areas. The proposal complies.
E.2.15.c	Private open space is to be clearly defined by walls, fencing and landscaping so as to provide a self contained space, but	Private open space areas will be delineated by existing and proposed fencing. The proposal complies.
E.2.15.d	The recommended amount of private open space is 40m2 per dwelling, minimum width 3m in any direction.	The proposal complies. Each dwelling will be provided with in excess of 120m2 of private open space in the rear yard section of their respective sites.
Sustainab	le Building Design Controls	
E.2.16.	Development Applications for new medium density housing proposals and specified alterations and additions must be accompanied by a BASIX Certificate, issued by the NSW Government.	Separate BASIX certificates have been prepared for the proposed dwellings and submitted in support of the DA. The proposal complies.
	The design of new dwellings should adopt the nominated principles which promote sustainable building practices.	The proposed dwellings have been desgined with floor plans that allow sunlight penetration into primary living spaces, outdoor dining areas and private open space areas. Awnings, verandahs and eaves are used appropriately. The proposal complies.
Livable Ho	ousing Design	
E.2.17	This section requires the proposed dwellings to achieve a silver performance level in accordance with the Livable Housing Guidelines.	The proposal is assessed to comply. The following design features will allow the dwellings to achieve the required silver performance level:
		+ A step free path of travel from Walker Street to the dwelling locations.
		+ Step free entrance provided to main entry. This can be achieved with minimal grading of the concrete entry porch.



#### Table 10 - DCP Assessment - Part E (cont.)

Clause	Requirement (Summarised)	Stat	tement of Consistency
		+	Internal doors and corridors that facilitate comfortable and unimpeded movement between space. The floor plan is based around open plan living principles.
		+	A bathroom that is capable of accommodating a hobless shower. Further details can be shown on the application for CC if necessary.
		+	A toilet that is located on the ground (and only) floor of the dwellings.
		+	A bathroom design that allows for the installation of grab-rails at a later date. Further details can be shown on the application for CC if necessary.

## Part M - Parking, Access and Mobility

Part M applies to all new development in the Cowra Shire Local Government Area. Parts M. 1 and M.2 have particular relevant to the proposed development.

A review of Parts M.1 and M.2 have been completed and an assessment of consistency against key standards and controls included in Table 11.

#### Table 11 - DCP Assessment - Part M

Clause	Requirement (Summarised)	Statement of Consistency
Objectives		
M.1.2	Objectives for parking	The proposed development is assessed to be consistent with the objectives. On-site car parking is provided for the existing and proposed dwellings on the land in locations that are practical and accessible to residents.
Applicatio	n of Standards and Guidelines	
M.1.3	Section M.1.3 describes the relevant Australian Standards and policies which generally apply to the design of off- street car parking areas.	The design of the car parking areas has been designed to meet the relevant requirements of the listed Australian Standards and guidelines. The proposal complies.
Off street p	parking calculations	
M.1.5	Car parking will generally be required to be provided on the site of the proposed development at the rate set out in the table.	For new dwellings, 1 space per dwelling behind the building line is required. Visitor car parking is not required. Each new dwelling is provided with an attached skillion roof carport. The proposal complies.



## Table 11 - DCP Assessment - Part M (cont.)

Clause	Requirement (Summarised)	Statement of Consistency		
Site access	Site access design and location			
M.2.1	This sections provides the standards and controls relating to the provision of new access to a residential development.	Practical and legal access to the proposed lots will be provided from the existing access location on Walker Street. No new access to the public road system is required. The proposal complies.		
Driveway v	vidths			
M.2.2	For medium density housing where the number of off-street car parking spaces required to be provided is less than 5 spaces, the minimum width of a new driveway should be 5.5m where the entry and exit are combined.	The driveway access to Walker Street will comply with the standard.		
Car parking	g design			
M.2.3	This section sets out the requirements for car parking design where visitor car parking is required for a proposed development.	Visitor car parking is not required for the proposed development.		
Internal ro	ad design			
M.2.4	Where internal roads and / or driveways are proposed as part of the design of new residential development, the development should be serviced by vehicle manoeuvring areas that allow all vehicles to safety enter and exit the site in a forwards facing direction.	The site plan submitted with the DA shows that a large amount of land is proposed to be retained (centrally within the property) as existing hardstand area. This area will provide ample space for the movement of all vehicles associated with the development. All traffic can enter and leave the site in a forwards facing direction. Turning paths are not considered to be necessary in the circumstances. The proposal complies.		

# Table 11 - DCP Assessment - Part M (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
M.2.4 (cont.)	For medium density housing where the number of off-street car parking spaces required to be provided is less than 5 spaces, the minimum width of internal roads is required to be 5.5m for two way traffic operation.	The internal access driveway is constructed to a minimum 5.5m wide standard, narrowing to 4.5m for the part of the access that is forward of the existing front building line. The proposal is to ensure an unobstructed minimum 5.5m wide access is available for the entire length of the internal access handle. The proposed access will be sufficient to accommodate two-way traffic movement for all vehicles access the development including emergency service vehicles.
	Despite controls (b) and (c), complex developments (particularly where shared use of roads by cars and service vehicles is anticipated) the design of internal roads is to be determined from a study of the site traffic generation and vehicle characteristics.	Not relevant for consideration.
Car parking	surfaces	
M.2.5	This section describes the acceptable surface finishes for car parking areas and their associated site accesses and vehicle manoeuvring areas.	<ul> <li>The DCP requires the following finishes for identified components of the site design:</li> <li>Site access (to property boundary) - concrete.</li> <li>Vehicle manoeuvring areas - concrete / bitumen seal.</li> <li>Car parking spaces - concrete / bitumen seal.</li> </ul>
		+ Accessible path of travel - Not relevant to this proposal.

#### Table 11 - DCP Assessment - Part M (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
M.2.5 (cont.)		Plan A.02 prepared by Currajong and submitted with the DA shows the proposed surface finishes for the access components of the proposed development. Apart from the site access on Walker Street which is to be concreted, bitumen seal is proposed for vehicle manoevring areas and driveways to the new dwellings. The proposal complies

# Part N - Landscaping

Part N.1 prescribes that a landscaping plan must be provided for new proposals relating to medium density housing forms. The proposal represents medium density housing if were not for the subdivision component. In this regard, the proposal must be assessed against the requirements of N.3.1 and N.3.2 of the DCP.

A review of the relevant controls has been completed and an assessment of consistency against key standards and controls included in Table 12.

#### Table 12 - DCP Assessment - Part N

Clause	Requirement (Summarised)	Statement of Consistency
Landscape	Plan Requirements	
N.2	This section prescribes the minimum requirements for information needing to be presented on a Lanscape Plan	A Lanscape Plan has been prepared - refer to Currajong Plans A.03 and A.04. The plans include the necessary minimum information including property boundary details, existing and proposed trees / plantings, existing and proposed built structures, fencing details, and typical planting details. The proposal complies
General Landscape Controls		
N.3.1.1	This section prescribes general controls relating minimum planting requirements.	A Lanscape Plan has been prepared - refer to Currajong Plans A.03 and A.04 which includes typical planting sections and installation instructions that are generally consistent with the prescribed standards. The proposal is capable of complying.
N.3.1.2	Retention of existing trees	The proposal does not involve the removal of existing street trees in Walker Street.

#### Table 12 - DCP Assessment - Part N (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
N.3.1.3	This section prescribes the street tree requirements for greenfield / infill subdivisions and non-subdivision developments	The proposed development will require street tree contributions. The applicant expects that Council will impose a condition of consent.
Residentia	l landscape controls	
N.3.2	This section prescribes the design requirements for landscaping provided as part of new residential developments, including medium density housing.	A Lanscape Plan has been prepared - refer to Currajong Plans A.03 and A.04. The Landscape design shows minimal new works as the proposed dwellings will not have a visible presence to Walker Street. Notwithstanding, the landscape design complies generally with the requirements of Section N.3.2 as follows:
		+ The landscape works will soften the impact of new built form on the land.
		+ The landscape works retain existing mature trees, which exist along the southern, western and northern boundaries of the site.
		+ New landscaped areas will be provided with a suitable automatic watering systems.
		✤ Selected tree species will be in scale with the size of the proposed development, and are appropriate for site conditions.
		<ul> <li>Native species have been selected for landscape enhancements along the western boundary.</li> </ul>
		+ The landscape design does not include the use of weed species.

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# Part O - Environmental Hazard Management

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

A review of Part 0.1 as been completed and an assessment of consistency against key standards and controls included in Table 13.

# Table 13 - DCP Assessment - Part O

Clause	Requirement (Summarised)	Statement of Consistency
Objectives		
0.1.2	Objectives for flood risk management.	Refer to Appendix A for a detailed assessment of the proposed development against the flood planning controls in Part O of the DCP.
Information	n to Accompany a Development Application	on
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 included as Appendix A to this Statement of Environmental Effects. The Flood Report includes the minimum information prescribed by Control O.1.8 of the DCP including:
		✤ 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 Contr	rols	
0.1.9	The DCP contains controls that apply generally to all development, and specifically to residential development types that are located within a Flood Planning Area.	Refer to Appendix A for a detailed assessment of the proposed development against the flood planning controls in Part O of the DCP.

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# Part P - CPTED Principles

Part P applies to all development in the Cowra Shire Local Government Area on both public and private land. Part P.2 in particular, provides design suggestions to ensure that crime risk is minimised in accordance with the principles of 'Crime Prevention Through Environmental Design'.

A review of Part P.2 has been completed and an assessment of consistency against key standards and controls included in Table 14.

#### Table 14 - DCP Assessment - Part P

Docian	suggestion

Clause

Design sug	gestions			
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P.2.1	Objectives	The proposed development is assessed to be consistent with the objectives, and in particular:		
		+ The co-location of the two new dwellings will allow natural surveillance between the sites.		
		+ The building designs have their own private open space and front yard areas, creating a sense of ownership for occupants and users of the site.		
		<ul> <li>Opportunities for unauthorised access will be limited through the use of security fittings to doors and windows, security lighting as appropriate and use of boundary and internal site fencing.</li> </ul>		
		+ The existing entry to the site from Walker Street is lit by existing street lighting.		
P2.2	Section 2.2 provides guidance to help new developments achieve appropriate orientation and access to the public street.	Due to the existing configuration of the property, it is not possible to create new dwelling opportunities on the land in a way that allows each dwelling to achieve direct orientation and access to Walker Street. The co-location of the two new dwellings will however allow natural surveillance between the sites.		
P.2.3	Section 2.3 requires building entrances to be in prominent positions, designed to allow users to see into the building and facing the street where possible.	As above.		
P.2.4	Section 2.4 includes a suite of controls aimed at ensuring communal and public areas are appropriately designed.	The proposed development does not involve the creation of communal or public spaces.		
P.2.5	Section 2.5 requires site and building design to limit the use of blind corners.	The proposed development does not create any new blind corners.		
P.2.6	Section 2.6 encourages appropriate buildings materials which reduce opportunities for vandalism.	The proposed dwellings are typical brick veneer constructions. The chosen building materials are acceptable in terms of the nature and scale of the proposal.		



## Table 14 - DCP Assessment - Part P (cont.)

Clause	Requirement (Summarised)	Statement of Consistency	
P.2.7	Section P.2.7 includes a suite of standards and controls which aim to increase the security of new development	The recommended security measures can be incorporated into the building design. As a minimum, all window and roller door openings will be fitted with locking mechanisms. The dwellings have large windows on the eastern elevation to allow residents to see who is visiting the site and / or knocking at the door.	
P.2.8	Section P.2.8 requires the provision of appropriate lighting to new development.	There is existing street lighting in Grenfell Road.	
P.2.9	Section P.2.9 requires the provision of appropriate measures to properly identify new buildings.	The subject land is addressed to 17 Walker Street. Appropriate arrangements will be made for the display of an appropriate street number on the front facade of the proposed building, and on a purpose built mailbox at the Walker Street frontage to the site.	
P.2.10	Section 2.10 includes a suite of controls aimed at improving the safety and security of new shopfronts.	The proposed development is not a shopfront.	
P.2.11	Section 2.10 includes a suite of controls aimed at improving the safety and security of public facilities.	The proposed development does not include public facilities.	
P.2.12	Section 2.12 includes a suite of controls aimed at improving the safety and security of car parking areas.	The proposed development is not required to provide visitor car parking.	

# 05

# ASSESSMENT OF ENVIRONMENTAL ISSUES

# 5.1 Introduction

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

## 5.2 Visual impacts and amenity

## 5.2.1 Assessment of existing condition

The subject land contains an existing clad dwellings and several ancillary metal shed structures. Single storey buildings predominant in the streetscape.

#### 5.2.2 Assessment of potential impact

An assessment of the potential impacts of the proposed development on visual amenity has been undertaken, including an assessment of the likely visual impacts of the development on private landowners in the vicinity of the development and key vantage points in the public domain.

The proposed dwellings are to be constructed as single storey brick veneer structures, with metal roofs, fascias and gutters. The buildings will be of similar bulk and scale to the existing buildings and structures on the subject land on adjoining properties. The building designs will not enable direct overlooking of adjoining private open space areas.

The new buildings are located on a part of the site that is not visible from the nearest public place (Walker Street).

The site is not heritage listed and is not part of a heritage streetscape or conservation area.

### 5.2.3 Management and mitigation

No additional mitigation measures are proposed.

# 5.3 Building Code Compliance

#### 5.3.1 Assessment of existing condition

The landowner is aware that the existing shed on the land located along the northern boundary has not received a Final Occupation Certificate from Council. Previous communication with Council on this issue confirms that the issue of the Final Occupation Certificate will be possible upon completion of necessary stormwater management works.

There are are no known building code compliance issues associated with other existing structures on the land.

#### 5.3.2 Assessment of potential impact

The proposed site layout and building design complies with the relevant requirements of the Building Code of Australia.

The Stormwater Design submitted for the proposed development incorporates measures to manage the stormwater generated from the roofed areas of the existing shed located along the northern boundary.

#### 5.3.3 Management and mitigation

Structural engineering certification will be required for elements of the proposed building design including slab and frame and this will be procured and submitted to Council as part of the application for a Construction Certificate.

# CURRAJONG

Item 4.1 - Attachment 2

## 05 | ASSESSMENT OF ENVIRONMENTAL ISSUES

#### 5.4 Access and Traffic

#### 5.4.1 Assessment of existing condition

The subject land is currently accessed from Walker Street, which forms part of the local road network owned and maintained by Cowra Shire Council. Walker Street is constructed to an 8m wide bitumen sealed standard and has kerb and gutter and public street light infrastructure.

The land contains an existing dwelling house and several existing shed structures.

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

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

In order to address these issues, the landowners have:

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

Whilst the above matters are subject to separate applications and assessment processes, it is likely that Council will need to understand the traffic loads associated with these uses in order to make an informed assessment of the traffic impacts associated with DA 1/2023. In this regard, the following account of trip movements is provided having regard to the guidance provided within the 'Guide to Traffic Generating Developments' by NSW Roads.

- + Existing Dwelling (17 Walker Street) 7.4 trips per day.
- Self-storage (home business. In the absence of any guidance within the NSW Roads Guideline, an estimate of 4 trips per week) or 0.57 trips (per day) is provided based on a single weekly trip per rented bay in the existing shed.

## 5.4.2 Assessment of potential impact

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

- Primary access to the existing uses at 17 Walker Street is to be maintained directly from Walker Street. Resident car parking is to be retained from within the existing sheds at the rear of the property.
- Primary access to the 2 x new dwellings is to be provided also directly from Walker Street. A Right of Carriageway is intended to be provided over proposed lot 1 in the subdivision to the benefit of proposed lots 2 and 3.
- + On-site car parking to be provided for residents of each new dwelling in an undercover skillion roofed carport attached to each building.
- The internal access driveway is constructed to a minimum 5.5m wide standard, narrowing to 4.5m for the part of the access that is forward of the existing front building line. The proposal is to ensure an unobstructed minimum 5.5m wide access is available for the entire length of the internal access handle. The proposed access will be sufficient to accommodate two-way traffic movement for all vehicles access the development including emergency service vehicles. The proposed surface finishes are shown on Plan A.02 submitted with the DA and comply with Council's minimum standards.

The proposed development will have the result of increasing the number of daily traffic numbers utilising Walker Street. Based on the 'Guide to Traffic Generating Developments' by NSW Roads, the expected number of daily vehicle trips for low density residential dwellings is estimated to be in the order 7.4 per dwelling. The proposed subdivision will therefore increase the number of daily vehicle trips using Walker Street by 14.8 (two dwellings/lots).

Taking into account the traffic load associated with the existing uses associated with the land (noting that a DA is required for the continued use of the secondary dwelling, and home business (self storage), the total traffic load likely for the site is assessed to be in the order of 23 vehicle movements per day.

Walker Street, in it's current form and condition, is considered suitable to accommodate the proposal for the following reasons:

- The plans submitted with the Development Application demonstrate that adequate arrangement will be made for vehicles using the land to enter and leave their respective lots in a forwards facing direction
- The intersection of the site access with Walker Street is not assessed to be in a dangerous location. There is adequate sight distance in both directions and street lighting on the pole directly opposite the entry (southern side of Walker Street Avenue).
- Traffic and transport impacts are assessed to be within acceptable limits, based on existing local road conditions and the limited additional traffic generation proposed.
- The internal accesses will be constructed to Council's minimum standards.

On the basis of the above, it is assessed that adequate arrangements will be made to accommodate the access needs of the proposed development. The road network servicing the development is in good condition and has capacity to accommodate the likely increase in trip movements associated with the proposed development. Road upgrades are not necessary to be necessary. Section 7.12 Contributions will be made towards public infrastructure costs.

### 5.4.3 Management and mitigation

Upgrades are proposed to the existing internal road surface construction in order to comply with Council requirements. A Section 138 Permit will be obtained from Council prior to the commencement of any works within a road reserve.

No other specific transport or traffic mitigation measures have been identified as being necessary.



## 05 | ASSESSMENT OF ENVIRONMENTAL ISSUES

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## 5.5 Site Design

#### 5.5.1 Assessment of existing condition

The subject land contains an existing clad dwelling and several ancillary metal shed structures. The structures are predominantly located along the northern and eastern boundaries of the land, leaving a significant part of the site under utilised and generally suited to redevelopment. The site contains established landscaped gardens and several existing mature trees.

A detailed site survey of the land has discovered the location and depth of Council's gravity sewerage main (and associated manholes) within the boundaries of the subject land.

#### 5.5.2 Assessment of potential impact

The proposed dwellings have been positioned on the land to ensure compliance with the relevant setback requirements of the Building Code of Australia and Council policy requirements, taking into account the locations of existing and planned property boundaries.

The proposed dwellings are to be located generally at the rear of existing dwellings (and their associated private open spaces) in Walker Street. To ensure an acceptable level of impact, the dwelling designs have been kept to single storey and setback sufficient distances from boundaries to minimise impacts related to acoustic and visual privacy.

A shared access arrangement is proposed. The existing and proposed dwellings will gain access to the public road system via a common internal access drive and entry location to Walker Street. The proposed plan of subdivisions shows the location of propose easements for access to ensure that practical and legal access is achieved for the longevity of the development.

The plans submitted with the DA have identified the zone of influence relating to the existing sewer main located within the property boundaries. The proposed dwellings have been carefully positioned on the land to avoid the zone of influence.

#### 5.5.3 Management and mitigation

The site layout will be pegged out by survey prior to the commencement of works to ensure that building and other site features are properly located.

# 5.6 Soil and Water Quality

#### 5.6.1 Assessment of existing condition

The subject land is mapped in Cowra Local Environmental Plan 2012 as containing vulnerable groundwater. There are no riparian lands, water courses or wetland environments impacting the site. The land is mapped as being flood prone.

The land is currently vegetated or laid with hardstand material and there are no exposed areas that are shown to be causing soil erosion and related impacts on the land.

#### 5.6.2 Assessment of potential impact

The proposed development will require site earthworks to be completed as part of the construction phases of the project. The land is relatively flat and significant alterations to existing landform are not required in order to facilitate the proposed site design.

The proposed development is unlikely to result in significant impacts on groundwater resources in the locality. The development will be connected to reticulated water and sewer supply and there is no proposal for groundwater extraction or on-site waste disposal. The likelihood that the proposed development will intercept groundwater in the locality during construction is assessed to be low.

Part of the land is identified to be located within the floodplain to the Lachlan River. The location of new construction works (dwelling / site access upgrades etc), are however located above the Flood Planning Level.

#### 5.6.3 Management and mitigation

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

- No groundwater will be taken.
- Changes to existing landform to be kept to minimum levels. All reasonable and practical measures will be implemented to control / manage sedimentation and erosion during construction phases associated with the proposed development.

# 5.7 Air Quality

#### 5.7.1 Assessment of existing condition

The existing use of the land for residential purposes does not generate air quality impacts on the locality. An assessment is required to determine whether the proposed development will create adverse air quality impacts on nearby uses in the area.

#### 5.7.2 Assessment of potential impact

Due to the nature and scale of the proposed development, an air quality assessment by a qualified professional is not considered to be necessary or warranted. Dust pollution is not expected to be an issue with the proposed development as all trafficable surfaces are to be constructed of hardstand materials (concrete or bitumen).

The nature and scale of the proposed development is such that air pollution from excessive motor vehicle impurities is not identified to be a key issue.

#### 5.7.3 Management and mitigation

No additional mitigation measures are proposed.

## 5.9 Heritage

#### 5.8.1 Existing conditions assessment

The site is located within an established residential area area. The predominant use of land within the immediately and wider locality is for residential purposes. Light industrial land-uses are present within the wider locality, but these do not directly adjoing the site and are currently not causing any noise nuisance to existing residential uses in the area.

#### 5.8.2 Assessment of potential impact

The POEO Act sets and the statutory framework for managing air quality in NSW and the POEO (Clean Air) Regulation 2010 sets standards of concentration for emissions to air from both scheduled and non-scheduled activities, including odour, dust, emissions and excessive motor vehicle air impurities. This statutory framework has been used to establish criteria and assessment findings for the proposed subdivision.

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

#### 5.8.3 Management and mitigation

No additional mitigation measures are proposed.

5.9.1 Assessment of existing condition

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

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

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

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

#### 5.9.2 Assessment of potential impact

Based on the AHIMS search results, there is a low possibility that the proposed development will impact on a known item of Aboriginal cultural heritage significance. The proposal is considered a "low impact activity" and an Aboriginal Due Diligence is not considered necessary.

No impacts on European heritage are likely to occur.

#### 5.9.3 Management and mitigation

No additional mitigation measures are proposed.

# 5.10 Hazards

#### 5.10.1 Assessment of existing condition

The subject land is not shown to be located within the Flood Planning Area. This is shown on Flood Planning Map FLD\_002C in Cowra Local Environmental Plan 2012, an extract of which is shown in Figure 3. However, detailed site survey confirms that part of the land is below the Flood Planning Level, having regard to the information derived from a review of the Cowra and Gooloogong Floodplain Risk Management Study and Plan.

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

#### 5.10.2 Assessment of potential impact

#### Flooding

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

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

On the basis of the information that has been included in Appendix A, the risk of impact of floodwaters on the proposed development is assessed to be acceptable in the circumstances. The proposed buildings will be located above the Flood Planning Level and flood-free access can be achieved to Walker Street.

# 

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Item 4.1 - Attachment 2

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# 5.11 Services and Utilities

#### Contamination

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

#### Bushfire

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

#### 5.10.3 Management and mitigation

The site design for the proposed development has been prepared in order to ensure that the proposed buildings and site access are above the Flood Planning Level.

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

#### 5.11.1 Assessment of existing condition

The land has an existing connection to Council's reticulated water supply network. There is a water meter located in the south eastern corner of the land.

The existing dwelling on the land is connected to the Council's reticulated sewerage system. A detailed site survey of the land has discovered the location and depth of Council's gravity sewerage main (and associated manholes) within the boundaries of the subject land.

The existing dwelling is connected to grid electricity.

#### 5.11.2 Assessment of Impacts

#### Water

The proposed development will require connection to the Council's reticulated water supply network. An application to Cowra Shire Council will be required and approval obtained prior to the commencement of any work. As the proposed development increases the demand on the reticulated water supply network, headworks contributions are expected to apply.

Where required, easements for water supply will be created over the new supply lines in the development.

#### Sewer

The proposed development will require connection to the Council's reticulated sewer supply system. An application to Cowra Shire Council will be required and approval obtained prior to the commencement of any work. As the proposed development increases the demand on the reticulated water supply network, headworks contributions are expected to apply.

The plans submitted with the DA have identified the zone of influence relating to the existing sewer main located within the property boundaries. The proposed dwellings have been carefully positioned on the land to avoid the zone of influence.

#### NBN Telecommunications

The proposed development will require connection to the NBN telecommunications network. A check with the NBN confirms that a connection to the NBN broadband access network is available as Fibre to the Node (FTTN). An application to NBN co. will be required and approval obtained prior the commencement of work.

#### Electricity

The proposed development will require connection to grid electricity. Connection of the development to the electricity network is subject to the requirements of Essential Energy as the relevant service provider for the area. If any upgrades to existing infrastructure are required to facilitate the proposed development, such works will be carried out at full cost to the proponent.

#### Stormwater

A stormwater design for the proposed subdivision / dwelling development has been prepared by Calare Civil and submitted in support of the DA for assessment by Cowra Shire Council. Stormwater is proposed to be managed by discharing roofwater from the proposed dwellings (and the existing shed located adjacent to the northern boundary) directly to the public drainage system in Walker Street via a system of charged pipes. The stormwater design has considered the locations and depths of existing sever mains located within the boundaries of the subject land.

#### Summary

The location of existing service and utility locations have been identified as part of the site planning process. The proposed development will demand new connections to identified essential services and infrastructure and these will be arranged prior to commencement of use. The servicing requirements for the proposed development are assessed to be within the capacity of the relevant networks.



# 05 | ASSESSMENT OF ENVIRONMENTAL ISSUES

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#### 5.11.3 Mitigation and Management

The following mitigation measures are proposed:

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

## 5.12 Social and economic

#### 5.12.1 Assessment of existing condition

The site is located within an established urban area. The predominant use of land within the immediately and wider locality is single storey low density residential development.

# 5.12.2 Assessment of potential impact

An assessment of potential impacts of the proposed development has been undertaken with regards to scoping methodology outlined in the Social Impact Assessment Guideline 2017 (SIA Guideline), published by the Department of Planning and Environment. Table 14 provides an assessment of the proposed development against the criteria in the SIA Guideline.

Considering the proposal in the context of surrounding land-use as well as the previously addressed issues related to water, soil and air quality, noise, traffic, heritage, hazards, servicing and utilities, the proposal would be unlikely to have an unacceptable impact on the environment within or surrounding the site. The social and economic impacts of the proposal are expected to be positive.

## 5.12.3 Management and mitigation

Management and mitigation measures for each of the elements comprising a potential social impact (e.g. noise, traffic, visual amenity and air quality) have been addressed in their relevant sections of the SEE.

#### Table 14 - SIA Guideline - Impact Assessment

	Key links to social	Risk of impact	Nature of	
Matters	impacts	without mitigation	Impact	Explanation
Amenity				
Acoustic	Way of life;	Unlikely	Negative	The development is not a noise generating activity.
Visual	Surroundings	Likely	Negative	The site and building design is likely to have an acceptable impact in terms of visual amenity
Odour	Surroundings	Unlikely	Negative	The proposal will not produce odour.
Micro climate	Surroundings	N/A	Nil	The proposal will not significantly impact micro climate.
Access				
Access to property	Way of life;	N/A	Nil	The proposal will not impact on access to neighbouring properties.
Utilities and public transport	Access to infrastructure, services and facilities;	Unlikely	Negative	Connection to urban service and utilities is required and wil be completed to requirements of relevant authorities.
Road and rail	Personal and property rights.	Unlikely	Negative	The proposed development is within the capacity of local road conditions.
Built Environment				
Public domain	Community;	Unlikely	Nil.	The proposal will not impact the public domain as it will be located on private land.
Public infrastructure	Access to infrastructure, services and facilities;	Unlikely	Negative	Connection to urban service and utilities is required and wil be completed to requirements of relevant authorities.
Other built assets	Surroundings; Personal and property rights	Unlikely	Nil.	The proposal will not preclude public access to built assets.

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# 05 | ASSESSMENT OF ENVIRONMENTAL ISSUES

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# Table 06 - SIA Guideline - Impact Assessment (continued)

	<i></i>	,		
Matters	Key links to social impacts	Risk of impact without mitigation	Nature of Impact	Explanation
Heritage				
Natural	Way of life;	N/A	Nil	Natural heritage of the site is not compromised by the proposed development.
Cultural	Community;	Unlikely	Negative	The proposal will not impact on cultural values in the public domain.
Aboriginal culture	Culture;	Unlikely	Negative	The proposal has considered the likelihood that the land contains items of Aboriginal cultural significance.
Built	Surroundings.	Unlikely	Negative	There are no built heritage items registered on the site.
Community				
Health	Health and wellbeing;	Unlikely	Negative	The proposal does not create any health risks.
Safety	Surroundings	Unlikely	Negative	The proposal has been assessed as not increasing a known safety risk.
Services and facilities	Way of life, Access to infrastructure, services and facilities;	Unlikely	Nil	The proposal does not impact access to public services or facilities.
Cohesion, capital and resilience	Way of life; Community; Culture	Unlikely	Nil	The proposal does is unlikely to generate impacts.
Housing	Way of life, Personal and property rights.	Unlikely	Positive	The proposal creates new housing opportunities.

# 05 | ASSESSMENT OF ENVIRONMENTAL ISSUES

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# Table 06 - SIA Guideline - Impact Assessment (continued)

Matters	Key links to social impacts	Risk of impact without mitigation	Nature of Impact	Explanation
Economic	Impacts	without intigation	mpact	
Natural resource area	Way of life;	Unlikely	Negative	The proposal will utilise available natural resources in a sustainable manner.
Livelihood	Surroundings;	N/A	Nil	The proposal is unlikely to generate impacts.
Opportunity cost	Personal and property rights	N/A	Nil	The proposal is unlikely to generate impacts.
Air				
Air emissions.	Surroundings	Unlikely	Negative	The proposal is unlikely to generate impacts.
Biodiversity				
Native vegetation and fauna	Surroundings	Unlikely	Negative	Vegetation clearing is not proposed on site.
Land				
Stability/structure, land capability, topography	Surroundings	Unlikely	Negative	The proposal will not result in significant disturbance to the receiving environment.
Water				
Quality, availability, hydrological flows	Surroundings	Unlikely	Negative	The proposal is unlikely to generate impacts.



# 06 EVALUATION AND

# 6.1 Objectives of the EP&A Act 1979

JUSTIFICATION

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,
- 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,
- 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. PAGE 65

# 6.2 Ecological Sustainable Development

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

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

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

- + The precautionary principle No serious environmental threats have been identified.
- Inter-generational (social) equity Social equity provides a notion of preservation of environmental aspects that cannot be replaced for the enjoyment of future generations. Generally, such aspects relate to biodiversity, cultural heritage, land-use and the transformation of the locality as a result of the development. The proposal has considered such aspects and the SEE assessment concludes that environmental impacts will be within acceptable limits.
- + Conservation of biological and ecological integrity The proposal has been designed to avoid impacts to flora and fauna.
- Improved valuation, pricing and incentive mechanisms Any waste generated from the proposal will be appropriately managed to minimise impacts on common public areas, the appropriate pricing mechanism are used to reflect the user pays approach to environmental management.



## 06 | EVALUATION AND JUSTIFICATION

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# 6.3 Other relevant considerations

#### 6.3.1 Safety, security and crime prevention

The proposed development is unlikely to result in unacceptable outcomes in terms of safety, security or crime risk. An assessment of the proposal against the principles of CPTED (Crime Prevention Through Environmental Design) has been completed and this work is presented in the section of this SEE dealing with Part P of the Cowra Council DCP 2021.

The proposed development will create a public safety risk that needs to be properly considered as part of the site is identified to be located below the Flood Planning Level. A detailed assessment of the likely risks associated with the flooding issue has been completed and included in Appendix A to this SEE. On the basis of the information that has been included in Appendix A, the risk of impact of floodwaters on the proposed development is assessed to be acceptable in the circumstances. The proposed development and associated site access will be located above the flood planning level.

#### 6.3.2 Cumulative Impacts

The potential environmental impacts of the proposal have been detailed in the relevant sections of the SEE. The proposal will not generate unacceptable environmental impacts Overall, the proposal makes a neutral / positive contribution to the environment. The proposal is considered compatible with the site and its surrounds and does not contribute to having a significant cumulative impact.

## 6.3.3 Suitability of the site for the development

The environmental assessment work completed and detailed in this SEE demonstrates that the subject land is suitable for the proposed development. The proposed site and building design has been proposed in direct response to a detailed analysis of the key constraints and opportunities of the land.

## 6.3.4 Public interest

Due to the nature and scale of the proposed development, the public interest in the matter is assessed to be low, with the likely impacts concentrated on nearby land-use.

The proposal has been subject to consultation in accordance with the Cowra Community Participation Plan. The consultation resulted in two separate submissions being received by Cowra Shire Council, each of which raised a number of issues / concerns with the proposed development.

Cowra Shire Council has provided Currajong and the landowners with an opportunity to consider the issues / concerns raised in the submissions and as a result a number of design changes have been made and detailed in amended plans. These changes relate to the following:

- Stormwater is now proposed to be discharged directly to the public drainage system in Walker Street via a system of charged pipes. Onsite disposal of roofwater from the dwellings (and existing shed on the northern boundary) is no longer proposed.
- + The internal access drivevways are proposed to be constructed with bitumen sealed surfaces to comply with Council's minimum standards and mitigate against potential vehicle noise.

Relevant State Government planning policies and guidelines have been identified and considered as part of the preparation of the subdivision design and assessed in this report. Compliance can be achieved.

There are no covenants, easements or agreements that affect the proposal in the long term.

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

# 07



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

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

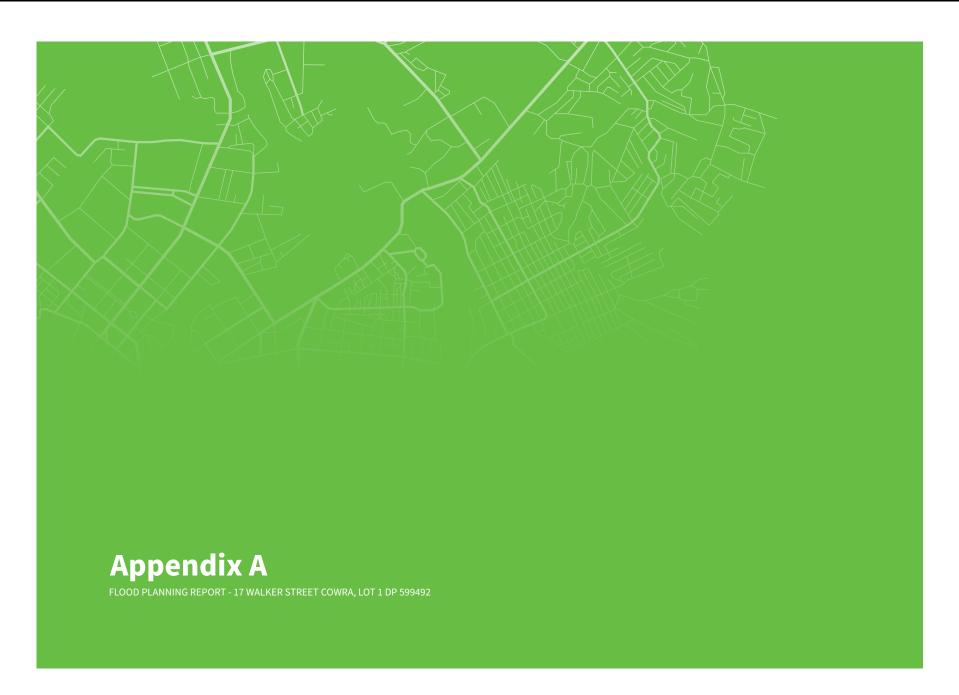
The land at 17 Walker Street contains an existing dwelling and several ancillary shed structures. The existing structures are located generally along the eastern and northern boundaries of the site, leaving a large land area towards the rear of the holding that is under utilised and which generally lends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

The assessment of the proposed development has been documented in this Statement of Environmental Effects to visualise all aspects of the relevant matters for consideration under the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021. The assessment concludes the proposed development is permissible in the R1 General Residential zone and is generally consistent with the Cowra Comprehensive Development Control Plan 2021 except that a variation is required to the following standards:

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

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





# FLOOD PLANNING REPORT

# 1. Purpose of this Report

This Flood Planning Report has been prepared in support of the lodgement of a Development Application for a 3 lot subdivision and construction of 2 single dwellings on the land at 17 Walker Street, being Lot 1 DP 599492. More specifically, this report has been prepared in order to address the requirements of:

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

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

# 2. Flood Planning Policy Context

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

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

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

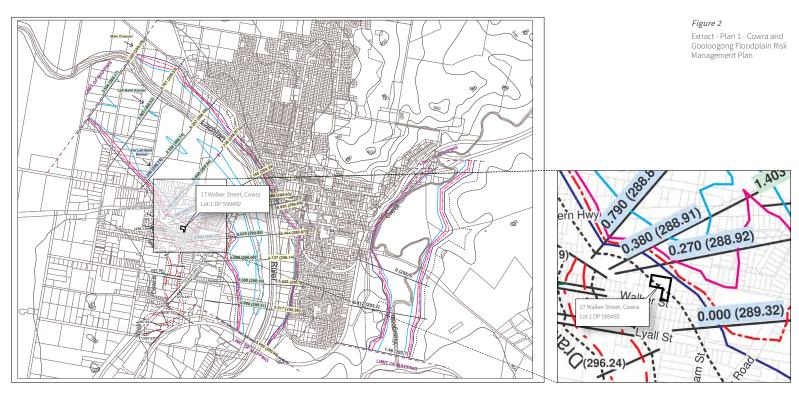
It appears the technical information in the Cowra and Gooloogong Floodplain Risk Management Plan 2006 is based on the same data in the Cowra and Gooloogong Flood Studies 1999. The difference in the two studies is that the 2006 study has been prepared in accordance with the guiding framework in the NSW Government's Flood Prone Land Policy and the Floodplain Development Manual. In determining the relevant flood planning requirements for the subject land, both studies are of particular relevance and have been considered conjointly.

- The subject land is not shown to be located within the Flood Planning Area. This is evidenced on Flood Planning Map FLD\_002C in Cowra Local Environmental Plan 2012, an extract of which is shown in Figure 1.
- The land is shown to be within the Probable Maximum Flood (PMF) area. This is evidenced in Map 1 - Flood Hazard Category Map (Lachlan River) in Appendix A of Part O of the DCP. An extract of this map is shown in Figure 2. Cowra Council does not apply flood controls to land between the 1% AEP and the PMF level.
- Despite the above two assessment findings, a detailed site survey confirms that part of the land is in fact below the Flood Planning Level. This assessment finding is based on the practical application of the AHD levels informing the 1% AEP Flood Level in the Cowra and Gooloogong Floodplain Risk Management Study and Plan.
- + The Flood Hazard Category for the subject land is identified to be High Hazard Flood Fringe.



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Flood Planning Map Sheet FLD\_002C - Cowra LEP 2012











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## 3. Establishing the Flood Planning Level

# Table 1 - Flood Levels

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

- 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.

The Flood Planning Level for Lot 1 DP 599492 is therefore the 1% AEP level + 0.5m freeboard. The Flood Planning Level is therefore calculated to be 288.92 AHD + 0.5m = 289.42AHD.

A detailed site survey and contour plan has been prepared for this project. The location of the 1% AEP has been clearly marked on the plan. The development plans for the proposed dwellings also show the finished surface level for the proposed building pads will be:

- + 290.3 AHD for proposed dwelling No. 1
- ✤ 289.8 AHD for proposed dwelling No. 2.

In order to understand the expected depth of floodwaters on the land, a calculation can be completed which compares the identified Flood Planning Levels to the site levels established by the survey and architectural design work This work is presented in Tables 2 and 3.

A copy of the plan prepared by the registered surveyor and used to inform the above calculations is included in Figure 4.

AEP	Translation	Identified Level	Policy Reference
1%	1 in 100 year Flood	288.92 AHD	Lyall & Macoun Study, Table 4.1 (P.26) - Mike 11 Chainage 0.270 SMEC Study, Plan 1 - Mike 11 Chainage 1.190
2%	1 in 50 year Flood	Not Identified	Lyall & Macoun Study, Table 4.1 (P.26) - Mike 11 Chainage 0.270
5%	1 in 20 year Flood	Not identified	Lyall & Macoun Study, Table 4.1 (P.26) - Mike 11 Chainage 0.270

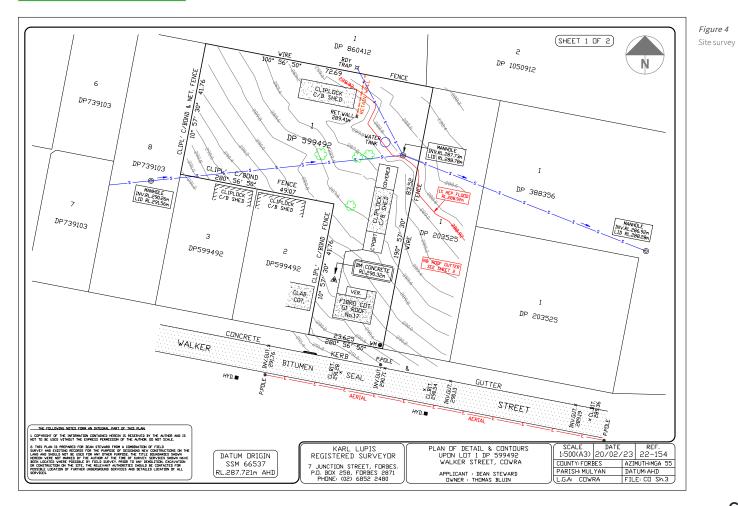
#### Table 2 - Expected Flood Water Depths - Relative to Natural Ground Level (NGL)

AEP	Translation	Identified Level (AHD)	NGL(highest point)	NGL (lowest point)	Min / Max Floodwater Depth
1%	1 in 100 year Flood	288.92 AHD	291.0 AHD	288.4 AHD	- / 0.52m
2%	1 in 50 year Flood	Not Identified			
5%	1 in 20 year Flood	Not Identified			

# Table 3 - Expected Flood Water Depths - Relative to Finished Floor Level

AEP	Translation	Flood Planning Level #	Finished Ground Level (Dwelling 1 / 2)	Floodwater Depth
1%	1 in 100 year Flood	289.42 AHD	290.3 AHD / 289.8 AHD %	Nil.
2%	1 in 50 year Flood	Not Identified		
5%	1 in 20 year Flood	Not Identified		

# Identified Level (AHD) + 0.5m Freeboard% Add 200mm (approx) for Finished Floor Level



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CURRAJONG

# 9 OCTOBER 2023

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# 4. Establishing the Peak Floodwater Velocity

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

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

The expected peak floodwater velocities for the various flood events are described in Table 4.

Part 0.1.9 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.

As the proposed buildings are to be constructed above the Flood Planning Level, they do not require engineering certification.

#### Table 4 - Flood Velocities - Lachlan River

AEP	Translation	Peak Velocity Policy Reference	
1%	1 in 100 year Flood	0.22 m/s	Lyall & Macoun Study, Table 4.3 (P.30) - Mike 11 Chainage 0.270
2%	1 in 50 year Flood	Not identified	
5%	1 in 20 year Flood	Not identified	

# 5. Establishing Permissibility of Use

#### Cowra Local Environmental Plan 2012

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

Development for the purposes of residential land subdivision and associated dwelling development is permissible in the R1 zone with consent of Council.

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

#### Cowra Comprehensive Development Control Plan 2021

Section 0.1.7 of the Cowra Comprehensive Development Control Plan 2012 (the DCP) establishes a framework to guide the permissibility of certain uses on land that is located within the Flood Planning Area.

The DCP requires the flood hazard category for the land to be established in the first instance. The Flood Hazard Category for the subject land is identified to be High Hazard Floodfringe, although this is assumed given the subject land is not shown to be affected by flooding on Map 1 - Flood Hazard Category Map (Lachlan River) in Appendix A of Part O of the DCP.

Table 2 of the DCP provides that residential development, limited to single dwellings, is permissible on land in High Hazard Flood Fringe Areas, subject to compliance with the DCP. Medium or high density residential developments are not permissible. Subdivision development is also not permissible.

The proposed dwelling development is not prohibited by the DCP as it has been suitably demonstrated that the buildings are to be positioned on land that is above the Flood Planning Level. Residential land-uses are not proposed on the part of the site which is below the Flood Planning Level, being 289.42 AHD. The proposed subdivision is not prohibited by the DCP as it has been suitably demonstrated that:

- Proposed Lot 1 will be created for the purposes of accommodating the existing dwelling and shed infrastructure. Proposed Lot 1 contains the majority of land that is below the Flood Planning Level. No new residential development is proposed on this lot. The creation of this lot does not have the result of increasing the density of residential development on land below the Flood Planning Level.
- Proposed Lot 2 will be created for the purposes of accommodating Dwelling No. 1. This lot does not contain any land area that is below the Flood Planning Level. Flood free access is available to this lot from Walker Street.
- Proposed Lot 3 will be created for the purposes of accommodating Dwelling No. 2. A small amount of land area within this lot would be below the Flood Planning Level, however the proposed dwelling and site access are located above this level.

# 6. Designing for flood compatibility

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

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

- Positioning of proposed dwellings on land that is above the Flood Planning Level.
- Provision of site access (vehicles and pedestrians alike) to Walker Street via land that is above the Flood Planning Level.
- Minimisation of cut and fill to ensure that the existing natural landform is retained where possible. Small amounts of earthworks will however be necessary in order to allow for the practical construction of the car parking area.

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#### 7. **Environmental Impact Assessment**

# Table 5 - Clause 5.21(2) Assessment

Clause 5.21 - Cowra Local Environmental Plan 2012	Clause	Provision	Assessment Response
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.	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.
The objectives of Clause 5.21 are as follows	5.21(2)(b)	The consent authority must be satisfied that the	The analysis presented in Sections 3 and 4 of this Flood Report identfies
<ul> <li>To minimise the flood risk to life and property associated with the use of land,</li> </ul>		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	that a small part of the site is likely to be affected by floodwaters in a 1% AEP event and that the waters are likely to be shallow and slow moving.
<li>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,</li>		nood anectation of other development of properties	As the proposed dwellings are to be located on land that is above the Flood Planning Level, the consent authority can be satisfied that the proposed development will not affect flood behaviour. The proposed site layout eliminates any risk that the built form will have the potential to increase the
<li>c. To avoid adverse or cumulative impacts on flood behaviour and the environment,</li>			flood affectation of other nearby development or properties.
<ul> <li>To enable the safe occupation and efficient evacuation of people in the event of a flood.</li> </ul>	5.21(2)(c)	The consent authority must be satisfied that the development will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood	The analysis presented in Sections 3 and 4 of this Flood Report identifies that a small part of the site is likely to be affected by floodwaters in a 1% AEP event and that the waters are likely to be shallow and slow moving. When this information is compared to the site contour survey presented in Figure 4, it can determined that residents of the proposed dwellings can evacuate safely, if necessary, via flood free land to Walker Street. On this basis, the consent authority can be sastisifed that development will not adversely affect the safe occupation and efficient evacuation of people or
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 wil 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			exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood.
relation to a number of matters. These matters are listed in Table 5 including an appropriate assessment response.	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	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.
			In the context of the development, the risk to life is minimised by:
			<ul> <li>The likelihood that floodwater is likely to be shallow and slow moving.</li> </ul>



#### Table 5 - Clause 5.21(2) Assessment (cont.)

Clause	Provision	Assessment Response
		<ul> <li>An appropriate site design that locates proposed building and site access above the Flood Planning Level.</li> </ul>
		On this basis, the consent authority can be satisifed that appropriate measures have been incorporated to manage risk to life in the event of a flood.
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.	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.
		The land does not contain any riparian vegetation and is sufficiently distanced from the banks of the Lachlan River. Impacts are unlikely.

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

## Table 6 - Clause 5.21(3) Assessment

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

# Table 6 - Clause 5.21(3) Assessment (cont.)

Clause	Provision	Assessment Response	
5.21(3)(c)	The consent authority must consider whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood	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.	
		In the context of the development, the risk to life is minimised by:	
		<ul> <li>The likelihood that floodwater is likely to be shallow and slow moving.</li> </ul>	
		+ An appropriate site design that locates proposed building and site access above the Flood Planning Level.	
		On this basis, the consent authority can be satisifed that appropriate measures have been incorporated to manage risk to life in the event of a flood.	
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.	The proposed buildings are located above the Flood Planning Level. Modification, relocation of removal of the buildings will not be necessary.	

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# Part O - Cowra DCP 2021

Table 6 - DCP Assessment - Part O

	Table 0-Der Assessment - Tart 0			
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 ofthe land is located within the Flood Planning Area.		Requirement (Summarised)	Statement of Consistency	
A review of Part 0.1 as been completed and an assessment of consistency	Information to accompany a Development Application			
against key standards and controls included in Table 6.	0.1.8.a	A statement or justification as to why the proposed development is appropriate on flood prone land.	The proposed development is considered to be appropriate on flood prone land for the following reasons:	
			+ The proposed dwellings on the land have been positioned above the Flood Planning Level.	
			<ul> <li>The dwellings are provided with site access (vehicles and pedestrians alike) to Walker Street via land that is above the Flood Planning Level.</li> </ul>	
			+ Cut and fill has been minimised to ensure that the existing natural landform is retained where possible.	
			+ The proposed use is permissible under the zoning framework for the land in Cowra Local Environmental Plan 2012.	
			+ The proposed use is permissible under the land-use guidelines established in the Cowra Comprehensive DCP 2021 for the relevant flood hazard category assigned to the land.	
			<ul> <li>An environmental impact assessment confirms that the proposed development is within acceptable limits.</li> </ul>	
	0.1.8.a	A survey plan showing the proposed building, existing ground levels to AHD around the perimeter of the building, the level of the 1% AEP Flood, and the proposed floor levels relative to the 1% AEP Flood.	A survey plan has been prepared and is included in Figure 4 of this Flood Report. A detailed analysis of levels is also included in Section 3 of this Flood Report.	

#### **APPENDIX A - FLOOD PLANNING REPORT**

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**9 OCTOBER 2023** 

#### Table 6 - DCP Assessment - Part O (cont.)

Clause	Requirement (Summarised)	Statement of Consistency					
Information	Information to accompany a Development Application						
0.1.8.a	<ul> <li>A report from a qualified engineer that demonstrates that:</li> <li>The development will not increase the flood hazard or risk to other properties;</li> <li>The structure of the proposed buildings will be adequate to deal with flooding situations;</li> <li>The proposed building materials are suitable;</li> <li>The buildings are sited in the optimum position to avoid flood waters and allow safe flood access for evacuation;</li> <li>The proposed redevelopment will not expose any resident to unacceptable levels of risk, or any property to unreasonable damage; and</li> </ul>	This Flood Report is provided in support of the Development Application to address the requirements of 0.1.8.a of the DCP. Currajong is suitably qualified urban planning consultancy with experience in flood planning and environmental impact assessment. This Flood Report includes a detailed assessment of the matters prescribed by Clause 5.21 of Cowra Local Environmental Plan 2012. This assessment finds that the proposed development should not impact flood behaviour or increase flood risk to vulnerable properties adjacent or nearby to the subject land. The proposed buildings are located above the Flood Planning Level and as a result do not need to be engineered to withstand floodwaters. The proposed building and construction materials are as noted on the plans submitted with the Development Application. Flood compatible buildings materials are not necessary given the buildings are located above the Flood Planning Level. The proposed buildings have been positioned on the site to be above the Flood Planning Level. The proposed buildings have been positioned on the site to be above the Flood Planning Level.					
Flood Cont	rols						
0.1.9.1.a	Cut and fill should be minimised for all development at or below the FPL.	The proposed site and building design ensures that the existing natural landform is retained where possible. Small amounts of earthworks will be necessary in order to allow for the practical					

construction of the proposed dwellings.



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#### Table 6 - DCP Assessment - Part O (cont.)

Clause	Requirement (Summarised)	Statement of Consistency
Flood Cont	rols - Generally	
0.1.9.1.b	All buildings at or below the FPL should be constructed of flood compatible materials. Refer to Appendix B for flood compatible materials.	The proposed dwellings will be constructed on land that is above the Flood Planning Level.
0.1.9.1.c	All development applications should demonstrate that the proposed structure can withstand the force of floodwater, debris and buoyancy	The proposed buildings are located above the Flood Planning Level and as a result do not need to be engineered to withstand floodwaters.
0.1.9.1.d	Solid fences that impede the flow of floodwaters are not permissible. Fences should be at least 50% open to allow the progress of floodwaters.	Solid fencing is not proposed along the northern property boundary.
Flood Cont	rols - Residential Development	
0.1.9.2.a	Floor levels of all habitable rooms or rooms with connection to sewer infrastructure should not be less than the Flood Planning Level (which means the level of a 1:100 ARI flood even plus a 0.5m freeboard).	The proposed development complies. The assessment work presented in this Flood Report suitably demonstrates that the finished floor level of the proposed dwellings will be above the Flood Planning Level.
	Upon completion and prior to the occupation (where relevant) a certificate by a registered surveyor should be submitted to Council showing that the finished ground and floor levels conform to approved to approved design levels.	The applicant expects that Council will apply a condition of consent. The proposal is capable of complying.

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#### **APPENDIX A - FLOOD PLANNING REPORT**

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#### Table 6 - DCP Assessment - Part O (cont.)

Clause	Requirement (Summarised)	Statement of Consistency		
0.1.9.3.c	Despite controls (a) and (b) above and the controls contained in Section 0.1.7, this plan permits alterations and additions to existing dwellings with floor levels below the Flood Planning Level, subject to certain prescribed requirements.	Not relevant to the proposed development.		
Flood Cont	rrols - Subdivision			
0.1.9.6.a	Council will not support any Development Application for a residential subdivision where it is evident that a flood free building envelope and safe internal access from / to the public road network cannot be provided. The building envelope and access should be flood free in a 1% AEP event.	The proposed development complies. The assessment work presented in this Flood Report suitably demonstrates that the finished floor level of the proposed dwellings and site access will be located above the Flood Planning Level.		
	Subdivision will not be permitted where creation of such lot will create the potential for increased intensity of development within the Flood Planning Area.	<ul> <li>The proposed subdivision will not create the potential for increased intensity of development within the Flood Planning Area for the following reasons:</li> <li>Proposed Lot 1 will be created for the purposes of accommodating the existing dwelling and shed infrastructure. Proposed Lot 1 contains the majority of land that is below the Flood Planning Level. No new residential development is proposed on this lot. The creation of this lot does not have the result of increasing the density of residential development on land below the Flood Planning Level.</li> <li>Proposed Lot 2 will be created for the purposes of accommodating Dwelling No. 1. This lot does not contain any land area that is below the Flood Planning Level. Flood free access is available to this lot from Walker Street.</li> <li>Proposed Lot 3 will be created for the purposes of accommodating Dwelling No. 2. A small amount of land area within this lot would be below the Flood Planning Level, however the proposed dwelling and site access are located above this level.</li> </ul>		



#### **APPENDIX A - FLOOD PLANNING REPORT**

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#### 8. Conclusion

This Flood Planning Report has been prepared in support of the lodgement of a Development Application for a 3 lot subdivision and construction of 2 single dwellings on the land at 17 Walker Street, being Lot 1 DP 599492. The report has also been prepared in order to present the findings of registered survey work completed in order to establish the Flood Planning Level for the subject land and it's relationship to the proposed site and building design.

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

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

- + The proposed dwellings on the land have been positioned above the Flood Planning Level.
- The dwellings are provided with site access (vehicles and pedestrians alike) to Walker Street via land that is above the Flood Planning Level.
- + Cut and fill has been minimised to ensure that the existing natural landform is retained where possible.
- + The proposed use is permissible under the zoning framework for the land in Cowra Local Environmental Plan 2012.
- The proposed use is permissible under the land-use guidelines established in the Cowra Comprehensive DCP 2021 for the relevant flood hazard category assigned to the land.
- + An environmental impact assessment confirms that the proposed development is within acceptable limits.

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24 August 2023

Mr Glenn Oakley Manager – Planning Cowra Shire Council Private Bag 342 Cowra NSW 2794

By email to: goakley@cowra.nsw.gov.au

MATTER

#### ADDITIONAL INFORMATION REQUEST DA 1/2023 - 17 WALKER STREET, COWRA NSW 2794

I refer to Council's letter dated 9 May 2023 requesting additional information in relation to Development Application No. 1/2023 for the land at 17 Walker Street Cowra. Currajong provides you with the following information to address the matters listed in Council's letter:

#### SHED - RESIDENTIAL USE

The landowners have made a decision that they do not wish to seek approval for the continued use of the building for residential purposes.

Structural engineering advice has been received, as well as advice from Council's consulting building surveyor on the matter. The scope of work required to bring the building into compliance with the requirements of the Building Code of Australia for a Class 1a Structure is not feasible to the landowners.

Please accept this letter as formal advice that the landowners wish to continue using the building for its approved purpose as a Class 10a structure.

To enable the use of the building in a manner that is consistent with the Class 10a classification, the kitchen and cooking facilities have been removed from the building and it will no longer be used for residential occupation. Evidence of this work being carried out is provided in the form of photographs included as an attachment to this letter. This approach is consistent with advice provided by Council's Consulting Building Survey during an on-site inspection of the premises completed on 8 August 2023.

#### UNAPPROVED AWNINGS

The owners wish to continue the use of the 2x awning structures on the land.

Currajong has lodged the following applications with Cowra Shire Council via the NSW Planning Portal for assessment and determination:

- DA Continued use of existing shed awnings (x2)
- Building Information Certificate





Post 205A Clarinda Street Parkes NSW 2870 Telephone 0428 254 299 Web ABN currajong.com.au 56644651936



#### SELF STORAGE UNITS

The owners wish to continue the use of the existing building for self-storage units on the land. Currajong has lodged a DA with Cowra Shire Council via the NSW Planning Portal for assessment and determination. The proposal is to utilise the provisions contained in Clause 5.3 of Cowra Local Environmental Plan 2012.

On the basis of the above advice, we understand that all outstanding additional information matters are now addressed and that Council can continue with the assessment of DA 1/2023. I have submitted a revised SEE to ensure it includes relevant details pertaining to the above. If you would to discuss this matter, please contact me on 0429 217 243.

Bu

Dean Steward Senior Planner



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56644651936



#### ATTACHMENT – PHOTOGRAPHIC RECORD



Photo – Prior to removal of kitchen and cooking facilities



Photo – Post removal of kitchen and cooking facilities



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Item 4.1 - Attachment 5



From: To: Subject: Date: Ben Galea Council Development proposal-DA 1/2023 Tuesday, 24 January 2023 8:43:17 AM

Hi Glenn,

I request that the DA in question does not go ahead for at least the reasons stated in the next few points-

- 1. The entry to the 2 houses is less than 2m from my house causing undue noise from vehicle movements.
- 2. The residents of 17 have had a person living in the first shed in picture 3 for a number of years that's 3 vehicles already.
- 3. The resents of 17 also allegedly rent out the individual bays of the shed in pic 2 and as a result I already have move than enough vehicles passing close to my house at various times during the day.
- 4. Walker street is a narrow street and at present a single car parked in the street causes traffic to stop and give way therefore more vehicles travelling along Walker street will only make the street more dangerous.
- 5. Cowra is a country town with no need to jam houses in unnecessary spots as subdivisions are not completely full.
- 6. Past resident the late Mr Greg Fletcher made a similar request for a DA some time ago that was knocked back by council that may be worth noting.

Thanks Ben Galea

2023/1695	RECEIVED Cowra Shire Council 24 January 2023 Plan No: DA 1/2023
1.1	E J & J E Peterson
	24 January 2023
	The General Manager Cowra Shire Council Private Bag 342 COWRA NSW 2794
	Dear Sir
	Re: Development Application 1/2023 17 Walker Street Cowra
	We have received your notice of the proposed development at the above address, plus a copy of the Stormwater Management Proposal for that development, and would like to make the following submission.
	1 Proposed Stormwater Management for 17 Walker Street
	We note that there will be a tank attached to each dwelling, with overflow from each, as well as that of the tank behind the storage sheds, to be directed to a level spreader, situated beside our boundary fence.
	We <u>STRONGLY OBJECT</u> to the positioning of the level spreader on our boundary, with overflow directed to our property.
	While it is 5 metres wide, <u>it is still a collection point for rooftop stormwater</u> <u>from three structures</u> . Unless water from the tanks is regularly utilised, with storms such as we have had recently, water will accumulate in the spreader and spill directly into our land in a more concentrated form than from a normal rain event.
	As a side note we were disappointed to see that, without any reference to us at any stage, the overflow pipe from the tank at the back of the storage sheds

2023/1695

was directed at our property, and we only recently discovered this. We will therefore be grateful if that overflow is incorporated in the overall plan.

We would suggest that a better option would be to have the spreader located further towards Walker Street to minimise the amount of water which impacts us and allow the maximum amount of stormwater to stay on the property where it originates.

Or perhaps take the water from the tank on Lot 3 to the tank on Lot 2 and then pipe/pump to Walker Street?

While our land is "vacant" at the moment, it nevertheless is our home.

The land is zoned Light Industrial due to flood lines, but we pay Residential rates on the full 3.024 hectares and therefore should be respected as such and not used as a virtual "holding tank" for everyone else's stormwater collections.

We already receive stormwater from four points:

- a West Cowra drainage system through Lyall and Walker Streets via Hurrell's paddock, which spills to the lower half of our paddocks when a storm occurs, such as on Sunday 13 November.
- b Lynch's storage sheds at 50 Grenfell Road the stormwater flows to their perimeter gate instead of to the weir (which we constructed) between their land and William Street blocks, and, due to the fall in the ground between the gate and Grenfell Road, flows into our property east of our driveway, where it sits until absorbed or evaporates.
- c Unfinished shed at the rear of 33 Walker Street no downpipes have as yet been connected. (We refer to our letter to Council dated 10 October 2022 re DA 121/2021.)
- d The underground pipe from north side of Hartley Street to our side of Grenfell Road. Water from this pipe flows down the verge to a pit at our front gate, and unless the dish drain is kept clear by Council maintenance team, overflows into the front of our property.

Please note that due to the amount of stormwater which already impacts our property, from all four sides, we will be addressing our concerns to you in a separate submission which we hope will be taken note of by the Council when planning the West Cowra stormwater system. 2023/1695

Sec. 40

2 Sewer Line shown inside northern boundary of 17 Walker Street on Sheet A.01

This line is actually situated on our land, and is a private line, paid for by us at the time of building our house in 1985, to connect our property to the main line which runs across proposed Lot 2 to Lot 1 and on to William Street. An inspection point is situated on our property, level with the tank behind the five storage sheds in 17 Walker Street. (Photo attached).

It was impossible to connect to Grenfell Road sewer main as our land falls in the middle and then rises again to Grenfell Road.

In summary, we have no objection to the construction of the dwellings, but have very serious concerns about the stormwater management plan as projected.

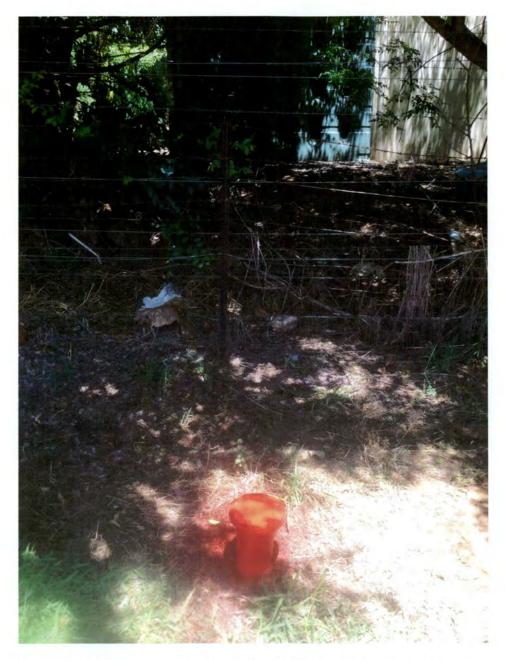
Yours faithfully

E J & J E Peterson

# GENERAL COMMITTEE MEETING AGENDA

#### 2023/1695

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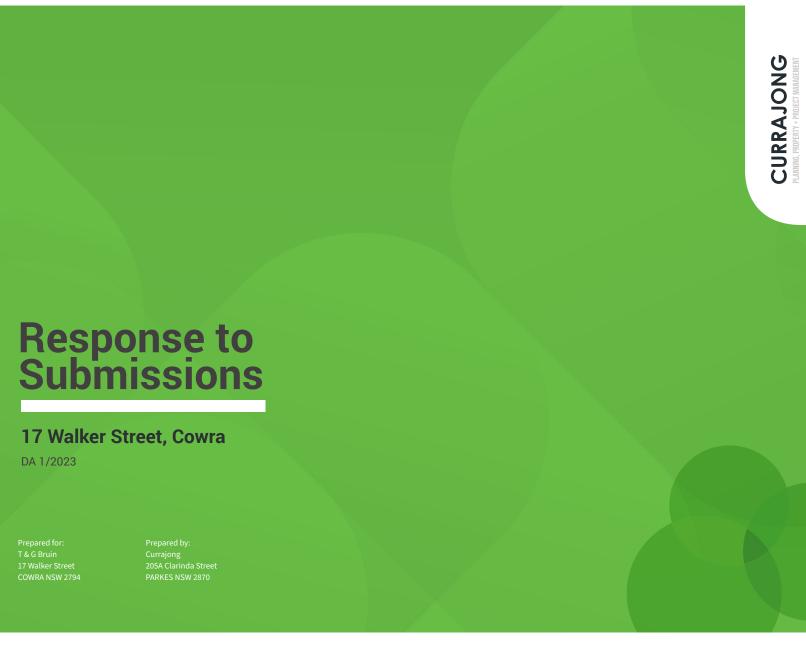
Sewer line inspection point inside 52 Grenfell Road - Walker Street storage units in background.

#### 2023/1695

+ + + + + +



Rear of storage sheds on 17 Walker Street, showing overflow towards 52 Grenfell Road.



# DOCUMENT CONTROL

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# CURRAJONG

PLANNING, PROPERTY + PROJECT MANAGEMEN

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SUBMISSION MAKER		SUMMARY OF ISSUE RAISED	PLANNING RESPONSE	PROPOSED DESIGN RESPONSE	
E J & J E Peterson 52-70 Grenfell Road COWRA NSW 2794	1.	The submission notes the proposed method of stormwater management for the development, including the diversion of roof- water from the new dwellings to rainwater collections tanks with overflow diverted to a level spreader along the northern boundary of the site (which adjoins the land owner by E J & J E Peterson). An objection has been raised to the positioning of the level spreader, with overflow directed to the adjoining property.	The proposed method of stormwater disposal for the proposed development has been designed by a qualified civil engineer and supported by calculations to demonstrate that post-developed flows will not exceed pre-developed flows in accordance with Council's DCP requirements. Notwistanding, the landowners acknowledge the concerns raised by the neighbouring land owner and agree to amend the proposed method of stormwater disposal from the development.	Calare Civil has prepared an amended Stormwater Management Plan for the development. The amended pan shows all roofwater from the proposed dwellings and the existing shed on the land being piped (under a charged system) to the kerb and gutter in Walker Street. A copy of amended Stormwater Management Plan is submitted to Council with this response to submissions.	
	2.	The submission notes that an overflow pipe from an existing tank at the back of an existing shed along the northern boundary has been redirected towards the boundary owned by the Peterson's. A request has been made to incorporate this stormwater overflow into the proposed approach to stormwater management for the new development.	The proponents accept that the existing approach to stormwater management for the shed is unacceptable. This is an existing arrangement implemented by the previous owners of 17 Walker Street. The landowners acknowledge the concerns raised by the neighbouring land owner and agree to amend the proposed method of stormwater disposal from the development.	Refer to Proposed Design Response No. 1	<b>CURRAJONG</b> Lanning, property + project management
	3.	The submission raises a number of issues / concerns with the stormwater management arrangements for land generally within the locality and specifically for the adjoining properties at 50 Grenfell Road, 33 Walker Street.	The issues raised do not relate to the land at 17 Walker Street. The proponents accept responsibility for the proper management of stormwater generated from their own property but cannot be responsible for stormwater originating from other locations.	No changes are required to the proposed design as a result of this issue.	<b>CURRA</b> PLANNING, PROPERTY +
	4.	The submission notes that the location of the sewer main infrastructure, as shown on the plans submitted with the DA, may be inaccurate. The inaccuracy relates to the plan showing the location of a sewer main which is instead privately owned internal drainage servicing the Peterson's existing dwelling.	The plans prepared by Currajong and originally submitted in support of the DA were based on records held by Cowra Shire Council. The particular main / pipe in question was unable to be located by a detailed site survey completed as part of the initial project planning. This issue was communicated to Council at lodgement of the DA and an agreement was reached with Council that further investigation would be required to ascertain the location / ownership of the sewer infrastructure. Those investigations have now been completed with Council's assistance, and updated information is now available to be presented on the plans supporting the DA.	Currajong has amended the plans submitted with the DA, which now show the accurate locations of sewer infrastructure within the boundaries of the subject property.	PROJECT CONT Dean Steward Senior Planner 0429 217 243 POSTAL ADDRE 205A Clarinda S PARKES NSW 24
	5.	The submission raises no objection to the proposed development, except for the concerns with the Stormwater Management Plan.	Noted. Refer to Planning Response No. 1.	Refer to Proposed Design Response No. 1	EMAIL dsteward@curi WEB

SUBMISSION MAKER		SUMMARY OF ISSUE RAISED	PLANNING RESPONSE	PROPOSED DESIGN RESPONSE
Ben Galea 19 Walker Street COWRA NSW 2794	1.	The submission raises an objection to the proposed development on the basis that the entry to the development site is less than 2m from the dwelling at 19 Walker Street causing undue noise from vehicle movements.	<ul> <li>There are no other alternatives to achieving practical access to the proposed new dwellings.</li> <li>The proximity of the existing dwellings to the dividing property boundary is consistent with typical built form in urban (residential) settings. Side setbacks of similar distances are common for most dwellings on lot typologies between 700-1000m2.</li> <li>The proponent submits that the construction of an additional 2 x smaller dwellings (2 Bedroom) on the land is:</li> <li>within the context and setting of the land,</li> </ul>	As a result of the concern that has been raised by the adjoining land owner, the proponent has amended Sheet A.02 - Proposed Vehicle Surfaces. The proposal is to change the surface of the internal driveway (adjoining the dwelling at 19 Walker Street) from blue metal to bitumen seal. This is proposed in order to further mitigate vehicle noise generated by the development.
			<ul> <li>not an over-development of the site. The subject land has an area of 4000m2, resulting in a residential density of one dwelling per 1,333m2 of existing site area. The lot areas for existing properties on the northern side of Walker Street have been calculated and yield an average lot size of approximately 1200m2.</li> </ul>	A copy of amended Sheet A.02 is submitted to Council with this response to submissions.
			The likelihood that the proposed development will cause noise impacts at 19 Walker Street that are beyond acceptable limits is mitigated by the following existing / proposed site features:	
			There is an existing 1.8m high colourbond fence on the boundary which is likely to assist with noise attenuation.	
			<ul> <li>Site inspection shows there are no existing windows on the eastern elevation (adjoining the access) of the dwelling at 19 Walker Street.</li> </ul>	
			<ul> <li>The nature and scale of the proposed development means that only light passenger vehicles are expected to utilise the internal access. By design, larger vehicles are not required to enter the site on a regular basis, including garbage collection which is to occur roadside at Walker Street, Cowra.</li> </ul>	
			<ul> <li>As an internal site access, vehicle speed is expected to be low (in the order of 5-10km/h).</li> </ul>	
			<ul> <li>Impacts associated with construction phases of the project are to be temporary only.</li> </ul>	

SUBMISSION MAKER		SUMMARY OF ISSUE RAISED	PLANNING RESPONSE	PROPOSED DESIGN RESPONSE	
	2.	The submission raises an objection to the proposed development on the basis that there is a person living in an existing shed on the subject land.	The landowners have provided Cowra Shire Council with a letter (dated 4 March 2023) that (1) acknowledges this issue as a compliance matter, (2) provides commitments to seek approval for continuation of the use through the lodgement of a separate Development Application and Construction certificate. A copy of the letter is submitted with this response to submissions and is to be referred to for a detailed account of the owners intent and commitments to have this compliance issue rectified.	The Statement of Environmental Effects has been updated to ensure that this use is considered (where necessary) as part the impact assessment for DA 1/2023.	
	3.	The submission raises an objection to the proposed development on the basis that the landowners are renting out the individual bays of an existing shed on the subject land, resulting in more than enough vehicle passing close to the existing dwelling at 19 Walker Street at various times throughout the day.	The landowners have provided Cowra Shire Council with a letter (dated 4 March 2023) that (1) acknowledges this issue as a compliance matter, (2) provides commitments to seek approval for continuation of the use through the lodgement of a separate Development Application. A copy of the letter is submitted with this response to submissions and is to be referred to for a detailed account of the owners intent and commitments to have this compliance issue rectified.	is considered (where necessary) as part the impact assessment for DA 1/2023.	
	4.	The submission raises an objection to the proposed development on the basis that (1) Walker Street is narrow, (2) that a single parked car on the street causes traffic to stop and give way, and (3) more vehicles travelling along Walker Street will only make the street more dangerous.	The proposed development is a not a significant traffic generating development. Traffic impact assessment submitted with the Statement of Environmental Effects confirms that the proposed development is likely to be within the capacity of the local road network and that upgrades to Walker Street are not warranted. Sufficient space exists within the development site to accommodate resident and visitor car parking needs, meaning that on-street parking in Walker Street will not be necessary.	No changes are required to the proposed design as a result of this issue.	
	5.	The submission raises an objection to the proposed development on the basis that 'Cowra is a country town with no need to jam houses in unnecessary spots as subdivisions are not completely full'.	The proposed development is demonstrated to be consistent with primary town planning controls relating to zoning and permissibility of use. There is no basis to require new housing to be created in new subdivisions only. Creating housing opportunities in existing areas that benefit from established road networks and public utility installations is an efficient way to increase housing supply and diversity. The proposal is thoughtfully designed and is within the capabilities, constraints and opportunities of the site. The development will positively contribute to the supply of quality affordable housing in West Cowra.	No changes are required to the proposed design as a result of this issue. POSTAL A 205A Clar PARKES I EMAIL dsteward WEB	anner 243 IDDRESS inda Street ISW 2870 @currajong.com.au
				www.cur	



4.2Development Application No. 83/2023, Lot 401 DP 261365, 32<br/>Traminer Lane Cowra, Dwelling, lodged by Currajong Pty LtdFile Number:D23/1498Author:Larissa Hackett, Director - Environmental Services

## RECOMMENDATION

- 1. That Council notes that the reason for the decision is that the proposal largely complies with Section 4.15 of the Environmental Planning and Assessment Act 1979. The variation to Section F.1.4.1.b. of Part F of Council's Development Control Plan 2021 is sufficiently justified and the application was publicly notified and no submissions were received; and
- 2. That Council approves a variation to Section F.I.4.I.b. of Part F of Council's Development Control Plan 2021 for this development to allow a 25m side boundary setback and 10m wide vegetation buffer; and
- 3. That Development Application No. 83/2023, for the construction of a dwelling on Lot 401 DP 261365, 32 Traminer Lane 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 Plan Sheet 01 Issue A	Currajong I 8/04/2023	Received 7 September 2023 Stamped No. DA 10.2023.83.1
Site Plan with Contours Sheet 02 Issue A	Currajong I 8/04/2023	Received 7 September 2023 Stamped No. DA 10.2023.83.1
Basix Compliance Schedule Sheet D3-I Version I	Vision Town Planning Consultants 22/03/2023	Received 7 September 2023 Stamped No. DA 10.2023.83.1
Floor Plan Sheet D3-2 Version I	Vision Town Planning Consultants 22/03/2023	Received 7 September 2023 Stamped No. DA 10.2023.83.1

South-West & North- West Elevations Sheet D3-3 Version I	Vision Town Planning Consultants 22/03/2023	Received 7 September 2023 Stamped No. DA 10.2023.83.1
North-East & South- East Elevations Sheet D3-4 Version I	Vision Town Planning Consultants 22/03/2023	Received 7 September 2023 Stamped No. DA 10.2023.83.1
BASIX Certificate No. 1381853S_02	Vision Town Planning Consultants Issued: 21 August 2023	Received 7 September 2023 Stamped No. DA 10.2023.83.1
Statement of Environmental Effects Revision A	Currajong I 8/08/2023	Received 7 September 2023 Stamped No. DA 10.2023.83.1

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

- 2. The applicant shall comply with all relevant prescribed conditions of development consent under Part 4, Division 2 of the Environmental Planning and Assessment Regulation 2021 (see attached Advisory Note).
- 3. Any cutting and filling on the site shall be either battered at a maximum slope of one vertical to two horizontal (IV:2H) and revegetated or suitably retained by a retaining structure, designed and constructed to appropriate engineering standards. A retaining wall that does not meet the requirements for exempt development under 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. 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.
- 5. Prior to the issue of a Construction Certificate, the applicant is to prepare an unidentified finds procedure for site development works due to the potential for asbestos containing pipe material under the surface. The procedure is to be submitted for the approval of the Principal Certifier.

- 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 in compliance with ASI547:2012 can operate in the proposed area.
- 7. Pursuant to Section 7.12 (formerly Section 94A) of the Environmental Planning & Assessment Act 1979, the monetary contribution set out in the following table is to be paid to Council prior to the issue of a 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'	Levy Percentage	Total Contribution	Contribution Rate Remains Current Until
Section 94A Contribution <sup>2</sup>	\$910,859.00	1%	\$9,108.59	30 June 2024
<sup>2</sup> Council's Section	on the Deve ying Development Ce n 94A Contributions er Service Centre, I com au	ertificate Applic Plan 2016 ma	ay be viewed du	ring office hours at

# 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 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.
- 9. 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.
- 10. 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'.

- 11. 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.
- 12. 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.

### CONDITIONS TO BE COMPLIED WITH DURING CONSTRUCTION

- 13. 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.
- 14. All storage of goods and building materials and the carrying out of building operations related to the development proposal shall be carried out within the confines of the property. All vehicles must be parked legally and no vehicles are permitted to be parked over the public footpath. The unloading of building materials over any part of a public road by means of a lift, hoist or tackle projecting over the footway will require separate approval under Section 68 of the Local Government Act 1993.
- 15. 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.
- 16. All building rubbish and debris, including that which can be windblown, shall be contained on site in a suitable container for disposal at an approved Waste Landfill Depot. The container shall be erected on the 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.

- 17. All roofed and paved areas are to be properly drained in accordance with the Plumbing Code of Australia and discharged three metres clear of any building/structure in a manner that does not cause soil erosion or nuisance to adjoining properties.
- 18. All plumbing work shall be carried out by a licensed plumber and drainer and to the requirements of the Plumbing Code of Australia. The licensed plumber or drainer must submit a Notice of Works form to Council prior to the commencement of any plumbing and drainage works and a Certificate of Compliance at the completion of the works. The plumbing and drainage works must be inspected by Council at the time specified below:
  - (a) Internal Drainage: When all internal drainage work is installed and prior to concealment. Pipes should be under water test.
  - (b) External Drainage: When all external drainage work is installed and prior to concealment. Pipes should be under water test.
  - (c) Water Supply: Hot and cold water supply pipework, when the pipework is installed and prior to concealment. Pipes should be under pressure test.
  - (d) Stormwater: When the stormwater and roof water drainage system has been completed.

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

- 19. The Applicant must not commence occupation or use of the dwelling until a Whole or Partial Occupation Certificate has been issued from the Principal Certifier appointed for the subject development.
- 20. Prior to the issue of any Occupation Certificate, provide a minimum of 45,000 litres of tanked water supply for domestic consumption for the dwelling or a larger volume of water supply in accordance with BASIX certificate commitments. In addition to the water supply required for domestic consumption and BASIX, an additional 10,000 litres of water supply shall be reserved for fire-fighting purposes for dwelling in accordance with the NSW Rural Fire Service requirements. Where the total volume for dwelling is provided in a single tank, the draw off point for the domestic supply is to be located at or above the 10,000 litre level. The tank shall be fitted with a 65mm Storz fitting and ball or gate valve. Water tanks shall be generally located in close proximity to the dwelling-house and allow access for fire fighting vehicles.

Water tanks are not to be constructed of plastic if they are to be exposed to medium to high level bushfire risk. Further information relating to the location and design of water tanks and emergency fire-fighting requirements for water tanks and connections can be downloaded from the NSW Rural Fire Service website, <u>www.rfs.nsw.gov.au</u>.

21. Prior to the issue of a Whole Occupation Certificate, the Applicant shall construct a sealed access crossing to the development site from Traminer 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.

22. Prior to the issue of a Whole Occupation Certificate, the Applicant shall install the vegetation buffer in accordance with the approved plans and clauses b & c of Appendix A of Part F of Cowra Council Development Control Plan 20121.

#### 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. 83/2023 proposes a dwelling on Lot 401 DP 261365, 32 Traminer Lane Cowra. The application was lodged by Currajong Pty Ltd on 7 September 2023.

The application is being reported to Council because it contains a variation to Section F.I.4.1.b of Part F of Cowra Council Development Control Plan 2021 to reduce a side boundary setback from 40m to 25m and to reduce the vegetation buffer width from 20m to 10m.

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

### **Description of Site**

Lot 401 DP 261365, 32 Traminer Lane Cowra is a roughly rectangular allotment of approximately 10.41 ha on the corner of Traminer Lane and Chardonnay Road which are unsealed local roads. The lot is located in the RU4 Primary Production Small Lots zone under Cowra Local Environmental Plan (LEP) 2012. The site contains grapevines (viticulture). The site does not contain any buildings or native vegetation.

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

#### Description of Proposal

The applicant proposes to remove the existing vines and construct a single storey 4 bedroom dwelling with an attached double garage. The dwelling will have a face brick exterior and Colorbond roof. An access crossing will be constructed from Traminer Lane. The development also includes rainwater tanks to meet Basix requirements and an on-site waste management system.

#### Environmental Impact Assessment

# GENERAL COMMITTEE MEETING AGENDA

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 83/2023:

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

#### Local Environmental Plan (LEP)

The applicable LEP is the Cowra LEP 2021 (CLEP) and the relevant provisions of the LEP are discussed as follows.

I.2 Aims of Plan

The development is not inconsistent the aims of the LEP.

I.4 Definitions

The development is defined as a dwelling house under the LEP.

I.6 Consent authority

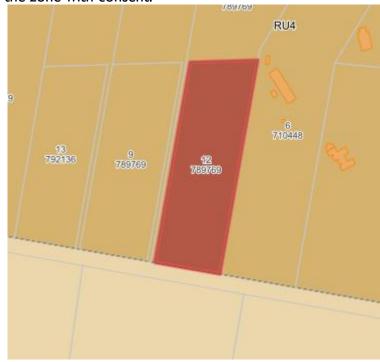
The consent authority for the purposes of this Plan is (subject to the Act) the Council.

1.9A Suspension of covenants, agreements and instruments

The property is affected by an electricity easement. The proposed works are clear of the easement.

2.1 Land use zones

The site is zoned RU4 Primary Production Small Lots, and the proposed development is permitted in the zone with consent.



#### 2.3 Zone objectives

Objective	Comment
• To enable sustainable primary industry and other compatible land uses.	Not inconsistent.
• To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.	
• To minimise conflict between land uses within this zone and land uses within adjoining zones.	Consistent.

### 2 Permitted without consent

Environmental protection works; Extensive agriculture; Home occupations; Intensive plant agriculture

#### **3** Permitted with consent

Agritourism; Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Building identification signs; Business identification signs; Camping grounds; Cellar door premises; Depots; Dual occupancies (attached); **Dwelling houses**; Environmental facilities; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Function centres; Helipads; Home businesses; Home industries; Industrial training facilities; Information and education facilities; Landscaping material supplies; Plant nurseries; Recreation areas; Roads; Roadside stalls; Rural industries; Transport depots; Veterinary hospitals; Water recreation structures; Water supply systems

#### 4 Prohibited

Livestock processing industries; Sawmill or log processing works; Stock and sale yards; Any other development not specified in item 2 or 3

Comment:

The proposed development is permitted with consent.

#### 4.2B Erection of dwelling houses on land in certain rural zones

Lot 401 DP 261365 represents an existing holding. Accordingly, a dwelling house may be erected under clause 4.2B(3)(d).

#### 5.10 Heritage conservation

There are no heritage items on-located on the site (identified on either the NSW State Heritage Register or in the Local Environmental Plan), and the site is not located in a Heritage Conservation Area.

#### 5.11 Bushfire

The site is not located within an area mapped as prone to bushfire.

#### 5.16 <u>Subdivision of, or dwellings on, land in certain rural, residential or conservation zones</u>

The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in the rural, residential or conservation zones concerned (particularly between residential land uses and other rural land uses).

The following matters are to be taken into account—

- (a) the existing uses and approved uses of land in the vicinity of the development,
- (b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,
- (c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),
- (d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).

#### Comment:

The locality around these RU4 Primary Production Small Lots zoned lots contains land zoned RU1 Primary Production, R5 Large Lot Residential and E3 Productivity Support and therefore subject to a wide variety of existing uses. RU4 zoned lots in the area have historically been utilised for viticulture and much of the land is still under cultivation. However, this land use has become less economically viable in recent years and property owners have begun to utilise their dwelling entitlements where available. Vegetation buffers will be applied to ensure some protection for the remaining viticultural and other agricultural uses.

The development will not have an adverse impact nor is it incompatible with any adjoining land uses. The proposed new dwelling incorporates adequate boundary setbacks and vegetation buffers to minimise incompatibility.

5.21 Flood planning

The land is not in the flood planning area.

#### Part 6 Urban release areas

The site is not identified as being within an urban release area.

7.1 <u>Earthworks</u>

The proposal will result in less than one metre of cut and fill battered across the vicinity of the house site. It is considered that there will be no adverse impact or environmental risk from the earthworks required and Council's standard sedimentation and erosion control condition will apply.

### 7.3 <u>Terrestrial biodiversity</u>

This clause applies to land that is identified as biodiversity land on the *Terrestrial Biodiversity Map*; the site is not mapped as being affected. In addition, no tree removal is proposed, and no adverse impacts on the ecological value and significance of flora and fauna is considered likely.

#### 7.4 <u>Riparian land and watercourses</u>

This clause applies to land that is identified as a watercourse on the Watercourses Map, or is within 40 metres of a mapped watercourse; the site is not mapped as being affected; accordingly, this clause is not applicable.

#### 7.5 <u>Wetlands</u>

This clause applies to land identifies on the wetlands map; the site is not identified as being affected; accordingly, this clause is not applicable.

#### 7.6 <u>Groundwater vulnerability</u>

This clause applies to land that is identified as groundwater vulnerable on the Groundwater Vulnerability Map, and the site is mapped as being affected. It is assessed that the proposed dwelling and associated onsite sewage management system is unlikely to impact adversely on either the supply or quality of groundwater in the locality. The development is suitably designed and sited to avoid any significant environmental impacts and complies with the requirements of Clause 7.6.

#### 7.7 <u>Airspace operations</u>

This clause applies to developments that penetrate the Limitation or Operations Surface of the Cowra Airport. Works carried out on the site will not project into the Airport airspace.

Water	A rainwater tank will be installed in accordance with Council policy and Basix requirements.
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. There is sufficient site area to accommodate such a system.
Stormwater	There is sufficient room on site to accommodate stormwater disposal from hard surfaces. A condition will be imposed to direct stormwater 3m from the proposed building without impacting on adjoining properties.
Access	It is proposed that access will be off Traminer Lane. The access will require construction to Council standards as conditioned.

#### 7.8 Essential Services

#### 7.11 Development on land in karst areas

This clause applies to land that is identified as karst environment on the *Natural Resources* Sensitivity – Land Map. The land is not mapped as being affected; accordingly, this clause is not applicable.

#### State Environmental Planning Policies

COMMENTS

# **GENERAL COMMITTEE MEETING AGENDA**

Not applicable	
A BASIX certificate has been submitted that demonstrates compliance.	
Not applicable	
Includes the former SEPP 55 – Remediation of Land.	
See comment below.	
Not applicable	
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

According to the contaminated land management guidelines the use of the land for intensive agriculture such as viticulture represents a potentially contaminating land use. The applicant has submitted a preliminary contamination investigation conducted by an environmental consultancy which concludes that the site is suitable for residential use. Asbestos pipe was sometimes used in vineyards, and a condition of consent is applied to ensure that an appropriate management plan is prepared in the event that asbestos is identified during site works. No further investigation is deemed necessary in this instance.

## S 4.15(1)(a)(ii) provisions of any draft Environmental Planning Instrument(s)

There are no draft Environmental Planning Instrument(s) that are relevant to the site.

#### S 4.15(1)(a)(iii) provisions of any Development Control Plan(s)

Cowra Shire Council Development Control Plan 2021

### **PART A – PLAN INTRODUCTION**

Consent is required for the proposed dwelling.

#### 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 area is clear of native vegetation – no further assessment required relating to Biodiversity.

#### PART F – RURAL DEVELOPMENT

F.I.I. Application of this	Noted.	
part		
F.I.2. Objectives	Considered compliant with the stated objectives.	
F.I.3. Siting Controls	Considered compliant with the relevant controls.	
F.I.4. Setback Controls	Non-compliant to western and eastern boundaries. Refer to assessment below.	
F.I.5. Building Appearance Controls	Considered compliant with the relevant controls.	
F.I.6. Access Controls	Construction of a crossover will be required in accordance with Cowra engineering standards.	
F.I.7. Onsite Sewage Management Controls	Given the area of land available an OSSMS will be able to service the proposed dwelling. Conditions of consent apply.	
F.I.8. Water Supply Controls	The new dwelling will be connected to reticulated water supply.	

#### Section F.I.4 Setback controls

Section F.I.4.I.a. provides recommended boundary setbacks for new dwellings in rural areas. For example, a setback of 50m applies in relation to adjoining land that is used for grazing. A setback of 150m applies to adjoining land that is used, or is capable of being used, for intensive agriculture such as cropping, horticulture and viticulture.

Despite the above controls, Section F.1.4.1.b. allows a reduction in the setback distance to not less than 40m where a vegetation buffer is provided in accordance with Appendix A. Appendix A specifies that the vegetation buffer is to be 20m wide.

Requested variation:

This application requests a variation to Section F.1.4.1.b. given that a setback of 25m is proposed to the eastern boundary which represents a variation of 15m. In addition, the proposed vegetation buffer within the setback is 10m wide which represents a variation of 10m.

The applicant requests the variation on the following basis:

- The setback requirements of Council are well understood and have been properly considered as part of the design and site planning for the proposal. 100% compliance is not possible.
- A vegetated buffer is proposed with intent to mitigate against potential land use conflict issues associated with the adjoining agricultural activity. The practical arrangement of the proposed rural dwelling and other ancillary site features (such as driveways) is within the limitations of the site posed by the 500m buffer to Cowra Meat Processors.
- The use of the land for rural dwelling and small lot primary production purposes is consistent with existing land use in the vicinity. Similar examples exist on Lot I DP 710448, Lot 7 DP 789769, Lot 6 DP 710448, Lot I DP 1140579, Lot 413 DP 262068, Lot 412 DP 262068 and Lot 9 DP 789770, some of which have rural dwellings that are constructed in locations that would not comply with current setback requirements.
- The placement of a dwelling on the land is not expected to place an unreasonable burden or impediment to the continued use of adjoining land for viticultural purposes. The vineyard has operated for many years in a location that is exposed to rural residential land use. The viticultural operation has adjusted many of its farming practices to suit including the elimination of aerial spraying techniques.
- The dwelling adjoining Lot 9 DP 789770 has also been constructed with a reduced building setback (approx. 25m) and reduced buffer width (measured on site to be 6m).

### Assessment Comment:

Lot 401 DP 261365 was created with entitlement for a dwelling. The applicant has incorporated a side boundary setback and vegetation buffer to the extent possible given the proximity of the buffer to Cowra Meat Processors. It is unlikely that non-compliance with setback and buffer width requirements will create any significant adverse impacts on adjoining agricultural activities. It is assessed that the application should not be refused on the basis that the proposal can not comply with the stated development controls.

# PART K – LAND USE BUFFERS

The provisions of Part K.2 have the effect of prohibiting the erection of a dwelling on any land that is located within 500m of Cowra Meat Processors. These provisions apply to the proposed development given that the subject land is partially located within the buffer applying to Cowra Meat Processors. However, the proposed dwelling has been sited on the far eastern side of the allotment to ensure that it will not be located within the buffer area.

The provisions of Part K.6 require new development to be of a height that does not penetrate through the Cowra Airport Obstacle Limitation Surface (OLS). The subject land is partially located within the OLS area applying to Cowra Airport, however the proposed dwelling is a single storey structure that does not penetrate the OLS.

### PART M – PARKING, ACCESS & MOBILITY

A new access crossing will be constructed from Andersons Lane and recommended conditions of consent apply. The dwelling incorporates an attached double garage which provides sufficient onsite parking. The proposed development complies with Part M.

## PART O – ENVIRONMENTAL HAZARD MANAGEMENT

The subject land is not mapped as bushfire or flood prone. There is no identified contamination on the subject land as previously discussed in this report.

## PART P – CPTED PRINCIPLES

CPTED assessment is not considered necessary for single dwellings.

The development, as conditioned, will comply with the remaining relevant DCP controls.

### S 4.15(1)(a)(iii)(a) provisions of any Planning Agreement(s)

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.

### S 4.15(1)(a)(iv) any matters prescribed by the regulations

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

- Clause 61 The proposal does not involve demolition of a building and therefore the requirements of AS 2601-2001 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 alteration, enlargement or extension of an
  existing building and therefore the requirement to consider the upgrading of buildings into
  total or partial conformity with the Building Code of Australia is not necessary.

# **S** 4.15(1)(b) the likely impact on the natural and built environment(s) and the likely social and/or economic impact on the locality

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 immediate area is characterised by small lot primary production and scattered dwellings. This proposal is consistent with the existing character of the locality.

## Access, Parking, traffic

The site is accessible via Traminer Lane which is an unsealed local road. A new access crossing is required to be constructed. 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.

## <u>Utilities</u>

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

## <u>Heritage</u>

There are no items listed in schedule 5 of the LEP 2021 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

Council's reticulated water supply is not available for connection. The applicant proposes a minimum on-site storage of 55,000 litres to comply with Council policy. The site can accommodate an on-site sewage management system and disposal of stormwater.

## <u>Soils</u>

No adverse impacts on soil is anticipated. A recommended condition will apply to require compliance with Council's DCP 2021 regarding 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 significant vegetation. There will be no significant impact on native flora & fauna.

## <u>Waste</u>

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.

## <u>Energy</u>

A BASIX Certificate was submitted with the application. The submitted plans include a BASIX compliance schedule in accordance with the Certificate.

## 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 land is not identified as bushfire or flood prone land.

## Technological Hazards

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

## Safety, Security and Crime Prevention

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

## Social and Economic Impacts on the locality

The proposed development will not result in any 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. 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 beyond that associated with a single dwelling 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 development site is not identified as bushfire or flood prone or otherwise unsatisfactorily constrained by natural features. The site is

considered suitable for the development subject to the imposition of appropriate conditions of consent.

## S4.15(1)(d) Any Submissions Received

## Public Consultation

The subject Development Application was notified to adjoining owners in writing from 14 September 2023 to 28 September 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 Interest

## Community Interest

The proposed development is permissible on the subject land and is not expected to adversely impact on the community interests of the area. The proposed development has been considered in terms of the context and setting of the locality in previous sections to this report. The proposed development will not impose any identified adverse economic or social impacts on the local community.

## **S7.12** Fixed development consent levies

No evidence of any prior Section 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. 83/2023 proposes a dwelling on Lot 401 DP 261365, 32 Traminer Lane, Cowra. The application was lodged by Currajong Pty Ltd on 7 September 2023. The property is owned by Angleden Pty Ltd.

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 2021, relating to development in the RU4 Primary Production Small Lots zone and is consistent with existing land-use activities of the locality. The variation to Section F.1.4.1.b of Part F of Cowra Council 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

- I. DA 83/2023 Development Plans 🕹
- 2. DA 83/2023 Statement of Environmental Effects 😃
- 3. DA 83/2023 Location map 🤱
- 4. DA 83/2023 Aerial view 🗓





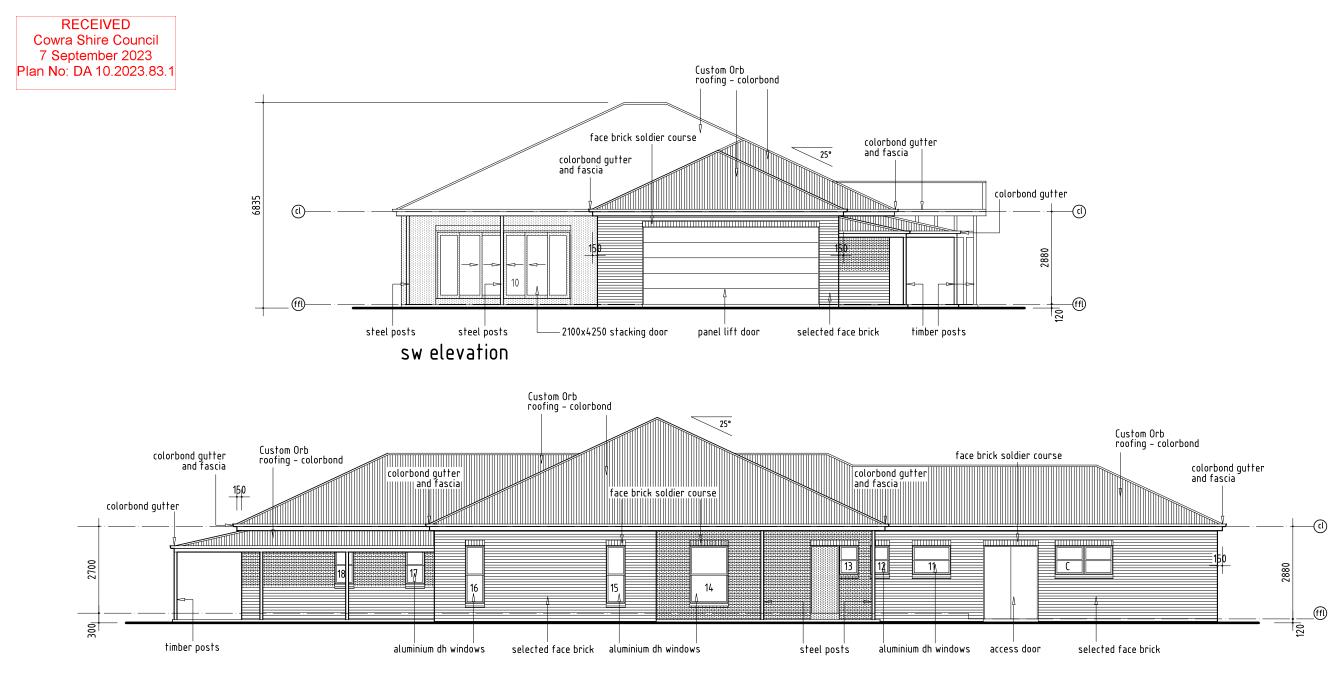
Project Contact Dean Steward 0429 217 243

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.
- 2. 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

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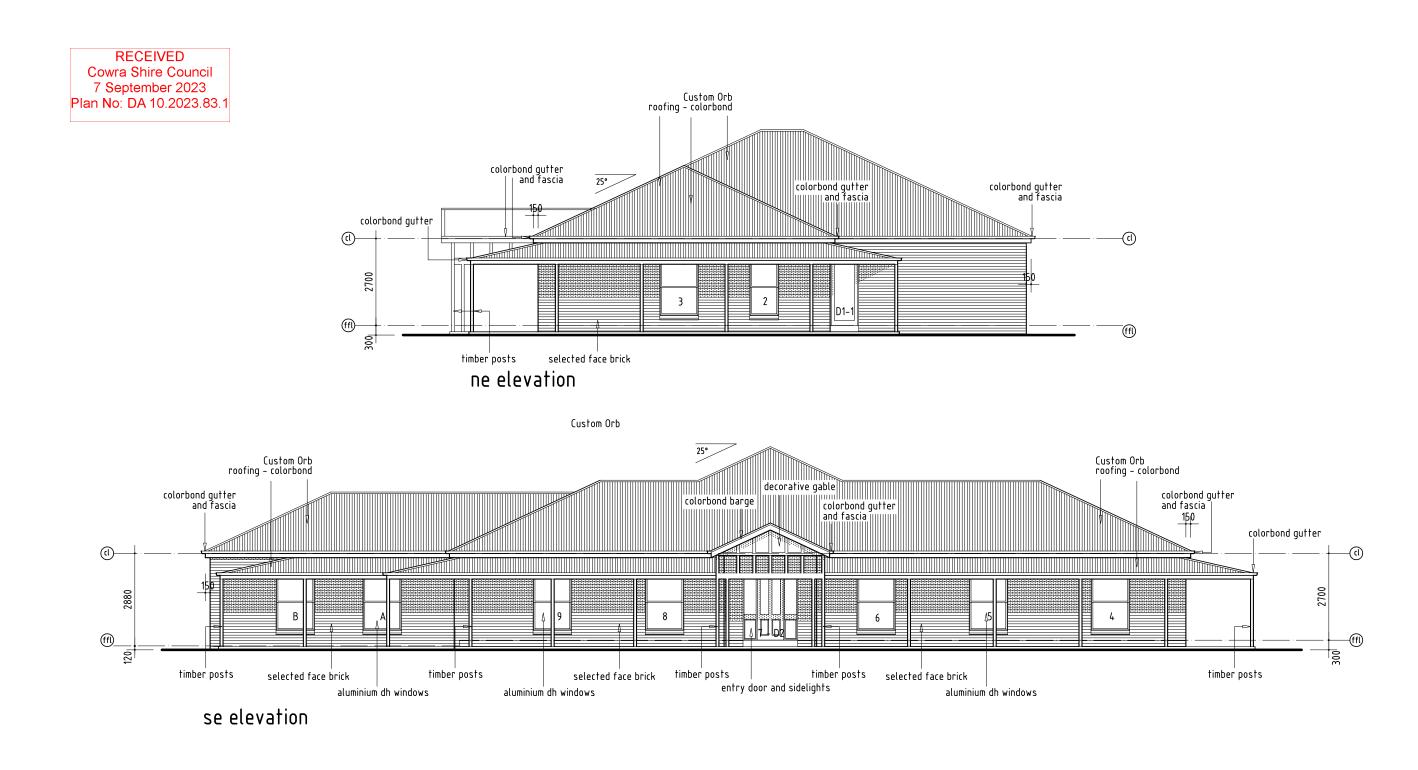
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PLANS / DA / HOFMANN/ VERSION 1 / 20 MARCH 2023

These drawings are copyright and may not be reproduced in any form without the written permission of Vision Town Planning. Do not scale from Drawings, if in doubt ask,	AMENDMENTS	$\wedge$	VISION Town Planning Consultants	
These drawings are to be read in their entirety, it is forbidden to reproduce them in part.			PO Box 852, Cowra NSW 2794	CLIENT
Check all sizes before work begins. Check all levels on site before work begins. Any discrepancies are to be referred to this office at once. All materials and workmanship			1300 240 827	Curra
are to be in strict accordance with current manufacturers printed instructions, local regulations, The Building Code of Australia and SAA Codes. Fix foam seals and weatherstrips to all external doors.		VISION	admin@visiontpc.com.au	LOCATION Lot 40

D3-3

posed dwelling	SCALE
ajong Planning Consultants	DATE 22/3/23
01 DP261365	<sup>JOB №</sup> 39/23



PLANS / DA / HOFMANN/ VERSION 1 / 20 MARCH 2023

permission of Vision Town Planning. Do not scale from Drawings. If in doubt ask	AMENDMENTS	Ń	VISION Town Planning Consultants	PROJECT Proposed dwelling	SCALE
These drawings are to be read in their entirety, it is forbidden to reproduce them in part. Check all sizes before work begins. Check all levels on site before work begins. Any discrepancies are to be referred to this office at once. All materials and workmanship			1300 240 827	Currajong Planning Consultants	DATE 22/3/23
are to be in strict accordance with current manufacturers printed instructions, local regulations, The Building Code of Australia and SAA Codes. Fix foam seals and weatherstrips to all external doors.		VISION PROPERTY DEVELOPMENT HJB	admin@visiontpc.com.au	Location Lot 401 DP261365	<sup>JOB №</sup> 39/23



CLIENT H & R Hofmann (Angleden Pty Ltd)

PROJECT Proposed Rural Dwelling Lot 401 DP 261365, Traminer Lane, COWRA NSW 2794

DOCUMENT TITLE Statement of Environmental Effects

REVISION

Α

## DOCUMENT CONTROL

PROJECT REPORT DETAILS		
Document Title	Statement of Environmental Effects	
Principal Author	Dean Steward	
Client	Angleden Pty Ltd	
Project Reference	APC 230315	
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Revision	A	
Status	For Approval	
Date	18 / 08 / 2023	
DISTRIBUTION RECORD		
Recipient	Distribution Method	Date
H Hofmann	Email - Rev A	18/08/2023

# CURRAJONG

PLANNING, PROPERTY + PROJECT MA

#### DISCLAIMER

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

Dean Steward Senior Planner

205A Clarinda Street PARKES NSW 2870

ABN 56644651936

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EXECUTIVE SUMMARY

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# EXECUTIVE SUMMARY

This Statement of Environmental Effects (SEE) has been prepared by Currajong Pty Ltd (Currajong) on behalf of Angleden Pty Ltd for the proposed development of the land at Lot 401 DP 261365, being Traminer Lane Cowra.

The proposal is for the removal of existing vines and infrastructure associated with the existing viticultural operation on the land, and construction a single storey rural dwelling comprising 4 bedrooms, 2 living areas, attached double garage, outdoor entertaining space, and wrap around verandahs. The proposed dwelling has been designed purposefully to be sympathetic with the rural setting and context of the land.

The subject land is located within the RU4 Primary Production Small Lots zone which applies also to all existing adjoining properties.

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

The Cowra Comprehensive Development Control Plan 2021 (DCP) applies to all land in the Cowra LGA and contains standards and controls which must be assessed. The proposal is consistent with DCP except that it has not been possible to achieve the setback to the eastern property boundary required by Part F.1.4.1 of the Cowra DCP. The eastern boundary is adjoined by land used for viticultural purposes. A reduction to the required setback and vegetation buffer width is proposed.

A detailed description of the proposed DCP variation has been provided in this Statement of Environmental Effects. Every effort has been made to comply with prescribed requirements, however unique site conditions mean that compliance cannot be achieved. The variation is capable of being supported by Cowra Shire Council based on planning merit. A review of the surrounding area reveals similar development proposals have been supported by Cowra Shire Council and as a result the Council's support for this Development Application does not compromise public interest considerations.

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

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DCP Variation Justification - Rural Setbacks



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PROJECT DESCRIPTION

# **01. PROJECT INTRODUCTION**

### 01.1 Scope

This Statement of Environmental Effects (SEE) has been prepared by Currajong Pty Ltd (Currajong) on behalf of Angleden Pty Ltd for the proposed development of the land at Lot 401 DP 261365, being Traminer Lane Cowra for the purpose of a new rural dwelling. The document has been prepared to accompany a Development Application to Cowra Shire Council.

### 01.2 Overview

The land at Traminer Lane has an area of 10.41ha, and is currently used for intensive plant agriculture (viticulture). There are no existing built structures on the land. The site does not contain any existing native vegetation.

The subject land is located within the RU4 Primary Production Small Lots zone. Figure 1 of this Statement of Environmental Effects shows the location of the site.

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

- Proposed removal of all existing vines and infrastructure associated with the existing viticultural operation on the land, at least to the extent necessary to facilitate the construction of the proposed dwelling and ancillary site components.
- Proposed Construction of a single storey rural dwelling comprising 4 bedrooms, 2 living areas, attached double garage, outdoor entertaining space, and wrap around verandahs.
- Practical and legal access to be provided from Traminer Lane, which is an existing public road that is owned and maintained by Cowra Shire Council. Traminer Lane is an existing unsealed road constructed to a 3m wide rural road standard. The proposal will require a new access to be constructed in accordance with Council's engineering specifications.
- + Proposed construction of on-site rainwater collection tanks sized to BASIX requirements and including storage to meet Council DCP requirements.
- + Proposed installation of an on-site waste management system to be designed in accordance with engineers specifications.
- + The proposed development will be connected to all available services and utilities including electricity and satellite NBN telecommunications.
- + On-site stormwater disposal is proposed. All roof-water to be diverted away from proposed buildings and structures and neighbouring properties.

Careful consideration has been given to the proposed siting of the new dwelling on the land. The land is affected by the 500m buffer applying to land around the Cowra Meat Processors (refer Part K of Cowra DCP). Compliance with this control is achieved however there remains insufficient space outside of the buffer to enable the proposal to comply with the requirements of Part F.I.4.1 of the DCP. A reduction to the required setback and vegetation buffer width is proposed.

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



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PROJECT DESCRIPTION

#### 01.3 Project Background Information

The subject land is currently planted to vineyard. The land forms part of a larger viticultural operation that has existing in the general locality since 1977.

Angleden Pty Ltd is a part owner of the viticultural operation, and shares in the operating costs and profits with other landowners in the area.

The long term viability of the viticultural operation is currently being reviewed having regard to a number of circumstances including external influences affecting the viticultural industry generally. As part of this review, the landowner is exploring alternate land-use options for the site that are within the parameters of the existing zoning framework applying to the land.

The lodgement of this Development Application with Cowra Shire Council is a legitimate exercise aimed to securing consent for a rural dwelling (as the highest and best use) that would support a continued small lot primary production use for the land.

### 01.4 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 proposal.

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

### 01.5 Application Particulars

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

#### Table 1 Application Particulars

Detail	Description
Applicant	Currajong Pty Ltd
Landowner	Angleden Pty Ltd
Site Description - Title	Lot 401 DP 261365
Site Description - Address	Traminer Lane, Cowra
Description of Proposal	Proposed Rural Dwelling
Zoning	RU4 Primary Production Small Lots



PRO	DJECT CRIPTION		8
	Detail	Description	

## 01.6 Format of this document

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

#### Table 2 Format of this document

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

## 01.7 Schedule of plans and drawings

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

#### Table 3 Format of this document

Ref	Prepared by	Description	Date
Sheet 01	Currajong	Site Plan	18/04/2023
Sheet 02	Currajong	Site Plan with Contours	18/04/2023
D3-1	Vision Property Development Hub	BASIX Compliance Schedule	22/03/2023
D3-2	Vision Property Development Hub	Floor Plan	22/03/2023
D3-3	Vision Property Development Hub	West and North Elevations	22/03/2023
D3-4	Vision Property Development Hub	East and South Elevations	22/03/2023
Rev A	Currajong	Statement of Environmental Effects (this report)	18/08/2023
1382161S	Vision Property Development Hub	BASIX Certificate	21/08/2023
R15816-401c	Envirowest Consulting	Preliminary Contamination Investigation	08/08/2023

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DESCRIPTION OF THE SITE

# **02. DESCRIPTION OF THE SITE**

### 02.1 Site Description

The land at Traminer Lane has an area of 10.41ha, and is currently used for intensive plant agriculture (viticulture). There are no existing built structures on the land. The site does not contain any existing native vegetation.

The land is gently undulating with a slight fall from the east to west. The contour detail shown on the site plan shows that the land as a total fall of 5-6m over the length of the parcel.

The land is not currently connected to urban services and infrastructure, excepting that the existing vineyard is serviced by an underground irrigation system. Council's reticulated water supply main does not service the land.

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

Photographs 1-4 show typical aspects of the subject land.

#### 02.2 Land Zoning

The site is zoned RU4 Primary Production Small Lots under the Cowra Local Environmental Plan 2012. Figure 2 includes a map that shows the zoning framework for the site and surrounding areas.

The development is permissible in the RU4 Primary Production Small Lots zone with the consent of council.

The erection of a dwelling is permissible on the land in accordance with the provisions of Clause 4.2B(3)(d) of Cowra Local Environmental Plan 2012. This has been confirmed by Cowra Shire Council in accordance with Planning Certificate No. 18302, dated 09 January 2023.

Special provisions are included in the LEP which have applicability to the proposed development and these are assessed in a further section of this SEE.

### 02.3 Surrounding Land-use

The land is located within an area that is used for a mix of agricultural and dwelling purposes.

The land immediately to the east (Lot 9 DP 789770) contains an existing dwelling and is also used for viticultural purposes. The other parcel immediately to the east (Lot 10 DP 789770) is also used for viticultural purposes.

The land immediately to the west is used for agricultural related purposes but it not planted to vineyard at present. The land beyond to the west forms part of the operations associated with the Cowra Meat Processors.

The land immediately to the south is used for viticultural purposes.

As described in Section 1.3 of this SEE, the long term viability of the viticultural operation is currently being reviewed having regard to a number of circumstances including external influences affecting the viticultural industry generally. Whilst the viticultural use of land in the area is likely to continue at least in the immediate to short term, the long term future of this use is uncertain. Landowners are exploring alternate land-use options that are within the parameters of the



DESCRIPTION OF THE SITE

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existing zoning framework applying to the land holdings. As a minimum, the vines and associated infrastructure on the subject land are proposed to be removed, at least to the extent necessary to facilitate the construction of the dwelling and ancillary site components.

The typical details of the surrounding area, as described above, are shown in Photographs 5 to 6.

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



DESCRIPTION OF THE SITE

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Photograph 1 View S along Traminer Lane



Photograph 3

View S towards eastern boundary



Photograph 2 View W from eastern boundary



Photograph 4 View N at intersection of Traminer Ln and Chardonnay Rd



Photograph 5 Nearby dwelling - Lot 9



Photograph 6 6m wid side of

6m wide vegetation buffer - opposite side of Traminer lane

# CURRAJONG

Item 4.2 - Attachment 2

## **GENERAL COMMITTEE MEETING AGENDA**





 REI
 Public Recreation

 RE2
 Private Recreation

 WI
 Primary Production

 RU3
 Foresty

 RU4
 Primary Production Small Lots

 WI5
 Village

 SP2
 Infrastructure

 SP3
 Tourist

 W2
 Recreational Waterways

DESCRIPTION OF THE PROPOSAL

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# **03. DESCRIPTION OF THE PROPOSAL**

### 03.1 Objectives of the Proposal

The objective of the proposal is to construct a new rural dwelling. This Statement of Environmental Effects seeks to demonstrate to Cowra Council that the land is suitable for the proposed use.

### 03.2 The Proposal

#### 03.2.1 Building Works

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

- Proposed Construction of a single storey rural dwelling comprising 4 bedrooms, 2 living areas, attached double garage, outdoor entertaining space, and wrap around verandahs.
- All building works are to comply with the Building Code of Australia and engineering specifications which are to be detailed with the application for Construction Certificate.
- Proposed construction of on-site rainwater collection tanks sized to BASIX requirements and including reserve storage for fire fighting to meet Council DCP requirements.

#### 03.2.2 Subdivision Works

The proposal does not include any subdivision works.

#### 03.2.3 Practical and legal access

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

 Practical and legal access to be provided from Traminer Lane, which is an existing public road that is owned and maintained by Cowra Shire Council. Traminer Lane is an existing unsealed road constructed to a 3m wide rural road standard. The proposal will require a new access to be constructed in accordance with Council's engineering specifications.

#### 03.2.4 Utilities and services

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

- + Proposed installation of an on-site waste management system to be designed in accordance with engineers specifications.
- + The proposal will rely on on-site rainwater collection for domestic water supply purposes.
- + The proposed development will be connected to all available services and utilities including electricity and satellite NBN telecommunications.
- On-site stormwater disposal is proposed. All roof-water to be diverted away from proposed buildings and structures and neighbouring properties.



## CURRAJONG

Item 4.2 - Attachment 2

DESCRIPTION OF THE PROPOSAL

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### 03.2.5 Other

The proposal also involves the removal of existing vines from the land as well as all other infrastructure associated with the existing viticultural activity (including irrigation and trellis) at least to the extent necessary to facilitate the construction of the proposed dwelling and ancillary site components.

#### 03.2.6 Staging

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

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# **04. PLANNING + LEGISLATIVE CONTEXT**

### 04.1 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.

#### 04.1.1 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.

### 04.2 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.

#### 04.2.1 Environmental Planning and Assessment Act 1979

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

- To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,
- To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,
- To promote the orderly and economic use and development of land,
- To promote the delivery and maintenance of affordable housing,
- To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,



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- To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),
- + To promote good design and amenity of the built environment,
- + To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,
- + To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,
- + To provide increased opportunity for community participation in environmental planning and assessment.

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

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

#### 04.2.2 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.

The proposed development will require approval under the Local Government Act 1993 for onsite waste disposal.

#### 04.2.3 National Parks and Wildlife Act 1974

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

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

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

The site largely comprises 'disturbed land', as defined under The National Parks and Wildlife Regulation 2019 (NPW Regulation) and an Aboriginal due diligence assessment is not considered necessary. A search of the Aboriginal Heritage Information Management System (AHIMS) has been completed and there are no Aboriginal Sites or Places identified to be located within 200 metres of the subject land. No heritage issues / impacts have been identified and approvals under the Heritage Act 1977 or NPW Act is not required to be obtained for the proposed development.

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#### 04.2.4 Biodiversity Conservation Act 2016

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

- + 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 site does not native vegetation that is proposed to be disturbed or removed. The potential for the proposed development to impact on matters that are of biodiversity significance is assessed to be nil.

#### 04.2.5 Water Management Act 2000

The objectives of this Act are to provide for the sustainable and integrated management of the water sources of the NSW for the benefit of both present and future generations through orderly, efficient and equitable sharing of water resources. The Act deals with the management of overland flows (including floodwater, rainfall run-off and urban stormwater) that is flowing over or lying on the ground as a result of rain or rising to the surface from underground. Importantly, the Act does not control water collected from a roof.

No specific approvals are required under the WM Act. Riparian land and vulnerable groundwater issues are not identified as key issues for the nature and scale of the proposed development.

#### 04.2.6 Heritage Act 1977

The Heritage Act 1977 provides for the conservation of environmental heritage defined as places, buildings, works, relics, moveable objects, and precincts, of State or local heritage significance which are at least 50 years old. The Act applies to non-Aboriginal relics only, as Aboriginal relics are protected under the National Parks and Wildlife Act 1974. The subject site is not listed on the State Heritage Register and an approval from Heritage NSW is not required under the Heritage Act 1977.

Heritage issues are assessed under Section 5 of this SEE. In general, no built heritage issues / impacts have been assessed to apply, and no separate approvals are required under the Heritage Act.

#### 04.2.7 Protection of the Environment Operations Act 1997

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

The proposal will be not be required to operate under an Environment Protection Licence (EPL).

#### 04.2.8 Roads Act 1993

Under Section 138 of the Roads Act 1993 a person must not erect a structure or carry out a work in, on or over a public road, or dig up or disturb the surface of a public road, otherwise than with the consent of the appropriate road authority.

Works will be required to construct a new access on Traminer Lane 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.

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#### 04.2.9 Contaminated Land Management Act 1997

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

The land is currently vacant, but is currently used for viticultural purposes. An assessment is required to determine whether this use has resulted in the possible contamination of the land.

#### 04.2.10 Rural Fires Act 1997

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

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

#### 04.3 State Environmental Planning Policies (SEPP)

### 04.3.1 SEPP Overview

A high level assessment of the applicability of each SEPP to the proposed development is included in Table 4, with further assessment work completed in Section 4.3.2 as necessary.

Table 4 Preliminary SEPP Assessment

Name of SEPP	Applicability	Further assessment warranted?
SEPP (Biodiversity and Conservation) 2021	Not applicable	No
SEPP (BASIX) 2004	Applicable	Yes. See Section 4.3.2
SEPP (Exempt and Complying Development Codes) 2008	Not applicable	No
SEPP (Housing) 2021	Not applicable	No
SEPP (Industry and Employment) 2021	Not applicable	No
SEPP 65 (Design Quality of Residential Apartment Development)	Not applicable	No
SEPP (Planning Systems) 2021	Not applicable	No
SEPP (Primary Production) 2021	Applicable	Yes. See Section 4.3.2
SEPP (Precincts - Central River City) 2021	Not applicable	No
SEPP (Precincts - Eastern Harbour City) 2021	Not applicable	No
SEPP (Precincts - Western Parkland City) 2021	Not applicable	No
SEPP (Precincts - Regional) 2021	Not applicable	No
SEPP (Resilience and Hazards) 2021	Applicable	Yes. See Section 4.3.2
SEPP (Resources and Energy) 2021	Not applicable	No

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Name of SEPP	Applicability	ity Further assessment warranted?	
SEPP (Transport and Infrastructure) 2021	Potentially	Yes. See Section 4.3.2	

#### 04.3.2 SEPP Assessment

#### SEPP - Basix 2004

The proposed dwelling requires a BASIX certificate. A certificate has been submitted with the DA and demonstrates that all required targets can be satisified.

#### SEPP - Resilience and Hazards 2021

Clause 4.6(1) of the SEPP requires that 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.

Clause 4.6(2) of the SEPP requires that Council, before determining an application for consent to carry out development that would involve a change of use on any land in Clause 4.6(4), must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

Clause 4.6(4) requires a preliminary investigation to be carried out if the land concerned is:

- + land within an investigation area,
- + land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been carried out
- to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital - land - in relation to which there is no knowledge as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge.

A Preliminary Contamination Investigation has been prepared for the land by Envirowest Consulting. The findings of the investigation are presented in Report R15816-401c dated 08 August 2023 and a copy of this report is submitted in support of this DA.

The report has considered the contamination potential of the land arising as a result of past and current agricultural activities carried out on the site and concludes that the site is suitable for residential use.

#### SEPP - Transport and Infrastructure 2021

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

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#### 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:

- 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.

The site plan submitted with the Development Application has identified the locations of existing electricity transmission easements in the locality. The proposed dwelling is located outside of any easements and is not immediately adjacent. The proposed DA is unlikely to trigger referral to the electrical supply authority.

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.

### 04.4 Local Environmental Plans

#### 04.4.1 Relevant Local Environmental Plan

Cowra Local Environmental Plan 2012 (LEP) applies to the land. The site of the proposed development is zoned RU4 Primary Production Small Lots

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

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

#### Table 5 Preliminary LEP Assessment

Clause	Clause Name	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
4.1-4.1C	Minimum Lot Size Standards	Assessment Required. See Section 4.4.2

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Clause	Clause Name	Applicability	
4.1D	Boundary changes between lots in certain rural, residential and enviro zones	Not applicable to proposa	
4.2	Rural Subdivision	Not applicable to proposa	
4.2A	Subdivision for the purposes of intensive livestock agriculture	Not applicable to proposal	
4.2B	Erection of dwelling houses on land in certain rural zones	Assessment Required. See Section 4.4.2	
4.2C	Erection of rural workers dwellings	Not applicable to proposa	
4.6	Exceptions to development standards	Not applicable to proposa	
5.1	Relevant acquisition authority	Not applicable to proposa	
5.2	Classification and reclassification of public land	Not applicable to proposa	
5.3	Development near zone boundaries	Not applicable to proposa	
5.4	Controls relating to miscellaneous uses	Not applicable to proposa	
5.5	Controls relating to secondary dwellings on land in a rural zone	Not applicable to proposa	
5.8	Conversion of fire alarms	Not applicable to proposa	
5.10	Heritage Conservation	Not applicable to proposa	
5.11	Bushfire Hazard Reduction	Not applicable to proposal	
5.12	Infrastructure development and use of existing buildings of the Crown	Not applicable to proposa	
5.13	Eco-tourist facilities	Not applicable to proposa	
5.16	Subdivision of, or dwellings on, land in certain rural, residential and conservation zones	Assessment Required. See Section 4.4.2	
5.18	Intensive livestock agriculture	Not applicable to proposa	
5.19	Pond-based, tank based and oyster aquaculture	Not applicable to proposa	
5.20			
5.21	Flood planning	Not applicable to proposa	
5.22	Special flood considerations	Not applicable to proposa	
7.1	Earthworks	Assessment Required. See Section 4.4.2	
7.3	Terrestrial Biodiversity	Not applicable to proposa	
7.4	Riparian land and watercourses	Not applicable to proposa	
7.5	Wetlands	Not applicable to proposa	
7.6	Groundwater vulnerability	Assessment Required. See Section 4.4.2	
7.7	Airspace operations	Assessment Required. See Section 4.4.2	
7.8	Essential Services	Assessment Required. See Section 4.4.2	
7.9	Local of sex services premises	Not applicable to proposa	
7.10	Industrial development on land in Zone RU1	Not applicable to proposa	
7.11	Development on land in karst areas	Not applicable to proposa	

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#### 04.4.2 Assessment of LEP provisions

#### **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 RU4 Primary Production Zone are to:

- a. To enable sustainable primary industry and other compatible land uses.
- b. To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- c. To minimise conflict between land uses within this zone and land uses within adjoining zones.

The proposed development is not inconsistent with the objectives for the zone. The use of the land for a rural dwelling will not eliminate the suitability of the site for continued small lot primary production activity. The proposed development has been designed to minimise the likelihood of conflict occurring with agricultural uses on adjoining land through a combination of strategies including physical separation and vegetative buffers.

#### Land-use Table - RU4 Zone

The proposed development is for the purpose of a new rural dwelling. The development is permissible in the RU4 Primary Production Small Lots zone with the consent of Council.

#### Clause 4.2B - Erection of dwelling houses on land in certain rural zones

The objectives of the Clause are to:

- a. to minimise unplanned rural residential development,
- b. to enable the replacement of lawfully erected dwelling houses in certain rural zones.

Clause 4.2B(3) includes a number of different provisions which must be considered in order to determine whether the erection of a dwelling is permissible on land in the RU1, RU4, or E3 zones.

The erection of a dwelling is permissible on the land in accordance with the provisions of Clause 4.2B(3)(d) of Cowra Local Environmental Plan 2012. This has been confirmed by Cowra Shire Council in accordance with Planning Certificate No. 18302, dated 09 January 2023.

Clause 4.2B(4) requires that Council must not grant consent to the erection of a dwelling unless:

- a. no dwelling house has been erected on the land, and
- b. if a development application has been made for development for the purpose of a dwelling house on the land-the application has been refused or it was withdrawn before it was determined, and
- c. if development consent has been granted in relation to such an application-the consent has been surrendered or it has lapsed.

The subject land is vacant. There are no existing DA's relating to the subject land for the purposes of a dwelling.

#### Clause 5.16

The objective of Clause 5.16 is to minimise potential land-use conflict between existing and proposed development on land in the rural, residential or conservation zones concerned (particularly between residential land-uses and other rural land-uses).



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Clause 5.16 requires Council to take into account the following matters in determining whether to grant development consent to the erection of a dwelling on the subject land:

- a. the existing uses and approved uses of land in the vicinity of the development,
- whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,
- c. whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),
- d. any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).

An assessment of relevant matters is included as follows:

- a. The site plan submitted with the development application shows the existing uses of land on adjoining lots and in the immediate vicinity of the development site. Intensive agricultural uses are present on land in the vicinity, with the closest operation being on land immediately oposite. The land immediately to the north east has an existing rural dwelling and is also used for viticultural purposes. The Cowra meat Processing Facility is located further to west of the land.
- b. The use of the land for rural dwelling and small lot primary production purposes is consistent with existing land-use in the vicinity. Similar examples exist on Lot 1 DP 7l0448, Lot 7 DP 789769, Lot 4 DP 7l0448, Lot 1 DP 1l40579, Lot 4l3 DP 262068, Lot 4l2 DP 262068 and Lot 9 DP 789770, some of which have rural dwellings that are not constructed in locations that would not comply with current setback requirements.
- The placement of a dwelling on the land is not expected to place an unreasonable burden or impediment to the continued use of adjoining land for viticultural purposes. The vineyard has operated for many years in a location that is exposed to rural residential land-use. The viticultural operation has adjusted many of it's farming practices to suit including elimination of aerial spraying techniques. The placement of a dwelling on the land is not expected to create an unreasonable burden or impediment to the continued use of of the Cowra Meat Processing Facility. The proposed dwelling is also located outside of the 500m buffer to the Cowra Meat Processing Facility and is therefore not inconsistent with the planning framework which has been implemented by Council to ensure this land-use is not encroached by residential development.
- d. Appropriate strategies have been developed as part of the design and siting of the rural dwelling to minimise the potential for land-use conflict with surrounding agricultural activities. A vegetated buffer is proposed with intent to mitigate against potential land-use conflict issues associated with adjoining agricultural activity. The practical arrangement of the proposed rural dwelling and other ancillary site features (such as driveways) is within the limitations of the site posed by the 500m buffer to the Cowra Meat Processors. Full width buffer implementation is not achievable in the circumstances, and appropriate justification for reduced width buffers is included a further section of the SEE.

#### Clause 7.1 - Earthworks

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

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

- a. The likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
- b. The effect of the development on the likely future use or redevelopment of the land,
- c. The quality of the fill or the soil to be excavated, or both,
- d. The effect of the development on the existing and likely amenity of adjoining properties,



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- e. The source of any fill material and the destination of any excavated material,
- f. The likelihood of disturbing relics,
- g. The proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
- Any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

The site plan submitted in support of the DA shows the typical landform in the vicinity of the proposed dwelling location through contour information at 0.5m intervals. Minimal changes to existing landform will be required in order to facilitate the construction. No significant impacts on environmental functions, stormwater drainage, neighbouring uses, cultural or heritage items or features of the surrounding land have been identified that cant be addressed through appropriate soil and erosion control techniques where required.

#### Clause 7.6- 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 is not mapped been mapped in Cowra Local Environmental Plan 2012 as containing vulnerable groundwater, however vulnerable land is located in very close proximity and therefore an assessment of potential impact may be warranted.

The objectives of the Clause are:

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

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

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

Council must not grant consent to development unless:

- a. The development is designed, sited and will be managed to avoid any significant adverse environmental impact, or
- a. If that impact cannot be reasonably avoided-the development is designed, sited and will be managed to minimise that impact, or
- a. 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. Impacts are likely to be within acceptable limits given:

- + The dwelling will rely on tank water collection for domestic supply purposes and and will not rely on groundwater resources for domestic consumption.
- A large area of land has been identified on the site plan submitted with the Development Application to accommodate on-site waste disposal that is consistent with Council DCP requirements and relevant guidelines and Australian Standards.



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The installation and operation of any on-site waste management system is subject to further geotechnical investigations and determination of a Section 68 application with Cowra Shire Council.

#### **Clause 7.7 - Airspace Operations**

Clause 7.7 of Cowra Local Environmental Plan 2012 requires that the consent authority must not grant development consent to a development without consulting the relevant Commonwealth body if the consent authority is satisfied that the proposed development will penetrate the Obstacle Limitation Surface relating to the Cowra Airport.

The proposed dwelling is a single storey structure and is to be located 1.75km from the southern end of the main runway. The building height is less than other built structures (power-lines) and natural features of the landscape (trees) in the immediate vicinity. The provisions of Clause 7.7 would not prevent Council from granting consent to the proposed dwelling.

#### **Clause 7.8 - Essential Services**

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

- a. The supply of water
- b. The supply of electricity
- c. The disposal and management of sewage
- d. Stormwater drainage or on-site conservation
- e. Suitable vehicle access.

As vacant agricultural land there are no existing connections to urban services and infrastructure.

Water supply is not readily available from Council's existing reticulated water supply system. The dwelling will rely on rainwater collection tanks for domestic supply purposes, with storage capacity to meet Council's minimum requirements, including reserve storage dedicated to fire fighting purposes.

Electricity supply infrastructure is available for connection. The provision of an electrical supply to the proposed development is subject to further application with the supply authority and completion of any necessary connection / upgrade works.

The subject land is not connected to reticulated sewer and this infrastructure is not available within the locality. On-site waste disposal is therefore required to service the new dwelling. An area of land dedicated to this purpose is shown on the site plan submitted with the Development Application. More than sufficient site area exists for on-site waste disposal, with 10,000m2 of area available outside of required separations to boundaries and built features of the site. Further analysis of the specific requirements for on-site waste disposal will be investigated as part of the Construction Certificate Application to Council.

On-site stormwater disposal is proposed. All roof-water to be diverted away from proposed buildings and structures and neighbouring properties.

Practical and legal access to be provided from Traminer Lane, which is an existing public road that is owned and maintained by Cowra Shire Council. Traminer Lane is an existing unsealed road constructed to a 3m wide rural road standard. The proposal will require a new access to be constructed in accordance with Council's engineering specifications. It is assessed that adequate arrangements have been made for the provision of access to the proposed development.

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



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## 04.5 Development Control Plans

#### 04.5.1 Relevant Development Control Plan

The Cowra Shire Development Control Plan 2021 (the DCP) applies to all land within the Cowra Local Environmental Plan Area.

The DCP is comprised of 16 separate Parts, with each part applying standards and controls depending on the type of development being proposed.

An assessment has been completed to determine the potential applicability of each Part of the DCP to the proposed development. This work is presented in Table 6 as follows.

Where it is identified that a clause of Cowra Local Environmental Plan 2012 applies to the proposed development, this assessment work is presented in Section 4.5.2

#### Table 6 Preliminary DCP Assessment

A	Plan Introduction	
	Harmitoddeton	Considered. Detailed assessment not necessary.
В	Land Management	Applicable. Assessment required.
С	Biodiversity Management	Applicable. Assessment required.
D	Subdivision Development	Not applicable to proposal
E	Urban and Village Development	Not applicable to proposal
F	Rural Development	Applicable. Assessment required.
G	Large Lot Development	Not applicable to proposal
н	Commercial Development	Not applicable to proposal
1	Industrial Development	Not applicable to proposal
J	Cowra Regional Airport	Applicable. Assessment required.
К	Land-use Buffers	Applicable. Assessment required.
L	Advertising and Signage	Not applicable to proposal
М	Parking, Access and Mobility	Not applicable to proposal
Ν	Landscaping	Not applicable to proposal
0	Environmental Hazard Management	Applicable. Assessment required.
Р	CPTED principles	Not applicable to proposal



#### 04.5.2 Assessment of DCP Provisions

Table 7 includes an assessment of the proposed development against the relevant planning controls and standards in each of the relevant Parts of the DCP.

#### Table 7 DCP Assessment

Part	Control	Requirement (Summary)	Planning Assessment Comment	Statement of Consistency
В	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 is capable of complying.
	B.1.7	Guiding principles for preparing an Erosion and Sediment Control Plan	As above.	
	B.1.8	Guidelines for erosion and sediment control techniques	As above.	
с	Biodiversi	ty 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.	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:	The proposal complies.	
		<ul> <li>The minimum lot size applying to the development site is 100ha, and the proposed development does not require the clearing of native vegetation that has an area exceeding the nominated threshold of 2ha.</li> </ul>		
		<ul> <li>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.</li> </ul>		
		<ul> <li>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.</li> </ul>		
			Assessment pathway No. 1 is considered to apply (assessment under Part 4 of the EP&A Act).	
F	Rural Dev	elopment		
	Objective	s		

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Part	Control	Requirement (Summary)	Planning Assessment Comment	Statement of Consistency
	F.1.2	This section prescribes the objectives for new rural dwellings	The proposed rural dwelling will be located on land that is currently and will continue to be used for small lot primary production. Appropriate strategies have been developed as part of the design and siting of the rural dwellings to minimise the potential for land- use conflict with surrounding land-use activities. The dwelling is designed purposefully to suit the rural context and setting of the land. There are no areas of environmental sensitivity identified at the dwelling location and there are no natural hazards requiring a special design response including bushfire or flooding. The proposed development achieves the objectives for new rural dwellings.	The proposal complies.
	Siting Cor	ntrols		
	F.1.3	Rural dwellings should be sited so as to protect and promote opportunities for agricultural activities to be carried out on the land, and on adjoining land.	Despite the removal of the existing viticultural activity on the land, the dwelling will only occupy a small part of the property holding and opportunities will remain for the continuation of small lot primary production on the land.	The proposal complies.
		Rural dwellings should be sited in a manner that minimises land degradation, alteration of natural drainage patterns, pollution of groundwater, and the spread of noxious plants and animals.	Minimal changes to existing landform will be required. The dwelling is to be located in a suitable position on the land that is not constrained by natural drainage.	The proposal complies.
		Rural dwellings should be sited, where possible, away from visually prominent areas. Where this is not possible, the dwelling should be designed to blend into the rural landscape.	The land is not visually prominent when viewed from the surrounding landscape. Contour information submitted with the DA shows that the site does not contain elevated ridgelines.	The proposal complies.
		Rural dwellings should be sited so as to conserve or enhance any significant environmental features of the and, such as natural forms, remnant vegetation, wetlands, natural watercourses and drainage lines.	The site does not contain any environmental features which require a special design response.	The proposal complies.
		Rural dwellings must be sited a minimum distance of 40 metres from any creek, river, intermittent drainage line or any other water body, and or outside of areas that are prone to flooding.	The dwelling is not located within 40 metres of a creek, river or drainage line. The land is not flood prone.	The proposal complies.
		Rural dwellings must be sited within a designated building envelope, where these are shown on the Deposited Plan (survey diagram) that relates to the Land Title.	A review of the title diagram confirms there is no building envelope on the land.	Not applicable to the proposal.

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Part	Control	Requirement (Summary)	Planning Assessment Comment	Statement of Consistency
		The dwelling should be located outside of any areas that are prone to flooding from rivers, creeks, intermittent drainage lines and other water bodies.	The land is not prone to flooding from rivers, creeks, intermittent drainage lines or other water bodies.	The proposal complies.
	Setback (	Controls		
	F.1.4.a-c	This section of the DCP prescribes the recommended setbacks for new dwellings on rural land including specific distances to agricultural activities located on adjoining	Due to the small size and narrow configuration of the land, it has not been possible to locate the proposed dwelling on the land in a way that achieves compliance with the prescribed setback requirements for rural dwellings. Appendix A of this SEE includes:	A variation to the DCP is proposed and appropriate justifications have provided fo Council consideration.
		land.	<ul> <li>An overview of the prescribed setback controls that have been identified as applying to this proposal</li> </ul>	
			+ A detailed account of the variations that are proposed to those setback controls, and	
			+ Planning justification for any identified variations.	
_	F.1.4.2	This section of the DCP prescribes the recommended setbacks for replacements dwellings.	The proposed dwelling is not a replacement dwelling.	Not applicable to the proposed development.
	F.1.4.3	This section of the DCP prescribes the recommended setbacks for dwellings on small lot subdivision blocks that are mapped in Appendix B.	The subject land is not mapped.	Not applicable to the proposed development.
	F.1.4.4	This section of the DCP prescribes the recommended setbacks for secondary dwellings.	The proposed dwelling is not a secondary dwelling.	Not applicable to the propose development.
	Building A	Appearance Controls		
	F.1.5.a	Building materials should be naturally textured and coloured and sympathetic to the natural environment.	Proposed building materials are noted on the plans submitted with the Development Application. The dwelling is designed purposefully to suit the rural context and setting of the land.	The proposal complies.
	F.1.5.b	Highly reflective materials should be avoided where possible, particularly in visually prominent locations	The proposed dwelling design does not include the use of highly reflective materials.	The proposal complies.

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		Planning Assessment Comment	Statement of Consistency
 F.1.5.c	The bulk and scale of buildings should not create adverse visual impacts when viewed from neighbouring properties or town or village entry points.	The proposed dwelling is a single storey brick veneer structure. Bulk and scale impacts are unlikely.	The proposal complies.
Access Co	ontrols		
F.1.6.a-b	Access to new rural dwellings should be gained via the Council's public local road network and not directly onto a classified road or highway	The proposed dwelling gains access to the local road network.	The proposal complies.
F.1.6.c	Where the proposed dwelling gains access to a Council public local road, the entrance to the lot is to be constructed or upgraded in accordance with Cowra Shire Council engineering standards.	A new entrance is required to be constructed to Traminer Lane. The location of the new entrance is indicated on the site plan submitted with the Development Application. The access will be constructed in accordance with the engineering specifications of Council for new rural entrances. The proposal complies.	The proposal complies.
F.1.6.d	Where the proposed dwelling gains access to a classified road or a highway, the entrance to the lot is to be constructed, or upgraded, in accordance with the requirements of NSW Roads and Maritime Services.	No access is proposed to a classified road.	Not applicable to the proposed development.
F.1.6.e	Newly constructed or upgraded entrances located off sealed road networks must also be sealed to the property gateway in accordance with Cowra Shire Council engineering standards	Traminer Lane is unsealed along this section of the road. Sealing is not expected to be necessary. The proposal complies.	The proposal complies.
F.1.6.f	New entrance locations must be sited in consultation with Council Shire Council.	The entrance location achieves adequate sight distance in both directions along Traminer Lane. The proposal complies.	
 On-site Se	ewage Management Controls		

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PLANNING AND LEGISLATIVE CONTEXT

art	Control	Requirement (Summary)	Planning Assessment Comment	Statement of Consistency
F.1.3	F.1.7.a-b	This section of the DCP prescribes the requirements for new dwellings requiring on-site waste disposal.	The subject land does not have access to Council's reticulated sewerage supply system. On-site waste disposal will be necessary. The site plan submitted with the Development Application shows an area dedicated to on-site waste disposal that is:	The proposl complies.
			+ Down gradient of the proposed dwelling site.	
			<ul> <li>Consistent with the recommended buffer distances for all types of application systems.</li> </ul>	
			+ Approximately 10,000m2 in total area.	
			Clause F.I.7.b of the DCP states that Council may request a report prepared by a suitably qualified Geotechnical Engineer as part of the Development Application. In the circumstances, and having regard to the large area of land that is available for the purpose, it is not proposed (or considered necessary) to commission such a report until the application for Construction Certificate.	
	Water Sup	oply Controls		
	F.1.8.a-c	This section of the DCP prescribes the water supply requirements for rural dwellings, including minimum tank storage requirements for land that is connected to mains water supply and land that is not. Specifications are also provided for water storage dedicated to fire fighting purposes.	Council's existing water supply main is not available for connection. A minimum of 45,000 Litres of on-site rainwater tank storage is intended to be provided in accordance with BASIX requirements and Council's DCP requirements. An additional 10,000 Litres is intended to be supplied and dedicated to fire fighting purposes. Appropriate details have been shown on the site plan submitted with the Development Application.	The proposal complies
	Cowra Re	gional Airport		
	Obstacle		proposed development, except for Part J.3.9 which contains controls re ns controls relating to buildings and land-uses within the light control z	
	J.3.9	This section of the DCP requires new development to be of a height that does not penetrate through the Obstacle Limitation Surface for the Cowra Airport	The proposed dwelling is a single storey structure and is to be located 1.75km (approx) from the southern end of the main runway. The building height is less than other built structures (power-lines) and natural features of the landscape (trees) in the immediate vicinity. Referral to CASA is not deemed to be necessary in the circumstances.	The proposal complies
	J.3.11	This section of the DCP requires new developments involving significant lighting to demonstrate compliance with maximum	The subject land is located partly within zone B and partly within zone C. The proposal is not a type of development likely to generate a significant light source. The use of coloured lights is not	The proposal complies

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PLANNING AND LEGISLATIVE CONTEXT

Part	Control	Requirement (Summary)	Planning Assessment Comment	Statement of Consistency
2	Land-use	Buffers		
	partially l		y a land-use buffer. The provisions of K.2 apply to the proposed develo Meat Processors. The provisions of K.6 apply to the proposed develop applying to the Cowra Airport.	
	K.2.1 to K.2.4	The provisions contained in this section have the effect of prohibiting the erection of a dwelling on any land that is located within 500m of the Cowra Meat Processors.	The site plan submitted with the Development Application demonstrates that the proposed dwelling will not be located within the buffer area.	The proposal complies.
	K.6.1 to K.6.4	This section of the DCP requires new development to be of a height that does not penetrate through the Obstacle Limitation Surface for the Cowra Airport	The proposed dwelling is a single storey structure and is to be located 1.75km from the southern end of the main runway. The building height is less than other built structures (power-lines) and natural features of the landscape (trees) in the immediate vicinity. Referral to CASA is not deemed to be necessary in the circumstances.	The proposal complies.
)	Environm	ental Hazard Management		
		plies to development on land that is impacted essed in this section of the Table.	by flood, bushfire or contamination. The provisions of O.3 apply to the	proposed development and have
	O.3	The information and provisions contained in Part O.3 are generally based on the Managing Contamination - Planning Guidelines. The DCP requires an assessment of contamination risk to be completed in accordance with the Guidelines and sets out the process that Council will take in dealing with Development Applications where a contamination risk is identified.	Section 4.3.2 of this Statement of Environmental Effects includes an appropriate evaluation of contamination risk associated with the proposed development. The evaluation confirms that the land is suitable for the proposed use.	The proposal complies.

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## **05. ENVIRONMENTAL ASSESSMENT**

#### 05.1 Introduction

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

#### 05.2 Visual impacts and amenity

#### 05.2.1 Assessment of existing condition

The subject land is currently utilised for the purposes of intensive plant agriculture (viticulture). There are no existing buildings or structures on the land.

#### 05.2.2 Assessment of potential impact

An assessment of the potential impacts of the proposed development on visual amenity has been undertaken, including an assessment of the likely visual impacts of the development on private landowners in the vicinity of the development and key vantage points in the public domain.

The proposed rural dwelling is to be constructed as a single storey brick veneer structure, with metal roof, fascia and gutters. The dwelling has been purposefully designed to be match the rural context and setting of the land. The positioning of the building on the land is not likely to create any adverse impacts on the rural setting of the land, and is unlikely to create any privacy or amenity impacts for nearby land-uses.

#### 05.2.3 Management and mitigation

No additional mitigation measures are proposed.

#### 05.3 Building Code Compliance

#### 05.3.1 Assessment of existing condition

As vacant land, there are no known building code compliance issues associated with existing site conditions.

#### 05.3.2 Assessment of potential impact

The proposed site layout and building design complies with the relevant requirements of the Building Code of Australia.

#### 05.3.3 Management and mitigation

Structural engineering certification will be required for elements of the proposed building design and this will be procured and submitted to Council as part of the application for a Construction Certificate.



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#### 05.4 Access and Traffic

#### 05.4.1 Assessment of existing condition

The subject land has direct frontage to Anderson Lane which forms part of the local road network owned and maintained by Cowra Shire Council. At present the land is not provided with a formalised access to Anderson Lane. Traffic load associated with existing use is low and commensurate with farming activities in the general locality.

#### 05.4.2 Assessment of potential impact

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

- Primary vehicle access to the dwellings is intended to be gained directly from Traminer Lane via a new rural entrance to be constructed mid-way along the eastern boundary of the lot.
- A new internal all weather access will be constructed to connect the dwelling with the entrance on Traminer Lane.

The proposed development will have the result of increasing the number of daily traffic numbers utilising Traminer Lane. 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.

Traminer Lane is currently constructed to a 3m wide rural road standard. Traminer Lane is a gravel road construction. The road environment is assessed to be in good condition and is suitable to accommodate the proposal without the need for further upgrades.

The entrance will be constructed to Council's engineering specifications for new rural entrances. Adequate sight distance can be achieved in both directions at the chosen access location - subject to confirmation by Council.

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.

On the basis of the above, it is assessed that adequate arrangements will be made to accommodate the access needs of the proposed development.

#### 05.4.3 Management and mitigation

A new access will be required in order to comply with Council requirements. A Section 138 Permit will be obtained from Council prior to the commencement of any works within a road reserve.

No other specific transport or traffic mitigation measures have been identified as being necessary.

#### 05.5 Site Design

#### 05.5.1 Assessment of existing condition

The land is currently used for intensive plant agriculture (viticulture). The vineyard (including associated trellis and irrigation infrastructure) will need to be removed in order to facilitate the proposed development. There are no other identified constraints to development.

#### 05.5.2 Assessment of potential impact

The location of the proposed dwelling will comply with the relevant setback requirements of the Building Code of Australia relating to a Class 1a structure.

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The site plan shows the location of an existing transmission line easement affecting the land. The proposed dwelling is to be located outside of the easement.

Compliance with the 500m buffer in Park K of the DCP has been given priority as part of the site planning for the project. Outside of the buffer, there remains insufficient space to enable the proposal to comply with the requirements of Part F.1.4.1 of the DCP. Appendix A includes further detail related to the extent of the proposed variation and reasons why the variation is considered to be justified on planning merit.

#### 05.5.3 Management and mitigation

Vegetated buffers are proposed to be implemented as described above and as shown on the site plan submitted with the Development Application.

#### 05.6 Soil and Water Quality

#### 05.6.1 Assessment of existing condition

The subject land is mapped in Cowra Local Environmental Plan 2012 as being located in an area that contains vulnerable groundwater. There are no riparian lands, water courses or wetland environments impacting the site. The land is not mapped as being flood prone.

Soil erosion and related impacts are not however observed to be causing a problem at the site.

#### 05.6.2 Assessment of potential impact

Significant alterations to existing landform are not required in order to facilitate the proposed site design. Contours shown on the site plan confirm that a suitable building pad can be achieved with minimal earthworks and with appropriate separation to existing property boundaries.

The proposed development is unlikely to result in significant impacts on groundwater resources in the locality. Impacts are likely to be within acceptable limits given:

- + The dwelling will be connected to tanked water supply and will not rely on groundwater resources for domestic consumption.
- + A large area of land has been identified on the site plan submitted with the Development Application to accommodate on-site waste disposal that is consistent with Council DCP requirements and relevant guidelines and Australian Standards.
- The installation and operation of any on-site waste management system is subject to further geotechnical investigations and determination of a Section 68 application with Cowra Shire Council.

#### 05.6.3 Management and mitigation

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

- Changes to existing landform to be kept to minimum levels. All reasonable and practical measures will be implemented to control / manage sedimentation and erosion during construction phases associated with the proposed development.
- A geotechnical report will be prepared by a qualified soil scientist to investigate the requirements for on-site waste disposal and recommend the design requirements for a suitable system to operate wholly within the area designated for this purpose on the site plan submitted with the Development Application.



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A Section 68 Application will be prepared and lodged with Cowra Shire Council for assessment and determination prior to the installation of any on-site waste management system.

#### 05.7 Air Quality

#### 05.7.1 Assessment of existing condition

As agricultural land, there are no air quality impacts created by existing site conditions. Odour and / or dust generation are generally not issues associated with the existing viticultural use of the land.

The land is partially located within the 500m buffer around the Cowra Meat Processors.

#### 05.7.2 Assessment of potential impact

The proposed development is not expected to create any environmental impacts related to odour, dust or air quality in general.

The proposed dwelling is to be located on a part of the land that it outside of the 500m buffer to the Cowra Meat Processors. The proposal complies with the requirements of Part K of the Cowra DCP 2021.

#### 05.7.3 Management and mitigation

No additional mitigation measures are proposed.

#### 05.8 Noise and Vibration

#### 05.8.1 Existing conditions assessment

As agricultural land, there are no significant noise or vibration impacts created by existing site conditions.

#### 05.8.2 Assessment of potential impact

The proposed development is not expected to create any environmental impacts related to noise or vibration.

#### 05.8.3 Management and mitigation

No additional mitigation measures are proposed.

#### 05.9 Heritage

#### 05.9.1 Assessment of existing condition

A search of the Aboriginal Heritage Information System (AHIMS) has been completed for the subject land. The search was completed to determine whether there are any items of cultural heritage significance either on the subject land or within 200m of the subject land. The search result found that:

There are 0 Aboriginal sites recorded in or near the subject land.

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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.

#### 05.9.2 Assessment of potential impact

Based on the AHIMS search results, there is a low possibility that the proposed development will impact on a known item of Aboriginal cultural heritage significance. The proposal is considered a "low impact activity" and an Aboriginal Due Diligence is not considered necessary.

No impacts on European heritage are likely to occur.

#### 05.9.3 Management and mitigation

No additional mitigation measures are proposed.

#### 05.10 Hazards

#### 05.10.1 Assessment of existing condition

The subject land is not located within the Flood Planning Area.

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

The land is currently used for agricultural purposes which is identified in Table 1 of the Managing Land Contamination Planning Guidelines as a land-use activity that could create a contamination risk.

#### 05.10.2 Assessment of potential impact

Section 4.3.2 of this Statement of Environmental Effects includes a detailed evaluation of the suitability of the subject land for a residential use (rural dwelling) having regard to the known current and historical use of the land for intensive plant agriculture (viticulture).

A Preliminary Contamination Investigation has been prepared for the land by Envirowest Consulting. The findings of the investigation are presented in Report R15816-401c dated 08 August 2023 and a copy of this report is submitted in support of this DA.

The report has considered the contamination potential of the land arising as a result of past and current agricultural activities carried out on the site and concludes that the site is suitable for residential use.

#### 05.10.3 Management and mitigation

No additional mitigation measures are proposed, other than compliance with any of the recommendations contained within the Preliminary Contamination Investigation prepared by Envirowest Consulting.



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### 05.11 Services and Utilities

#### 05.11.1 Assessment of existing condition

As agricultural land, there is no existing connections to urban services or infrastructure.

#### 05.11.2 Assessment of Impacts

#### Water

Council's reticulated water supply network is not available for connection. The proposed dwelling will rely on tanked water supply for domestic purposes. A minimum storage of 55,000 litres (including 10,000 litres reserved for fire fighting) will be provided and is shown on the plans submitted with the Development Application.

#### Sewer

Connection to Council's reticulated sewer supply system is not available. On-site waste disposal is required. A large area of land has been identified on the site plan submitted with the Development Application to accommodate on-site waste disposal that is consistent with Council DCP requirements and relevant guidelines and Australian Standards. The installation and operation of any on-site waste management system is subject to further geotechnical investigations and determination of a Section 68 application with Cowra Shire Council.

#### **NBN Telecommunications**

NBN telecommunications are available to the land in the form of a satellite service.

#### Electricity

The proposal is to connect the proposed dwelling to grid electricity. Overhead infrastructure adjoins the northern boundary of the subject land. Connection of the development to the electricity network is subject to the requirements of Essential Energy as the relevant service provider for the area. If any upgrades to existing infrastructure are required to facilitate the proposed development, such works will be carried out at full cost to the proponent.

#### Stormwater

Stormwater is proposed to be managed on-site.

#### 05.11.3 Mitigation and Management

The following mitigation measures are proposed:

- New connections to service and utilities to be completed in accordance with the requirements and specifications of the relevant service providers.
- No physical works to commence without a Construction Certificate from Cowra Council and any other relevant permits / approvals and / or licenses from relevant servicing authorities.

#### 05.12 Social and Economic Impacts

#### 05.12.1 Assessment of existing condition

The site is located within an rural setting. The predominant use of land within the immediately and wider locality is for small lot primary production, intensive plant agriculture and broad-scale agricultural enterprises. Ancillary dwellings are located on many nearby holdings.

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#### 05.12.2 Assessment of potential impact

An assessment of potential impacts of the proposed development has been undertaken with regards to scoping methodology outlined in the Social Impact Assessment Guideline 2017 (SIA Guideline), published by the Department of Planning and Environment. Table 8 provides an assessment of the proposed development against the criteria in the SIA Guideline.

Considering the proposal in the context of surrounding land-use as well as the previously addressed issues related to water, soil and air quality, noise, traffic, heritage, hazards, servicing and utilities, the proposal would be unlikely to have an unacceptable impact on the environment within or surrounding the site. The social and economic impacts of the proposal are expected to be positive.

#### 05.12.3 Management and mitigation

Management and mitigation measures for each of the elements comprising a potential social impact have been addressed in their relevant sections of the SEE.

Table 8 Social Impact Assessment

Matters	Key Links to Social Impacts	Risk of Impact without mitigation	Nature of impact	Assessment findings
Amenity				
Acoustic	Way of life;	Unlikely	Negative	The development is not a noise generating activity.
Visual	Surroundings	Likely	Negative	The site and building design is likely to have an acceptable impact in terms of visual amenity
Odour	Surroundings	Unlikely	Negative	The proposal will not produce odour.
Microclimate	Surroundings	N/A	Nil	The proposal will not significantly impact micro climate.
Access				
Access to property	Way of life;	N/A	Nil	The proposal will not impact on access to neighbouring properties.
Utilities and public transport	Access to infrastructure, services and facilities;	Unlikely	Negative	Connection to available urban service and utilities will be completed to requirements of relevant authorities.
Road and rail	Personal and property rights.	Unlikely	Negative	The proposed development is within the capacity of local road conditions.
Built Environm	ental			
Public domain	Community;	Unlikely	Nil.	The proposal will not impact the public domain as it will be located on private land.
Public infrastructure	Access to infrastructure, services and facilities;	Unlikely	Negative	Connection to available urban service and utilities will be completed to requirements of relevant authorities.
Other built assets	Surroundings; Personal and property rights	Unlikely	Nil.	The proposal will not preclude public access to built assets.

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Matters	Key Links to Social Impacts	Risk of Impact without mitigation	Nature of impact	Assessment findings
Heritage				
Natural	Way of life;	N/A	Nil	Natural heritage of the site is not compromised by the proposed development.
Cultural	Community;	Unlikely	Negative	The proposal will not impact on cultural values in the public domain.
Aboriginal culture	Culture;	Unlikely	Negative	The proposal has considered the likelihood that the land contains items of Aboriginal cultural significance.
Built	Surroundings.	Unlikely	Negative	There are no built heritage items registered on the site.
Community				
Health	Health and wellbeing;	Unlikely	Negative	The proposal does not create any health risks.
Safety	Surroundings	Unlikely	Negative	The proposal has been assessed as not increasing a known safety risk.
Services and facilities	Way of life, Access to infrastructure, services and facilities;	Unlikely	Nil	The proposal does not impact access to public services or facilities.
Cohesion, capital and resilience	Way of life; Community; Culture	Unlikely	Nil	The proposal does is unlikely to generate impacts.
Housing	Way of life, Personal and property rights.	Unlikely	Positive	The proposal creates a new housing opportunity.
Economic				
Natural resource area	Way of life;	Unlikely	Negative	The proposal will utilise available natural resources in a sustainable manner.
Livelihood	Surroundings;	N/A	Nil	The proposal is unlikely to generate impacts.
Opportunity cost	Personal and property rights	N/A	Nil	The proposal is unlikely to generate impacts.
Air				
Air emissions	Surroundings	Unlikely	Negative	The proposal is unlikely to generate impacts.
Biodiversity				
Native vegetation and fauna	Surroundings	Unlikely	Negative	Vegetation clearing is not proposed on site.
Land				
Structural stability, land capability, topography	Surroundings	Unlikely	Negative	The proposal will not result in significant disturbance to the receiving environment.



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Matters	Key Links to Social Impacts	Risk of Impact without	Nature of	Assessment findings
	Social Impacts	without mitigation	impact	
Water Quality, availability, hydrological flows	Surroundings	Unlikely	Negative	The proposal is unlikely to genero impacts.

EVALUATION AND JUSTIFICATION

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## 06. EVALUATION AND JUSTIFICATION FOR THE PROPOSAL

#### 06.1 Objectives of the EP&A Act 1979

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

- a. to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,
- 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.

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#### 06.2 Ecological Sustainable Development

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

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

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

- + The precautionary principle No serious environmental threats have been identified.
- Inter-generational (social) equity Social equity provides a notion of preservation of environmental aspects that cannot be replaced for the enjoyment of future generations. Generally, such aspects relate to biodiversity, cultural heritage, land-use and the transformation of the locality as a result of the development. The proposal has considered such aspects and the SEE assessment concludes that environmental impacts will be within acceptable limits.
- + Conservation of biological and ecological integrity The proposal avoids impacts to flora and fauna.
- + Improved valuation, pricing and incentive mechanisms Any waste generated from the proposal will be appropriately managed to minimise impacts on common public areas, the appropriate pricing mechanism are used to reflect the user pays approach to environmental management.

#### 06.3 Other relevant considerations

#### 06.3.1 Safety, security and crime prevention

An assessment of the proposal against the principles of CPTED (Crime Prevention Through Environmental Design) is not deemed to be necessary due to the nature and scale of the development and it's location within a rural setting.

#### 06.3.2 Cumulative Impacts

The potential environmental impacts of the proposal have been detailed in the relevant sections of the SEE. The proposal will not generate unacceptable environmental impacts Overall, the proposal makes a neutral / positive contribution to the environment.

#### 06.3.3 Suitability of the site for the development

The environmental assessment work completed and detailed in this SEE demonstrates that the subject land is suitable for the proposed development. The development has been designed to be consistent with Council's planning requirements where possible, and where variations have been identified these have been justified based on the merits of the proposal and unique circumstances of the site.

#### 06.3.4 Public interest

Due to the nature and scale of the proposed development, the public interest in the matter is assessed to be low, with the likely impacts concentrated on nearby land-use. Despite aproposed variations to Council DCP requirements for rural dwelling setbacks and vegetation buffer widths, the variations are capable of being supported by Cowra Shire Council based on planning merit. A review of the surrounding area reveals similar development proposals have been supported by Cowra Shire Council and as a result the Council's support for this Development Application does not compromise public interest considerations.

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The proposal will require consultation in accordance with the Cowra Community Participation Plan. If specific concerns or issues are raised by relevant stakeholders, the proponent is prepared to work through the relevant detail with Council in order to achieve a quality development outcome for the land.

Relevant State Government planning policies and guidelines have been identified and considered as part of the preparation of the project design and assessed in this report. Compliance can be achieved.

There land is affected by an easement for transmission line , and this has been identified and shown on the site plan submitted with the DA. The proposed dwelling is located outside of the easement location.

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

CONCLUSION

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## **07. CONCLUSION**

This Statement of Environmental Effects (SEE) has been prepared by Currajong Pty Ltd (Currajong) on behalf of Angleden Pty Ltd for the proposed development of the land at Lot 401 DP 261365, being Traminer Lane Cowra.

The proposal is for the removal of existing vines and infrastructure associated with the existing viticultural operation on the land, and construction a single storey rural dwelling comprising 4 bedrooms, 2 living areas, attached double garage, outdoor entertaining space, and wrap around verandahs. The proposed dwelling has been designed purposefully to be sympathetic with the rural setting and context of the land.

The assessment of the proposed development has been documented in this Statement of Environmental Effects to visualise all aspects of the relevant matters for consideration under the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021.

The assessment concludes the proposed development is permissible in the RU4 Primary Production zone and is consistent with the special provisions in Cowra Local Environmental Plan 2012 relating to the erection of a dwelling on rural zoned land.

The Cowra Comprehensive Development Control Plan 2021 (DCP) applies to all land in the Cowra LGA and contains standards and controls which must be assessed. The land is affected by the 500m buffer applying to land around the Cowra Meat Processors (refer Part K of Cowra DCP). Compliance with this control is achieved however there remains insufficient space outside of the buffer to enable the proposal to comply with the requirements of Part F.1.4.1 of the DCP. A reduction to the required setback and vegetation buffer width is proposed.

A detailed description of the proposed DCP variations have been provided in this Statement of Environmental Effects. Every effort has been made to comply with prescribed requirements, however unique site conditions mean that total compliance cannot be achieved. The variations are capable of being supported by Cowra Shire Council based on planning merit. A review of the surrounding area reveals similar development proposals have been supported by Cowra Shire Council and as a result the Council's support for this Development Application does not compromise public interest considerations.

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



## **APPENDIX A** DCP Variation Justification - Rural Setbacks



APPENDIX A

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#### Introduction

Table 7 to this SEE includes a review of the proposed development against the relevant controls contained in the Cowra Council DCP 2021. The review identified an inconsistency of the proposed dwelling location with the setback requirements contained in Section F.1.4.1 of the DCP.

Appendix A has been prepared in order to provide a more detailed account of the nature of the proposed variations and the proposed justifications for those variations.

#### Prescribed Setbacks

A review of the proposed development against the DCP requirements confirms that the following setback requirements would be applied:

- Northern Boundary 150m or 40m subject to implementation of appropriate vegetation buffer. The land adjoining to the north is currently used for intensive plant agriculture (viticulture).
- Eastern Boundary 150m or 40m subject to implementation of appropriate vegetation buffer. The land adjoining to the east is currently being used for viticultural purposes, although there is an existing dwelling located in close proximity.
- Southern Boundary 150m or 40m subject to implementation of appropriate vegetation buffer. The land adjoining to the south is currently used for broad-scale agriculture including cropping / cultivation.
- Western Boundary 150m, or 40m subject to implementation of appropriate vegetation buffer. The land adjoining to the west is currently used for viticultural purposes.
- + The land is also located partially within the 500m exclusion zone (buffer) applying to the Cowra Meat Processors prescribed by Part K of the DCP.

#### Identification of Variations

Compliance with the 500m buffer in Park K of the DCP has been given priority as part of the site planning for the project. Outside of the buffer, there remains insufficient space to enable the proposal to comply with the requirements of Part F.1.4.1 of the DCP. The following variations are identified:

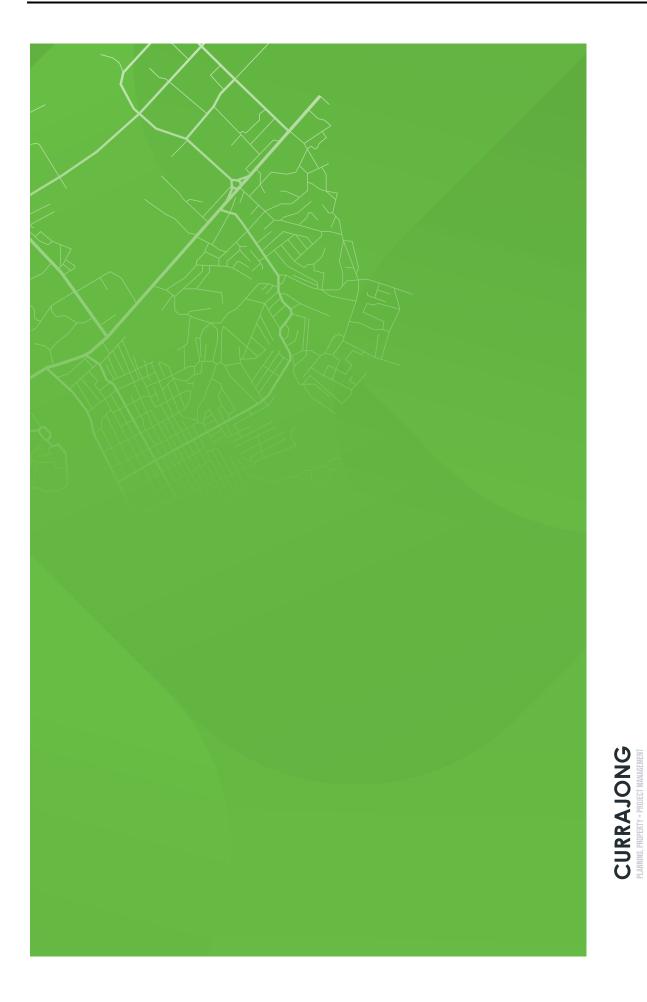
 Eastern boundary. A setback of 25m is proposed, which represents a variation of 15m to the required 40m setback that is allowed with appropriate buffer implementation. A 10m wide vegetation buffer is proposed, which is also a variation to the minimum buffer requirements in Appendix A of Part F of the DCP.

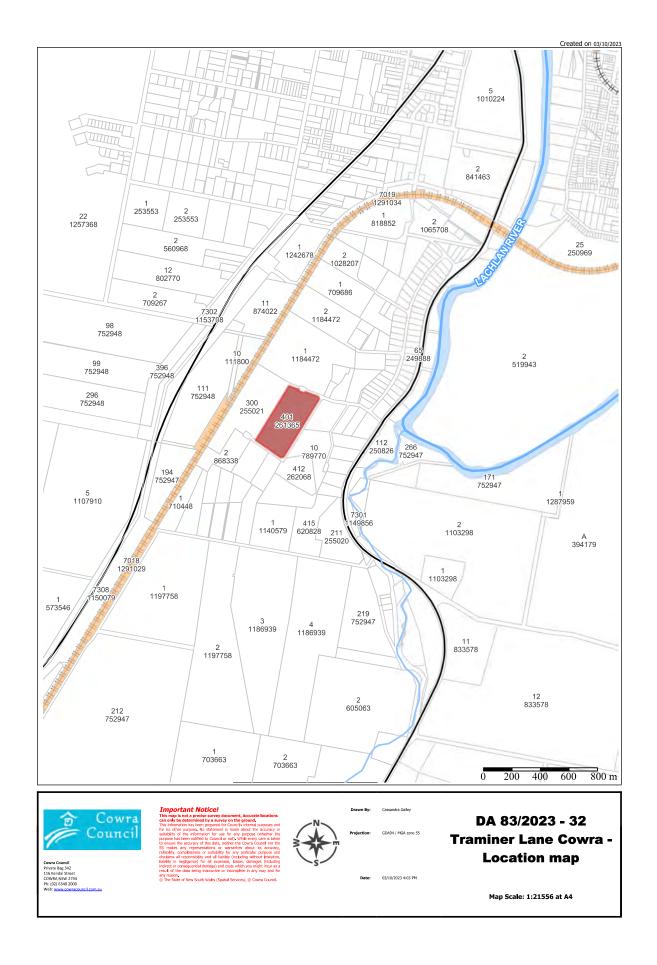
#### Justification for Variations

Council is asked to judge that the proposed variations are acceptable on the following grounds:

- The setback requirements of Council are well understood and have been properly considered as part of the design and site planning for the proposal. 100% compliance is not possible.
- A vegetated buffer is proposed with intent to mitigate against potential land-use conflict issues associated with adjoining agricultural activity. The practical arrangement of the proposed rural dwelling and other ancillary site features (such as driveways) is within the limitations of the site posed by the 500m buffer to the Cowra Meat Processors. Full width buffer implementation is not achievable in the circumstances.
- + The use of the land for rural dwelling and small lot primary production purposes is consistent with existing land-use in the vicinity. Similar examples exist on Lot 1 DP 710448, Lot 7 DP 789769, Lot 6 DP 710448, Lot 1 DP 1140579, Lot 413 DP 262068, Lot 412 DP 262068 and Lot 9 DP 789770, some of which have rural dwellings that are not constructed in locations that would not comply with current setback requirements.
- The placement of a dwelling on the land is not expected to place an unreasonable burden or impediment to the continued use of adjoining land for viticultural purposes. The vineyard has operated for many years in a location that is exposed to rural residential land-use. The viticultural operation has adjusted many of it's farming practices to suit including elimination of aerial spraying techniques.
- The dwelling on adjoining Lot 9 DP 789770 has also been constructed with a reduced building setback (approx. 25m) and reduced buffer width (measured on site to be 6m).









4.3	Development Application No. 78/2023, Lot 10 DP 221616, 42 Belmore Street Woodstock, Dwelling (Transportable), lodged by Currajong Pty Ltd		
File Number:	D23/1500		
Author:	Larissa Hackett, Director - Environmental Services		

### RECOMMENDATION

- 1. That Council notes that the reason for the decision is that the proposal largely complies with Section 4.15 of the Environmental Planning and Assessment Act 1979. The variation to Section E.1.6. of Part E of Council's Development Control Plan 2021 is sufficiently justified and the application was publicly notified and one submission was received; and
- 2. That Council approves a variation to Section E.I.6. of Part E of Council's Development Control Plan 2021 for this development to allow no major windows to a habitable room directly overlooking the street; and
- 3. That Development Application No. 78/2023, for the construction of a dwelling (transportable) on Lot 10 DP 221616, 42 Belmore Street Woodstock 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 Plan	Currajong Drawn 15/08/23 REV B	Received 27 September 2023 Stamped No. DA 10.2023.78.1(A)
Floor Plan and Elevations Sheet I of I	Betterlook Homes Date 22/11/97	Received I September 2023 Stamped No. DA 10.2023.78.1
Statement of Environmental Effects	Currajong Date 24/08/2023	Received I September 2023 Stamped No. DA 10.2023.78.1
Effluent Disposal Investigation	Calare Civil Date 27 September 2023	Received 27 September 2023

Stamped No.
DA 10.2023.78.1(A)

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

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

### CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF A SECTION 68 APPROVAL FOR THE INSTALLATION OF A TRANSPORTABLE HOME

- 3. Prior to the issue of a Section 68 Approval, 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.
- 4. Prior to the issue of a Section 68 Approval, 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.

# CONDITIONS TO BE COMPLIED WITH PRIOR TO THE COMMENCEMENT OF WORKS

- 5. Prior to the commencement of works associated with the dwelling, the Applicant is to obtain all relevant approvals for the installation of a transportable home on the subject land. In this regard the applicant is to apply for an Approval under Section 68 of the Local Government Act 1993 for the transportable home. The application must include all information required by the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005. The application must include a copy of an insurance policy that covers the construction work to satisfy the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.
- 6. 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.
- 7. The Applicant is to submit to Cowra Shire Council, at least two days prior to the commencement of any works, a 'Notice of Commencement of Building or Subdivision Works' and 'Appointment of Principal Certifier'.
- 8. Prior to the commencement of work on the site, all erosion and sediment control measures shall be implemented and maintained prior to, during and after the construction phase of the development. The erosion and sediment control measures are to comply with Part B of Cowra Shire Council Development Control Plan 2021 at all times.

- 9. 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.

### CONDITIONS TO BE COMPLIED WITH DURING CONSTRUCTION

- 10. Any damage caused to footpaths, roadways, utility installations and the like by reason of construction operations shall be made good and repaired to a standard equivalent to that existing prior to commencement of construction. The full cost of restoration/repairs of property or services damaged during the works shall be met by the Applicant.
- 11. All storage of goods and building materials and the carrying out of building operations related to the development proposal shall be carried out within the confines of the property. All vehicles must be parked legally and no vehicles are permitted to be parked over the public footpath. The unloading of building materials over any part of a public road by means of a lift, hoist or tackle projecting over the footway will require separate approval under Section 68 of the Local Government Act 1993.
- 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.
- 13. 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.
- 14. All roofed and paved areas are to be properly drained in accordance with the Plumbing Code of Australia and discharged to the stormwater management system on Belmore Street.
- 15. All plumbing work shall be carried out by a licensed plumber and drainer and to

the requirements of the Plumbing Code of Australia. The licensed plumber or drainer must submit a Notice of Works form to Council prior to the commencement of any plumbing and drainage works and a Certificate of Compliance at the completion of the works. The plumbing and drainage works must be inspected by Council at the time specified below:

- (a) Internal Drainage: When all internal drainage work is installed and prior to concealment. Pipes should be under water test.
- (b) External Drainage: When all external drainage work is installed and prior to concealment. Pipes should be under water test.
- (c) 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

- 16. The Applicant must not commence occupation or use of the dwelling until a Certificate of Completion has been issued from the Principal Certifier appointed for the subject development.
- 17. Prior to the issue of a Certificate of Completion, the Applicant shall upgrade the access crossing to the development site from Belmore Street in accordance with consent from the road's authority pursuant to Section 138 of the Roads Act 1993 for the carrying out of works in a road reserve. The driveway is to be constructed in accordance with the Section 138 Permit. All costs associated with the construction of the access driveway(s) shall be borne by the Applicant.

### ADVICE

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

### INTRODUCTION

Development Application No. 78/2023 proposes a dwelling (Transportable) on Lot 10 DP 221616, 42 Belmore Street Woodstock. The application was lodged by Currajong Pty Ltd on 1 September 2023.

The application is being reported to Council because it proposes a variation to Section E.I.6.(c) of Part E of Cowra Council Development Control Plan 2021 to not include a major window overlooking the street, and one objection was received.

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

### **Description of Site**

Lot 10 DP 221616, 42 Belmore Street Woodstock is a rectangular allotment of approximately 860m<sup>2</sup>. The lot is located in the RU5 Village zone under Cowra Local Environmental Plan (LEP) 2012. The site is currently vacant.

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

### Description of Proposal

The applicant proposes to install a transportable dwelling on the land. The transportable dwelling is second hand and currently located at 130 Vernon Drive, Cowra. The dwelling has external clad walls. Access is proposed off Belmore Street.

### 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 78/2023:

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

### Local Environmental Plan (LEP)

The applicable LEP is the Cowra LEP 2021 (CLEP) and the relevant provisions of the LEP are discussed as follows.

I.2 Aims of Plan

The development is not inconsistent the aims of the LEP.

I.4 Definitions

The proposed development is defined as a *dwelling house* under the LEP.

I.6 <u>Consent authority</u>

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

1.9A <u>Suspension of covenants, agreements and instruments</u>

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 <u>RU5</u> Village, and the proposed development is permitted in the zone with consent.



### 2.3 Zone objectives

Objective	Comment
• To provide for a range of land uses, services and facilities that are associated with a rural village.	Consistent.

### 2 Permitted without consent

Environmental protection works; Home occupations

### **3** Permitted with consent

Centre-based child care facilities; Community facilities; **Dwelling houses**; Liquid fuel depots; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roads; Schools; Tank-based aquaculture; Any other development not specified in item 2 or 4

### 4 **Prohibited**

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Cellar door premises; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Heavy industrial storage establishments; Heavy industries; Livestock processing industries; Marinas; Mooring pens; Moorings; Open cut mining; Rural workers' dwellings; Sawmill or log processing works; Waste disposal facilities; Wharf or boating facilities

### Comment:

The proposed 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.

### 5.11 Bushfire

The site is not located within an area mapped as prone to bushfire.

#### 5.21 Flood planning

The land is not in the flood planning area.

#### Part 6 <u>Urban release areas</u>

The site is not identified as being within an urban release area.

#### 7.1 Earthworks

Minimal earthworks are required. It is considered that there will be no adverse impact or environmental risk from the minimal earthworks required.

#### 7.3 <u>Terrestrial biodiversity</u>

This clause applies to land that is identified as biodiversity land on the *Terrestrial Biodiversity Map*; the site is not mapped as being affected. No tree removal is proposed, and no adverse impacts on the ecological value and significance of flora and fauna is considered likely.

#### 7.4 <u>Riparian land and watercourses</u>

This clause applies to land that is identified as a watercourse on the *Watercourses Map*, or is within 40 metres of a mapped watercourse; the site is not mapped as being affected; accordingly, this clause is not applicable.

#### 7.5 <u>Wetlands</u>

This clause applies to land identifies on the wetlands map; the site is not identified as being affected; accordingly, this clause is not applicable.

### 7.6 <u>Groundwater vulnerability</u>

This clause applies to land that is identified as groundwater vulnerable on the Groundwater Vulnerability Map, and the site is not mapped as being affected.

#### 7.7 <u>Airspace operations</u>

This clause applies to developments that penetrate the Limitation or Operations Surface of the Cowra Airport. Works carried out on the site will not project into the Airport airspace.

### 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 supported by a Geotech report.
Stormwater	Rainwater will be directed to the stormwater system on Belmore Street.
Access	The proposed development includes a new driveway and crossover to Belmore Street.

### 7.11 Development on land in karst areas

This clause applies to land that is identified as karst environment on the Natural Resources Sensitivity – Land Map. The land is not mapped as being affected; accordingly, this clause is not applicable.

### **State Environmental Planning Policies**

SEPP	COMMENTS
SEPP (Biodiversity and Conservation) 2021	Not applicable
SEPP (Building Sustainability Index: BASIX) 2004	A BASIX certificate has been submitted that demonstrates compliance.
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.

### S 4.15(1)(a)(ii) provisions of any draft Environmental Planning Instrument(s)

There are no draft Environmental Planning Instrument(s) that are relevant to the site.

### S 4.15(1)(a)(iii) provisions of any Development Control Plan(s)

Cowra Shire Council Development Control Plan 2021

### PART A – PLAN INTRODUCTION

Consent is required for the proposed dwelling.

### 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 area is clear of vegetation – no further assessment required relating to Biodiversity.

### PART E – URBAN & VILLAGE DEVELOPMENT

### Part E. I Single Dwellings (& alterations & additions)

Section	Comments
E.I.I Application of Section	The subject land is zoned RU5 Village and residential additions are proposed to an existing dwelling.
E.I.2 Objectives	The proposed development meets these objectives.
E.I.3 Site Analysis	There are no significant environmental constraints.

E.I.4. Soil Erosion and Sedimentation Control	Appropriate controls to be put in place.
E.I.5. Cut and Fill Controls	Complies.
E.I.6. Streetscape Controls	Variation requested. The proposed development would not include a major window to a habitable room directly overlooking the street, contrary to E.I.6.(c). The variation is considered at the end of this section.
E.I.7. Height Controls	Complies. The proposed dwelling is single storey and not exceed 9 metres.
E.I.8. Solar Access Controls	Complies. The proposed dwelling would be single storey and would not adversely overshadow any neighbouring dwellings.
E.I.9. Front setback controls	Complies. The proposed development has a setback of 5m to the primary frontage (Belmore Street) and 4.74m to the secondary frontage (Kirkman Lane) compliant with the DCP.
E.I.10 Side Setbacks	Complies. The existing side setbacks exceed 900mm.
E.I.II. Rear Setbacks	Complies. The rear setback exceeds 8m.
E.1.12. Visual & Acoustic Privacy Controls	Complies. No visual or acoustic impacts identified.
E.I.13 Landscaped Area Controls	N/A for single dwellings.
E.I.I4. Sustainable Building Design Controls	N/A for transportable dwellings.
E.I.I5. Liveable Housing Design	N/A as the proposed dwelling is an existing dwelling.

### <u>Variations</u>

Section E.I.6.(c) of Part E of Cowra Council DCP 2021 requires new dwellings provide a minimum of one major window to a habitable room (living area) directly overlooking the street or public open space area. The design should avoid kitchen, bathroom or laundry windows dominating the street elevation. The proposed development does not include any windows overlooking the street which represents a variation to this development control.

### <u>Comment</u>

It is considered the proposed development is acceptable as the site has a width of approximately 16 metres, making it difficult to install the existing dwelling in an orientation that would provide a window overlooking the street. It is considered prohibitive and unreasonable to require compliance with this control.

The existing streetscape is predominately single dwellings with a cladded appearance. In this regard the proposed development would be of consistent visual style. A photograph from site inspection showing the existing streetscape is provided below.

### **GENERAL COMMITTEE MEETING AGENDA**



Accordingly, it is assessed that the variation has no significant adverse impacts and can be supported.

### PART K – LAND USE BUFFERS

Cowra Airport Obstacle Limitation Surface

The subject land is located outside of the OLS.

### PART O – ENVIRONMENTAL HAZARD MANAGEMENT

The subject land is not mapped has been flood prone.

The subject land is not mapped as bushfire prone.

There is no identified contamination on the subject land.

### PART N – LANDSCAPING

Landscaping assessment is not considered necessary for single dwellings.

### PART P – CPTED PRINCIPLES

CPTED assessment is not considered necessary for single dwellings.

The development, as conditioned, will comply with the remaining relevant DCP controls.

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

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

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

Section 4.15(1)(a)(iv) requires the Council to also consider Clauses 61, 62, 63 and 64 of the *Environmental Planning and Assessment Regulation 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 79(C)(1)(b) requires the Council to consider the likely impacts of the development, including environmental impacts on both the natural and built environments as well as the social and economic impacts in the locality. The following provides an assessment of the likely impacts of the development:

### Context and Setting

The area is characterised by single storey residential developments. The proposed development would appear as a single dwelling from Belmore Street and Kirkman Lane. This proposal is consistent with the existing character of the locality.

#### Access, Parking, traffic

The proposed development would be accessed from Belmore Street which is a sealed local road with no kerb and guttering by way of a new driveway and crossover. A S138 approval under the *Roads Act 1993* is required for the proposed crossover. 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.

### <u>Utilities</u>

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

### <u>Heritage</u>

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 will be directed to the stormwater system on Belmore Street as conditioned.

<u>Soils</u>

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.

#### <u>Waste</u>

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.

#### <u>Energy</u>

Not relevant to manufactured dwellings.

#### 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 not mapped as being subject to flooding.

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 installed in accordance with the Building Code of Australia and Councils engineering guidelines. A compliance plate will be required as part of the S68 application. 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 and installation 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

### S4.15(1)(d) Any Submissions Received

#### Public Consultation

The subject Development Application was notified to adjoining owners in writing from 8 September to 22 September 2023, in accordance with Cowra Community Participation Plan 2020. One submission was received in relation to the proposed development, which was an objection. The submission is included in Attachment '5' to this report and the applicant's response to the submission is included in Attachment '6'. Below is a summary of the submission's planning and development related concerns followed by assessment comments:

### **Objections:**

### I. The house in question is too big for the narrow property

Assessment Comment:

The proposed development involves the relocation of an existing transportable dwelling. The proposed development includes sufficient area for a septic disposal area, is considered appropriate for the site, and would be consistent with the streetscape.

# 2. Kirkman lane will be used as an entry to the property as they already use it as a road and personal use

# Assessment Comment:

The proposed access will be off Belmore Street, and includes a new driveway and crossover. A permit under Section 138 of the *Roads Act 1993* has been conditioned.

# 3. The development will increase the traffic flow in the street

# Assessment Comment:

The existing road network is sufficient to support the increase in traffic from a new single dwelling on residential zoned land within the village.

# 4. The development will impact on the air quality

# Assessment Comment:

The proposed development would not adversely impact on air quality compared to any other dwelling.

# 5. The development will impact the current wildlife we have in the area

# Assessment Comment:

The subject land is vacant residential zoned land within a village, and no tree removal is proposed. It is considered the proposed development would have negligible impact on local wildlife.

# 6. Concerns regarding existing soil erosion

## Assessment Comment:

No soil erosion was identified during site inspection. Appropriate erosion and sediment controls are conditioned to be implemented prior to the commencement of works.

# 7. The development front fence and side fence are too high

## Assessment Comment:

The proposed development does not explicitly include fences. Any proposed fencing would be constructed in accordance with Clauses 2.33 and 2.34 of the *State Environmental Planning Policy* (Exempt and Complying Development Codes) 2008.

The remainder of the submission letter included personal and civil matters which are deemed irrelevant to the proposed development.

# Public Authority Consultation:

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

# **S4.15(1)(d)** The Public Interest

# Community Interest

# **S7.12** Fixed development consent levies

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

# Conclusion

Development Application No. 78/2023 proposes a dwelling (transportable) on Lot 10 DP 221616, 42 Belmore Street Woodstock. The application was lodged by Currajong Pty Ltd on 1 September 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.

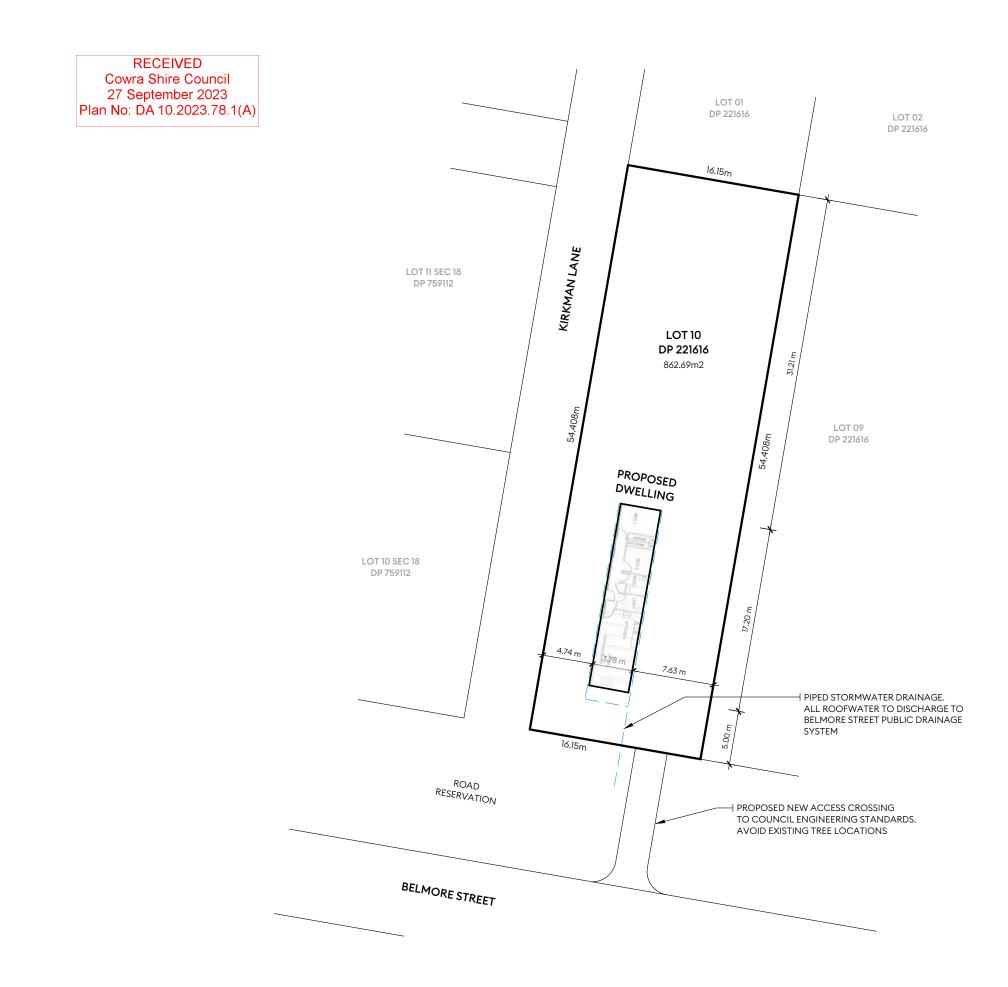
The proposed development has been assessed to be consistent with the requirements of Cowra Local Environmental Plan 2012, relating to development in the RU5 zone and is consistent with existing land-use activities of the locality. The variation to Section E.I.6. of Part E of Council's Development Control Plan 2021 is sufficiently justified.

The development application was notified in accordance with Cowra Community Participation Plan 2020. One submission was 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

- I. DA 78/2023 Development Plans 🕹
- 2. DA 78/2023 Statement of Environmental Effects 👃
- 3. DA 78/2023 Location map 😃
- 4. DA 78/2023 aerial view 😃
- 5. DA 78/2023 Copy of submission (redacted) 😃
- 6. DA 78/2023 Applicants response to submission 🕹





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.
- 2. 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
- 3. All dimensions in metres unless otherwise specified.

в	ADD FLOOR PLAN OVERLAY	DS	27.09.2023
А	FIRST ISSUE	DS	15.08.2023
REV	DESCRIPTION	BY	DATE

**SHEET NO:** OF 1

SHEET NAME: SITE PLAN

DRAWING STATUS FOR APPROVAL

CLIENT NAME Compton

SITE DESCRIPTION Lot 10 DP 221616 Belmore Street Woodstock NSW 2793

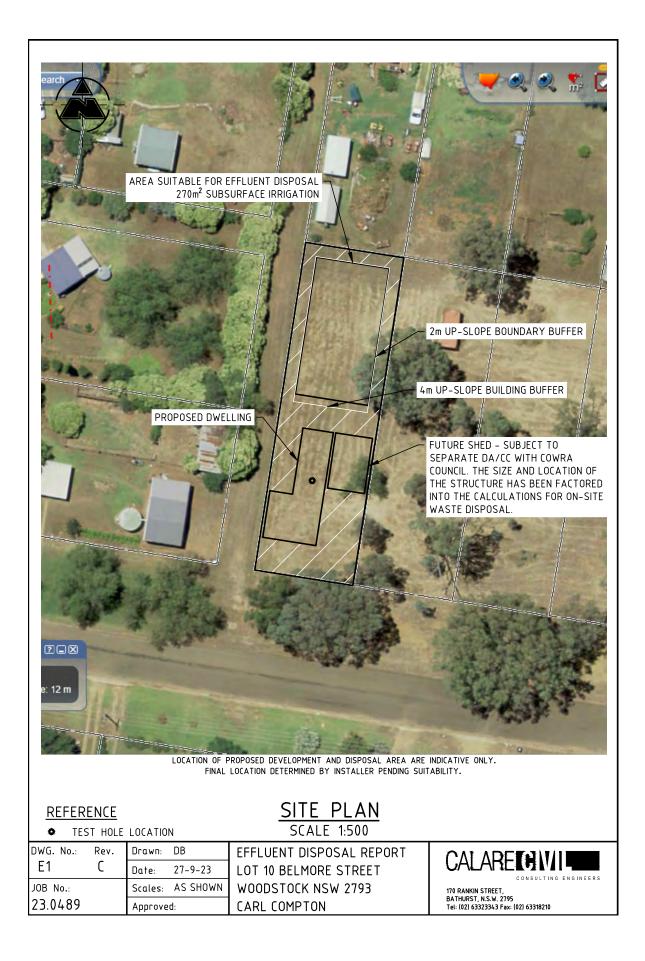
PROJECT NAME Proposed Dwelling

DRAWN: 27/09/23









## RECEIVED Cowra Shire Council 1 September 2023 Plan No: DA 10.2023.78.1

## DOCUMENT TITLE

Statement of Environmental Effects – Rev B

## CLIENT

C Compton

## PROJECT

Dwelling Lot 10 DP 221616 Belmore Street Woodstock NSW 2793



# CURRAJONG

## DOCUMENT CONTROL

## PROJECT REPORT DETAILS

Document Title	Statement of Environmental Effects
	Dwelling
	Lot 10 DP 221616, Belmore Street, Woodstock NSW
Principal Author	Dean Steward, Senior Planner, Currajong
Client	C Compton
Project Reference	APC230412

## DOCUMENT STATUS

Revision	В
Status	For Council Approval
Date	24/08/2023
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C Compton	24/08/2023





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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 C Compton for the proposed development of the land at Lot 10 DP 221616, Belmore Street, Woodstock. The proposal is for the placement of a relocatable dwelling on the land. This document has been prepared to accompany a development application for determination by Cowra Shire Council

## 1.2. Project Overview

The land at Belmore Street is an existing parcel comprising approximately 865m2of land area. The land is vacant of any buildings or structures and there are no existing trees or mature vegetation on the site.

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

- Placement of a second-hand relocated dwelling on the land. The dwelling has 2 bedrooms, a combined kitchen
  and living area and separate bathroom and laundry facilities. The dwelling is a timber framed construction with
  external clad walls.
- Practical and legal access to the development is to be provided directly from Belmore Street, which is an existing
  public road that is owned and maintained by Cowra Shire Council. Belmore Street is an existing sealed road
  formation. The provision of a new access crossing to the land will be required to the land as part of the proposal.
- The proposed development will be connected to all available services and utilities including reticulated water, electricity and satellite NBN telecommunications. On-site disposal is required for domestic waste.
- Stormwater is proposed to be managed by diverting all roof-water to the roadside drainage system in Belmore Street.
- Further details relating to the proposed development have been included in the following sections of this Statement of Environmental Effects.

As the proposed dwelling is an existing structure, architectural plans are based on the original documentation approved by Cowra Shire Council. 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	Currajong on behalf of C Compton
Landowner	C Compton
Proposed Site	Lot 10 DP 221616, Belmore Street, Woodstock
Proposal	Relocatable Dwelling
Zoning	RU5 Village
Consent Authority	Cowra Shire Council



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## 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 10 DP 221616, Belmore Street, Woodstock. Key features of the site and its existing environs is included as follows:

- The total area of site is calculated to be approximately 865m2.
- The land is currently vacant of any existing structures.
- The land is located on the corner of Belmore Street and Kirkman Lane. The section of Kirkman Lane that adjoins the subject land is not constructed to a public road standard.
- The land is flat, falling slightly from the north the south.
- Parts of the land are currently fenced.
- The land is not prone to natural hazards, including flood or bushfire.

Figure 1 shows the location of the subject site.

## Figure 1 – Belmore Street Locality Map



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

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Photograph 1 – View NW. Subject land in foreground. Neighbouring land in background.



Photograph 2 – View north. Kirkman Lane adjoining western property boundary.



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Photograph 3 – Road reservation to Belmore Street.



Photograph 4 – Belmore Street



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## 2.2. Surrounding Land-use

The site is located centrally within the village of Woodstock. All surrounding land is zoned RU5 Village zone. There are existing dwellings on each of the surrounding properties.



Photograph 5 – Nearby residential uses to the east of the subject land



Photograph 6 – Land-use on western side of Kirkman Lane



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## 2.3. Land Zoning

The site is zoned RU5 Village under the Cowra Local Environmental Plan 2012. All other surrounding lands are zoned RU5 Village. Figure 2 shows the zoning framework applying to the subject land and surrounding sites under Cowra Local Environmental Plan 2012.

Figure 2 – Zoning Map







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## 3. DESCRIPTION OF THE PROPOSAL

#### 3.1. Objectives of the proposal

The objectives for the proposal are to:

- Place a second-hand transportable dwelling on the land that is not inconsistent with the existing village setting of the land.
- Minimise to the greatest extent possible, impact to the local environment, adjoining properties and the community in general.

#### 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 10 DP 221616.

#### 3.2.2. Building Works

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

- Placement of a second-hand relocated dwelling on the land. The dwelling has 2 bedrooms, a combined kitchen
  and living area and separate bathroom and laundry facilities. The dwelling is a timber framed construction with
  external clad walls.
- Site earthworks. The proposed dwelling will be placed onto a system of engineered piers and strip footings. Minor excavation works will be required to facilitate this construction work. Changes to existing natural ground level will not be required to facilitate the placement of the relocatable dwelling on the land. Cut and filling will not be required and there is no proposal for retaining wall construction.
- All building works are to comply with the Building Code of Australia and engineering specifications as detailed on plans.

A photograph showing the relocatable dwelling in it's existing location is included below.



Photograph 5 – Relocatable dwelling in it's existing location

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#### 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 Belmore Street, which is an existing
  public road that is owned and maintained by Cowra Shire Council. Belmore Street is an existing sealed road
  formation.
- Access to the site is to be gained from a new crossing which is proposed to be constructed in accordance with Council engineering requirements.

#### 3.2.4. On-site Car Parking

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

- The design of the relocatable dwelling does not incorporate under-roof resident car parking.
- On-site resident car parking will be provided on-site within an open sided carport type structure. The erection of
  the car port is not proposed as part of this DA. The proposed site arrangement has been planned around the
  assumption that this carport will be provided on-site at a future stage in time.
- On-site visitor car parking not required due to the nature and scale of the proposal.

#### 3.2.5. Landscaping

A description of the proposed landscaping arrangements are as follows:

- Dedicated landscaped areas are not required due to the nature and scale of the proposal.
- Minimum landscape requirements under BASIX do not apply as the development is not a BASIX affected development.

3.2.6. Utilities and Services

A description of the proposed servicing arrangements are as follows:

- The proposed development will be connected to all available services and utilities including reticulated water, electricity and satellite NBN telecommunications.
- On-site disposal is required for domestic waste. A geotechnical investigation has been completed and
  appropriate site planning arrangements made to ensure sufficient space is dedicated to this purpose. A copy of
  the Geotechnical report is submitted with the DA.
- Stormwater is proposed to be managed by diverting all roof-water to the roadside drainage system in Belmore Street.

#### 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.

#### 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 objectives 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:

- Installation of manufactured home, moveable dwelling or associated structures.
- 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 the placement of the relocatable dwelling on the land, as well as plumbing and drainage works. Applications for relevant LG approval will be made with Cowra Council prior to the commencement of relevant works.

#### 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. 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

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of this SEE. In general, no heritage issues / impacts have been assessed to apply, and no separate approvals are required relating to heritage matters.

#### 4.2.5. 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 proposal does not involve the removal of existing native vegetation. 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 Belmore Street.

Works will be required to construct a new access to Belmore 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). 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	N/A	No
SEPP (Exempt & Complying Development Codes) 2008	N/A	No
SEPP (Housing) 2021	N/A	No
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 proposal 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.

#### 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 RU5 Village.

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 4 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

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

#### Table 4 – Preliminary LEP Assessment

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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
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	Not applicable to proposal
7.1	Earthworks	Assessment Required. See Section 4.4.2
7.3	Terrestrial Biodiversity	Not applicable to proposal
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 objective of the RU5 Village is:

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To provide for a range of land uses, services and facilities that are associated with a rural village.

The proposed development is assessed to be consistent with the objectives for the RU5 zone. The proposal involves the construction of a single dwelling that meets with the specific requirements of the landowner. The use of the land for dwelling purposes is consistent with the village setting.

#### Land-use Table – RU5 Village zone

The development is permissible in the RU5 Village zone with the consent of Council.

#### 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:

- 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.

An assessment of the proposed earthworks against the considerations in Clause 7.1 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 site earthworks are a necessary component to achieving structural foundations for the relocatable home. 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.
- There is no proposal to import fill.
- Due to the minor nature of the proposed earthworks, the likelihood of the development impacting the amenity
  of adjoining property owners is low. The relationship of the proposed dwelling to adjoining properties will not be
  altered by the proposed site earthworks.
- The likelihood of earthworks disturbing relics is low. Appropriate searches of the AHIMS database have not
  identified any recorded items within a 50m buffer of the subject land.
- The site of proposed earthworks is sufficiently distanced from any existing water ways, drinking water catchments or environmentally sensitive areas.
- Newly cut and filled areas will be battered back to natural ground level at appropriate grade.

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 through appropriate soil and erosion control techniques where required.



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#### 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
- 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 Belmore Street is not connected to Council's reticulated water supply system at present. A new
  connection to Council's network will be applied for as part of the proposal. Adequate arrangements will be
  made for the provision of a suitable water supply to the development.
- Existing electrical supply infrastructure is available from within the road reserve to Belmore Street. Adequate
  arrangements exist and will be made for the provision of a suitable electrical supply to the proposed
  development, subject to further enquiry and application with the relevant service authority.
- Domestic waste generate from the proposed dwelling will need to be disposed of and managed on-site. A
  geotechnical investigation has been completed and appropriate site planning arrangements made to ensure
  sufficient space is dedicated to this purpose. A copy of the Geotechnical report is submitted with the DA. 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 will be made for the disposal and management of
  domestic sewage from the proposed dwelling.
- Stormwater is proposed to be managed by diverting all roof-water to the public drainage system in Belmore Street. Adequate arrangements will be made for stormwater drainage from the proposed development.
- Practical and legal access to the development is to be provided directly from Belmore Street, which is an existing
  public road that is owned and maintained by Cowra Shire Council. Belmore Street is an existing sealed road
  formation. Access to the site is to be gained from a new crossing which is proposed to be constructed in
  accordance with Council engineering requirements. Adequate arrangements will be made for the provision of
  suitable vehicle access to the proposed Dwelling.

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

#### 4.5. Development Control Plans

#### 4.5.1. Relevant Development Control Plan

Cowra Development Control Plan 2021 applies to the land. The site of the proposed development is zoned RU5 Village.

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.



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#### Table 5 – Preliminary DCP Assessment

Part	Name	Applicability	Further Assessment Warranted?
A	Plan Introduction	Yes	Considered. Detailed assessment not necessary.
В	Land Management	Yes	Yes. Refer Section 4.5.2
С	Biodiversity Management	Yes	Yes. Refer Section 4.5.2
D	Subdivision Development	No	No
E	Urban and Village Development	No	Yes. Refer Section 4.5.2
F	Rural Development	No	No
G	Large Lot Development	Yes	No
Н	Commercial Development	No	No
I	Industrial Development	No	No
J	Cowra Regional Airport	No	No
К	Land-use Buffers	No	No
L	Advertising and Signage	No	No
М	Parking, Access and Mobility	No	No
Ν	Landscaping	No	No
0	Environmental Hazard Management	No	No
Р	CPTED principles	No	No

### 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 implemented throughout the life of the proposed construction processes.	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.	<ul> <li>The proposed development does not trigger entry into the Biodiversity Offset Scheme according to the Biodiversity Conservation Act 2016. The following information is provided in support of this statement:</li> <li>The minimum lot size applying to the development site is 2000m2 and the proposed development does not require the clearing of native vegetation that has an area exceeding the nominated threshold of 0.5ha.</li> <li>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.</li> <li>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.</li> <li>Assessment pathway No. 1 is considered to apply (assessment under Part 4 of the EP&amp;A Act)</li> </ul>	The proposal complies.	

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art E.1	Urban and Village Development				
	Objectives				
	E.1.2	Objectives	The proposed dwelling is consistent in scale with existing built form on adjoining properties and within the locality generally. The dwelling design is basic, but is not expected to impact unacceptably on positive attributes of the streetscape. Building setbacks are generally appropriate having regard to the an analysis of adjoining sites. Privacy and acoustic impacts are not likely to be key issues with the proposal. Adequate arrangements are to be made for access and connection of the site to urban services and infrastructure, including on-site waste management.	The proposal complies.	
	Site Analysis I	Planning			
	E.1.3	This section provides guidance on the range of issues that should be considered as part of the initial site planning of the development.	A site planning exercise has been completed for the project. A primary constraint for the site and building design is the limited amount of available land area and requirements for on-site waste management given Woodstock is not a sewered village.	The proposal complies.	
			A geotechnical investigation has been completed to determine the likely requirement for on-site waste disposal, accounting for the size of the proposed relocatable dwelling, a future deck, a future carport, site access and setbacks of treatment areas to buildings and boundary locations. Whilst constrained, the investigations have confirmed that sufficient space is available to accommodate the broader needs of the site.		
			The site is not constrained by flooding, bushfire, natural drainage, slope instability, contaminated land, heritage or biodiversity issues. Key issues are assessed generally in appropriate sections of this Statement of Environmental Effects.		
	Soil Erosion 8	& Sedimentation Controls			
	E.1.4	This section provides controls relating to the proper management of soil	Soil erosion and sediment control measures are to be implemented as part of construction phases of the proposal.	The proposal is capable of complying.	



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		erosion during construction phases of the proposed development.		
	Cut and Fill Cor	ntrols		
	E.1.5	Development Applications for new dwellings on sloping sites must be accompanied by a cut and fill plan, prepared to scale, showing the extent of all cut and fill proposed for the development.	Site cut and / or fill is not required.	The proposal complies.
	Streetscape Co	ontrols		
	E.1.6	This section includes a suite of controls aimed at ensuring new development has an acceptable impact in terms of	As a single storey dwelling, the proposal will be consistent with the scale and character of adjoining dwellings and the surrounding environment.	Council may assess the proposal as requiring a variation to this contro In this case, a number of
	the surrounding streetscape.	The subject land is located on a corner lot. Belmore Street adjoins the southern boundary and Kirkman Lane adjoins the western boundary, although Kirkman Lane is not constructed as a public road.	justifications in support of the variation are provided for Council's assessment of the proposal.	
		The dwelling elevation fronting Kirkman Lane will have appropriate window / door treatments.		
		The existing size and configuration of the relocatable home means that it is not possible to orient the building on the land in any other way than with a north-south alignment. As a result, the dwelling elevation fronting Belmore Street will not have a window that directly overlooks the street. Should Council assess this is a mandatory DCP provision, a variation to control E.1.6.c would be required and in this case, the following justifications are provided in support of the variation:		
		<ul> <li>Adverse streetscape impacts are unlikely to be generated due to the narrow width of the building.</li> </ul>		
			<ul> <li>The lack of window treatment on the southern elevation is not created by design. The dwelling is a relocatable home.</li> </ul>	





		<ul> <li>The length of the existing building would not allow the structure to be positioned on the land in an east-west alignment.</li> <li>Belmore Street is not assessed to have particularly important streetscape qualities that would be significantly impacted by the proposed variation.</li> </ul>	
Height Cont	rols		
E.1.7	This section includes a suite of controls relating to the maximum height of new residential development.	The proposed dwelling is a single storey structure and has a peak height that is less than 9m. Stepped building form is not necessary.	The proposal complies.
Solar Access	s Controls		
E.1.8	The section includes a suite of controls aimed at ensure new residential development has adequate solar access and does not compromise solar access for adjoining development.	The proposed dwelling is an existing relocatable building. Sunlight access to internal living spaces will be achievable. The size and position of the structure on the land is not likely to impact on sunlight access to adjoining dwellings.	The proposal complies.
Front Setba	ck Controls		
E.1.9.1	E.1.9.1 This section describes the front setback requirements for new residential development.	Scenario 4 is assessed to apply to the proposed development. Desktop analysis shows the two nearest dwellings facing Belmore Street as being on Lots 7 and 8 DP 221616.	The proposal complies.
		The dwelling on Lot 7 is assessed as having a setback of approximately 6m. The dwelling on Lot 8 is assessed as having a setback of approximately 5m. As the setback difference is no more than 2m, the lesser of the setbacks is taken to the minimum setback for the proposed development. The site plan submitted with the DA shows the proposed dwelling with a front setback of 5m.	





E.1.9.4	4 This section describes the setback requirements applying to new residential development on corner lots.	The proposed dwelling will be located a distance of 4.7m from the secondary frontage of the lot adjoining Kirkman Lane. This is consistent with the DCP requirement of 4.5m.	The proposal complies.
Side S	etbacks		
E.1.10	This section describes the side setback requirements for new residential development.	The proposed dwelling will be constructed the minimum 0.9m requirement from the side boundary.	The proposal complies.
Rear S	ietbacks		
E.1.11	This section describes the rear setback requirements for new residential development.	The proposed dwelling will be constructed the minimum 8m requirement from the rear boundary.	The proposal complies.
Visual	and Acoustic Privacy Controls		
E.1.12	This section includes a suite of controls requiring adequate visual and acoustic privacy to be achieved for new residential development.	The land immediately to the west is Kirkman Lane. The land immediately to the east is vacant. The proposal does not create any visual or acoustic privacy issues for adjoining sites.	The proposal complies.
Lands	caped Area Controls		
E.1.13	This section includes a suite of controls requiring adequate landscaped area to be provided as part of new residential development.	The proposal achieves in excess of the required 40% of site area dedicated to landscapable area.	The proposal complies.
Sustai	nable Building Design Controls		
E.1.14	This section includes a suite of controls relating to sustainable building design.	As the proposed dwelling is a relocatable dwelling, it is not a BASIX affected development.	The proposal complies.
Liveat	le Housing Design		





E.1.15 This section requires the proposed dwellings to achieve a silver performance level in accordance with the Liveable Housing Guidelines. As the proposed dwelling is an existing relocatable dwelling, there is no opportunity to incorporate the principles of the Liveable Housing Design Guidelines into the structure.

In the circumstances, the proposal is not inconsistent.





## 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.

#### 5.1.2. Assessment of potential impact

As a single storey dwelling, the proposal will be consistent with the scale and character of adjoining dwellings and the surrounding environment.

The subject land is located on a corner lot. Belmore Street adjoins the southern boundary and Kirkman Lane adjoins the western boundary, although Kirkman Lane is not constructed as a public road.

The dwelling elevation fronting Kirkman Lane will have appropriate window / door treatments.

The existing size and configuration of the relocatable home means that it is not possible to orient the building on the land in any other way than with a north-south alignment. As a result, the dwelling elevation fronting Belmore Street will not have a window that directly overlooks the street. An impact assessment of the proposal on Belmore Street has been completed and the following statements are made in support of the development.

- Adverse streetscape impacts are unlikely to be generated due to the narrow width of the building.
- The lack of window treatment on the southern elevation is not created by design. The dwelling is a relocatable home.
- The length of the existing building would not allow the structure to be positioned on the land in an east-west alignment.
- Belmore Street is not assessed to have particularly important streetscape qualities that would be significantly
  impacted by the proposed variation.

5.1.3. Management and mitigation

No additional mitigation measures are proposed, unless conditioned by Council.

#### 5.2. Building Code Compliance

5.2.1. Existing conditions assessment

As vacant land, there are no existing building code compliance issues.

5.2.2. Assessment of potential impact

The proposed relocatable dwelling will be positioned on the land with setbacks that comply with the Building Code of Australia.

Certification has been received from Calare Civil that the existing building is suitable to be relocated from one site to another in it's existing condition. A copy of this certification is submitted with the DA and will be provided in support of the S68 Application.

Engineering drawings have also been prepared for the foundation system to support the dwelling. Copies of this detail is also submitted with the DA and will be provided in support of the S68 Application.

5.2.3. Management and mitigation

A Section 68 Application is proposed to be obtained prior to the placement of the relocatable dwelling on the land or completion of any plumbing and drainage works.

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#### 5.3. Access and Traffic

#### 5.3.1. Existing conditions assessment

The subject land is currently accessed from Belmore Street, which forms part of the local road network owned and maintained by Cowra Shire Council. Belmore Street is a bitumen sealed road. 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 is intended to be gained directly from Belmore Street via a new access crossing to be constructed in accordance with Council engineering requirements.
- The nature and scale of the proposal is unlikely to generate any parking issues on the public road system.

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 Belmore 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 Belmore Street by 7.4 (one dwelling).
- Belmore 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.
- The new access to Belmore Street will be constructed to Council standards and has 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

As vacant land, there are no existing site design issues.

5.4.2. Assessment of potential impact

A site planning exercise has been completed for the project. A primary constraint for the site and building design is the limited amount of available land area and requirements for on-site waste management given Woodstock is not a sewered village.

A geotechnical investigation has been completed to determine the likely requirement for on-site waste disposal, accounting for the size of the proposed relocatable dwelling, a future deck, a future carport, site access and setbacks of treatment areas to buildings and boundary locations. Whilst constrained, the investigations have confirmed that sufficient space is available to accommodate the broader needs of the site.

The site is not constrained by flooding, bushfire, natural drainage, slope instability, contaminated land, heritage or biodiversity issues. Key issues are assessed generally in appropriate sections of this Statement of Environmental Effects.

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The proposed buildings have 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 buildings are also sited on the land consistent with the setback requirements of the Cowra DCP 2021 without variation.

5.4.3. Management and mitigation

No additional mitigation measures are proposed, other than implementation of the drawings and details submitted with the project.

#### 5.5. Soils and Water Quality

#### 5.5.1. Assessment of existing condition

The subject land is not 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 not mapped as being flood prone. The 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

There is a low likelihood that the proposed development will generate unacceptable impacts in terms of soil and water quality. Due to the nature and scale of the proposal, minimal site earthworks are required and are capable of being managed through appropriate implementation of soil erosion and sediment control measures.

A geotechnical investigation has been completed to determine the likely requirement for on-site waste disposal, accounting for the size of the proposed relocatable dwelling, a future deck, a future carport, site access and setbacks of treatment areas to buildings and boundary locations. Whilst constrained, the investigations have confirmed that sufficient space is available to accommodate the broader needs of the site. Subject to the lodgement and determination of a S68 Application, the site is capable of accommodating an on-site waste management system without impacting on soil or water quality.

The land is not located near any permanent surface waters and groundwater was not encountered during the fieldwork completed as part of the geotechnical investigations for the project.

5.5.3. Management and mitigation

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

- 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.



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#### 5.7. Noise and Vibration

5.7.1. Existing conditions assessment

There are no noise or vibration impacts created by existing site conditions.

#### 5.7.2. Assessment of potential impact

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 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 subject land is not affected by natural hazards.

5.9.2. Assessment of potential impact

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.

5.9.3. Management and mitigation

No additional mitigation measures are proposed in order to deal with natural hazards.

#### 5.10. Services and Utilities

5.10.1. Assessment of existing condition

As vacant land, there are no existing connections to services or utilities.

5.10.2. Assessment of Impacts

#### Water

The land at Belmore Street is available to be connected to Council's reticulated water supply system. An application will be made to Cowra Council. As the proposed dwelling is a relocatable dwelling, the requirements of BASIX do not apply and it is not intended to supply a rainwater tank as part of the approved site arrangements.

#### Electricity

Electricity supply infrastructure is available to Belmore Street. It is anticipated that a new connection will be made via the existing supply line within the road reservation to Belmore Street. Connection of the development is subject to further enquiry and application with Essential Energy.

#### Sewage

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 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 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 to the public drainage system in Belmore Street. Adequate arrangements 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 relevant approvals from Cowra Council and any other relevant permits
  / approvals and / or licenses from relevant servicing authorities.
- 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.



# CURRAJONG

### 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 development 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 site and building design does not generate any significant issues in terms of safety and security for future occupants of the dwelling. 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 not incompatible 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 has been examined in detail. As the dwelling is an existing relocatable structure, there has been limited opportunity to design the building to respond to the specific conditions of the subject land, however generally it has been determined that the site is suitable for the proposal.

#### 6.7. Public interest

The proposed site has been identified for a 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. 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 relating to the height of the proposed detached shed.



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### 7. CONCLUSION

This Statement of Environmental Effects (SEE) has been prepared by Currajong Pty Ltd (Currajong) on behalf of C Compton for the proposed development of the land at Lot 10 DP 221616, Belmore Street, Woodstock. The proposal is for the placement of a relocatable dwelling on the land.

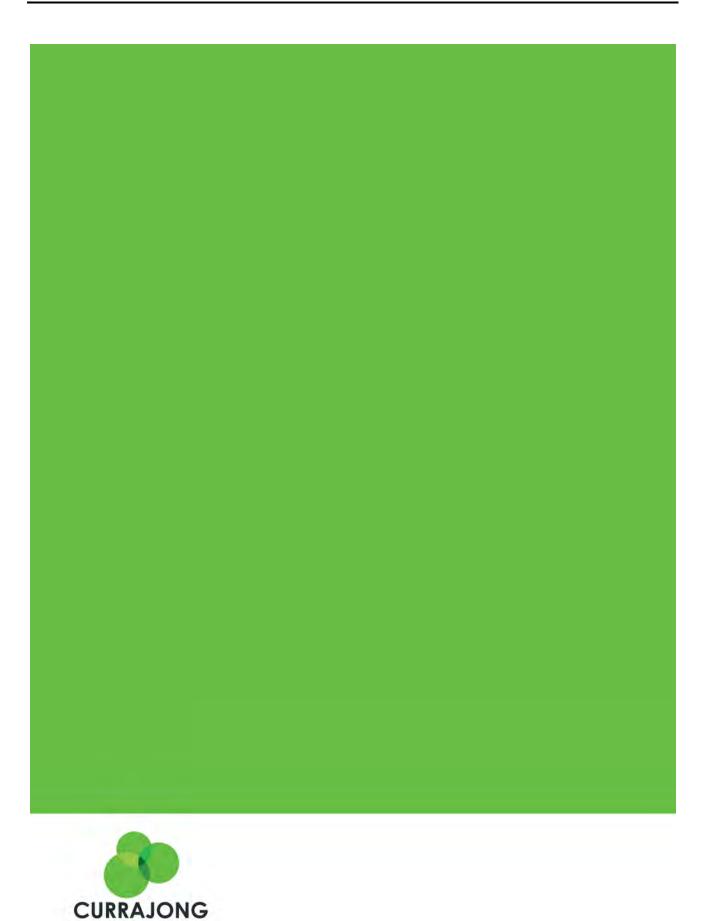
The proposed development represents a small-scale use of the land that is consistent with nearby village land-use in Belmore Street and the wider surrounding area.

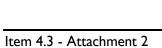
The assessment of the proposed development has been documented in this Statement of Environmental Effects to visualise all aspects of the relevant matters for consideration under the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021. The assessment concludes the proposal is permissible in the RU5 Village zone and consistent with the Cowra Council Development Control Plan 2021, except for the possibility that Council may assess the building's design as a variation to Control E.1.6.c. In this case, appropriate justifications for the proposal have been provided in this SEE for Council's consideration.

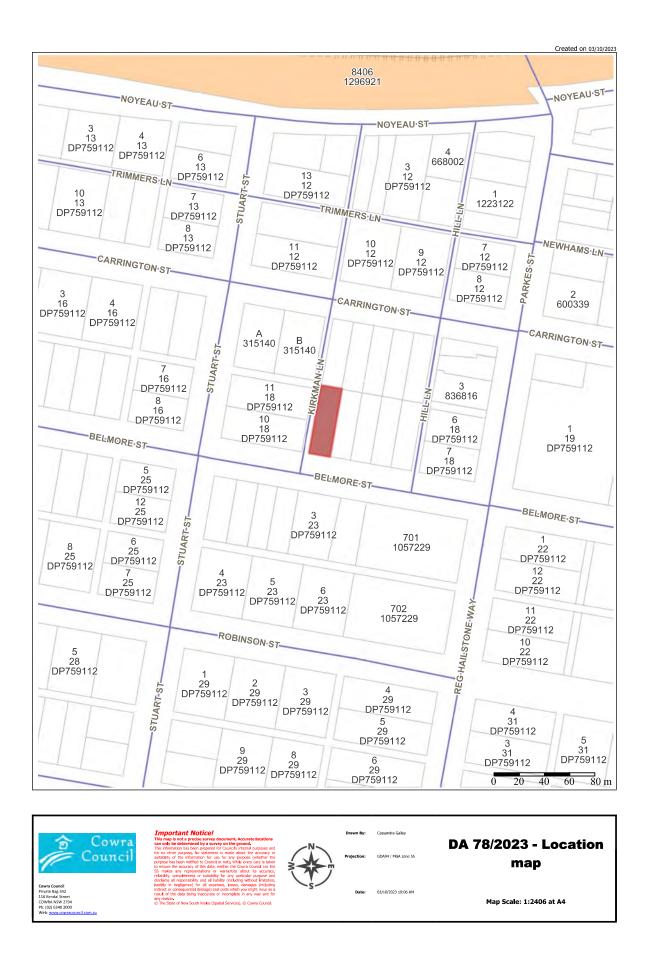
It is recommended that sufficient information has been submitted with the Development Application to allow the Cowra Shire Council to make an informed decision on the proposal. It is the findings of this Statement of Environmental Effects that the proposed development should be supported.



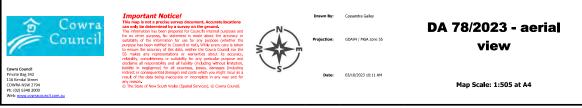
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25 September 2023

Mr Josh Neuer Development Planner Cowra Shire Council

By email to: jneuer@cowra.nsw.gov.au

ADDITIONAL INFORMATION RESPONSE LETTER

#### DA 78/2023 DWELLING (TRANSPORTABLE) LOT 10 DP 221616 - 42 BELMORE STREET

I refer to your letter dated 21 September 2023 requesting additional information relating to DA 78/2023.

We understand that an objection to the proposed development has been lodged by an adjoining landowner. We thankyou for providing us with a copy for consideration.

In response to the objection, we provide the following responses for Council's consideration as part of the finalisation of the assessment.

Firstly, the landowners do not support the inclusion of the current redacted version of the submission as part of a publicly available report to Council. The submission contains defamatory and slanderous content which does not relate to any matter that is relevant for Council's assessment of the application. Attached for Council's information is copy of the objection letter which has additional content redacted to the satisfaction of the landowner. The landowner may consider appropriate action if a copy of the submission is tabled at Council without defamatory / slanderous details being properly redacted.

Secondly, a response to each of the planning issues raised in the submission (and highlighted by Council in it's letter dated 21 September 2023) is included as follows:

#### - The house in question is too big for the narrow property.

The plans submitted with the DA demonstrate that the size of the dwelling is suitable having regard to the size of the land, the likely requirements for on-site disposal, and the need for setbacks to be achieved to property boundaries in accordance with the Council's DCP and the BCA.

- Kirkman Lane will be used as an entry to the property as they already use it as a road and personal use

The plans submitted with the DA demonstrate that access to the land is intended to be gained from Belmore Street. Kirkman lane is a public laneway, however in this instance no access is proposed from this laneway.

#### - The proposal will increase the traffic flow in the street.

The Statement of Environmental Effects has addressed the likely traffic impacts associated with the proposal. The proposal is expected to generate minimal impacts on the local road system, which is assessed to be in good condition and capable of accommodating anticipated increases of daily traffic. The use of the subject land for a single dwelling purpose is consistent with the zoning of the land.

#### Impact on air quality

The submission raises air quality as an issue linked to activities conducted on the nearby property at 46 Belmore Street. This is not relevant to DA 78/2023.





Post 205A Clarinda Street Parkes NSW 2870 Telephone 0428 254 299 Web ABN currajong.com.au 56644651936



#### - Dwelling will impact the current wildlife in the area

Potential impacts relating to biodiversity are assessed in the Statement of Environmental Effects. The likelihood of significant impact is assessed to be low having regard to the nature and scale of the proposal. The dwelling construction does not require removal of native vegetation. The use of the land for dwelling purposes is consistent with the zoning and village setting of the land.

#### - It has been noticed the soil caused by the rain over the past months.

The development will be constructed in accordance with Council requirements. The provision of a new site entrance, with appropriate roadside drainage infrastructure, is expected to improve site conditions. Stormwater from the dwelling will be discharged to the public drainage system in Belmore Street.

#### - Front fence and side fence are too high

Existing site fencing arrangements are not causing significant impacts on neighbour amenity. The fencing works are generally consistent with the requirements for exempt development under the SEPP (Exempt and Complying Development Codes) 2008.

Should you have any queries, please do not hesitate to contact me on 0429217243 or via email at dsteward@currajong.com.au

l Down

Dean Steward Senior Planner



Post 205A Clarinda Street Parkes NSW 2870 Web currajong.com.au

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Country	Frider 15 Sectorsher 2022 GEO DM
Sent: To:	Friday, 15 September 2023 6:50 PM Cowra Council
Subject:	DA number 10.2023.78.1
	nail originated from outside of the Cowra Shire Council Domain. Do not click links or unless you recognise the sender and know the content is safe.
To whom it may con	
Please take this a sul	bmission of objection to the property of 42 Belmore st Woodstock.
	The block in question was sitting on the market for approx 84 days with
no sale.	The house i
	or the narrow property and Kirkman lane will be used as an entry to the property as they alread personal use and will increase the traffic flow in the street
	pact the current wildlife we have in the area and i fear for the wildlife's safety and it has been
	soil erosion caused by the rain over the past few months.
	soil erosion caused by the rain over the past few months.
	soil erosion caused by the rain over the past few months.
	soil erosion caused by the rain over the past few months.

I feel this submission should not go ahead as pointed out subdividing the property as the property had been withdrawn from sale.

Thank you

1



25 September 2023

Mr Josh Neuer Development Planner Cowra Shire Council

By email to:

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Dean Steward Senior Planner



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### 5 LATE REPORTS

## 6 NOTICES OF MOTIONS

Nil

## 7 CONFIDENTIAL MATTERS

Nil