

AGENDA

General Committee Meeting

Date: Monday, II December 2023

Time: 6 pm

Location: Cowra Council Chambers 116 Kendal Street, Cowra

> Paul Devery General Manager

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Order Of Business

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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 9 October 2023



MINUTES

General Committee Meeting Monday, 9 October 2023

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MINUTES OF COWRA COUNCIL GENERAL COMMITTEE MEETING HELD AT THE COWRA COUNCIL CHAMBERS, 116 KENDAL STREET, COWRA ON MONDAY, 9 OCTOBER 2023 AT 5PM

- PRESENT: Cr Ruth Fagan, (Mayor), Cr Paul Smith (Deputy Mayor), Cr Sharon D'Elboux, Cr Cheryl Downing, Cr Nikki Kiss, Cr Erin Watt, Cr Peter Wright, Cr Bill West
- IN ATTENDANCE: Mrs Larissa Hackett (Acting General Manager and Director-Environmental Services), Mr Ken Apps (Acting Director - Corporate Services), Ms Phillipa Childs (Acting 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

COMMITTEE RESOLUTION

Moved: Cr Cheryl Downing Seconded: Cr Nikki Kiss

That apologies from Cr Judi Smith, Mr Paul Devery (General Manager), Mr Dirk Wymer (Director - Infrastructure & Operations) and Mr Michael Jones (Director - Corporate Services) be received and accepted.

CARRIED

Cr Sharon D'Elboux arrived at the meeting at this point at 5.03 pm

I.4 Disclosures of Interest

Cr Ruth Fagan declared a non-pecuniary interest in relation to Item 4.2 Development Application No. 83/2023, Lot 401 DP 261365, 32 Traminer Lane Cowra, Dwelling, lodged by Currajong Pty Lt due to being a neighbour of the applicant and will leave the Chamber.

Cr Paul Smith declared a non-pecuniary interest in relation to Item 4.2 Development Application No. 83/2023, Lot 401 DP 261365, 32 Traminer Lane Cowra, Dwelling, lodged by Currajong Pty Lt due to having a relative adjacent to the development and will leave the Chamber.

Cr Nikki Kiss declared a non-pecuniary interest in relation to Item 4.1 - Development Application No. 1/2023, Lot I DP 599492, 17 Walker Street Cowra, two additional dwellings and 3 lot subdivision, lodged by Currajong Pty Ltd due to the applicant being a teacher at her child's school and will remain in the Chamber.

Cr Cheryl Downing declared a non-pecuniary interest in relation to Item 3.1 - Donation - Cowra Public School, Schools Spectacular Event due to the applicant being a teacher at her child's school and will remain in the Chamber.

Cr Peter Wright declared a non-pecuniary interest in relation to Item 3.1 - Donation - Cowra Public School, Schools Spectacular Event due to the applicant being his wife and teacher at the School and will leave the Chamber.

Cr Erin Watt declared a pecuniary interest in relation to Item 4.2 Development Application No. 83/2023, Lot 401 DP 261365, 32 Traminer Lane Cowra, Dwelling, lodged by Currajong Pty Lt due to a family member involved in the application.

Cr Sharon D'Elboux declared a pecuniary interest in relation to Item 3.1 - Donation - Cowra Public School, Schools Spectacular Event due to her employment at the School as a PCYC President and will leave the Chamber.

1.5 Presentations

Nil

I.6 Public Forum

Nil

I.7 <u>Motion</u>

COMMITTEE RESOLUTION

Moved: Cr Ruth Fagan Seconded: Cr Nikki Kiss

That Cr West chair the meeting during consideration of Item 4.2 - Development Application No. 83/2023, Lot 401 DP 261365, 32 Traminer Lane Cowra, Dwelling, lodged by Currajong Pty Lt.

CARRIED

2 CONFIRMATION OF MINUTES

COMMITTEE RESOLUTION

Moved: Cr Cheryl Downing Seconded: Cr Nikki Kiss

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

CARRIED

3 DIRECTOR-CORPORATE SERVICES REPORT

<u>3.1</u> Donation - Cowra Public School, Schools Spectacular Event

COMMITTEE RESOLUTION

Moved: Cr Paul Smith Seconded: Cr Bill West

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.

CARRIED

3.2 Investments

COMMITTEE RESOLUTION

Moved: Cr Paul Smith Seconded: Cr Nikki Kiss

That Council note the Investments and Financial Report for September 2023. CARRIED

4 DIRECTOR-ENVIRONMENTAL SERVICES REPORT

<u>4.1</u> <u>Development Application No. 1/2023, Lot 1 DP 599492, 17 Walker Street Cowra, two</u> additional dwellings and 3 lot subdivision, lodged by Currajong Pty Ltd

COMMITTEE RESOLUTION

Moved: Cr Paul Smith Seconded: Cr Peter Wright

That Council defers consideration of this item to the October Ordinary Council meeting after an inspection of the property takes place.

CARRIED

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

CARRIED 8/0

Cr Bill West took the Chair at this point of the meeting during consideration of Item 4.2.

Cr Ruth Fagan, Cr Paul Smith and Cr Erin Watt left the meeting at this point and vacated the Chambers.

<u>4.2</u> <u>Development Application No. 83/2023, Lot 401 DP 261365, 32 Traminer Lane Cowra,</u> <u>Dwelling, lodged by Currajong Pty Ltd</u>

COMMITTEE RESOLUTION

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

- 1. That Council notes that the reason for the decision is that the proposal largely complies with Section 4.15 of the Environmental Planning and Assessment Act 1979. The variation to Section F.I.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./	Prepared by/Reference	Cowra Shire Council	
Supporting Document	Details	Reference	
Site Plan	Currajong	Received	
Sheet 01	18/04/2023	7 September 2023	
Issue A	10/04/2023	Stamped	
Issue A		No. DA 10.2023.83.1	
Site Plan with Contours		Received	
Sheet 02	Currajong	7 September 2023	
Issue A	18/04/2023	Stamped	
Issue A		No. DA 10.2023.83.1	
Basix Compliance	Vision Town Planning	Received	
Schedule	Consultants	7 September 2023	
Sheet D3-I	22/03/2023	Stamped	
Version I		No. DA 10.2023.83.1	
		Received	
Floor Plan	Vision Town Planning	7 September 2023	
Sheet D3-2	Consultants	Stamped	
Version I	22/03/2023	No. DA 10.2023.83.1	

South-West & North-	Vision Town Planning	Received
West Elevations	Consultants	7 September 2023
Sheet D3-3	22/03/2023	Stamped
Version I		No. DA 10.2023.83.1
North-East & South-East	Vision Town Planning	Received
Elevations	Consultants	7 September 2023
Sheet D3-4	22/03/2023	Stamped
Version I		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 18/08/2023	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 (1V: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 AS1547:2012 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 ²	\$910,859.00	1%	\$9,108.59	30 June 2024
	on the Deve ying Development Ce n 94A Contributions	ertificate Applic		

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

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.

CARRIED

<u>In Favour:</u> Crs Bill West, Sharon D'Elboux, Cheryl Downing, Nikki Kiss and Peter Wright <u>Against:</u> Nil

CARRIED 5/0

The Mayor, Cr Ruth Fagan, resumed the position of Chair of the meeting at this point

Cr Erin Watt Cr Paul Smith and Cr Ruth Fagan returned to the Chambers and re-joined the meeting at this point.

<u>4.3</u> <u>Development Application No. 78/2023, Lot 10 DP 221616, 42 Belmore Street</u> Woodstock, Dwelling (Transportable), lodged by Currajong Pty Ltd

COMMITTEE RESOLUTION

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

- 1. That Council notes that the reason for the decision is that the proposal largely complies with Section 4.15 of the Environmental Planning and Assessment Act 1979. 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

Plan No./	Prepared	Cowra Shire Council
Supporting Document	by/Reference Details	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)

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).

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.

- 12. 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.

CARRIED

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

<u>Against:</u> Nil

CARRIED 8/0

5 LATE REPORTS

Nil

6 NOTICES OF MOTIONS

Nil

The Meeting closed at 5.21 pm.

The Minutes of this meeting are confirmed at the General Committee Meeting held on 20 November 2023.

CHAIRPERSON

3 GENERAL MANAGERS REPORT

3.1	Weir Bequest		
File Number:	D23/2039		
Author:	Paul Devery, General Manager		

RECOMMENDATION

- I. That Council note the bequest from the Estate of the late Margaret Edith Weir of \$50,000 to the Cowra Regional Art Gallery and \$50,000 to the Peace Bell Committee.
- 2. That Council send a letter to the family expressing appreciation for this most generous gesture
- 3. That the Art Gallery Advisory Committee and the Peace Bell committee be requested to give consideration to how to best use the funds and make recommendations to Council.

INTRODUCTION

Council has recently been advised of a generous bequest from the Estate of the late Margaret Edith Weir. A copy of the correspondence received from Garden & Montgomerie is attached (Attachment I).

BACKGROUND

The bequest is in the form of \$50,000 to be held in trust for the Cowra Regional Art Gallery and a further \$50,000 to be held in trust for the Cowra Peace Bell Committee. The funds have been credited to Council's Trust fund account.

This is a very generous bequest and after consulting with one of the executors it is recommended a letter of appreciation be forwarded to the family.

It is further recommended that in due course the Art Gallery Advisory Committee and the Peace Bell committee be requested to give consideration to how to best use the funds and make recommendations to Council.

BUDGETARY IMPLICATIONS

\$50,000 to Cowra Regional Art Gallery Trust Fund

\$50,000 to Cowra Peace Bell Committee Trust Fund

ATTACHMENTS

I. Correspondence received from Garden & Montgomerie &

2023/33875

÷



Our Ref: GBC:ALM:045655 Your Ref:

20 November 2023

Mr Paul Devery General Manager Cowra Shire Council Private Bag 342 COWRA NSW 2794

Dear Paul

Re:

Estate of the late Margaret Edith Weir

We act for the Executors of the Estate of the late Margaret Edith Weir. The deceased died on 5 January 2023.

Under the terms of the Will, Cowra Shire Council was left the sum of fifty thousand dollars (\$50,000.00) to be held on trust for the Cowra Regional Art Gallery and an additional fifty thousand dollars (\$50,000.00) to be held on trust for the Cowra Peace Bell Committee. The section of the Will detailing these legacies is *enclosed* for your reference.

We advise that the Executors have now made a distribution of the abovementioned's estate and we *enclose* our Trust Account cheques for \$50,000.00 each.

We also *enclose* Receipt/Release forms for your attention. Please sign the forms where indicated and return to this office as soon as convenient.

Yours faithfully GARDEN & MONTGOMERIE

Per:

Grant Chamberlain

11.

(direct email: grant@gandm.com.au)

Enquiries: Rosa Napoli (direct email: rosa@gandm.com.au) Tel: 02 6342 1622

Enc.

 Phone:
 (02) 6342 1622
 Website:
 www.gandm.com.au
 Post:
 P0 Box 13, Cowra NSW 2794
 Email:
 enquiries@gandm.com.au

 Cowra Office:
 14 Kendal Street, Cowra NSW 2794
 Canowindra Office:
 69 Gaskill Street, Canowindra NSW 2804

 Garden & Montgomerie Solicitors PtyLtd
 ABN 52 618 455 271
 Liability limited by a scheme approved under Professional Standards Legislation

3.2 Growing Regions Application

File Number: D23/2070

Author: Paul Devery, General Manager

RECOMMENDATION

That Council allocate an additional \$40,000, funded from the Built Asset Replacement Reserve, to allow for resources to be engaged to complete the full application for Aquatic Centre funding under the Federal Government's Growing Regions program.

INTRODUCTION

Council has been working for some years now on planning for the staged upgrades to the Cowra Aquatic Centre.

BACKGROUND

In August 2023, Council submitted an application for \$4.89 million in funding under the Federal Government's Growing Regions program with a principal objective of minimising the anticipated loan funding required for the project.

In order to submitted the EOI Council engaged a well-known external grant writing resource, Section 51, to assist in preparing the EOI.

On 24 November Council was advised that the application has been successful in progressing to the next stage of the assessment process. This is a much more complex task with the evidence to accompany the application including but not limited to:

- a clear business case for the proposal, including project plans, budget and relevant approvals, timelines and procurement processes
- a cost benefit analysis commensurate to size and scale of project
- a risk management plan, which identifies risks and mitigations.

The full application is due 15 January 2024.

The current project breakdown of the full project and potential funding scenarios is detailed below:

Estimated project cost Funding		\$8,370,420 Scenario I	Scenario 2
-	Council funds diverted from roads budget (LRCI Rd 3) Stronger Country Communities Growing Regions Program	\$1,499,000 \$981,000 \$4,890,420	\$1,499,000 \$981,000
- - -	Loan LRCI Rd 4 Shortfall	\$1,000,000	\$2,250,000 \$915,452 \$2,724,968
		\$8,370,420	\$8,370,420

If the Growing Regions application is unsuccessful the loan amount will be increased to the \$2.25 million shown in the Long-Term Financial Plan, however as Council is aware this will still leave the funding well short of the total project cost hence the proposed staging of the works.

Council simply does not have the resources or expertise to complete the full application. As a result, I am seeking a budget allocation of \$40,000 to engage an external resource to undertake the work in the required timeframe and to the level demanded. This estimate has been derived from two separate quotes received.

Advice from Council's Finance section is to recommend funding the additional \$40,000 from the Built Asset Replacement Reserve (estimated EOFY balance of \$ 2,256,009). The rationale for using this reserve is that the Aquatic Centre is one of Council's more substantial general fund built assets and it is reasonable to expend a small component of the total fund on this project. The budgeted P&L will be affected by \$40,000, however the unrestricted cash position will not change through this expenditure.

Timing will be tight to get the full application in and if the recommendation from the General Committee is positive I would seek endorsement to proceed to engagement prior to ratification of the recommendation at the council meeting.

BUDGETARY IMPLICATIONS

An additional allocation of \$40,000 funded from the Built Asset Replacement Reserve

ATTACHMENTS

Nil

4 DIRECTOR-CORPORATE SERVICES REPORT

Donation - Woodstock Swimming Pool Incorporated

File Number: D23/1974

4.1

Author: Michael Jones, Director - Corporate Services

RECOMMENDATION

That Council provide a donation of \$5,270.00 from the Section 356 expenses budget to assist the Woodstock Swimming Pool Committee with the Public Liability Insurance for Woodstock Community Pool.

INTRODUCTION

The Woodstock Swimming Pool Committee Inc. has requested a donation of **\$5,270.00 for the** insurance for the Woodstock Swimming Pool. This has been a regular donation by Council over many years to assist in the ongoing operation and increasing costs of the Woodstock Pool and the donation is very much appreciated by the Woodstock community in assisting them to provide the facility for the residents.

BACKGROUND

The Woodstock Swimming Pool Committee is continually fundraising, however, the significant increases in costs of maintaining the facility is greater than the community's ability to raise the funds needed to keep the facility operating. Council has provided similar donations in the past.

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

 Community development projects – projects that meet an identified community need, have been developed in consultation with the community and encourage participation in the development of the project.

BUDGETARY IMPLICATIONS

\$7,381.03 is the current balance in the 2023/24 Budget for Section 356 Donations

ATTACHMENTS

I. Donation Application - Insurance Premium 👃

	owra uncil	Cowra Shire Council Private Bag 342 Cowra NSW 2794 Phone: 02 6340 2000 council@cowra.nsw.gov.au www.cowracouncil.com.au	
	Applic	ation for Financial Assistance/Donation	
Applicant Info	mation m/Organisation	Woodstock Swimming Pool Incorporated	
[applicat	tions must be made by the lo	cal team of which the individual is a member]	
Contact Name/ Spo	rting Applicant: Jo Hein – T	reasurer	
Mailing address:	P O Box 31		
Phone: (Home)		(Business) 0428 410 310	
Signature:		Email:woodstockswimmingpoolnsw@gmail.comDate:27/ 11/ 2023	
Organisation	Details		
•		Woodstock Swimming Pool Incorporated	
President/Secretary	Contact Details:	Claire Orford - Secretary 0413 659 446 / Jo Hein - Treasurer 0428 410 310	
Organisation Type (please circle): Non Profit / Charit	y <mark>/ Incorporated</mark> / Business /other: Incorporated	
Do membership fee	s apply ?	X YES 🗌 NO	
lf yes, annual membe	ership/fees \$1	00 yearly per family and \$80 per single and Monthly \$40	
Event Details			
Description of the sought	event/project/request/perso	n for which assistance is Assistance with the cost of liability	
	oodstock Swimming Pool		
Date/s of the propo	sed event/project	ASAP as we are unable to open without these insurances we wish to open on 10 December 2023	
Venue where the ev	ent/project will take place?	2 Carrington Place Woodstock NSW 2793	
Financial Deta	ails		
Amount of assista	ance being sought:	\$ 5,270.00	
Total Estimated cos	t of the total event/project	\$ 5,270.00 being our public Liability Insurance required to open the pool	
How are funds to be	e raised?	We have numerous ongoing expenses such as Electricity and water rates and chlorine etc which we need to fundraise for not to mention this. We fundraise at the show and doing raffles as well as by selling memberships.	
Funds available at pr	resent to go towards event	\$1000 approx	
Will the event/proje	ect support charities	□ YES × NO	
If YES, value of supp	ort	\$	
Previous / Other As		12 months ago - \$10,011.01- being for Liability Insurance, Sheds and plumbing upgrades	
	isly assisted you/your organisat		
	mount of the assistance from (
When was it provide	ed?	November last year for Liability Insurance and Purchasing Sheds and Plumbing Upgrades for the pool	
Have you applied for f	funding from other organisations?		
If YES, how much ha			

LIBINITY - Flease lick the applicable at eas relevant to the application.-

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

Request Details – Please complete either A <u>or</u> B below

Α.	Sporting applications – Please select relevant sporting category below
	☐ Australian/NSW/Territory Representative or team competing overseas ☐ Australian/NSW/Territory Representative or team competing in NSW or interstate
	PLEASE NOTE: Sporting applications will only be considered when made by the local organisation/club of
	which the individual/team is a member, and must be supported by a letter of confirmation from the State or National body.
	Attachments required for sporting applications: Supporting letter from local organisation body
	 Supporting letter from State/Australian Supporting body
	 Please attach any other information to support your application to Council
B .	Community/Event applications – Please ensure all questions are answered
	Council Community Objectives - To enable Council to consider your application, Council requires details of how this event/project will meet Council's objectives.
	Objective I: To provide benefit to the residents of Cowra Shire Council.
	Woodstock swimming pool provides Woodstock residents with a facility to exercise and socialise
	together. The cost of Maintaining this facility is much more than we can raise through Fundraising at the pub and at the show due primarily to the costs involved.
	rundraising at the pub and at the show due primarily to the costs involved.
	Objective 2: To conduct quality cultural, sporting and community service programs or events which
	cannot attract sufficient funds from other sources. Annually we are faced with high costs of
	maintaining the pool, treating the water with chlorine, Electricity bills for the pump, Maintenance, and Insurance. We need help on top of the yearly fundraising efforts to keep
	the pool open and we believe it is a valuable asset in the Woodstock community especially now with the high cost of fuel.
	Objective 3: To provide access and usage of community resources, services and facilities, and equity
	of access for special needs groups The pool is used by small groups like the Wyangala school and the
	Woodstock School for swimming on occasion and can be busy on warm summer days. Our Member numbers have risen and fallen in the past but with Covid have seen a small rise with many families not
	going away on holidays.
	Objective 4: To encourage and enable broad community participation in cultural/ community service
	programs. The swimming pool committee engage with the community during their fundraising activities and
	encourage the public to take up membership and use their local facilities in the community. The Committee is
	always trying to think up new ways to encourage more people to join the pool and buy memberships.
	Attachments required for Community/Event applications:
	 copy of the project's proposed budget, detailing anticipated costs, with quotations if applicable;
	o If you are a registered public charity, a copy of the registration certificate
	• Please attach any other information to support your application to Council
	Please check: I. All questions on Page I to be completed
	 Eligibility criteria has been selected Section A or Section B above has been completed
	4 Supporting documents for sporting activities included

Network Insurance Group

Steadfast IRS Pty Limited | ABN 95 159 898 398 | AFSL 435538

Suite 6.02, Level 6, 135 King Street Sydney NSW 2000 t 02 9957 2544 w https://networksteadfast.com.au/



A Steadfast Network Broker

RENEWAL TAX INVOICE

(This document will be a tax invoice for GST when you make payment)

Woodstock Swimming Pool Inc. PO Box 2 WOODSTOCK NSW 2793

Date: 07/11/2023 Invoice Number: 350971 Account Manager: Sarah Harrison

Woodstock Swimming Pool Inc.

Thank you for using Network Insurance Groupto arrange your insurance cover.

Brief details of the cover arranged on your behalf are provided below. You should refer to the policy documents issued by the insurer for complete policy terms and conditions.

Please read carefully the important notices attached regarding your duty of disclosure. It has been our pleasure assisting you, should you have any queries in relation to this account or you would like to speak with us regarding your other insurance needs please contact us on .

Policy Summary

Type of Policy:	Liability Insurance
The Insured:	Woodstock Swimming Pool Inc.
Insurer:	ATC Insurance Solutions Pty Ltd ABN:
Interests Insured:	Combined Liability Insurance
Policy No:	ATCSL-115528
Period of Insurance:	25-Nov-2023 to 25-Nov-2024 at 4:00 pm
Effective Date:	25-Nov-2023

Invoice No: 350971 elantis **DEFT Reference Number** Your monthly payment 40668623509714 10 instalments of To view and accept online Pay by credit card or registered bank account at www.deft.com.au or \$565.92 phone 1300 30 10 90. Payments by credit card may attract a surcharge. **CLICK HERE** atively, visit select.elantis.com.au/pbtm Total amount payable VISA ENTER CODE: C7PWYNH65X \$ 5.659.17 rges and application fee if applicable (includes credit cha () POST billpay *498 406686 23509714 Payments can be made at any Post Office by cheque or EFTPOS. 10 instalments of: \$ 565.92 в Biller Code: 20362 Ref: 40668623509714 PAY or Total Due: \$5,270.00

Notes: Renewal 2023-2024

	Combined Liability Insurance
Insurer:	XL Insurance Company SE, Australia Branch (ABN 36 083 570 441)
Issued by:	ATC Insurance Solutions Pty. Ltd. as agent for the Insurer
Policy Number:	ATCSL-115528
Insured:	Woodstock Swimming Pool Inc
Period of Insurance:	From:25 November 2023To:25 November 2024 4:00pm local standard time
Policy Wording:	Combined Liability incl Management Liability Policy Wording WRD127 v2.2
Business Activities:	Operation of community swimming pool & a learner wading pool, to include community fundraising activities
Address/Situation:	PO Box 2 Woodstock NSW 2793
Participants:	60
Policy Territory:	Worldwide excluding USA & Canada
Limits of Indemnity Meaning Of Terms:	'Not Included' means that this section is not insured in this quotation/placement
Sum Insured: Section 1 Professional Indemnity: Retroactive date:	\$1,000,000 each and every Occurrence and in the aggregateThe latest of the following dates (1) Date Insured registered as a business,(2) Date from which the Insured has continuously held Professional Indemnitycover, or (3) 5 years prior to policy inception.
Section 2 Public Liability: Products Liability:	\$20,000,000 each and every Occurrence \$20,000,000 each and every Occurrence and in the aggregate
Section 3 Management Liability: Retroactive date:	\$1,000,000 each and every Occurrence and in the aggregateThe latest of the following dates (1) Date Insured registered as a business,(2) Date from which the Insured has continuously held Management Liabilitycover, or (3) 5 years prior to Policy inception
Excess:	\$1,000 each and every Occurrence
Excess (Section 3):	\$1,000 each and every Claim

Special Provisions and Endorsements:

Coaches/Instructors Cardiopulmonary Resuscitation Qualification Requirement

It is hereby agreed and understood that all trainers, coaches and instructors hold and maintain a current nationally recognised qualification in Cardiopulmonary Resuscitation (CPR) (HLTAID009 Provide Cardiopulmonary Resuscitation, or any subsequent amendments to that Unit of Competency as issued by training.gov.au or any Unit of Competency or regulation that replaces that Unit of Competency or the relevant provisions of that Unit of Competency) and undertake any ongoing training required by the governing body, association or law, or the Insured.

In the event of breach of the above conditions, We may reduce or refuse Our liability under this Policy to the extent of any prejudice suffered by Us arising from the breach of the above conditions.

Contractors/Sub-Contractors Endorsement

It is hereby agreed and understood that all Contractors, Subcontractors, security, stall holders and third-party performers have their own liability insurance with a minimum limit of indemnity of \$10,000,000 unless specifically stated elsewhere in this Policy.

It is the responsibility of the Insured to check that such cover is in force and to obtain and retain a copy of certificates of currency. All relating records are to be kept on file by the Insured and made available to the Insurer at any time on reasonable notice of the Insurer.

In the event of breach of the above conditions, We may reduce or refuse Our liability under this Policy to the extent of any prejudice suffered by Us arising from the breach of the above conditions.

Qualified Instructors Requirement

It is hereby agreed and understood that any fitness, training, coaching or exercise activities in connection with the Business Activities of the Insured are undertaken by a Qualified Instructor.

Qualified Instructor means an individual who has obtained and holds current recognised qualifications in a particular sport or other speciality area which allows them to supervise, train, coach or instruct in that sport or area.

In the event of breach of the above conditions, We may reduce or refuse Our liability under this Policy to the extent of any prejudice suffered by Us arising from the breach of the above conditions.

Event Organisers Condition

It is hereby agreed and understood that the following activities or similar activities must be carried out or arranged on behalf of the Insured by bona-fide Contractor(s) or Sub-Contractor(s) that, if regulations require, is licensed, with Public Liability insurance valid for the duration of the event and such insurance must be to a minimum limit of indemnity of \$20,000,000.

(a) Erection of stands, stages, platforms, rigs or other similar structures;

- (b) Security or crowd control or stewarding;
- (c) Work above 3 metres in height from the stage or floor or ground;
- (d) Use of fireworks or pyrotechnics;
- (e) Installation of temporary seating;
- (f) Amusement rides;
- (g) Use of inflatables of any kind;

It is the responsibility of the Insured to check that such cover is in force and to obtain and retain a copy of certificates of currency. All relating records are to be kept on file by the Insured and made available to the Insurer at any time on reasonable notice of the Insurer.

In the event of breach of the above conditions, We may reduce or refuse Our liability under this Policy to the extent of any prejudice suffered by Us arising from the breach of the above conditions.

Pool Lifeguard Conditions

It is agreed and understood that the following additional condition(s) also apply (a) a lifeguard is pool side at all times whilst a pool is in use; and

(b) all lifeguards hold a nationally recognised qualification in Pool Lifeguard (SISSS00111 - Pool Lifeguard Award, or any subsequent amendments to that Unit of competency as issued by training.gov.au or any Unit of competency or regulation that replaces that Unit of competency or the relevant provisions of that Unit of competency) and undertake any ongoing training required by the Insured; and

(c) all lifeguards hold a nationally recognised qualification in Cardiopulmonary Resuscitation (CPR) (HLTAID009 Provide Cardiopulmonary Resuscitation, or any subsequent amendments to that Unit of competency as issued by training.gov.au or any Unit of competency or regulation that replaces that Unit of competency or the relevant provisions of that Unit of competency) and undertake any ongoing training required by the Insured; and (d) any person, who the Insured or a lifeguard, or a reasonable person in the position of the Insured or a lifeguard would have reason to believe was under the influence of intoxicating liquor or drugs of any sort such that they were impaired and posed a risk to themselves or others shall not be entitled to participate,

In the event of breach of the above conditions, We may reduce or refuse Our liability under this Policy to the extent of any prejudice suffered by Us arising from the breach of the above conditions.

In all other respects, the policy is unaltered.

IMPORTANT NOTICES & INFORMATION

We have prepared this document to assist you to understand important issues relating to your insurances. We recommend that you read it carefully. Please contact your Account Manager / Executive if there is anything you do not understand, or if you have any questions. Further information can be found within our Financial Services Guide.

Information for Retail Clients

The following information relates specifically to Retail Clients. As per the Corporations Act 2001 (Cth), you are a Retail client if:

- You are an individual or the insurance product is used in connection with a small manufacturing business employing less than 100 people or any other business employing less than 20 people.
- and
- You are being provided a financial service or product that relates to the following insurance covers: Motor Vehicle, Home building/contents, Sickness and Accident, Consumer Credit, Travel or Personal and Domestic Property

Product Disclosure Statement

If you are buying a Retail Product, we will also provide you with a Product Disclosure Statement (PDS). This will contain information about the policy to help you to make an informed decision about purchasing that product.

General Advice Warning

If you are a Retail Client (refer above) and a Statement of Advice has not been provided to you with this invoice, then the advice that we are giving you related to this transaction is General Advice. General Advice is advice that has been prepared without considering your current objective's, financial situation or needs. Therefore, before acting on this advice, you should consider the appropriateness of the advice having regard to your current objective's, financial situation or needs. If the advice provided relates to the acquisition or possible acquisition of a new insurance policy, you should consider the enclosed PDS prior to making the decision to purchase this product. Information regarding the income we have been paid by the insurer for this transaction is available upon request

Cooling Off Period

Your PDS will contain information relating to your cooling off rights. You may be entitled to a minimum of 14 days cooling off period, from the date the cover commences, during which you can cancel your policy and receive a refund of all money paid. Cooling off periods can vary so you should check your policy carefully and contact us if you have any questions about your cooling off rights.

Your Duty of Disclosure

When you take out insurance, renew, or vary a policy you hold, you have a duty to disclosure under the Insurance Contracts Act 1984. Your duties will differ depending on the type of insurance you are taking out, renewing, or varying.

The duty not to make a misrepresentation applies to insurances that are wholly or predominately for personal, domestic, or household purpose. This duty will also apply when you are taking out a new policy and the insurer has issued a notice that it is a consumer insurance contract.

This duty applies to all policies entered into that are effective on or after 05th October 2021.

For all insurances that are not a consumer insurance contract, the duty of disclosure applies.

DUTY TO NOT MAKE A MISREPRESENTATION Applicable to Consumer Insurance Contracts (personal/ domestic)

You have a duty under the Insurance Contracts Act 1984 to take reasonable care not to make a misrepresentation to the insurer (your duty).

Your duty applies only in respect of a policy that is a consumer insurance contract, which is a term defined in the Insurance Contracts Act.

Your duty applies before you enter into the policy, and also before you renew, extend, vary, or reinstate the policy.

Before you do any of these things, you may be required to answer questions and the insurer will use the answers you provide in deciding whether to insure you, and anyone else to be insured under the policy, and on what terms.

When you renew your policy, we will include information you have previously told us that is relevant to your policy, which we passed on to the insurer. The insurer requires you to contact us to tell us if this information is incorrect, or if it has changed. If you do not tell us about a change to something you have previously told us, the insurer will take this to mean that there is no change.

To ensure you meet your duty, your answers to the questions must be truthful, accurate and complete. This duty also applies when you contact us to advise of any information that is incorrect or has changed when you renew your policy.

If you fail to meet your duty, the insurer may be able to cancel your contract or reduce the amount it will pay if you make a claim, or both.

If your failure is fraudulent, the insurer may be able to refuse to pay a claim and treat the contract as if it never existed.

DUTY OF DISCLOSURE

Applicable to Non-Consumer Insurance Contracts

Before you enter into an insurance contract, you have a duty to tell the insurer anything that you know, or could reasonably be expected to know, that may affect their decision to insure you and on what terms.

You have this duty until they agree to insure you.

You have the same duty before you renew, extend, vary or reinstate an insurance contract.

- You do not need to tell the insurer anything that:
- reduces the risk they insure you for; or
- is common knowledge; or
- they know or should know as an insurer; or
- they waive your duty to tell them about.

If you do not tell the insurer something you are required to, they may cancel your contract or reduce the amount they will pay you if you make a claim, or both. If your failure to tell them is fraudulent, they may refuse to pay a claim and treat the contract as if it never existed

Utmost Good Faith

Every contract of insurance is subject to the doctrine of utmost good faith which requires that the parties to the contract should act toward each other with the utmost good faith. Failure to do so on your part may prejudice any claim or the continuation of cover provided by Insurers.

Complaints or Disputes

If you have a complaint about the service provided to you, we have a Complaints Management Policy that aims to provide a prompt resolution. Please refer to our website or FSG for full details.

Terms of Payment

When we arrange, renew or vary cover on your behalf, we will invoice you for the premium, statutory charges (e.g. stamp duty, fire services levies, GST, etc.) and our brokerage &/or fees. If you do not pay the amount shown on your invoice within 14 days from the date shown on the invoice, the insurer may have the right to cancel your policy. The insurer may also charge a short-term penalty premium for the time on risk. Check your invoice for payment options.

Disclaime

This Tax Invoice is a summary only (errors and omissions excepted) and does not purport to be a copy of the insurer's policy or other documents. In case of any discrepancy, the insurer's documents will prevail.

Essential Reading of Policy Wording

The policy wordings for your insurances have either been provided to you or will be sent to you as soon as they are received from your Insurers. We recommend that you read these documents carefully as soon as possible and advise us in writing of any aspects which are not clear to you or if any aspect of the cover does not meet with your requirements.

Unnamed Parties

In most cases, the insurable interest of lessors, financiers, trustees, mortgagees, owners and all other parties who have a legal interest or charge over the Property Insured are automatically included as third-party beneficiaries without needing to be noted on the Policy.

If you require a person to be named as a co-insured, joint insured or insured person to be covered by your policy, you must request this. Please note, we cannot guarantee that an insurer will accommodate a request to include a further party as an insured on your policy.

If this is a requirement under a contract or agreement, do not sign the contract without checking with us as to whether the insurer is prepared to include the other party as an insured.https://networksteadfast.com.au/

Non-Renewable Insurance

Cover under your policies terminate on the date as indicated on our tax invoice or adjustment note. Some policies are not renewable contracts. If you wish to effect similar insurance for any subsequent period, it will be necessary for you to complete a new proposal prior to the termination of the current policy so that terms of insurance and quotations can then be developed for your consideration.

Subrogation and/or Hold Harmless Agreements

You can prejudice your rights to claim under your insurance if you make any agreement with a third party that will prevent or limit the Insurer from recovering the loss from that party (or another party who would otherwise be liable). This can occur when you sign a contract containing an indemnity clause, "hold harmless" clause or a release - unless you obtain the Insurer's consent in advance. This is because some policies contain a 'contractual liability exclusions' that mean the Insurer can refuse to pay or reduce the amount it is liable to pay by the extent to which it is unable to recover from the third party. These exclusions are often found in public and products liability, broadform liability and professional indemnity policies. Examples of such agreements are the "hold harmless" clauses which are often found in leases, in property management contracts, in maintenance or supply contracts from burglar alarm or fire protection installers and in repair contracts. Other contracts you sign from time to time relating to your business operations (e.g. supply agreements, equipment hire contracts, event hire contracts, labour hire contracts, subcontracts, design and construct contracts, consultancy agreements etc.) may contain indemnity clauses and releases which may trigger the operation of policy exclusions or breach the conditions of your insurance. Do not sign a contract or lease without contacting your broker and/or taking legal advice as to whether the contract terms will prejudice your insurance protection under your policies. If you are in doubt or require further assistance, please consult your Account Manager.

Leasing, Hiring and Borrowing Property

When you lease, hire or borrow property, make sure that the contract clearly identifies who is responsible for insuring the property. This will help avoid arguments after a loss and ensure that any claims are efficiently processed.

Industrial Special Risks policies automatically cover property which you are responsible to insure, subject to the policy excess. The decision as to who should insure the property is not left to your discretion. You may have other insurance (for example, public liability) which may assist you meet claims relating to property damage or personal injury caused to or by property which you lease or hire. Please note, there is usually a sub-limit on the amount of claims that can be made for damage to property in your temporary cared, custody or control. If the responsibility to insure lies with the owner, we recommend you try to ensure the lease or hire conditions waive any rights of recovery against you, even when the damage is due to your negligence. This will prevent the owner's Insurer making a recovery against you. If there are no conditions relating to responsibility to insure in the hire or lease contract, you should write to the owner asking who is to insure the property.

Underinsurance, Average or Co-Insurance Clauses Some policies contain an Underinsurance clause. This means that if you insure for less than the full value of the property, your claim may be reduced in proportion to the amount of the underinsurance. These clauses are also called "Average" or "Co-Insurance" clauses.

A simple example is as follows:

Replacement Value	\$580,000
Sum Insured	\$400,000
Amount of Claim	\$80,000
The application of underinsurance is calculated as:	
claim x 80% of replacement value ÷ sum insured	/

\$80,000 x \$464,000 ÷ \$400,000 = \$68,966

Some Business Interruption policies contain an underinsurance, but the calculation is different. Generally, the Rate of Gross Profit, Revenue or Rentals (as applicable) is applied to the Annual Turnover, Revenue or Rentals (as applicable) (after adjustment for business trends or other circumstances. If you are in any doubt about whether and how Average/Co-Insurance clauses apply to your insurances, please contact your Account Manager for assistance.

Insurance Placed with Unauthorised Foreign Insurers In limited cases, we may recommend that you insure with an unauthorised foreign insurer. An unauthorised foreign insurer is an insurer that is not authorised under the Insurance Act 1973 (**Act**) to conduct insurance business in Australia and is not subject to the system of financial supervision of general insurers in Australia that is monitored by the Australian Prudential Regulation Authority. If the insurer becomes insolvent, you will not be protected by the Federal Government's Financial Claims Scheme provided under Part VC of that Act. If your Account Manager recommends that you insure with an unauthorised foreign insurer, they will provide you with relevant information to make an informed decision.

Claims Occurring Prior to Commencement

Your attention is drawn to the fact that most of your policies do not provide indemnity in respect of events that occurred before the insurance commenced. They cover events that occur during the time the policy is current.

Claims Made During the Period of Insurance

Some policies (for example, Professional Indemnity insurance) provide cover on a "claims made" basis, which means that claims first advised to you (or made against you) and reported to your insurer during the Period of Insurance are recoverable irrespective of when the incident causing the claim occurred, subject to the provisions of any clause relating to a "retroactive date".

You should also note that, in terms of the provisions of Section 40(3) of the Insurance Contracts Act 1984, where you give notice in writing to the Insurer of facts that might give rise to a claim against you as soon as is reasonably practicable after you become aware of those facts (but before the insurance cover provided by the contract expires)

then the Insurer is not relieved of liability under the contract in respect of the claim, when made, by reason only that it was made after the expiration of the Period of Insurance cover provided by the contract.

In order to ensure that any entitlement under the policy is protected, you must therefore report all incidents that may give rise to a claim against you to the Insurers without delay after such incidents come to your attention and prior to the expiration of the policy period.

4.2 Appointment of 2024 Cowra Youth Council Members

File Number: D23/1988

Author: Michael Jones, Director - Corporate Services

RECOMMENDATION

That Council endorse the appointment of the following nominees to the 2024 Cowra Youth Council:

- Georgie Anning
- Ezekiel Austin
- Zipporah Austin
- Laura Bennett
- Callie Bridges
- Lily Bridges
- Emma Haslem
- Cohan Howden

- Aiden Gunderson
- Sienna Launders
- Isabella Lette
- Isabella Pepper
- Taylia Penyu
- Laura Price
- Alyvia Slade

INTRODUCTION

This report seeks Council endorsement for the appointment of members to the 2024 Cowra Youth Council.

BACKGROUND

Nine members of the 2023 Cowra Youth Council wish to continue their membership of the Youth Council for 2024. A recruitment process was initiated in October seeking applications to fill the vacancies on the Youth Council for the coming year.

Selection of Prospective 2024 Cowra Youth Council Members

Eight applications were received for the 2024 Cowra Youth Council. The selection panel comprising Cr Judi Smith, Cr Erin Watt, and Youth Council Chairperson, Cohan Howden, reviewed the applications and decided to interview all applicants. Following completion of the interview process, six applicants are recommended for appointment to the 2024 Youth Council, bringing the total number of members for 2024 to fifteen.

BUDGETARY IMPLICATIONS

Nil

ATTACHMENTS

Nil

4.3	Section 355 Committee Draft Minutes - Audit, Risk & Improvement Committee
File Number:	D23/2025

Author: Michael Jones, Director - Corporate Services

RECOMMENDATION

That the draft Minutes of the Audit, Risk & Improvement Committee meeting held on 30 November 2023 be noted.

INTRODUCTION

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

BUDGETARY IMPLICATIONS

Nil

ATTACHMENTS

I. Draft Minutes - Audit, Risk & Improvement Committee Meeting - 30 November 2023 😃



MINUTES

Audit, Risk & Improvement Committee Meeting Thursday, 30 November 2023

AUDIT, RISK & IMPROVEMENT COMMITTEE MEETING 30 NOVEMBER 2023 MINUTES

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	10.2	Review of Meeting Calendar	}	
	10.3	Call for General Business Items	}	
П	Next Meeting Date		}	
12	Meeting Close			
MINUTES OF COWRA COUNCIL AUDIT, RISK & IMPROVEMENT COMMITTEE MEETING HELD AT THE COWRA COUNCIL CHAMBERS, 116 KENDAL STREET, COWRA ON THURSDAY, 30 NOVEMBER 2023 AT 11 AM

PRESENT: Mr Ron Gillard (Chair), Mr Geoff Twomey, Cr Bill West, Cr Paul Smith (Deputy Mayor)

IN ATTENDANCE: Ms Leanne Smith (Intentus), Mr Paul Devery (General Manager), Mr Michael Jones (Director - Corporate Services), Mrs Larissa Hackett (Director-Environmental Services), Mr Scott Ellison (Manager – Finance) and Mrs Lee Redgrave (Secretariat)

I WELCOME

The Chair opened the meeting at II am and welcomed everyone to the meeting.

2 APOLOGIES

The Chair advised that he excused Mr Dirk Wymer (Director - Infrastructure & Operations) from attending the meeting as no items were listed on the agenda for discussion relevant to his department.

The Chair also requested the Committee note Mrs Leanne Smith (Intentus) will be joining the meeting at 11.30 am.

3 DECLARATIONS OF INTEREST

Mr Ron Gillard requested his previously standing declaration of interest for the Central Tablelands Water and Upper Macquarie County Council Audit Risk & Improvement Committees be revoked (both of which he is a member) and that he will declare interests as they arise at future meetings.

Mr Bill West arrived at the meeting at this point at 11.05 am.

4 CONFIRMATION OF MINUTES

COMMITTEE RESOLUTION

Moved: Cr Paul Smith Seconded: Mr Geoff Twomey

That the Minutes of Audit, Risk & Improvement Committee Meeting held on 3 August 2023 be confirmed.

CARRIED

5 BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

6 QUESTIONS FOR DIRECTORS (ADVANCE NOTICE REQUIRED)

<u>6.1</u> <u>Questions for Directors (advance notice required)</u> Nil items raised

6.2 Risk Management

COMMITTEE RESOLUTION

Moved: Cr Bill West Seconded: Cr Paul Smith

That the Audit Risk & Improvement Committee note the report update from the Director – Corporate Services regarding Risk Management.

CARRIED

Items 7.1 & 7.2 - The Chair deferred the Audit Office items until the Intentus representative, Ms Leanne Smith joined the meeting at 11.30 am.

Item 8.5 – The Chair brought forward Item 8.5 Audit of Development Application Process for discussion while the Director – Environmental Services was present at the meeting.

Item 8.1 – The Chair brought forward Item 8.1 Action List for consideration prior to Leanne Smith (Intentus) joining the meeting at 11.30 am.

7 AUDIT OFFICE CORRESPONDENCE

Ms Leanne Smith joined the meeting remotely at 11.31 am to consider Items 7.1 and 7.2.

7.1 Presentation of the Audited Financial Reports – FY2023

COMMITTEE RESOLUTION

Moved: Cr Bill West Seconded: Cr Paul Smith

- 1. That the Audit Risk & Improvement Committee thank the presenter, Leanne Smith from Intentus for her presentation.
- 2. That the Audit Risk & Improvement Committee note the presentation from AO NSW regarding the finalised FY2023 Audited Accounts, related documents, and the ensuing discussion.
- 3. That the Audit Risk & Improvement Committee note the Final Audit Management Letter will be provided out of session once it is received.

4. That the Audit, Risk & Improvement Committee commends council staff in particular in meeting the deadlines and for the quality of their work, as well as acknowledging the Audit Office's commendation.

CARRIED

Ms Leanne Smith left the meeting at 11.58 am.

7.2 Audit Office Correspondence

Nil report

The meeting moved to Item 8.2 at 12.04 pm

8 REPORTS OF COUNCIL OFFICERS

Item 8.1 considered earlier in the meeting at 11.20 am in the interim of the Auditor joining the meeting remotely at 11.30 am.

8.1 Action Lists

COMMITTEE RESOLUTION

Moved: Mr Geoff Twomey Seconded: Cr Paul Smith

- I. That the report on the Action Lists be received and noted.
- 2. That clarification be provided on a date for provision of the draft EOI and/or scope for Chemical Handling and Storage Review to the Audit Risk & Improvement Committee.

CARRIED

Meeting considered Audit Office Items 7.1 and 7.2 at this point at 11.31 am

The meeting resumed sequential order at this point at 12.04 pm.

8.2 Fraud Control Framework Assessment Report COMMITTEE RESOLUTION

Moved: Mr Geoff Twomey Seconded: Cr Paul Smith

That the Audit Risk & Improvement Committee note the report from the Director – Corporate Services regarding the Fraud Control Framework Assessment Report.

CARRIED

8.3 IT Strategy Update Report COMMITTEE RESOLUTION

> Moved: Cr Bill West Seconded: Mr Geoff Twomey

That the Audit Risk & Improvement Committee note the report from the Director – Corporate Services regarding the IT Strategy Update Report. CARRIED

8.4 Internal Audit of Record Management System

COMMITTEE RESOLUTION

Moved: Cr Bill West Seconded: Cr Paul Smith

- I. That the Audit Risk & Improvement Committee notes the report on the Internal Audit of Council's Record Management Systems from the Director Corporate Services.
- 2. That updates be brought to the next Audit Risk & Improvement Committee meeting.

CARRIED

The next item 8.5 was considered at previously at 11.17 am while the Director – Environmental Services was present at the meeting.

8.5 Internal Audit of Development Application Processes

COMMITTEE RESOLUTION

Moved: Cr Paul Smith Seconded: Cr Bill West

- I. That the Audit Risk & Improvement Committee note the report on the internal audit of Council's Planning Assessment and Building Certification Processes from the Director Corporate Services
- 2. That updates report be brought to the next Audit Risk & Improvement Committee meeting.

CARRIED

The Director – Environmental Services left the meeting at 11.19 am

The Committee considered Item 8.1 at 10.19 am until the virtual attendance of Leanne Smith (Intentus) at 11.30 am. for Items 7.1 and 7.2

The Committee resumed sequential agenda order at 11.58 am commencing with Items 8.2, 8.3 and 8.4, then at 12.32 pm with Item 8.6.

AUDIT, RISK & IMPROVEMENT COMMITTEE MEETING 30 I MINUTES

30 NOVEMBER 2023

8.6 Action Plan for Implementing OLG Guidelines COMMITTEE RESOLUTION

> Moved: Cr Bill West Seconded: Cr Paul Smith

That the Director - Corporate Services provides a report on Council's action plan for implementing the OLG Guidelines to the next Committee meeting.

CARRIED

8.7 Review of Independent Member sitting fees COMMITTEE RESOLUTION

Moved: Cr Paul Smith Seconded: Mr Geoff Twomey

That the Audit Risk & Improvement Committee recommend that a report and recommendation from the Director – Corporate Services on the market review of Independent Members' fees be presented to Council.

CARRIED

9 STANDING ITEMS

9.1 Compliance Matters

COMMITTEE RESOLUTION

Moved: Mr Geoff Twomey Seconded: Cr Paul Smith

That the Audit Risk & Improvement Committee notes the verbal report from the General Manger regarding compliance matters, and that he was not aware of any compliance breaches issues.

CARRIED

9.2 OLG Circulars – Compliance & Governance

COMMITTEE RESOLUTION

Moved: Cr Bill West Seconded: Cr Paul Smith

That the Audit Risk & Improvement Committee note the report from the Director – Corporate Services regarding OLG Circulars.

CARRIED

9.3 Non ARIC – Internal Audits

COMMITTEE RESOLUTION

Moved: Mr Geoff Twomey Seconded: Cr Bill West

That the Audit Risk & Improvement Committee note the report from the

Director – Corporate Services regarding Non-ARIC Internal Audits.

CARRIED

10 GENERAL BUSINESS

10.1 Internal Audit Plan

COMMITTEE RESOLUTION

Moved: Mr Geoff Twomey Seconded: Cr Paul Smith

- 1. That the Audit Risk & Improvement Committee note the report from the Director Corporate Services regarding the Internal Audit Plan.
- 2. That the Audit Risk & Improvement Committee agree to a deferral of the Internal Audit Plan until late 2024 and to proceed with the Chemical Handling Project draft EOI and scope in the interim.

CARRIED

10.2 Review of Meeting Calendar

COMMITTEE RESOLUTION

Moved: Cr Bill West Seconded: Mr Geoff Twomey

That the Audit Risk & Improvement Committee reviewed the meeting calendar and confirmed the future meeting dates as follows:

- 7 March 2024
- 4 July 2024
- 7 November 2024

CARRIED

10.3 Call for General Business Items

Nil

II NEXT MEETING DATE

The next meeting will be held on Thursday, 7 March 2024 at 10am in the Cowra Council Chambers, 116 Kendal Street, Cowra.

12 MEETING CLOSE

The Meeting closed at 12.55.

CHAIRPERSON

.....

4.4 Sculpture Park Master Plan

File Number: D23/1889

Author: Michael Jones, Director - Corporate Services

RECOMMENDATION

- 1. That Council place the draft sculpture park masterplan on public exhibition for a minimum of 28 days.
- 2. That Council endorse the application to lodge a submission for grant funding under the public spaces legacy program to construct pathways at the sculpture park in accordance with the draft master plan.
- 3. That reports are brought back to Council on the financial analysis and curatorial framework for the sculpture park.

INTRODUCTION

The purpose of this paper is to seek Council to;

- Endorse the placing of the draft masterplan on public exhibition for 28 days to seek feedback from the community.
- Endorse the funding submission of \$200k to construct pathways at the sculpture park in accordance with the draft masterplan.
- Commence financial analysis relating to the redevelopment of the park and its ongoing operations and to report back to Council

BACKGROUND

- At the Ordinary Council Meeting 22nd August 2016 Council endorsed the adoption of the Cowra Sculpture park masterplan.
- At the ordinary Council meeting 25th November 2019 Council endorsed funding and the acceptance of a donation of 6 sculptures from Macquarie University.
- In late 2020, Council engaged landscape consultant and designer Sally Bourne to come up with a masterplan for the Cowra Sculpture Plan.
- In early 2021 Council accepted the long-term loan of the Philip King Sculpture "Blue Between" (1971) from the Sydney Opera House.
- Council's current Delivery Program 2022-2023 to 2025-2026 & Operational Plan 2023-2024 objectives include;

L2.4 Develop the Peace Precinct L2.4.a in accordance with the adopted masterplan.		Seek funding and implement identified projects within the masterplan.	Grant applications submitted where appropriate.
	L2.4.b	 Maintain and grow the existing features of the Peace Precinct including: Sculpture Park Nature-Based Adventure Playground POW campsite. 	Maintenance undertaken to maintain current high standard of presentation.

GENERAL COMMITTEE MEETING AGENDA

L.2.14.a

L2.14 Develop the Cowra	
Sculpture Park as a major	
attraction within Cowra.	

Subject to funding, undertake works and develop the collection of sculptures in accordance with the masterplan. Ongoing promotion of the sculpture park and the development of a program to increase the collection.

Whilst the current masterplan (2016) had its place, it is timely that Council now adopts the draft plan to address key aspects – including accessibility and expansion.

Council is now in a position to commence the redevelopment of the park in line with the draft master plan.

CURRENT STATE

The Cowra Sculpture Park currently consists of 11 works. The makeup of which is as follows.

- 6 sculptures donated by Macquarie University
- I sculpture on long term loan (20 years) from the Sydney Opera House
- 4 works originally from the Japanese Garden

Whilst there is a central pathway in the park, access to each of the sculptures is via grass thus making accessibility difficult. Furthermore, the existing pathway is not up to accessibility standards. For these reasons the draft masterplan was created.

Additionally, there is no active promotion of the park, nor any program of further acquisition or education programs as documented in Council's strategic plan.

NEXT STAGES

Council now wishes to allocate time and resources to taking the park to the next stage. This includes the following components;

- **Engagement** Seek feedback from Councillors and the community on the proposed master plan. Whilst the Director Corporate Services has presented the concept to Councillors at the November 2023 Information meeting; the masterplan now needs to be put on public exhibition.
- **Grant Opportunity**. In mid-November 2023 a potential grant opportunity presented itself. The Public Spaces Legacy program identified a \$200k underspend. The administrators of the grant (NSW Department of Planning and Environment) indicated that it would consider projects that fit the guidelines and could be executed in a very short time frame. Projects must also be associated with the peace precinct. The pathways in the draft master plan have been costed out at \$190k. Any potential overspend could be accommodated in the current year sculpture park budget of \$60k.
- Financial Analysis. Council needs to investigate costs for;
 - \circ Development of the park as per the master plan i.e. materials and labour.
 - Assessment of costing models for the on-going management, maintenance and promotion of the park. This may include short term project management resources to oversee site works.
- **Curatorial framework**. Develop and seek Council's endorsement for a Curatorial framework for the park. This framework will provide guidelines for the development of the sculpture collection in line with aspirations of the park.

• **Investigate Funding Options**. The current long-term financial plan does not include any funds for the redevelopment of the park as per the new masterplan. The intention is to seek grant funding options.

Another paper will be presented to Council once the information from the above components are received / completed.

BUDGETARY IMPLICATIONS

Budget implications are currently unknown. Further investigation is required.

ATTACHMENTS

- Cowra Sculpture Park Master Plan Adopted Council Meeting 22 August 2016 Minute No 227 16 <u>227 16 </u>
- 2. Report Director-Corporate Services Establishment of the Cowra Sculpture Park Council Meeting 25 November 2019 J
- 3. Draft Sculpture Park Masterplan 🕹
- 4. Draft Sculpture Park upgrade Pathways sculpture locations J
- 5. Draft Map Tree inventory Cowra Sculptural Park 😃
- 6. Tree inventory listings 🖳



Cowra Sculpture Park Master Plan

POI IC COUNCIL

Cowra Sculpture Park Master Plan

Commencement Date	22 August 2016
Council Department	Corporate Services
Contact Officer	Art Gallery Director

Revision Required Every 4 years

Policy Review

This policy shall be reviewed at four (4) yearly intervals at least, to ensure it meets all statutory requirements and the needs of council. It may also be reviewed at other times as determined by council.

Revision History

Version	Council Meeting Date	Responsible Officer
I	22 August 2016 Resolution No 227/16	Art Gallery Director

Cowra Shire Council Private Bag 342 Cowra NSW 2794

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



1.0 Design Overview

Introduction

Cowra Council has a significant opportunity to develop a sculpture park in Cowra. The proposed sculpture park will be located in the John Moon Memorial Rotary Arboretum which is located opposite the Japanese Gardens and to the south of the Peace Precinct. The Arboretum was established by the late John Moon OAM and was further developed by members of Cowra Rotary Club. This area offers a connection to the Japanese Gardens and the State Heritage listed POW site, as well as extensive established walking tracks and the many registered Aboriginal Heritage sites through this landscape. This Master Plan including design, sets out Council's objectives to develop this facility, including its establishment, maintenance and marketing components. The Sculpture Park Master Plan has been developed from components detailed in the Peace Precinct Master Plan August 2010.

Objectives

The objectives for the Sculpture Park are:

- To ensure that the Cowra Regional Art Gallery with its Director has a curatorial and an overall custodianship role of the sculptures in the sculpture park.
- To add sculptures to the existing John Moon Memorial Rotary Arbortum area.
- To recognise and support the Sculpture Park as an addition to the operation of the Cowra Regional Art Gallery.

- To develop procedures for the acquisition of sculptures through the auspices of the Cowra Regional Art Gallery.
- To enable the installation of quality contemporary artworks that generate diversity, innovation and creativity allowing for a focused selection and placement that will enhance an appreciation of the site, while building on existing artworks.
- To provide a site-responsive approach, focused on the selection and placement of artworks to ensure positive effects on the environment and/or adjoining public spaces.
- To enable the development of the sculpture park into a 'cultural precinct' and recreational amenity providing inspiration and opportunities for reflection on contemporary cultural, social and environmental issues.
- To recognise and provide for public events associated with the sculpture park precinct in a manner that appropriately mitigates adverse effects from traffic, parking, road access, signage, lighting and noise.
- To require the provision of technical and risk assessment procedures and management plans to minimise adverse affects on the artworks and the sculpture park.

Key Goals

 To support contemporary visual arts practices through various artwork acquisition opportunities including purchases, loans,

donations, commissions and special events/exhibitions.

- To stimulate the economy of the district through:
 - partnerships with industry and its ability to be a creative and financial partner;
 - o increased cultural and heritage tourism;
 - creating employment for local artists, craft persons and small business;
 - support of arts patronage and regional creative initiatives;
 - the formation of progressive cultural industries.
- To foster cultural expression and cultural diversity in the community and contribute to the role of public sculpture.
- To enhance the aesthetic and cultural value of the Cowra Regional Art Gallery's permanent collection.
- To enable a corporate vision towards the realisation and management of the sculpture park within other key Council plans and policies.

The Location

The location is the John Moon Memorial Rotary Arboretum adjacent to the Japanese Gardens and Cultural Centre, hereinafter referred to as the Area. The Area is bounded by Binni Creek Road, Len Whiteley Drive, Ken Nakajima Place and Yarrabilly Drive and is maintained and administered by Cowra Shire Council.

Design Overview

Consultants Outscape Landscape Architects have proposed a design of the sculpture park showing potential locations for up to 31 sculptures of eight types including those already in place.

In designing the layout of sculptures within the area known as the John Moon Memorial Rotary

Arboretum, the recommendations within the Consultant Brief for the Proposed Sculpture Park prepared in 2014 have been closely followed. As a result, the four key sites indicated by a red square, for major sculpture on the corners of the site have been incorporated to set the character and limits of the site. The design consultant has recommended that these sculptures should be completed by the same artist with a link that connects them as one. Further locations of sculptures are suggestions only at this time.

In consultation with the Council it is the choice of the artist as to where they choose to locate their work. Individual pieces have been grouped in a variety of ways. Some works are able to be viewed from any direction, while others may have preferred viewing points. Some locations are in full sun while others may be in shaded conditions. These are indicated by symbolic representations within the legend shown on the plan layout.

The locations are indicative only and actual placement of sculptures will depend on a number of considerations to be negotiated between the artist and Council. Some spaces will be more intimate, others may be large allowing viewing at a distance. Some sculptures may be spread out or require the viewer to move along it to gain full appreciation, either by foot or from a moving vehicle. There may also be room for a kinetic sculpture in the base of the retention basin which moves when water enters the basin during sporadic rain events that can be viewed from the safety of the edge of the basin. Incorporating colourful interactive sculptures on the Japanese Gardens side of the site, adjacent to the picnic tables may encourage people who may not have time to traverse the Peace Pathway from east to west to be drawn into the Sculpture Park. Extending the existing pathway across the Arboretum site and incorporating an adjacent bike path (not crossing the footpath for safety reasons), would lead further along the Peace Precinct giving more purpose to the path. The bike track should be a different coloured surface to clearly distinguish it for pedestrians and bike riders alike. Extending the paths to the road surface creates an easier transition onto and off the paths making them more approachable and useable.

2.0 Operating Framework

Operating Framework

To enable the installation of public sculptures by nationally and internationally acclaimed artists located within the public park precinct area adjacent to the entrance of the Japanese Garden.

Recognised as the 'Cowra Sculpture Park' the project will commence with existing sculptures and then continue with the procurement of artworks based on the range of objectives and goals over a period of 20 years.

Following establishment of the park with the five sculptures indicated below, 26 additional sculptures will be acquired over a twenty year period to identify the four corners of the sculpture park area.

The establishment of the sculpture park and its continued development will be managed by Cowra Council consistent with its approach to public and cultural assets within the shire.

The 'Cowra Sculpture Park' will be identified and supported by Council within budget parameters as a signature project and a valuable public asset.

Public use and events associated with the sculpture park will be facilitated to enhance the cultural life of the region providing a distinct Cowra experience for the community and its visitors.

As an outdoor gallery the sculpture park will form a trail of discovery and an environment of excellence fostering community pride.

3.0 Staging Framework

General

The Sculpture Park will initially be established with five sculptures.

- Sculpture Park construction will be undertaken by Cowra Council in line with Master Plan layout and engineering requirements, including security considerations.
- Installation of sculptures will be the responsibility of the Cowra Regional Gallery.
- Suitable signage will be installed for each sculpture providing details for the viewer.
- Maintenance of the area will be undertaken by Council and incorporated into Council's maintenance programs for Parks and Gardens. Specialist maintenance with sensitivity to sculpture locations will be undertaken in consultation with the Gallery Director.
- The first two years of the project will be devoted to establishment including preparation for future works, installation of two sculptures and promotion.
- Should plans progress, further development may be brought forward earlier than the two year period.
- Council will liaise with Cowra Tourism to develop an appropriate marketing and tourism plan.
- Acquisition of new sculptures will be the responsibility of the Cowra Regional Art Gallery and its Advisory Committee with proposals to be submitted to Council.

Stage 1

The Sculpture Park will initially be established with five sculptures. The first two (shown below) are currently located inside the Japanese Garden which has confirmed that they may be relocated subject to adequate security being provided, recognition of the artists and that they are on permanent loan from the Japanese Garden and Cultural Centre. Options for the new location of these pieces are indicated on the attached Master Plan layout (see attachment **6.0 Master Plan Layout**).





Another sculpture consists of two sculptures which have a single title of The Well of Wisdom jointly sculpted by Katsuhiro Goto and Ken Hutchinson (pictured below).



The fifth Sculpture is the oldest in the area being "A Fossil of the Moment". It will remain in place.



4.0 Physical Works

Physical works

The required works for the implementation of the Sculpture Park Landscape plan include:

Stage 1/Year1	
Cowra Council staff to prepare, supply and install an irrigation system to water new trees and keep area with good ground cover all year round	\$15,000
The supply and planting of new trees as per the plan	\$5,000
The removal of artworks from the Japanese Gardens and installation into the Arboretum area	\$3,500
Signage for each sculpture	@\$800 each being a total of \$4,000 for the initial 5 sculptures
Total	\$27,500

Stage 2/Year2	
Widening, extensions and creation of new and existing pathways at the site Involves approximately 624 square metres of sealed access and pathways	@ \$10.00 per square metre totally approximately \$6,500.
New stone entrances	\$7,500
Ongoing maintenance including extra water requirements in Year 2 and beyond	\$8,000 per year
Total	\$22,000

5.0 Works Summary

The works outlined in the landscape plan total an initial estimated outlay of \$27,500 and an ongoing annual maintenance of approximately \$8,000 dependent on weather and external factors.

The project is best achieved in two stages:

The first stage/year: installation of the irrigation, planting of trees and establishment of grass cover to areas of viewing traffic: This will allow ground cover to establish and for the trees to take root and also establish into the new areas. This work will prepare the background setting of the landscape plan in readiness for the sculptures.

Irrigation: This will be an underground, fully automated system; a set and forget type to ensure the grass will be green and the trees watered to ensure health and growth, and that the landscape is a suitable back-drop for the setting of sculptures.

The trees can be planted in keeping with the landscape plan: which are in turn in keeping with the area remaining as an arboretum. The placement of specimens will also allow the specific areas to have small and large shrubs as well as small and large trees dependant on the size and form of the area required for the respective sculpture piece.

Year one costs are therefore \$27,500 with the maintenance costs of \$8,000 per year thereafter.

A major maintenance cost is the provision of water to ensure the area is well presented. This is dependent on weather conditions, however as costs are already allocated for mowing of the areas there would be a small additional cost involved in the maintenance of the area.

The retrieval of the two existing sculptures within the Japanese Gardens and placement into the

new area requires the use of machinery to lift from the existing positions and relocation to the new area. The new area would need to be prepared with suitable concrete bases in place, and reinstatement works at the gardens would also need to be carried out . There would also be some minor works required to formalise the existing sculptures within the space. This is estimated to cost \$3,500. Year two works total at \$22,000.

The Second stage/year: will be the construction of the pathways and stone entrances and the introduction of the two sculptures from the Japanese Gardens.

Pathways construction will involve earthworks to remove the grass and topsoil, then laying and compacting granite before sealing to match the existing paths. This process is estimated at \$10.00 per square metre and investigation indicates there to be approximately 650 square metres leaving the costs at \$6,500.00. The works consist of widening approximately 200 lineal metres by 0.8 of a metre in width of the existing path, and then extending this pathway for 120 metres at a width of 2.5 metres, through to the intersection of Yarrabilly Drive and Sakura Ave. This will create a 2.5 metre wide shared pathway through the spine of the area, running diagonally from the intersection of Binni Creek Road and Len Whitely Drive.

The remaining paths, linking this spine to the Japanese Gardens and interlinking throughout the sculpture viewing areas and will be constructed at 1.2 metres in width, which is the width of a standard footpath. The lengths required to complete these links is 150 metres.

The stone entrances can be constructed in similar styling to the Peace Precinct gateways, at a much smaller scale and are estimated at \$2,500 each. Constructing one at each of the three main entrances to the area. Being Binni Creek Road, Yarrabilly Drive and opposite the main entrance to the Japanese Gardens.

Summary

The Cowra Sculpture Park can be initiated through the Master Plan as presented with modest costs. The initial stage will be to undertake works in preparation to display sculptures already in place together with the relocation of two sculptures from within the Japanese Gardens area. The establishment phase will be undertaken with the Cowra Regional Art Gallery and Cowra Services working together with the overall responsibility for the Sculpture Park under the control of the Gallery Director and the Gallery Advisory Committee.



DIRECTOR – CORPORATE SERVICES REPORT TO ORDINARY COUNCIL MEETING TO BE HELD ON MONDAY 25 NOVEMBER 2019.

Author:	Director – Corporate Services
Item No:	10.
Subject:	Establishment of the Cowra Sculpture Park
Precis:	Cowra Council's Strategic Plan 2017-2036 (L3.11)
Budget:	nil

Recommendation:

- 1. That Council endorses the immediate inclusion of \$100,000 in the current year budget (FY2020) for the establishment of the Cowra Sculpture Park.
- 2. That Council endorses an annual addition of \$50,000 per year commencing in FY2021 until FY2025 (5 years) for the ongoing management of the Cowra Sculpture Park.
- 3. That the Public Art Advisory Committee reviews the plans of management for the Cowra Sculpture Park and reports back to Council advising a preferred model.

10. Establishment of the Cowra Sculpture Park

Background

As per Cowra Council's Community Strategic Plan 2017-2036, under program (L3.11) which states; "Develop the Cowra Sculpture Park as a major attraction within Cowra"

The park currently has 3 works which were provided by the Japanese Gardens. For the park to be officially launched it is felt that at least 10 works need to be on display. The Director of the Regional Gallery has secured a donation of 7 works from Macquarie University. It is now time crucial to seek Council's endorsement of the attached proposal to take up this offer from the University.

Recommendations;

- 1. That Council endorses the inclusion of \$100,000 in the current year budget (FY2020 QBRS2) for the establishment of the Cowra Sculpture Park.
- 2. That Council endorses an annual addition of \$50,000 per year commencing in FY2021 until FY2025 (5 years) for the ongoing management of the Cowra Sculpture Park.
- 3. That the Public Art Advisory Committee reviews the plans of management for the Cowra Sculpture Park and reports back to Council advising a preferred model.

Attachments:	Attachment A	-	Cowra Sculpture Park (CSP) Proposal – November 2019
			2017

Michael Jones Director – Corporate Services 19/11/19

Page I of Item 10.



COLOURED LANDSCAPE PLAN

DATE: 10TH JANUARY, 2021 DWG NO: 01/21 (3/3) SCALE: 1: 400

SALLY BOURNE LANDSCAPES LANDSCAPE CONSULTANT & DESIGNER 4994 WARRADERRY WAY, GOOLOOGONG 2805 PHONE (02) 63448122 MOBILE: 0417 227 246





PROPOSED LANDSCAPE WORKS

FOR: COWRA SCULPTURAL PARK AT: COWRA NSW 2794

DATE: Friday, November 20, 2020

• TREE INVENTORY

SALLY BOURNE LANDSCAPES

LANDSCAPE CONSULTANT & DESIGNER LICENCE NO: 87773C 'HELENSHOLME' 4994 WARRADERRY WAY, GOOLOOGONG NSW 2805 PHONE (02) 63448122 MOBILE: 0417 227 246 EMAIL: sally@sallybournelandscapes.com.au WEBSITE: www.sallybournelandscapes.com.au

INVENTORY OF TREES AT COWRA SCULPTURAL PARK DATED 20/11/20

No.	Species	Status
1.	Corymbia citridora 'Lemon scented gum'	Good health 9/10
2.	Corymbia maculata Spotted gum	Good health 9/10
3.	Eucalyptus sp x 2	Good health 9/10
4.	Eucalytus albens 'White box' - leaning	Reasonable health 8/10
5.	Eucalytus albens 'White box'	Poor specimen. could remove due to safety issues??
6.	Standard Cherrys x 3	Retain
7.	Young Eucalyptus sp	Retain, but center removed 6/10
8.	Spotted gum	Good health
9.	White box - old	Reasonable health
10.	Eucalypt	Good health 10/10
11.	Eucalypt – leaning to 'Well of Wisdom'	Reasonable health. Furrowed trunk sign of damage?? 6/10
12.	Eucalypt – lovely specimen	Good health 10/10
13.	Callistemon – poor unworthy specimen	Remove
14.	Callistemon x 5 in arch	Retain & add to with depth of plantings
15.	Eucalyptus – lovely lower form	Retain
16.	Young Eucalyptus sp x 2	Good health
17.	Eucalytus albens 'White box' x 2 – old	Retain. Evidence of dead wood. Offers bird habitat & sculptural eleme
18.	Eucalyptus sideroxylon	Retain -tall straight specimen to position in garden bed
19.	Eucalytus albens 'White box' x 2 – old	Retain. Evidence of dead wood. Offers bird habitat & sculptural eleme
20.	Casuarina x 6	Retain. Offers sculptural element 10/10
21.	Eucalypt	Retain. Good specimen 10/10
22.	Eucalypt	Retain. Good specimen 9/10
23.	Casuarina	Retain. Offers sculptural element 10/10
24.	Callistemon	Remove. Hinders view lines
25.	Eucalyptus x 3	Retain
26.	Eucalyptus leucoxylon	Poor leaning specimen. Shall retain & soften in crn garden bed 5/10
27.	Eucalytus albens 'White box'	Retain. Offers sculptural element
28.	Eucalyptus – lovely specimen	Retain. 9/10
29.	Melaleuca sp	Remove. Hinders view lines

30.	Casuarina x 3	Retain
31.	Eucalyptus	Retain at this stage
32.	Eucalyptus sideroxylon	To retain
33.	Casuarina	Retain
34.	Eucalyptus sideroxylon	To retain
35.	Eucalyptus sideroxylon x 2	To retain
36.	Eucalypt	To retain
37.	Casuarina	Retain
38.	Corymbia maculata Spotted gum	Good health 10/10
39.	Eucalypt sideroxylon	Retain 10/10
40.	Eucalypt	Retain. Reasonable health
41.	Casuarina	To retain
42.	Eucalyptus sp	Retain – reasonable health 8/10
43.	Casuarina	Retain
44.	Eucalyptus albens 'White box'	Retain. Offers sculptural element 8/10
45.	Casuarina x 3	To retain. Good health 10/10
46.	Young Eucalyptus x 2	Retain at this stage
47.	Eucalypt	Suggested removal due to close proximity to "Grubbed"
48.	Casuarina	To retain 10/10
49.	Casuarina	To retain10/10
50.	Eucalypt	To retain
51.	Casuarina	To retain
52.	Young Eucalypt	To retain
53.	Eucalyptus – lovely specimen	To retain
54.	Young Casuarina	Remove, whereby allowing for 'open space' in this area
55.	Young Callistemon – insipid specimen	Remove, whereby allowing for 'open space' in this area
56.	Melaleuca	Remove, whereby allowing for 'open space'. Impacts upon view lines
57.	Eucalyptus	Remove. Poor health & evidence of high dead wood. 4/10-
58.	Eucalyptus	Remove. Poor health & evidence of high dead wood. 4/10-
59.	Eucalyptus	To retain
60.	Eucalyptus	To retain

61.	Eucalyptus	Retain 8/10
62.	Eucalyptus	Retain 8/10
63.	Eucalyptus	Retain 8/10
64.	Eucalyptus	Retain 8/10
65.	Eucalyptus	Retain 8/10
66.	Eucalyptus	Retain 8/10
67.	Eucalyptus	Retain 8/10
68.	Young Casuarina x 3	Remove at this stage due to main path location
69.	Young Casuarina x 3	Remove at this stage due to main path location
70.	Eucalyptus	To retain
71.	Eucalyptus	To retain
72.	Eucalyptus	To retain
73.	Eucalyptus	To retain
74.	Eucalyptus	To retain
75.	Eucalyptus	To retain
76.	Eucalyptus	To retain
77.	Eucalyptus sideroxylon	To retain
78.	Eucalyptus sideroxylon	To retain
79.	Young Callistemon	To remove
80.	Eucalyptus – poor health	To remove
81.	Eucalyptus	To retain
82.	Eucalyptus sideroxylon	To retain
83.	Eucalyptus	To retain
84.	Eucalyptus	To retain
85.	Eucalyptus	To retain. Leaning specimen 8/10
86.	Corymbia citridora `Lemon scented gum'	Good health 10/10
87.	Eucalyptus albens 'White box'	Retain. Offers sculptural element 8/10
88.	Eucalyptus albens 'White box'	Retain. Offers sculptural element 8/10
89.	Melaleuca	To remove. Impacts upon view lines
90.	Eucalyptus x 2	To retain
91.	Eucalyptus – poor health	To remove

92.	Young Casuarina x 2	Retain
93.	Eucalyptus	To retain
94.	Eucalyptus – poor health	To remove
95.	Eucalyptus x 3	To retain
96.	Eucalyptus – poor health	To remove
97.	Casuarina	To retain
98.	Eucalyptus	To retain
99.	Eucalyptus	To retain
100.	Eucalyptus albens 'White box'	Retain. Offers sculptural element 8/10
101.	Eucalyptus x 3	To retain
102.	Eucalyptus	To retain
103.	Eucalyptus	To retain
104.	Young Casuarina	DEAD
105.	Eucalyptus albens 'White box'	Retain. Offers sculptural element 8/10
106.	Eucalyptus	To retain
107.	Eucalyptus	To retain
108.	Eucalyptus	DEAD
109.	Eucalyptus	DEAD
110.	Eucalyptus	Retain. Poor health 6/10
111.	Eucalyptus x 2	To retain
112.	71	Retain at this stage, but suffer from poor health
113.	Eucalyptus	Retain at this stage, but suffer from poor health
114.		To retain 10/10
	Callistemon	To remove
116.	Eucalyptus – poor health	Remove. Poor leaning specimen
117.	/	To retain
118.	71	To retain
119.	Eucalyptus leucoxylon	To retain
120.	Eucalyptus x 2	To retain
121.		
122.		

30a	Eucalyptus sp	Retain
33a	Casuarina	Retain
36a	Melaleuca	To remove. Impacts upon view lines
36b	Tristaniopsis sp 'Water Gum'	Retain
36c	Callistemon	Remove
<u>45a</u>	Corymbia maculate 'Spotted Gum'	Retain
46a	Young Eucalyptus sp	Remove due to poor specimen
49a	Melaleuca's x 2	Remove
50a	Melaleuca's x 11	Retain
50b	Acacia sp	Remove
50c	2 x Eucalyptus sp	Retain
Note:	5 x Callistemon south of H20	Remove due to close proximity to 'H20'

4.5 Investments

File Number: D23/1976

Author: Michael Jones, Director - Corporate Services

RECOMMENDATION

That Council note the Investments and Financial Report for November 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 – November 2023 😃

ATTACHMENT

Investments and Financial Report

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١.	Investments Portfolio as at 30 November 20232
2.	Interest Rate
3.	General Fund Balance
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Investments

I. Investments Portfolio as at 30 November 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.

Institution	S&P Rating	Date	Term	%	Date Due	Principal \$
BANK OF QUEENSLAND	A-2	Lodged 23/11/2023	(Days) 61	4.60%	23/01/2024	500,000.00
BANK OF QUEENSLAND	A-2 A-2	12/09/2023	182	4.00%	12/03/2024	500,000.00
BANK OF QUEENSLAND(Wyangala Sewer Handover)	A-2	31/10/2023	182	5.30%	30/04/2024	1.000.000.00
BENDIGO & ADELAIDE BANK LTD	A-2	19/09/2023	182	4.81%	19/03/2024	1,000,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	7/11/2023	35	4.30%	12/12/2023	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	30/05/2023	203	4.70%	19/12/2023	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	6/06/2023	203	4.81%	9/01/2024	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	27/06/2023	217	5.14%	23/01/2024	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	2/05/2023	273	4.45%	30/01/2024	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	4/05/2023	273	4.58%	30/01/2024	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+	10/10/2023	126	4.68%	13/02/2024	1,000,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	8/08/2023	120	5.42%	20/02/2024	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	8/08/2023	210	5.42%	5/03/2024	500,000.00
COMMONWEALTH BANK OF AUSTRALIA	A-1+	18/04/2023	336	4.40%	19/03/2024	500,000.00
	A-1+ A-2	6/06/2023	182	5.05%	5/12/2023	250,000.00
IMB LTD		5/09/2023	182	5.00%	5/03/2023	500,000.00
IMB LTD	A-2					
	A-2	10/10/2023 19/09/2023	154 182	4.90% 5.00%	12/03/2024 19/03/2024	600,000.00 500,000.00
	A-2					
ING BANK	A-2	14/03/2023	273	4.83%	12/12/2023	500,000.00
	A-2	7/11/2023	35	4.39%	12/12/2023	500,000.00
ING BANK	A-2	23/11/2023	40	4.41%	2/01/2024	500,000.00
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
ING BANK	A-2	5/09/2023	217	4.80%	9/04/2024	1,000,000.00
ING BANK	A-2	14/09/2023	215	4.07%	16/04/2024	500,000.00
ING BANK	A-2	3/10/2023	245	5.00%	4/06/2024	500,000.00
ING BANK	A-2	3/10/2023	245	5.00%	4/06/2024	500,000.00
ING BANK(Wyangala Sewer Handover)	A-2	31/10/2023	273	5.17%	30/07/2024	920,914.23
NATIONAL AUSTRALIA BANK LTD	A-2	23/05/2023	196	4.85%	5/12/2023	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-2	11/10/2023	90	4.85%	9/01/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	8/08/2023	182	5.20%	6/02/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	7/11/2023	112	5.00%	27/02/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	28/11/2023	91	4.95%	27/02/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	28/11/2023	120	5.05%	27/03/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-2	7/11/2023	182	5.20%	7/05/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	26/09/2023	245	5.15%	28/05/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	21/11/2023	210	5.20%	18/06/2024	1,000,000.00
NATIONAL AUSTRALIA BANK LTD	A-2	5/10/2023	264	5.10%	25/06/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-2	24/10/2023	245	5.15%	25/06/2024	500,000.00
NATIONAL AUSTRALIA BANK LTD	A-1+	31/10/2023	273	5.30%	30/07/2024	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+	14/06/2023	216	4.40%	16/01/2024	500,000.00
ST GEORGE BANK	A-1+	25/07/2023	182	4.24%	23/01/2024	500,000.00
ST GEORGE BANK	A-1+	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
ST GEORGE BANK	A-1+	30/11/2023	96	4.08%	5/03/2024	500,000.00
SUNCORP-METWAY LTD	A-1	5/07/2023	153	5.27%	5/12/2023	500,000.00
SUNCORP-METWAY LTD	A-1	14/06/2023	181	5.25%	12/12/2023	500,000.00
SUNCORP-METWAY LTD	A-1	14/06/2023	188	5.25%	19/12/2023	500,000.00
SUNCORP-METWAY LTD	A-1	4/07/2023	189	5.40%	9/01/2024	500,000.00
SUNCORP-METWAY LTD	A-1	27/06/2023	210	5.35%	23/01/2024	500,000.00
SUNCORP-METWAY LTD (BARP)	A-1	30/05/2023	245	4.96%	30/01/2024	2,000,000.00
SUNCORP-METWAY LTD	A-1	6/06/2023	245	5.10%	6/02/2024	500,000.00
SUNCORP-METWAY LTD	A-1	10/10/2023	182	5.13%	9/04/2024	500,000.00
SUNCORP-METWAY LTD	A-1	3/10/2023	210	5.07%	30/04/2024	500,000.00
SUNCORP-METWAT LTD	A-1 A-1	26/09/2023	245	5.15%	28/05/2024	500,000.00
Total	A-1	2010312023	240	J. IJ /0	20/03/2024	\$34,270,914.23
IVIAI						\$J4,Z10,914.Z3

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 30/11/23

2. Interest Rate

The average interest rate for Council's investments held is 4.89%. At the time of preparing this report, average (market rates) interest rates were as follows as at 30 November 2023:

30	60	90	120	150	180	270	I YR
Days							
3.75%	4.08%	4.51%	4.87%	4.71%	4.78%	5.05%	5.26%

3. General Fund Balance

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

CBA General Account	\$ \$'000
General Fund bank account	\$ 731
On-Call account balance	\$ 7,298
Cash in hand	\$ 4
TOTAL	\$ \$8,033

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	\$ 8,033
TOTAL	\$ 42,304
Represented By:	
Restricted Funds	\$ 39,285
Unrestricted Funds	\$ 3,019
TOTAL	\$ 42,304

4. Council's Investments - Mix of Investment Ratings

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


"6. Approved Investments

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

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

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

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

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



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

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

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



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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)	\$ 439,175	
Collected in November 2023	\$ 76,239	\$ 515,414
Balance as at 1 st December 2023		\$ 1,217,014
Rates – Currently under legal proceedings	\$ 123,274	
Arrangements (Repayment Schedules)	\$ 1,093,740	
	\$ 1,217,014	

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	BUDGET INCOME STATEMENT - 2023/2024				BUDGET CA	SH AT END	OF YEAR	- 2023/202	4
		OPERATING RESULT - BEFORE CAPITAL GRANTS & CONTRIBUTIONS								
Resolution	Consolidated '000	General '000	Water '000	Sewer '000	Waste '000	Consolidated '000	General '000	Water '000	Sewer '000	Waste '000
Adopted Budget	904	1,438	(33)	(544)	42	35,007	16,912	6,734	9,047	2,314
End of 1st Quarter - Prior to Review	904	1,438	(33)	(544)	42	35,007	16,912	6,734	9,047	2,314
Ist Quarter Budget Review	11,810	8,878	3,371	(535)	96	32,621	14,520	7,157	8,699	2,245

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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 6.49%.

13. Loan Summary

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

Loan No	Lender	Date Obtained	Due Date	Principal \$	Interest Rate %	Principal \$ O/S 30/11/23
	<u>GENERAL</u>					
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	66,216
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	36,289
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	439,219
254B	NSW TREASURY (CBD FOOTPATH REFURBISHMENT)	11/05/2020	11/05/2040	1,437,788	2.41	1,233,386
254C	NSW TREASURY (LOW LEVEL BRIDGE REPAIRS)	11/05/2020	11/05/2040	500,000	2.41	428,921
						4,130,788
	WASTE					
247	NATIONAL AUST. BANK (RECYCLING PLANT)	16/04/2010	16/04/2025	538,500	8.01	86,851
						86,851
	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	896,228
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
						3,335,281
	<u>SEWERAGE</u>					
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					\$13,453,376

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5 DIRECTOR-INFRASTRUCTURE & OPERATIONS REPORT

5.1	Dam Safety Management Plans: Cowra Stormwater Detention Basins
File Number:	D23/2028
Author:	Dirk Wymer, Director-Infrastructure & Operations

RECOMMENDATION

That Council allocate \$70,000 to complete the Dam Safety Management System for the Cowra detention basins in the 2023/2024 Operational Plan second quarter review to comply with the requirements of the Dam Safety Management Regulation (2019).

INTRODUCTION

Council in 2015 completed a study to review the detention basins in Cowra to demonstrate compliance with the Dams Safety Act (2015) and the requirements of the regulatory authority Dam Safety NSW (DSNSW). This was updated with a further study in 2021 to conform with the requirement of the Dams Safety Regulation (2019). This report presents findings and recommended actions in regards to the detention basins.

BACKGROUND

Following severe storms in December 1994 (75mm in 35 minutes exceeding a 1 in 100 year storm intensity) and May 1995 (100mm in two storms between 3pm and 5pm) significant stormwater runoff occurred causing flooding throughout the town. Areas of North Cowra around Echuca Place and Evans Street had many houses affected.

Investigation of the stormwater systems indicated pipe sizes and overland flow routes were not large enough for the design stormwater flows. Options to address this deficiency were:

- upgrading stormwater pipe sizes throughout the stormwater drainage system;
- construction of some strategically located stormwater detention basins.

The detention basins were adopted as the preferred solution.

A computer model of the North Cowra stormwater system was setup and basins were modelled in areas where land was available and a reduction in overland flooding was possible.

Detention basins reduce the peak stormwater runoff flowrate to a more manageable flowrate to avoid uncontrolled flows and potential damage, refer the diagram below.



Figure I – Detention Basin Effect

Many of the Cowra detention basins were designed by the Soil Conservation Service after the sizes were determined.

The first was constructed on Soil Conservation Service land on Evans Street and Binni Creek Road corner.

The next basins constructed were, Arboretum and North Cowra Park followed by London Drive No's I & 2 and Evans Street.

Basins at Pridham Street, Gower Hardy Circuit and Lyall Street and Kollas Drive in West Cowra followed in later years.

Refer to the map below to show the locations of these basins.



Figure 2 – Cowra Detention Basins

Basin No.	Basin Title
I	Soil Conservation
2	Arboretum
3	North Cowra Park
4	London Drive No. I
5	London Drive No. 2
6	Evans Street
7	Gower hardy
8	Pridham Street
9	Hartley Street
10	Kollas Drive

The initial study in 2015 showed that each basin was capable of coping with the 1% Average Exceedance Probability (AEP) / 1 in 100 year storm without overflowing; except for Pridham Street East and Gower Hardy Circuit.

The assessment determined that the Consequence Category for Kollas Drive and Gower Hardy Circuit basins was 'Very Low'. Following consultation with DSNSW it was confirmed that reassessment of these two basins was not required and only the remaining eight (8) basins would be assessed under the updated DSNSW regulations.

The 2021 study used advances in stormwater modelling where "rain on grid" and up to date Lidar ground surface data was used to produce flood paths for the town (refer figure 3 below).

The 2021 modelling demonstrates the basin walls are not overtopped during the design storm for any of Council's basins.



Figure 3: 100 year ARI baseline flood outline and depths for East and West Cowra respectively

As can be seen by the East Cowra section of Figure 3, many of the basins are within the flow paths or where the runoff generating land is located. Basins could only be constructed where vacant land existed, so their beneficial effect doesn't cover all developed areas.

Detention basins create their own risk of dam failure which can be mitigated by a regular inspection system, and inspections after storm events.

The risk is further mitigated by the act that all the basins are "dry basins" that do not permanently store water; with the exception of Pridham Street East Basin which has a permanent wet storage section as well as storm storage.

The Dam Safety Act and Regulations requires the assessment of risk created by the detention basins in the event of a dam failure.

Dam break scenarios for each basin are required to be modelled by the regulations. The modelling requires that a dam break is considered at a location which would maximise adverse effects, this simulates a fault in the wall where it is eroded and causes a concentrated discharge of the stored water.

The modelling identifies the 'Population At Risk' (PAR) in order to classify the detention basins with a consequence category in case of failure. The consequence category then informs as to what level of surveillance and reporting is required by the Dams Safety Committee, see figure 5 below.

Population at risk	Severity of Damage and Loss							
	Minor	Medium	Major	Catastrophic				
<1	Very Low	Low	Significant	High C				
=>1 to <10	Significant (Note 2)	Significant (Note 2)	High C	High B				
>10 to <100	High C	High C	High B	High A				
>100 to <1,000	Note 1	High B	High A	Extreme				
>1,000		Note 1	Extreme	Extreme				

Note 1: With PAR in excess of 100, it is unlikely damage will be minor. Similarly, with PAR in excess of 1,000 it is unlikely damage will be classified as medium.

Note 2: Change to 'High C' where there is the potential of one or more lives being lost.

Figure 4 – Detention Basin Consequence Category

One of the criteria used to rank severity of damage and loss is the depth and velocity of flowing water. The chart in figure 5 shows the depth versus velocity product, known as "DV" (depth multiplied by velocity). When DV is greater than 0.4 the hazard caused by the flowing water is increased.





The results of the modelling are that four basins in Cowra have a "High C" consequence category that require a higher level of surveillance and are deemed a "Declared Dam" by the Dams Safety Committee.

These basins are

- London Drive No I (already declared by the previous study),
- Soil Conservation,
- London Drive No 2 and
- Arboretum basins.

See figure 6 below for each basin's consequence category classification.

Population at Risk for a "High C" basin varied from 12 to 52 for a DCF (dam crest failure i.e. dam wall break), note that PMF means probable maximum flood (1 in 2000 year storm).

Basin	Failure Event	Total PAR^	Inc. PAR	Financial Severity Cost (\$M)	Total Infrastructur e Costs	Environmental Impacts	Health and Social Impact s	Flood Consequenc e Category (CC)
Hartley St	DCF	351	0	5.00	Minor	Minor	Minor	Very Low
Harticy of	PMF	2903	0	5.00	Minor	Minor	Minor	Very Low
NCP	DCF	928	0	5.00	Minor	Minor	Minor	Very Low
NGF	PMF	2903	0	5.00	Minor	Minor	Minor	Very Low
Arboretum	DCF	941	40	5.96	Minor	Minor	Minor	<u>High C</u>
Arboretum	PMF	2911	8	5.27	Minor	Minor	Minor	Significant
London Dr	DCF	736	52	10.29	Mediu m	Minor	Minor	<u>High C</u>
No. 1	PMF	2926	23	7.30	Minor	Minor	Minor	High C
London Dr	DCF	696	12	5.92	Minor	Minor	Minor	<u>High C</u>
No. 2	PMF	2906	3	5.23	Minor	Minor	Minor	Significant
Pridham St	DCF	872	5	5.46	Minor	Minor	Minor	Significant
T Hundin St	PMF	2908	5	5.46	Minor	Minor	Minor	Significant
Evans St	DCF	655	0	5.00	Minor	Minor	Minor	Very Low
Evans 3t	PMF	2903	0	5.00	Minor	Minor	Minor	Very Low
Soil Con	DCF	797	42	8.22	Minor	Minor	Minor	<u>High C</u>
3011 COIT	PMF	2913	10	5.92	Minor	Minor	Minor	Significant

Figure 6 – Detention Basin Consequence Category Assessment

DSNSW released the Operation and Maintenance Plans Guideline in October 2020 and Emergency Plans Guideline in September 2020 and, hence, they are to be followed to achieve compliance for declared dams:

- I. Dam Safety Management System; to be implemented and reviewed
- 2. Operations and Maintenance Plan; for all declared dams (London Drive Nos I & 2, Soil Con and Arboretum) also reviewed annually.
- 3. Emergency Plan; for all detention basins to be reviewed every 5 years.

- 4. Annual Dams Safety Standards Report; for all detention basins
- 5. Risk Report; for all detention basins, every 5 years, considers further development downstream of the basin which may change PAR.

Council has obtained quotes for the implementation of the Dan Safety Management System and the preparation of the above documentation. The scope of works is compliance with the updated regulations and guidelines:

- Review of the existing Emergency Plan and Operations and Maintenance Plan documents for London Drive No. I
- New Emergency Plan and Operations and Maintenance Plan will be prepared for each of the four Declared Basins.
- In addition, an Operations and Maintenance Plan will be prepared for each of the four (4) lower risk non-Declared Basins.

This will require allocation of funds in the 2023/2024 financial year to allow this work to be completed.

BUDGETARY IMPLICATIONS

The quotations obtained to date indicate a budget of \$70,000 will be required to prepare the Dam Safety Management System and Emergency Plans. No suitable grant funding program has been identified. The work is required to demonstrate compliance with the Dam Safety Regulation (2019).

ATTACHMENTS

Nil

5.2	Proposed Policy: Pipes Along and Across Roads - Water, Drainage and Irrigation
File Number:	D23/2058
Author:	Dirk Wymer, Director-Infrastructure & Operations

RECOMMENDATION

- I. That Council endorses the draft Pipes Along and Across Roads Water, Drainage and Irrigation Policy for the purpose of public exhibition for a minimum of twenty eight (28) days in accordance with the Community Engagement Strategy.
- 2. That following the public exhibition the Director Infrastructure & Operations provide a further report to Council for the formal adoption of the Draft Pipes Along and Across Roads Water, Drainage and Irrigation Policy considering any submissions made.

INTRODUCTION

Cowra Council is the Roads Authority for all Council public roads in the Cowra local government area.

Council regulates private use of the Public Road reserve under the provisions of section 138 of the NSW Roads Act (1993):

Works and structures

- (1) A person must not—
- (a) erect a structure or carry out a work in, on or over a public road, or
- (b) dig up or disturb the surface of a public road, or
- (c) remove or interfere with a structure, work or tree on a public road, or
- (d) pump water into a public road from any land adjoining the road, or
- (e) connect a road (whether public or private) to a classified road,

otherwise than with the consent of the appropriate roads authority.

Council's operational practices have generally been to issue approval under the Roads Act for private pipelines perpendicular to the road reserve; ie crossing the road; not running longitudinally along the road. Longitudinal alignments have generally been reserved for the use of public authorities for public cabling.

Issues with private longitudinal pipelines include:

- conflicts for available space within the road reserve; especially in urban areas,
- keeping records of longitudinal pipeline locations eg 'Dial Before you Dig',
- maintenance and repair of the pipeline,
- damage to public infrastructure caused by the private infrastructure.

BACKGROUND

Council has received a request for approximately 10km of irrigation delivery pipeline to be laid longitudinal in the road reserve; extending from Windowrie Road along Smith Road, Balcombes Road, Merriganowry Road, Rileys Road to North Logan Road. The applicant's purpose is to connect their Lachlan River frontage property to a property without direct access to the river. The North Logan Road property will then have access to Lachlan River surface water and Lachlan aquifer groundwater.

In accordance with normal operational practices this application would not be considered for approval. However, the proposed alignment will cross an irrigation pipeline along Smith Road, located within the road reserve and previously approved by Council.

Council's Infrastructure and Operations team have investigated the policies of other Councils in irrigation areas and located policies permitting longitudinal alignments; for example Dubbo City and Griffith City. Council's team have subsequently liaised with the Griffith City team to discuss the implementation of the policy and any issues identified with its implementation. The adoption of the policy in Griffith has allowed s138 Roads Act applications for longitudinal pipelines to be assessed by operational staff in accordance with the policy.

Given that irrigated agriculture is a beneficial economic opportunity within the Cowra LGA the adoption of a policy for irrigation pipelines located longitudinally with the road reserve based on the Griffith City policy, and the implementation of their procedures is proposed.

The conditions imposed under the policy are designed to protect public infrastructure and ensure compliance with all regulatory requirements:

- Quality of works: the pipeline engineering design required under the draft policy must meet Council's engineering standards to ensure the road asset and other assets in the road reserve are at low risk of damage.
 - Council shall be informed of all Hazardous Substances to be used within the road reserve and be supplied with a copy of the Safety Data Sheet/s along with a description of the volumes and method of storage on site. Thrust boring or directional boring should be used for installation of any works under the road unless there are exceptional problems or costs involved. All high-pressure work shall be encased in a pipe over the full width of the road formation to allow future maintenance of the works without road disturbance.
- Work health and Safety and Public Liability: for the protection of the public and the contractors laying the pipeline the draft policy requires compliance with Work Health and Safety Regulations and conformance with Council's current standards of Public Liability insurance.
- Environmental Impact Assessment: the draft policy requires an initial 'Review of Environmental Factors' (REF) be completed in accordance with the requirements of the Environmental Planning and Assessment Act. This assessment determines whether further environmental approvals are required. A Development Application would be required if removal of significant trees and vegetation was required. This would be subject to Council assessment of the merit of the proposal and probable refusal along any route that causes such impacts. The REF will also identify any impacts on neighbouring properties such as potential disruption to access and require control measures to address the issues.

It is recommended that Council adopt the draft Pipes Along and Across Roads – Water, Drainage and Irrigation policy. Additionally, the Revenue Policy in future years will be required to include the following fees and charges associated with the Policy being:

Function Activity	Unit of	Total Charge
	Measure	2023/24
Pipes Across and Alon	g Roads – Wate	r, Drainage and
Irrigation		
Application Bond	Each	5% of total
(Refundable)		project cost
		Min. \$5,000
Survey and Assessment	Per Application	POA
Cost		

BUDGETARY IMPLICATIONS

Nil.

ATTACHMENTS

- I. Draft Policy Pipes Across and Along Roads Water, Drainage and Irrigation \underline{J}
- 2. Draft Pipeline Licence Agreement <u>J</u>

COUNCIL POLICY



Pipes Across and Along Roads – Water, Drainage & Irrigation



Pipes Across and Along Roads – Water, Drainage & Irrigation					
Commencement Date	[dd/mm/yyyy]				
Council Department	Infrastructure & Operations				
Contact Officer	Director – Infrastructure & Operations				
Revision Required	Every 4 years				

Policy Review

This policy shall be reviewed at four (4) yearly intervals at least, to ensure it meets all statutory requirements and the needs of council. It may also be reviewed at other times as determined by council.

Revision History

Version	Council Meeting Date	Resolution No.	Responsible Officer

Cowra Shire Council Private Bag 342 Cowra NSW 2794

Phone: 02 6340 2000 Email: council@cowra.nsw.gov.au Internet: www.cowracouncil.com.au Pipes Across and Along Roads – Water, Drainage & Irrigation

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Pipes Across and Along Roads - Water, Drainage & Irrigation

I Policy Objective

The purpose of this policy is to outline Cowra Shire Council's (Council's) requirements for the construction and/or maintenance of privately-owned pipelines and association infrastructure on and/or under public road reserves within the Cowra Local Government Area (LGA).

This Policy has been developed in accordance with the requirements of the Local Government Act 1993 (NSW) and the Roads Act 1993 (NSW).

This Policy will be considered for all matters pertaining to privately-owned pipelines which were constructed, or applied for, prior to the adoption of this Policy. This may include establishment of Licence Agreements for previously constructed infrastructure with Owners.

Retrospective application of this Policy can be applied for in writing to Council's General Manager.

2 Policy Statement

- 2.1 Council, as the Roads Authority and/or acting on behalf of such, has a responsibility to ensure that all infrastructure constructed and maintained within the road reserves is done so in a manner which will not cause harm to the road and or adjoining areas.
- 2.2 In order to uphold this responsibility, this Policy has been established minimum requirements for Applicants and/or Owners in seeking approval, constructing and maintaining privately-owned pipelines and associated infrastructure.
- 2.3 Council will consider all applications for the construction of a privately-owned pipeline within a public road reserve subject to compliance with the following conditions:
 - Completion of an Application for Privately-Owned Pipeline within a Public Road Reserve which includes provision of:
 - Detailed Engineering Planning clearly demonstrating the proposed location and key details of the proposed pipeline and associated infrastructure;
 - Demonstrate compliance with Council's Engineering Standard;
 - An review of environmental effects (REF) completed in accordance with the Environmental Planning & Assessment Act 1979 (NSW)
 - A current Public Liability Certificate of Currency, to the value of \$20m (AUD), listing Cowra Shire Council as an interested party; and
 - All other information required by Council to assess the current and future effects of the proposed privately-owned pipeline as required.
 - Acknowledgment by the Applicant that it will construct the proposed pipeline to Council's requirements including:
 - That it will enter into a formal licence agreement with Council, setting out all terms and conditions of construction and future maintenance requirements. This licence agreement will also outline all costs, to be bore by the Applicant, for costs associated with assessing the construction standard of the pipeline such as survey and inspection costs in addition to an annual licence fee.
 - Provision of a bond of 5% of the total pipeline costs or an amount to be determined by Council in line with the Revenue Policy to be held by Council for a period of twelve (12) months following completion of the pipeline to a satisfactory manner. Satisfactory manner being to the requirements of the application and free from defects.

Page 2

Pipes Across and Along Roads - Water, Drainage & Irrigation

- Failure to complete the works to a satisfactory manner will result in Council retaining the bond to recoup costs associating with remediating the area to a suitable standard in line with its requirements as the Roads Authority.
- Council as part of future works, may require the relocation and or removal of privately-owned infrastructure. Should this occur the Applicant will be responsible for the full cost of relocation of such infrastructure.
- That the Applicant indemnifies Council against any claims arising from, or associated to, any harm, loss or damage resulting from the construction and/or maintenance of the privately-owned pipeline.
- Should any harm, loss or damage result from the construction and/or maintenance of the privately-owned pipeline, the Applicant will be responsible for all costs associated with such including make good of the area.
- 2.4 Council reserves the right to decline any application. Should the Applicant contest Council's assessment of an application, the Applicant may appeal in writing for further determination at an Ordinary Meeting of Council.
- 2.5 Upon full compliance with these conditions, approval under Section 138 of the Roads Act 1993 can be issued by Council.
- 2.6 Council must be provided a programme of works in addition to a commencement date fourteen (14) business days prior to commencement to enable Council to undertake landholder notification and schedule resources for works inspection and assessment.
- 2.7 Approval for commencement is limited to a period of one (1) year from time of issue. Approval automatically lapses following this period should works not commence.

Term	Definition
Road Authority	Cowra Shire Council is the recognised Road Authority for all local and crown land roads within the Cowra Local Government Area (LGA).
	Transport for NSW (TFNSW) is the Road Authority for state roads within the Cowra Local Government Area (LGA).
Private Pipeline or	A private pipeline is any pipeline not owned or controlled by Cowra Shire
Privately-Owned	Council.
Pipeline	
Public Road Reserve	A public road reserve is the area including and adjoining all roadways, regardless of classification, within the Cowra LGA.
Associated Infrastructure	This means any related infrastructure or plant required for the construction and/or operation of the pipeline such as culverts, conduit and pumps, etc.

3 Definitions

4 Exceptions

This Policy is not applicable to any works undertaken by or on behalf of Council.

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Pipes Across and Along Roads – Water, Drainage & Irrigation

5 Legislation

- Local Government Act 1993 (NSW)
- Roads Act 1993 (NSW)
- Environmental Planning & Assessment Act 1979 (NSW)

6 Related Documents

- Application for Privately-Owned Pipeline within a Public Road Reserve
- Engineering Standards
- Privately-Owned Pipeline within a Public Road Reserve (DRAFT)

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THIS AGREEMENT dated 22
PARTIES: COWRA SHIRE COUNCIL of 116 Kendal Street, COWRA NSW 2794 (Licensor);
AND:
(Licensee)

2023

Information Table

Parties	
Name	Cowra Shire Council
Short form name	Licensor
Notice details	116 Kendal Street, Cowra NSW 2794
	Private Bag 342 Cowra NSW 2794
	Telephone: 0263402000
	Email: <u>council@cowra.nsw.gov.au</u> Attention:
Name	
Short form name	Licensee
Notice details	
Items	
Item 1	Benefited Land (clause 1.1)
Item 2	Licensed Area (clause 1.1)
	The land identified as the Licensed Area shown on the Plan Attachment "A"
Item 3	Commencement Date (clause 1.1)
Item 4	Expiry Date (clause 1.1)
Item 5	Term (clause 1.1)
	3 years
Harra 0	
Item 6	Licence Fee (clause 1.1)
	\$Nil
Item 7	Permitted Use (clause 1.1)
	The running of water in pipes through the Licensed Area to the Benefited Land.
	The drainage of water in pipes through the Licensed Area from the Benefited Land.
	□ Other:
Item 8	Administration Fee (clause 1.1)
	\$Nil
Item 9	Special Conditions
	As per Council's adopted Policy – Pipes Across and Along Roads – Water,
	Drainage & Irrigation WO-CP-503 Attachment 'B'

Agreed Terms

I. DEFINED TERMS AND INTERPRETATION

- 1.1 Defined Terms
 - In this Licence:
 - (a) Administration Fee means the amount stated in Item 8;
 - (b) **Benefited Land** means the land described in Item 1;
 - (c) **Business Day** means any day in New South Wales which is not a Saturday, Sunday or Public Holiday;
 - (d) Commencement Date means the date stated in Item 3;
 - (e) Expiry Date means the date stated in Item 4;
 - (f) Financial Year means the period beginning 1 July and ending the following 30 June;
 - (g) **GST, taxable supply, consideration, tax invoice** and **GST amount** have the meanings given to those terms in *A New Tax System (Goods and Services Tax) Act* 1999;
 - (h) Information table means the part of this document described as Information table;
 - (i) **Item** means an item appearing in the Information table;
 - Licence means the licence that exists between the Licensor and the Licensee in relation to the Licensed Area of whatever nature and whether at law or in equity as evidenced in whole or in part by this document;
 - (k) Licence Fee means the amount stated in Item 6 as varied under this Licence;
 - (I) Licensed Area means the area described in Item 2;
 - (m) Licensee means the licensee described on the first page of this Licence and its successors and permitted assigns or, if the Licensee is a natural person, its executors, administrators and assigns, and in either case its employees, agents and contractors;
 - Licensor means the licensor described on the first page of this Licence and its successors and permitted assigns or, if the Licensor is a natural person, its executors, administrators and assigns, and in either case its employees, agents and contractors;
 - (o) Maintain includes to repair, alter and replace and maintenance has a similar meaning;
 - (p) **Plan** means the plan annexed and marked 'A';
 - (q) **Permitted Use** means the use set out in Item 7;
 - (r) **Special Conditions** means the conditions set out in Item 9;
 - (s) Statute means any statute, regulation, proclamation, ordinance, by-law, code or determination of the Commonwealth of Australia or the State of New South Wales and includes all statute, regulations, proclamations, ordinances, by-laws, codes or determination varying, consolidation or replacing them and all regulations, proclamations, ordinances, by-laws codes and determination issued under that statute;
 - (t) **Term** means the term of the Licence set out in item 5
 - (u) Works means the pipes and equipment installed in and on the Licensed Area (whether before or after the date of this Licence) for the purposes of the Permitted Use other than pipes and equipment owned by the Licensor.

1.2 Interpretation

In this Licence, unless the context otherwise requires

- (a) headings and underlinings are for convenience only and do not affect the interpretation of Licence;
- (b) words importing the singular include the plural and vice versa;
- (c) words importing a gender include any gender;
- (d) an expression importing a natural person includes any company, partnership, joint venture, corporation or other body corporate and any government agency;
- (e) a reference to any thing includes a part of that thing;

- (f) a reference to a part, clause, party, annexure, exhibit, information table or schedule is a reference to a part and clause of and a party, annexure, exhibit, information table and schedule to this Licence;
- (g) where the day on or by which any thing is to be done is not a Business Day, that thing must be done on or by the next succeeding day which is a Business Day;
- (h) no rule of construction applies to the disadvantage of a party because that party was responsible for the preparation of the Licence or any part of it;
- (i) a covenant or agreement on the part of two or more persons binds them jointly and severally; and
- (j) "includes" in any form is not a word of limitation; and
- (k) any parties, persons, facts, events or documents alternatively or collectively shall be construed as a reference to all of them and to each of them and any one or more of them.

1.3 Third Parties

Any covenant (whether express or implied) by a party to this Licence not to do or omit any act or thing shall be deemed to extend to an obligation not to permit any third party to do or to omit the same.

1.4 Severance

Any provision of the Licence which is void, voidable, unenforceable or invalid because of any Statute must in any such case and to such extend be severed from the Licence, and the Licence must be read as though such provision did not form part of the Licence at that time.

1.5 Special Conditions

The Special Conditions set out in Item 9 apply and form part of this Licence.

2. GRANT, TERM OF LICENCE AND HOLDING OVER

2.1 Grant of Licence

The Licensor grants to the Licensee a non-exclusive licence to use the Licensed Area for the Permitted Use.

2.2 No exclusive possession

The Licensee acknowledges that this Licence does not confer exclusive possession of the Licensed Area upon the Licensee.

2.3 No Estate in Licensor's land

This Licence does not confer upon the Licensee any estate or interest in the land upon which the Licensed Area is situated and the legal possession and control of the such land will at all times remain vested in the Licensor.

2.4 Term of Licence

The Term commences on the Commencement Date and expires on the Expiry Date, subject to the provisions of this Licence.

2.5 Yearly Tenancy – Holding Over

If the Licensee continues to occupy the Licensed Area after the Expiry Date (other than pursuant to a grant of a further licence), the Licensee must do so on a year to year basis on the same terms as this Licence as far as they apply. The Licensee shall pay an annual licence fee equivalent the Licence Fee. Either party may terminate the year to year licence by giving not less than one (1) months' written notice to the other party expiring on any day.

2.6 No right to purchase or transfer of Licence rights

- (a) In respect of this Licence, and without limitation, the grant of this Licence does not confer upon the Licensee:
 - (i) a right to purchase or lease any part of the Licensed Area; or
 - (ii) any tenancy or other estate or interest in any part of the Licensed Area other than contractual rights as Licensee under this Licence.
- (b) Subject to any other provisions of this Licence the Licensee shall not during the Term of this Licence, sub-licence the Licensed Area, transfer or create any interest in the Licence or

authorise or permit any person to occupy the Licensed Area without the prior written consent of the Licensor.

3. PAYMENT

3.1 Licensee to pay Licence Fee

The Licensee covenants with the Licensor to pay the Licence Fee if and when demanded.

3.2 Variation of Licence Fee

- (a) The Licensor may:
 - (i) vary the Licence Fee; or
 - set a mechanism by which the Licence Fee is calculated (such as publication of a standard fee in a Revenue Policy adopted by the Licensor),

by giving the Licensee six (6) months written notice. The variation of the Licence Fee, or the new mechanism by which the Licence Fee is calculated (as the case may be) takes effect from the expiry of such notice.

(b) If the Licensor serves notice in accordance with subclause (a) ('Fee Variation Notice'), the Licensee may terminate this Licence by notice in writing to the Licensor at any time prior to the expiry of the Fee Variation Notice whereupon the provisions of clause 6 shall apply.

3.3 Goods and Services Tax

- (a) The Parties agree that all payments to be made and other consideration to be provided by the Licensee under the Licence are GST exclusive unless explicitly expressed otherwise. If any payment or consideration to be made or provided by the Licensee to the Licensor is for a taxable supply under the Licence on which the Licensor must pay GST and the Licensor gives the Licensee a tax invoice, the Licensee shall pay to the Licensor an amount equal to the GST payable ("the GST Amount") by the Licensor for that taxable supply upon receipt of that tax invoice.
- (b) The Parties agree that they are respectively liable to meet their own obligations under the GST Law. The GST Amount shall not include any amount incurred in respect of penalty or interest or any other amounts payable by the Licensor as a result of default by the Licensor in complying with the GST Law.

3.4 Licensee to Pay Administration Fee

The Licensee shall pay the Administration Fee to Licensor on or before the date of this Agreement.

3.5 Licensee to Pay Cost of Work

Whenever the Licensee is required under this Licence to do or effect any act, matter or thing then the doing of such act matter or thing shall unless this Licence otherwise provides be at the sole risk, cost and expense of the Licensee.

3.6 Costs Payable by Licensee to the Licensor

Except when law limits costs being recovered from a licensor by a licensee, the Licensee shall pay in full the Licensor's reasonable legal costs, the fees of all consultants and all duties fees, charges and expenses incurred reasonably, properly and in good faith by the Licensor in consequence of or in connection with or incidental to:

- (a) the preparation and completion of this Licence;
- (b) any variation of this Licence made otherwise than at the request of the Licensor;
- (c) any application for the consent of the Licensor under this Licence;
- (d) any and every failure to comply breach or default by the Licensee under this Licence;
- (e) the exercise or attempted exercise of any right power privilege authority or remedy of the Licensor under or by virtue of this Licence;
- (f) any entry, inspection, examination, consultation or the like which discloses a breach by the Licensee of any covenant of this Licence;
- (g) the Licensee requiring the Licensor to do any act, matter or thing under this Licence, unless otherwise provided for in this Licence.

4. LICENSEE'S COVENANTS AND RIGHTS

4.1 Use

The Licensee shall not use the Licensed Area, or allow them to be used (except pursuant to a Licence lawfully granted by the Licensor) for any purpose other than the Permitted Use.

4.2 No alteration without approval

The Licensee may not make any material alteration to the Licensed Area and/or the Works without the prior written approval of the Licensor being obtained.

4.3 Maintain

The Licensee must, at its own expense and to the reasonable satisfaction of the Licensor:

- (a) maintain the Works in good repair and free from defects;
- (b) repair damage to the Licensed Area caused or contributed to by the act, omission, negligence or default of the Licensee or the Licensee's employees, agents, contractors, invitees and sub-licensees.

4.4 Access

- (a) Subject subclause (b), the Licensee and its employees, contractors or agents may have access to the Licensed Area to maintain the Works with the prior consent of the Licensor.
- (b) In exercising this right of access, the Licensee shall:
 - comply with all conditions imposed by the Licensor in giving its consent to access the Licensed Area;
 - cause as little inconvenience as is practicable to the Licensor and any other user or neighbour of the Licensed Area;
 - cause as little damage as is practicable to the Licensed Area and any improvement on it;
 - (iv) restore the Licensed Area as nearly as is practicable to its former condition; and
 - (v) make good any collateral damage.

4.5 Standard of Works

The Licensee shall ensure that the Works are constructed:

- (a) in a proper and workmanlike manner;
- (b) in accordance with:
 - the conditions imposed by the Licensor when giving approval and the Licensor's requirements and directions;
 - (ii) any plans, drawings and specifications approved by the Licensor; and
 - (iii) all laws and requirements of authorities;
- (c) without disturbing others.

4.6 Licensee to Comply with all Commonwealth and NSW State Laws

The Licensee shall comply with the requirements of all Statutes and requirements of all relevant public and local authorities in so far as they apply in relation to the use and occupation of the Licensed Area to the extent to which the Licensee is bound at law to comply with the same and nothing in this Licence affects this obligation.

4.7 Licensor may remedy Licensee's default

- (a) If the Licensee fails to perform any of its obligations under this licence, the Licensor may (as the agent of the Licensee) do all such things and incur such expenses as are necessary to perform these obligations. Those expenses constitute a liquidated debt due and owing by the Licensee to the Licensor and payable on the demand of the Licensor.
- (b) Without limiting the generality of paragraph (a), expenses incurred by the Licensor (and which are recoverable from the Licensee) include:
 - (i) the reasonable wages for employees engaged in effecting, supervising and administering the performance of those obligations; and
 - (ii) the reasonable costs of the use of the Licensor's materials, machinery, tools and equipment in the performance of those obligations.

5. Indemnity

The Licensee indemnifies the Licensor against:

- (a) all actions, suits, demands, claims, costs and expenses for which the Licensor is liable in relation to any death, personal injury or property damage caused or contributed to by any act or failure to act or neglect of the Licensee or its servants or agents or because of the Licensee's or its servants or agents use or misuse of the Licensed Area; and
- (b) all loss or damage caused or contributed to by the Licensee or its servants or agents to the Licensed Area.

6. TERMINATION

Upon termination of this Licence, the Licensee will promptly remove the Works from the Licensed Area and make good any damage caused by such removal. In default the Licensor will be entitled to remove them and recover the cost of removal from the Licensee. Whatever the Licensor or any person authorised by it will do under this clause will be deemed to be done with the full authority of and as agent for and at the risk in all respects of the Licensee.

7. DEFAULT

lf:

- (a) the Licence Fee or any part is in arrears for 14 days after the date on which the Licensor gives the Licensee written notice of the Licensee's default in making payment on the due date; or
- (b) the Licensee fails to perform any other of the Licensee's obligations under this Licence for 14 days after the Licensor gives the Licensee written notice of the Licensee's default; or
- (c) the Licensee parts with possession of the Licensed Area for any reason; or
- (d) the Licensee ceases to be the registered proprietor or lessee of the Benefited Land,

then and in any of such event the Licensor will be entitled by written notice to the Licensee to immediately determine this Licence.

8. TRANSFER OF LAND BENEFITED

- (a) The Licensee must not sell, transfer, subdivide or otherwise deal with its interest in the Land Benefited unless it first procures that the transferee or other relevant person provides a deed poll in favour of the Licensor, in a form reasonably required by the Licensor under which that person agrees to comply with all of the Licensee's obligations as if that person were the Licensee originally named in this Licence.
- (b) The Licensee consents to the Licensor lodging a caveat to protect its rights under this Licence. If requested by the Licensor the Licensee must sign the caveat or other relevant form to indicate its consent. The Licensee shall pay the Licensor's costs of preparation and registration of any such caveat upon demand.
- (c) The Licensor must consent, as caveator, to the registration of any transfer or dealing contemplated by subclause (a) if the Licensee has provided the Licensor with the duly executed deed poll required by that subclause.

9. NOTICES

9.1 Method of Service

Any notice to be given under this Licence by one of the parties to the other must be in writing and is given for all purposes by delivery in person, by pre-paid post or by facsimile addressed to the receiving party at the address specified in the notice details in the Information Table.

9.2 Time of Service

Any notice given in accordance with this Licence will be deemed to have been duly served in the case of posting at the expiration of two Business days after the date of posting and in the case of facsimile, on the first Business Day after the date of transmission (providing the sending party received a facsimile machine verification report indicating that the notice has been transmitted).

9.3 Change of Address

A party may at any time change its address, postal address, or facsimile number by giving notice to the other party.

10. MISCELLANEOUS

10.1 No Moratorium

Any present or future legislation which operates to vary obligations between the Licensee and the Licensor, except to the extent that such legislation is expressly accepted to apply to this Licence or that its exclusion is prohibited, is excluded from this Licence.

10.2 No Waiver

No waiver by a Party of any breach of any covenant obligation or provision in this Licence either express or implied shall operate as a waiver of another breach of the same or of any other covenant obligation or provision in this Licence contained or implied. None of the provisions of this Licence shall be taken either at law or in equity to have been varied waived discharged or released by a Party unless by express consent in writing.

10.3 No Merger

Nothing in this Licence merges, postpones, extinguishes lessens or otherwise prejudicially affects the rights and remedies of the Parties under this Licence or under any other agreement.

10.4 Counterparts

- (a) A Party may execute this Licence by signing any counterpart.
- (b) All counterparts constitute one document when taken together.

10.5 Applicable Law

This Licence shall be construed and interpreted in accordance with the law of New South Wales.

10.6 No Holding Out

The Licensee shall not in connection with the Licensed Area or otherwise directly or indirectly hold out or not permit to be held out to any member of the public any statement, act, deed, matter or thing indicating that the Licensed Area or the business conducted or operated thereon or any parts or parts thereof are or is being carried on or managed or supervised by the Licensor nor shall the Licensee act as or represent itself to be the servant or agent of the Licensor.

10.7 Whole Agreement

- (a) The provisions contained in this Licence expressly or by statutory implication cover and comprise the whole of the agreement between the Parties.
- (b) No further or other provisions whether in respect of the Licensed Area or otherwise shall be deemed to be implied in this Licence or to arise between the Parties hereto by way of collateral or other agreement by reason or any promise representation warranty or undertaking given or made by any Party hereto to another on or prior to the execution of this Licence.
- (c) The existence of any such implication or collateral or other agreement is hereby negatived.

10.8 No Reliance on Warranties and Representations

- (a) In entering into this Agreement, each party:
 - (i) has not relied on any warranty or representation (whether oral or written) in relation to the subject matter of this Agreement made by any person; and
 - (ii) has relied entirely on its own enquiries in relation to the subject matter of this Agreement.
 - (b) This clause does not apply to warranties and representations that this Agreement expressly sets out.

10.9 Consents and Approvals

Where this Agreement gives any party a right or power to consent or approve in relation to a matter under this Agreement, that party may withhold any consent or approval or give consent or approval conditionally or unconditionally. The party seeking consent or approval must comply with any conditions the other party imposes on its consent or approval.

EXECUTED AS AN AGREEMENT EXECUTED for and on behalf of COWRA SHIRE COUNCIL by its General Manager in the presence of:	
Signature of Witness	General Manager
Name of Witness	
SIGNED SEALED AND DELIVERED by the said in the presence of:	
Signature of Witness	.)
Name of Witness	
SIGNED SEALED AND DELIVERED by the said in the presence of:	
Signature of Witness	. ,
Name of Witness	

6 DIRECTOR-ENVIRONMENTAL SERVICES REPORT

6.1	Development Application No. 110/2023, Lot 149 DP 1162233, 13 Vineyard Drive Cowra, Inground swimming pool, lodged by SJ Pools & Concreting
File Number:	D23/1992
Author:	Larissa Hackett, Director Environmental Services

RECOMMENDATION

- That Council notes that the reason for the decision is that the proposal largely complies with Section 4.15 of the Environmental Planning and Assessment Act 1979. The variations to E.4.5(a) of Part E of Council's Development Control Plan 2021 is sufficiently justified and the application was publicly notified and no submissions were received; and
- 2. That Council approves a variation to E.4.5(a) of Part E of Council's Development Control Plan 2021 for this development to allow a swimming pool forward of the building line; and
- 3. That Development Application No. 110/2023, for the construction of an inground swimming pool on Lot 149 DP 1162233, 13 Vineyard Drive 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	Bellriver Homes N.D.	Received 6 November 2023 Stamped No. 10.2023.110.1
Pool Shell Specification / Dig Sheet	Barrier Reef Pools Brooklyn 8.6m 4.4m N.D.	Received 6 November 2023 Stamped No. 10.2023.110.1
Statement of Environmental Effects (Pro-forma Template)	Scott James N.D.	Received 6 November 2023 Stamped No. 10.2023.110.1
BASIX Certificate	Scott T James	Received

No. A1373199	Issued: 19 October 2023	6 November 2023
		Stamped
		No. 10.2023.110.1

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. Permanent pool fences and gates forming pool barriers shall be designed, constructed, installed and maintained in accordance with the Swimming Pools Act 1992 and the Swimming Pools Regulation 2008. The pool shall not be filled until fencing has been constructed to the satisfaction of the Principal Certifier.
- 4. A Warning Notice prepared in accordance with Part 3 of the Swimming Pools Regulation 2008 shall be exhibited in a prominent position adjacent to the pool.
- 5. The applicant must lodge an application for the issue of a Swimming Pool Compliance Certificate under the Swimming Pools Act 1992.

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

- 6. All backwash water or water discharged from the pool during emptying shall be discharged in accordance with Australian Standard 3500 'National Plumbing and Drainage Code' and as follows:
 - (i) In an area serviced by reticulated sewerage, connect to Cowra Shire Council's sewerage system.
 - (ii) Where reticulated sewerage is not available, all backwash shall be directed to absorption trenches. Details of these trenches shall be submitted to and approved by Cowra Shire Council prior to the issue of a Construction Certificate. The discharge must be located and designed so as to not impact on the effluent land application area or result in water pollution (i.e. discharge into waterway).
 - (iii) The sewer connection can be via a suitable existing gulley or, alternatively, a gulley can be cut into the house drainage line for this purpose.

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE COMMENCEMENT OF WORKS

7. 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.

- 8. 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.
- 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 or Subdivision Works' and 'Appointment of Principal Certifier'.
- 10. 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.
- 11. Prior to the installation of the pool a 'peg-out' survey plan is to be submitted to the Principal Certifier which establishes the position of the property boundary and demonstrates that the development will be constructed in accordance with the boundary setbacks provided on the approved plans.

CONDITIONS TO BE COMPLIED WITH DURING CONSTRUCTION

- 12. 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.
- 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.

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

- 17. The Applicant must not commence occupation or use of the pool until a Whole or Partial Occupation Certificate has been issued from the Principal Certifier appointed for the subject development.
- 18. The swimming pool is to be registered on the NSW Swimming Pool Register with evidence of registration provided to the Principal Certifier prior to the issue of any Occupation Certificate.

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. 110/2023 proposes the installation of an inground swimming pool on Lot 149 DP 1162233, 13 Vineyard Drive Cowra. The application was lodged by SJ Pools & Concreting on 3 November 2023.

The application is being reported to Council because it proposes a swimming pool forward of the building line contrary to the requirements under section E.4.5 of Part E of Cowra Council Development Control Plan 2021.

A copy of the site and elevation plans of the proposed Inground swimming pool 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 149 DP 1162233, 13 Vineyard Drive Cowra is a generally rectangular allotment of approximately 988.1m², on the corner of Vineyard Drive and Hermitage Street. The lot is located in the R1 General Residential zone under the Cowra Local Environmental Plan (LEP) 2012. The site contains an existing dwelling and has an existing access via Hermitage 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 install an in-ground swimming pool in the rear/side yard of the dwelling.

Environmental Impact Assessment

In determining a development application, a consent authority is to take into consideration such of the matters as are of relevance to the development in accordance with Section 4.15(1) of the Environmental Planning and Assessment Act 1979. The following section provides an evaluation of the relevant Section 4.15 Matters for consideration for DA 110/2023:

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

Cowra Local Environmental Plan 2012

The subject land is zoned R1 under the provisions of the Cowra Local Environmental Plan (LEP) 2012. The Inground swimming pool is permitted in the zone with development consent.

I.2 Aims of Plan

The development is not inconsistent the aims of the LEP.

I.4 Definitions

The existing development is defined as a dwelling house under the LEP. The proposed pool would be ancillary to the existing dwelling.

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 subject lot is burdened by an easement for sewer 2.5m wide to the eastern side. The proposed pool would not impact on the easement, and there are no covenants or agreements known to affect the property.

2.1 Land use zones

The site is zoned RI General Residential, and the proposed development is permitted with consent.



2.3 Zone objectives and Land Use Table

I Objectives of the Zone

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

2 Permitted without consent

Environmental protection works; Home occupations

3 Permitted with consent

Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; **Dwelling houses**; Food and drink premises; Group homes; Home industries; Hostels; Kiosks; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Roads; Semi-detached
dwellings; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

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

Comment:

The proposed development is ancillary to the use of an existing dwelling house and 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

Bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out without development consent.

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 <u>Earthworks</u>

The site is generally flat. Earthworks are required to accommodate the pool. 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; accordingly, this clause is not applicable.

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*; the site is not identified as being affected; accordingly, this clause is not applicable.

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	An existing reticulated water supply is available.
Electricity	An existing electricity supply is available.
Sewage	The proposed development will connect to Council's reticulated sewer service.
Stormwater	N/A for a pool
Access	The proposed development would utilise the existing access from Hermitage 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 (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		

GENERAL COMMITTEE MEETING AGENDA

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 (Sustainable Buildings) 2022	BASIX certificate has been submitted that demonstrates compliance.		
SEPP (Transport and Infrastructure) 2021	Not applicable		
SEPP (Biodiversity and Conservation) 2021	Not applicable		

SEPP (RESILIENCE AND HAZARDS) 2021

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

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

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

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

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

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

Cowra Council Development Control Plan 2021

PART A – PLAN INTRODUCTION

Consent is required for the proposed pool.

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 subject land is cleared of vegetation and no tree removal is proposed – no further assessment required relating to Biodiversity.

PART E – URBAN AND VILLAGE DEVELOPMENT

A variation is required in regard to control E.4.5.(a) as the proposed pool would be forward of the building line on the Vineyard Drive Frontage. The variation is considered at the end of this section.

PART K – LAND USE BUFFERS

Cowra Airport Obstacle Limitation Surface

The subject land is located outside of the OLS.

PART N – LANDSCAPING

Landscaping assessment is not considered necessary for ancillary development.

PART O – ENVIRONMENTAL HAZARD MANAGEMENT

The subject land is not mapped has flood prone.

The subject land is not mapped as bushfire prone.

There is no identified contamination on the subject land.

PART P – CPTED PRINCIPLES

CPTED Assessment is not considered necessary for ancillary development.

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

<u>Variation I</u>

Section E.4.5.(a) of Part E of the Cowra Council DCP 2021 requires swimming pools to be located behind the front building line, and generally in the rear or side yard space. The proposed development would include a pool that is forward of the building line on Vineyard Drive, a secondary frontage, which is inconsistent with the DCP requirement and therefore represents a variation to this development control.

<u>Comment</u>

The objectives for ancillary development under Section E.4. are:

a. To provide for ancillary development that enhances the amenity of residents without compromising the amenity of adjoining dwellings or the area.

- b. To ensure that materials and colours are compatible with the surrounding natural environment and the dwelling.
- c. To minimise the visibility of ancillary development from public spaces.
- d. To minimise acoustic impacts associated with ancillary development.

The applicant requests the variations on the following basis:

"Requesting this variation due to site constraints of the lot, as well as the residence being located on a corner lot. The proposed location of the swimming pool would be fully enclosed by fencing, while also not affecting the natural streetscape due to it being located in what is effectively the side/back yard."

Assessment comment:

The proposed variation is considered acceptable as the proposed pool would be screened from the public domain by way of an existing 1.8m Colorbond fence, and as such the proposed development would not be visible from the public domain and would not compromise the amenity of the adjoining dwellings. It is considered there are minimal acoustic impacts from a private swimming pool in a residential area. As such the proposed development meets the objectives of Section E.4.

It is assessed that the variation is minimal in its extent and does not impact adversely on the achievement of the control objectives. The proposal achieves a practical site layout and it is recommended that the variation request be supported by Council.

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(1)(b) The Likely Impacts of the Development

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

Context and Setting

The area is characterised by single storey residential developments. The proposed development would not impact on the existing streetscape. This proposal is consistent with the existing character of the locality.

Access, Parking, traffic

No 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 and sewer services. No impact on stormwater services.

<u>Soils</u>

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>

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.

Safety, Security and Crime Prevention

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

Social and Economic Impacts on the locality

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

Site Design and Internal Design

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

Construction

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

Cumulative impacts

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

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

The development is consistent with the zone objectives and consideration has been given to the impacts the development will have within the locality. It is considered that the proposed development will not create adverse impacts within its local setting. It is assessed that the development will not impact upon any existing services. The 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 8 November 2023 to 22 November 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

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. 110/2023 proposes an inground swimming pool on Lot 149 DP 1162233, 13 Vineyard Drive Cowra. The application was lodged by SJ Pools & Concreting on 3 November 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 variation to section E.4.5 of Part E of the Cowra 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 I 10/2023 Development Plans 🕹
- 2. DA 110/2023 Statement of Environmental Effects 🕹
- 3. DA 110/2023 Location map 🕹
- 4. DA 110/2023 Aerial view 😃







Cowra Shire Council Private Bag 342 Cowra NSW 2794

Phone: 02 6340 2000 Fax: 02 6340 2011 council@cowra.nsw.gov.au www.cowracouncil.com.au

RECEIVED Cowra Shire Council Date: 6 November 2023 Plan: DA 10.2023.110.1

Statement of Environmental Effects (SEE)

Pro-Forma for Minor Development

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

Applicant Details

Applicant(s)	Scott James
Address	10 Gasnier PI, Dubbo, NSW 2830
Telephone No.	0448 227 681
Email	admin@sjpoolsandconcreting.com.au

Property / Site Details

Lot No.	
Section No.	
Deposited Plan No.	
Street / Rural Address No.	
Street / Road Name	
Suburb	

Description of the Proposal

Proposal	Residential Dwelling
Please tick the box that	Ancillary Residential Development (i.e. Shed)
best describes the	Rural Dwelling
proposed development.	Ancillary Rural Development (i.e. Farm Building)
	Commercial / Retail Development
	Advertisement / Advertising Structure
	Change of Use Application
	Demolition
	Subdivision / Boundary Adjustment
	Other
	Installation of underground swimming pool

Description of the Site

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

Operational Details

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

Mon		Fri	
Tues		Sat	
Wed		Sun	
Thurs		Public Holidays	
	•		
	Tues Wed	Tues Wed	TuesSatWedSun

Assessment of Environmental Impacts

*Are there items of European heritage on the property?	🔀 No	Yes
*Are there items of Aboriginal Cultural Heritage within 100 metres of the development site?	No No	∐Yes
Will the development impact on Critical Habitat or Threatened Species?	🔀 No	Yes
*Does the site contain any contaminated materials (asbestos or other contaminants)?	No No	∐Yes
*Are any trees proposed/required to be removed?	🔀 No	Yes
Will the amenity of adjoining land owners be affected (views, solar access, noise, odour etc)?	🛛 No	☐Yes
Is the development out of character with existing development in the locality?	No No	☐Yes
*Does the development involve a new access crossing or increase in traffic?	No No	Yes
*Does the development involve earthworks (cut or fill) of more than 600mm in depth or height?	No No	∐Yes
Is the site connected to Council's reticulated water service?	🔀 No	Yes
Is the site connected to Council's reticulated sewer service?	🖂 No	∐Yes
*Is there any on-site sewage management system on the site?	🛛 No	□Yes
Will the development increase crime, safety or security risks?	🛛 No	Yes
*To be shown on plans		

If you answered Yes to any of the above, describe the steps proposed to be taken to prevent or lessen any environmental impacts:

Stormwater disposal

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

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

Site Constraints

Is the development constrained by:		
Flooding	🔀 No	Yes
Landslip or subsidence	🔀 No	Yes
Bushfire attack	🔀 No	Yes
Land contamination	🔀 No	Yes
Easements	🔀 No	Yes

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

Assessment of Compliance with Local Planning Policies & Guidelines

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

Cowra Local Environmental Plan 2012

Select the appropriate zoning of	RUI Primary Production	B5 Business Development		
the land under Cowra Local	RU4 Primary Production	INI General Industrial		
Environmental Plan 2012:	🗌 RU5 Village	IN2 Light Industrial		
	🔀 RI General Residential	REI Public Recreation		
	R2 Low Density Residential	RE2 Private Recreation		
	R5 Large Lot Residential	E2 Environmental Conservation		
	BI Neighbourhood Centre	E3 Environmental Management		
	B2 Local Centre			
Is the development permissible	□ No	⊠Yes		
in the zone				
Does the development meet the	□ No	⊠Yes		
zone objectives				

Cowra Shire Council Development Control Plan 2021

• .•

	Applies		Consistent		Variation Proposed	
Part B – Land Management	🗌 Yes 🛛] No [Yes	🗌 No	∐Yes	🗌 No
Part C – Biodiversity Management	🗌 Yes 🛛] No [Yes	🗌 No	∐Yes	🗌 No
Part D – Subdivision Development	🗌 Yes 🛛] No [Yes	🗌 No	□Yes	🗌 No
Part E – Urban & Village Development	XYes 🗌] No [∑Yes	🗌 No	⊠Yes	🗌 No
Part F – Rural Development	🗌 Yes 🛛] No [Yes	🗌 No	∐Yes	🗌 No
Part G – Large Lot Development	🗌 Yes 🛛] No [Yes	🗌 No	∐Yes	🗌 No
Part H – Commercial Development	🗌 Yes 🛛] No [Yes	🗌 No	∐Yes	🗌 No
Part I – Industrial Development	🗌 Yes 🛛] No [Yes	🗌 No	∐Yes	🗌 No
Part J – Cowra Regional Airport	🗌 Yes 🛛] No [Yes	🗌 No	∐Yes	🗌 No
Part K – Land-use Buffers	🗌 Yes 🛛] No [Yes	🗌 No	∐Yes	🗌 No
Part L – Advertising and Signage	🗌 Yes 🛛] No [Yes	🗌 No	∐Yes	🗌 No
Part M – Parking, Access & Mobility	🗌 Yes 🛛] No [Yes	🗌 No	∐Yes	🗌 No
Part N – Landscaping	🗌 Yes 🛛] No [Yes	🗌 No	∐Yes	🗌 No
Part O – Hazard Management	🗌 Yes 🛛] No [Yes	🗌 No	∐Yes	🗌 No
Part P – Crime Prevention	□Yes 🛛] No [Yes	🗌 No	□Yes	🗌 No

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

Requesting variation concerning section E.4.5 (a) of the DCP regarding the building line guidelines. Requesting this variation due to site constraints of the lot, as well as the residence being located on a corner lot. The proposed location of the swimming pool would be fully enclosed by fencing, while also not affecting the natural streetscape due to it being located in what is effectively the side/back yard.



Aerial view



6.2	Planning Proposal PP 2023-884, Lot 2 DP 1028751, Lynch Street Cowra, seeking to amend Cowra LEP 2012 by rezoning Lot 2 DP 1028751 from SP2 Infrastructure to E3 Productivity Support, lodged by John Sarlas
File Number:	D23/1513
Author:	Larissa Hackett, Director Environmental Services

RECOMMENDATION

- 1. That Council notes PP-2023-884 submitted by applicant John Sarlas and dated November 2023 (Rev 4) which seeks to amend Cowra Local Environmental Plan 2012 by rezoning Lot 2 DP 1028751 from SP2 Infrastructure to E3 Productivity Support; and
- 2. That Council supports PP-2023-884 for submission to NSW Department of Planning & Environment for Gateway Determination in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979.
- 3. That Council notifies the applicant of its decision to support PP-2023-884 for Gateway Determination.
- 4. That Council submits PP-2023-884 to NSW Department of Planning & Environment with a request for Gateway Determination in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979.

INTRODUCTION

Cowra Council has received a Planning Proposal from applicant John Sarlas relating to land described as Lot 2 DP 1028751 and addressed as Lynch Street Cowra. The Planning Proposal was accepted for assessment by Council via the NSW Planning Portal on 29 June 2023. A copy of the Planning Proposal (including supporting maps) is included in Attachment '1' to this report.

The Planning Proposal seeks to amend Cowra Local Environmental Plan 2012 by rezoning the land from SP2 Infrastructure to E3 Productivity Support.

This report presents the findings of an assessment of the Planning Proposal against the relevant plan making requirements of the Environmental Planning and Assessment Act 1979.

The Subject Land

The Planning Proposal relates to the land highlighted below which is described as Lot 2 DP 1028751 and addressed to Lynch Street (Mid-Western Highway). A map showing the location of the site in relation to the immediate and wider surrounding environment is also included in Attachment '2' to this report.



The subject land is privately owned land that is located within the corridor of the Blayney to Demondrille Railway. The site is located north east of the Cowra CBD area and is generally opposite the Alabaster Motel. The land has an area of 5037m2 and is currently vacant of any existing buildings or structures.

The Proposal

The Planning Proposal seeks to amend Cowra Local Environmental Plan 2012 by rezoning Lot 2 in DP 1028751 from SP2 Infrastructure to E3 Productivity Support.

According to Part 1 of the Planning Proposal, the intended outcomes of the Planning Proposal are:

- To rezone the subject land from SP2 Infrastructure to Zone E3 Productivity Support.
- To facilitate further employment generating opportunities by improving and activating this area of Cowra which is currently under-developed.
- To contribute to the future of the Blayney-Demondrille rail line by providing opportunity to encourage uses/business which may wish to utilise this strategic location once the rail line is re-opened in the future.
- To contribute to the potential expansion of existing business and new business opportunities potentially relocating to Cowra.
- To provide an opportunity for business that require highway frontage, future rail access and a high-profile presence to relocate or establish in Cowra.
- To allow permitted land-uses in the Zone E3 Productivity support that will complement Cowra and the region's strategic objectives & vision.

- Amend the Cowra Local Environmental Plan 2012 to include the provisions of the Zone E3 Productivity Support as prescribed in the Cowra Local Environmental Plan 2012 on the subject land
- Amend the future zoning maps to show the Zone E3 Productivity Support

Policy Context

Cowra Shire Council is the Planning Proposal Authority. Council therefore has responsibility for the governance of the Planning Proposal, which includes the assessment of the application and progression of key tasks associated with the plan making process.

The New South Wales Department of Planning and Environment publication "Local Environmental plan Making Guideline – August 2023' (the Guideline) provides a detailed explanation of the steps of the NSW Local Environmental Plan (LEP) making process to assist and guide councils, communities, State agencies, proponents, and practitioners. More specifically, the Guideline sets out the specific requirements for the preparation of a planning proposal as issued by the Planning Secretary under section 3.33(3) of the Environmental Planning and Assessment Act 1979.

According to the Guideline, Planning Proposals must contain the following components:

- Part I Objectives and intended outcomes
- Part 2 Explanation of provisions
- Part 3 Justification of strategic and site-specific merit
- Part 4 Maps
- Part 5 Community Consultation
- Part 6 Project Timeline

The Guideline also forms the basis for Council to perform an assessment of the Planning Proposal.

Background Information

Once the Planning Proposal is lodged with Council via the NSW Planning Portal, an initial evaluation of the documentation is required to be undertaken to check that:

- The scope of the proposal is clearly articulated.
- The planning proposal addresses any comments and / or study requirements sought by council, authorities and government agencies.
- That all studies and supporting documentation is included with the planning proposal.
- All section 9.1 Directions and SEPPs have been adequately addressed.
- Relevant regional / district plans and Local Strategic Planning Statements have been addressed.

Council is asked to note that:

GENERAL COMMITTEE MEETING AGENDA

- The Planning Proposal was originally submitted with Cowra Shire Council on 27 November 2022 under a separate application (PP-2022-4111). The applicant was requested to submit additional information on 3 February 2023 and again on 17 March 2023. The Planning Proposal was returned on 26 April 2023 on the basis that a lack of information was provided in support of the application.
- A revised Planning Proposal was subsequently submitted with Cowra Shire Council on 29 April 2023 under a new application (PP-2023-884) which is now the subject of this report. The applicant was again requested to submit additional information on 5 June 2023. Payment of the application fee was made to Council on 29 June 2023 resulting in formal lodgment of the Planning Proposal.
- Post lodgment of the application, Council received the following information from the applicant for consideration prior to the finalisation of the assessment:
- owner's consent in a form acceptable to Council, received 9 August 2023
- existing Zone and Proposed Zone maps, received 30 August 2023.
- revised Planning Proposal document (dated November 2023 Rev 4) received 8 November 2023, with amended information relating to relevant S9.1 Ministerial Directions.

The above items have been considered as part of the assessment process & the existing and proposed zone maps are included as part of Attachment '1' to this report.

Further details are provided in the Planning Assessment Report that is included in Attachment '3' to this report.

Planning Assessment

A Planning Proposal Assessment Report has been prepared by Environmental Services and is included as Attachment '3' to this report. Council is asked to refer directly to the Planning Assessment Report for detailed information relating to the following matters for consideration:

- Application Details
- Property Description
- Records of Site Inspection
- Site History Details
- Cowra Local Environmental Plan 2012 Preliminary Evaluation and Planning Context
- Planning Proposal Evaluation
 - Part I Objectives and Intended Outcomes
 - Part 2 Explanation of Provisions
 - Part 3 Justification of Strategy and Site-Specific Merit
 - Part 4 Maps

- Part 5 Community Consultation
- Part 6 Project Timeline

The planning assessment has concluded that:

- The objectives and intended outcomes of the Planning Proposal are supported.
- The explanation of provisions is clear. It is understood that the Planning Proposal is seeking to amend Cowra Local Environmental Plan 2012 by rezoning Lot 2 in DP 1028751 from SP2 Infrastructure to E3 Productivity Support.
- The rezoning of the subject site is capable of being supported by Council based on a combination of strategic and site-specific merit, and in particular:
 - The proposal is broadly consistent with the Central West and Orana Regional Plan 2041 and Cowra Local Strategic Planning Statement.
 - The rezoning of the land is supported as the best means of achieving the objectives and intended outcomes of the Planning Proposal.
 - The rezoning of the land does not create any inconsistencies with relevant State Environmental Planning Policies, with key issues able to be addressed as part of the lodgement of a Development Application for a future use of the site.
 - The rezoning of the land is either consistent or justifiably inconsistent (on the grounds of minor significance) with relevant Section 9.1 Ministerial Directions. Council expects that NSW Department of Planning & Environment will condition the need for a Preliminary Site Investigation to be provided as a condition of any Gateway Determination for the Planning Proposal.
 - Environmental, social and economic impacts are assessed to be satisfactory.
 - The proposal is assessed to be of local planning significance. The views of relevant State Government agencies will be obtained as a result of consultation to be conditioned in any Gateway Determination.
- The standard of supporting maps provided with the Planning Proposal is generally sufficient to give context in relation to the spatial setting of the land within the Cowra Township and sufficient to describe the nature of proposed changes to Cowra Local Environmental Plan 2012.
- Subject to the issue of the Gateway Determination, the Planning Proposal would be placed on public exhibition in accordance with the requirements of the Cowra Community Participation Plan 2020 and Aboriginal Stakeholder Consultation Policy.

The Next Steps

Subject to Council's support being received for the Planning Proposal, the next steps in the plan making process are described (in general terms) as follows:

I. Submission of the Planning Proposal to the NSW Department of Planning & Environment with a request for a Gateway Determination.

- 2. NSW Department of Planning & Environment to undertake an assessment of the Planning Proposal to decide whether to issue a Gateway Determination.
- 3. Should the Department of Planning & Environment issue the Gateway Determination, the Determination is likely to be issued subject to a number of conditions. If the Planning Proposal requires further work, or if additional studies are required to be prepared in support of the Planning Proposal, these will need to be undertaken before any community consultation can be arranged.
- 4. Subject to any conditions of the Gateway Determination (including the need for further studies to be prepared in support of the Planning Proposal), Council will arrange for public exhibition of the Planning Proposal.
- 5. Post-exhibition review. Council will perform a review of any public submissions (including State Government agency responses) to determine if any changes are required to the Planning Proposal. At this stage in the process, a further report on the project will be provided to Cowra Council.
- Subject to resolution from Cowra Council, the plan making process will be finalised which generally includes preparation of changes to the written instrument and maps to Cowra LEP 2012 to the requirements of NSW Department of Planning & Environment and Parliamentary Counsel.
- 7. The final step in the plan making process involves notification of the amendment to Cowra Local Environmental Plan 2012. Once notification has occurred, the rezoning of the land becomes effective.

Conclusion

Cowra Council has received a Planning Proposal from John Sarlas. The Planning Proposal seeks to amend Cowra Local Environmental Plan 2012 by rezoning Lot 2 in DP 1028751 from SP2 Infrastructure to E3 Productivity Support. The intent of the rezoning is to enable the use of Lot 2 DP 1028751 for all purposes permitted under the E3 Productivity Zone.

Environmental Services is supportive of the proposed rezoning. Council is asked to support the submission of the Planning Proposal to the NSW Department of Planning & Environment and request that a Gateway Determination be issued in accordance with Section 3.34 of the Environmental Planning and Assessment Act 1979.

Cowra Council will be kept up to date with further details as the plan making process continues.

ATTACHMENTS

- I. PP 2023/884 Copy of Planning Proposal Bethlehem Investments 🕹
- 2. PP 2023/884 Site maps 😃
- 3. PP 2023/884 Assessment Report 🕹

PLANNING PROPOSAL – BETHLEHEM INVESTMENTS PTY LTD



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Executive Summary		
Planning Proposal		
Existing Zone		
Proposed Zone		
Site Photos/ Maps		
Part 1 – objectives and intended outcomes		
Statement of Objectives		
Intended outcomes		
Part 2 – Explanation of provisions		
Part 3 – Justification of strategic and site-specific merit		
Matters for consideration:		
Section A – need for the planning proposal		
3.1 Is the planning proposal a result of an endorsed LSPS, strategic study, or report?		
3.2 Is the planning proposal the best means of achieving the objects or intended outcomes, or		
is there a better way?		
3.3 Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy?		
3.4 Is the planning proposal consistent with the council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?		
3.5 Is the planning proposal consistent with any other applicable State and regional studies or strategies?		
3.6 Is the planning proposal consistent with applicable SEPPs?		
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EXECUTIVE SUMMARY

Applicant – Bethlehem Investments Pty ltd – John Sarlas

The subject land – Lot 2 DP 1028751 Lynch Street, Cowra NSW 2794

Land Size -5037m2

Current land use - The land is currently vacant

Current zone – SP2 - Rail Infrastructure Facilities

Proposed zone – E3 Productivity Support

PLANNING PROPOSAL

This Standard Planning Proposal requests an amendment to the Cowra Local Environmental Plan 2012 to rezone the subject land (Lot 2 DP 1028751) from SP2 Infrastructure (Railway Infrastructure Facilities) to E3 Productivity Support under the Cowra Local Environmental Plan 2012. The land is currently vacant and historically was subdivided in 2000. This land has never been developed and has always been vacant. This is a zoning anomaly which should be corrected by Council, this is the only privately owned land still zoned SP2 in this area. This will provide development opportunities for Cowra.

This planning proposal is strategically supported by the Cowra Local Strategic

Planning Statement 2020 (Cowra LSPS) and the Central West Orana Regional Plan 2041 (the regional plan). The zone and details are sourced from the DRAFT Standard Instrument (Local Environmental Plans) Amendment (Land Uses Zones) Order 2021.

EXISTING ZONE

Zone SP2 Infrastructure

1 Objectives of zone

• To provide for infrastructure and related uses.

• To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent

Roads

3 Permitted with consent

Aquaculture; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3

PROPOSED ZONE

1 Objectives of zone

- To provide a range of facilities and services, light industries, warehouses and offices.
- To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.
- To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.
- To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.
- To provide opportunities for new and emerging light industries.
- To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.
- To ensure commercial development in the Redfern Street area and at the Cowra Airport is consistent with the commercial hierarchy of the Cowra township and does not involve major retailing activities or detract from the core commercial functions of the Cowra central business district.
- To maximise public transport patronage and encourage walking and cycling.
- To ensure commercial, industrial or other compatible development at the Cowra Airport provides aviation-related services and facilities or services and facilities to support that development.

2 Permitted without consent

Environmental protection works; Home occupations; Roads

3 Permitted with consent

Animal boarding or training establishments; Boat building and repair facilities; Business premises; Centrebased child care facilities; Community facilities; Depots; Dwelling houses; Function centres; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; Landscaping material supplies; Light industries; Local distribution premises; Markets; Mortuaries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Rural supplies; Service stations; Shop top housing; Specialised retail premises; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Biosolids treatment facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Eco-tourist facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Home occupations (sex services); Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Port facilities; Registered clubs; Residential accommodation; Resource recovery facilities; Restricted premises; Roadside stalls; Rural industries; Sewage treatment plants; Sex services premises; Shops; Tourist and visitor accommodation; Waste or resource management facilities; Water recreation structures; Water treatment facilities; Wharf or boating facilities

distribution premises; Markets; Mortuaries; Neighbourhood shops; Office premises; Oyster aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Rural supplies; Service stations; Specialised retail premises; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies

4 Prohibited

Pond-based aquaculture

The land is situated on Lynch Street (Mid-western Highway) to the east of the Cowra CBD approximately 500m. This land was subdivided in 2000 and appears never to have been developed. The land is adjacent to the unused Blayney -Demondrille Railway Line and the State and locally listed heritage-listed Cowra Railway Station, and the site is located on the southeastern side of the Mid-Western Highway (Lynch Street). The site is vacant, generally cleared and undulating to the south-east. There are several established pine trees on the

verge, which is Council land. The site contains electrical infrastructure, and this will need to be investigated and considered as part of the SEPP (Transport and Infrastructure) 2021. The connections to water, stormwater and sewer have not yet been determined and will need more investigation, however it is envisaged that this can be completed with the lodgement of a development application (DA) for the future use.

Opposite the subject land is residential-zoned land, R1 General Residential. There are 2 dwellings opposite the site, 1 motel to the west and the Local Land Services office to the east. The existing zone is an infrastructure zone attached to the disused railway line and the new suggested zone a commercial zone which is more in keeping with the business to the west towards the Cowra CBD. The productivity support zone is similar to the existing zone and will tie in the existing surrounding uses and therefore unlikely to have any negative impact on surrounding land uses.

The site is adjacent to a group of heritage items that are both locally listed and on the State Heritage inventory. Although not specifically mapped either in the LEP or on the State Inventory the Cowra Railway Station and Yard Group does list a number of individual items including the following:

All infrastructure, vegetation and archaeological relics in Cowra yard between the up and down distant signals.

All infrastructure and vegetation included in the former Cowra locomotive depot.

The Cowra Station building - standard roadside,1886, HS signal box - non-standard platform level timber box with gable roof,1937 residence - type 3, 32 Brougham St, 1886 Railways Institute building, brick Examiners hut - c.1886 Roundhouse and environs...

While it is not certain what building is to the south of the site it is called, it is a small square brick building with a tin roof, which is shown in photographs on the State Heritage listing. This building is on the land adjacent to the south and not

on the subject land. The planning proposal is on land not encumbered by any items of heritage value therefore it is not proposed to alter or impact any items of heritage value. In the future development of this site, this building and other heritage infrastructure will not be affected in any way. For any proposed future DA's consideration will be given when designing the footings or construction techniques to ensure that there is no impact to any surrounding heritage items. It is acknowledged that in the development of this lot (subject to a DA), it will be difficult not to affect the viewing of this building from Lynch Street. However, this future potential impact should not be seen to prohibit this development.

There are no heritage items either State of Local on the subject site.

The site can be connected to all services including sewer. It is noted that the sewer details contained in the Council's system may be incorrect and the Council's Department of Infrastructure has provided further details shown below. The sewer is available to be connected from the property to the east (freight terminal) approximately 160m, with the permission of the owners of the land, Transport Asset Holding Entity, Transport for NSW.



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This Planning Proposal has been prepared using the NSW Department of Planning, Industry, and Environment – Local Environmental Plan Making Guidelines (December 2021).





Figure 1 - 1 of 3 dwellings opposite



Figure 2 - Land Services Office to the east

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Figure 3 - looking west on Lynch Street - 3 dwellings may be impacted



Figure 4 - the site looks south west



Figure 5 - remnant vegetation Council verge



Figure 6 - residential properties opposite the Site


Figure 7 - old Freight Terminal building to the east of the site looking southwest

PART 1 – OBJECTIVES AND INTENDED OUTCOMES

STATEMENT OF OBJECTIVES

The objective of this Planning Proposal is to rezone the subject land from SP2 Infrastructure (Railway Infrastructure Facilities) to Zone E3 Productivity Support (under the Cowra Local Environmental Plan 2012 (LEP)).

INTENDED OUTCOMES

- To rezone the subject land from SP2 Rail Infrastructure Facilities to Zone E3 Productivity Support
- To facilitate further employment-generating opportunities by improving and activating this area of Cowra which is currently underdeveloped
- To contribute to the future of the Blayney-Demondrille rail line by providing an opportunity to encourage uses/businesses which may wish to utilise this strategic location once the rail line is reopened in the future
- To contribute to the potential expansion of existing business and new business opportunities potentially relocating to Cowra
- To provide an opportunity for businesses that require highway frontage, future rail access, and a high-profile presence to relocate or establish in Cowra
- To allow permitted land uses in the Zone E3 Productivity Support zone that will complement Cowra and the region's strategic objectives and vision

PART 2 – EXPLANATION OF PROVISIONS

- Amend the Cowra Local Environmental Plan 2012 to include the provisions of the Zone E3 Productivity Support as prescribed in the Cowra Local Environmental Plan 2012 on the subject land
- Amend the future zoning maps to show the Zone E3 Productivity Support

PART 3 – JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT

MATTERS FOR CONSIDERATION:

SECTION A – NEED FOR THE PLANNING PROPOSAL

3.1 IS THE PLANNING PROPOSAL A RESULT OF AN ENDORSED LSPS, STRATEGIC STUDY, OR REPORT?

This document has not been prepared as the result of an endorsed LSPS, strategic study, or report however, the Cowra LSPS 2020 does identify that Cowra is a Strategic Centre and is strategically located at the junction of 3 major highways (Mid-Western Highway, Olympic Highway and Lachlan Valley Way).

The subject site is located on Lynch Street (Mid-Western Highway) approximately 500 metres from the township of Cowra to the east. This land fronts the highway and as such transport and the movement of agricultural and manufactured goods through, as well as to and from Cowra is an essential component of the continued success and growth of this area. Many industries including agriculture manufacturing and transport in Cowra are essential to the continued growth of Cowra and the surrounding area. The LSPS identifies several Directions and Priorities which identify the strategic location of the

subject site:

Priority 1 – leverage the central and strategic location of the Cowra Shire and encourage growth and new economic opportunities.

Specific Action 1.4 – Council will investigate the potential suitability of amending Cowra Local Environmental Plan 2012 to enable the efficient, orderly, and practical use of land adjoining main road corridors for a range of suitable purposes.

Priority 5- advocate for new development to be supported by appropriate infrastructure.

Specific Actions 5.6 – Council will lobby for the reopening of the Blayney to Demondrille rail line for the benefit of Cowra and its surrounds.

This site is in a strategic location and situated on the Mid-western Highway, this site lends itself to new economic opportunities and the revitalisation of a site on a major highway and in a strategic location. And being so close to the CBD area of Cowra township. Additionally, the site is strategically located to take advantage of the potential reopening of the Blayney to Demondrille rail line in the future.

3.2 IS THE PLANNING PROPOSAL THE BEST MEANS OF ACHIEVING THE OBJECTS OR INTENDED OUTCOMES, OR IS THERE A BETTER WAY?

Yes, the preparation of a planning proposal is the only means of achieving the objects or intended outcomes and there is no better way.

The current zone is SP2 - Rail Infrastructure Facilities for development only associated with the disused railway. The site is vacant and clear and from research, it appears that this site has never been developed. The only way for this privately owned land to be developed is with the planning proposal.

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Item 6.2 - Attachment I

3.3 WILL THE PLANNING PROPOSAL GIVE EFFECT TO THE OBJECTIVES AND ACTIONS OF THE APPLICABLE REGIONAL OR DISTRICT PLAN OR STRATEGY?

The Central West Orana Regional Plan 2041 recognises that Cowra is a strategic centre and that Cowra contributes significantly to the region's economy in agriculture and has a robust manufacturing and industrial sector. Although this land is not specifically mentioned in the Regional Plan the following objectives apply:

Objective 7 – Plan for resilient places and communities

The construction of any future building on this site (subject to a DA) will comply with all relevant controls in relation to climate change resilience. This site is not mapped as bushfire prone nor is it flood-prone.

Objective 18 - Leverage existing industries and employment areas and support new and innovative economic enterprises

By supporting the rezoning of this land will provide future economic potential in Cowra. This land has never been developed and could be of great economic potential. The current SP zone is in principle an industrial zone however as the rail line is disused the potential of bringing a new business to Cowra is lost. Whilst this land is not part of any existing industrial / manufacturing area, it is a wasted opportunity and is unlikely to be developed for rail purposes in the future. This site has accessible water from the land adjacent via the Council's infrastructure. This land is to the east of commercial zoned land and is adjacent to a number of hotels and government agencies.

Objective 20 – Protect and leverage the existing and future road, rail and air transport networks and infrastructure.

This land is located on the Mid-Western Highway (Lynch Street) and connects to Cowra and has access to all the transport connections throughout the state and the Country. This site has access to the Parks SAP.

<u>Part 5</u>

Cowra Council's priorities include:

- Innovation, technological advancement, and investment in the growing agricultural, industrial and manufacturing sectors
- Potentially reopening the Blayney-Demondrille rail line
- Identifying opportunities for the LGA as the wider region's economy diversifies

The Regional Plan identifies Cowra as having the greatest population growth and housing demand along with other regional centres and this will be a flow from Cowra's continued growth in agriculture, manufacturing and industry as well as Cowra's proximity to Canberra.

This site is an important for freight and logistics infrastructure. Cowra has easy access to markets in Canberra, Sydney, Adelaide, Melbourne, Brisbane, and Western Australia, and is part of an important strategic supply chain to markets across Australia and the world. Additionally, this site is strategically located on this network and is located to take advantage of the Parks Special Activation Precinct.

This site is also located close to the Cowra Airport where goods can access the markets of Asia via Canberra Airport within 24 hours. Additionally, this site is in a strategic location to potentially take advantage of its proximity to the railway line when it gets reopened.

Collaboration Activity 2 – Identify potential housing and land use planning opportunities from the Parks SAP $\,$

Collaboration Activity $12-{\rm surplus}$ TfNSW land for tourism facilities

Collaboration Activity 25 – investigate future uses of the Cowra rail corridors

Comments

This site is adjacent to the Blayney - Demondrille railway line and is

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approximately 500 metres from the town of Cowra. The site is adjacent to a major highway, and an unused and underutilised railway line and is located opposite R1 General residential land, to the north.

Freight networks from Cowra and the Region extend to Sydney, Newcastle, Wollongong, Brisbane, Melbourne, Canberra, Adelaide, and Perth. This includes access to Ports in Newcastle, Sydney, and Wollongong and access to the international airports in Sydney and Canberra airports. In the future, the subject site will have potential access to the Blayney - Demondrille Rail network to major centres and the future inland rail network.

The current zoning of this land as SP2 Rail Infrastructure facilities does not allow for any development opportunities as privately owned land due to the fact that it is located on the non-operation railway line and this zone does not allow for any development not associated anything other than that associated with the railway line. This important undeveloped site gives effect to the objectives and actions of the Central West and Orana Regional Plan 2041. Rezoning this land to Zone E3 Productivity Support allows this land to play a strategic link for the town of Cowra, the intersecting of 3 highways and the railway corridor.

3.4 IS THE PLANNING PROPOSAL CONSISTENT WITH THE COUNCIL LSPS THAT HAS BEEN ENDORSED BY THE PLANNING SECRETARY OR GSC, OR ANOTHER ENDORSED LOCAL STRATEGY OR STRATEGIC PLAN?

Whilst this site is not specifically identified in the Cowra LSPS and as mentioned above several priorities can be identified to support this strategically located site and its proposed rezoning:

The Cowra LSPS 2020 identifies that Cowra is strategically located on the junction of 3 major highways and is, therefore, Cowra is a strategically significant location. The subject site is located on the Mid-Western Highway approximately 500 metres from the township of Cowra to the west. Transport and the movement of agricultural and manufactured goods through, as well as to and from Cowra is an essential component of the continued success and growth

of industries such as agriculture and manufacturing in Cowra. The LSPS identifies several priorities which identify the strategic location of the subject site:

Priority 1 – leverage the central and strategic location of the Cowra Shire and encourage growth and new economic opportunities.

Specific Action 1.4 – Council will investigate the potential suitability of amending Cowra Local Environmental Plan 2012 to enable the efficient, orderly, and practical use of land adjoining main road corridors for a range of suitable purposes.

Priority 5- advocate for new development to be supported by appropriate infrastructure.

Specific Actions 5.6 – Council will lobby for the reopening of the Blayney to Demondrille rail line for the benefit of Cowra and surrounds.

This site lends itself to support the strategic location of Cowra and the location of the site on the Mid Western Highway. New economic opportunities could be achieved once the zoning allows for development opportunities. Additionally, the site is strategically located to take advantage of the potential reopening of the Blayney to Demondrille rail line when it reopens in the future.

3.5 IS THE PLANNING PROPOSAL CONSISTENT WITH ANY OTHER APPLICABLE STATE AND REGIONAL STUDIES OR STRATEGIES?

This planning proposal is not inconsistent with any other State or regional study or strategy.

As addressed above in 3.3 the Central West and Orana Regional Plan 2041

Objective 7 – Plan for resilient places and communities

The construction of any future building on this site (subject to a DA) will comply with all relevant controls in relation to climate change resilience. This site is not

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mapped as bushfire prone nor is it flood-prone.

Objective 18 - Leverage existing industries and employment areas and support new and innovative economic enterprises

By supporting the rezoning of this land will provide future economic potential in Cowra. This land has never been developed and could be of great economic potential. The current SP zone is essentially an industrial zone however as the rail line is disused the potential of bringing a new business to Cowra is lost. Whilst this land is not part of any existing industrial / manufacturing area, it is a wasted opportunity and is unlikely to be developed for rail purposes. This site has accessible water from the land adjacent via Council's infrastructure. This rezoning will allow for future new and innovative economic enterprises.

Objective 20 – Protect and leverage the existing and future road, rail and air transport networks and infrastructure

This land is located on the Mid-Western Highway (Lynch Street) and connects to Cowra and has access to all of the transport connections throughout the state and the Country. This site has access to the Parks SAP.

<u>Part 5</u>

Cowra Council's priorities include:

- Innovation, technological advancement, and investment in the growing agricultural, industrial and manufacturing sectors
- Potentially reopening the Blayney-Demondrille rail line
- Identifying opportunities for the LGA as the wider region's economy diversifies

The Regional Plan identifies Cowra as having the population growth and housing demand along with other regional centres and this will be a flow on from Cowra's continued growth in agriculture, manufacturing and industry as well as Cowra's proximity to Canberra.

This site is in an important for freight and logistics infrastructure. Cowra has easy access to markets in Canberra, Sydney, Adelaide, Melbourne, Brisbane, and Western Australia, and is part of an important strategic supply chain to markets across Australia and the world. Additionally, this site is strategically located on this network and is located to take advantage of the Parks Special Activation Precinct.

This site is also located close to the Cowra Airport where goods can access the markets of Asia via Canberra Airport within 24 hours. Additionally, this site is in a strategic location to potentially take advantage of its proximity to the railway line when it gets reopened.

Collaboration Activity 2 – Identify potential housing and land use planning opportunities from the Parks SAP

Collaboration Activity $12-{\rm surplus}$ TfNSW land for tourism facilities

Collaboration Activity 25 - investigate future uses of the Cowra rail corridors

Comments

This site is adjacent to the Blayney - Demondrille railway line and is approximately 500 metres from the town of Cowra. The site is adjacent to a major highway, and an unused and underutilised railway line and is located opposite R1 General residential land, to the north.

Freight networks from Cowra and the Region extend to Sydney, Newcastle, Wollongong, Brisbane, Melbourne, Canberra, Adelaide, and Perth. This includes access to Ports in Newcastle, Sydney, and Wollongong and access to the international airports in Sydney and Canberra airports. In the future, the subject site will have potential access to the Blayney - Demondrille Rail network to major centres and the future inland rail network.

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3.6 IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE SEPPS?

There are 11 SEPPs in NSW, and this planning proposal is not inconsistent with the applicable SEPPs.

- SEPP (Planning Systems) 2021
- SEPP (Precincts Eastern Harbour City) 2021 not applicable
- SEPP (Precincts Central River City) 2021- not applicable
- SEPP (Precincts Regional) 2021
- SEPP Design and Place
- SEPP (Biodiversity and Conservation) 2021
- SEPP (Resilience and Hazards) 2021 it is noted that while this site is adjacent to the Cowra Railway Precinct, advice that has been received is that it has never been used for any railway use or any other use historically. This site has remained vacant and unused. See below for SEPP Assessment.
- SEPP (Transport and Infrastructure) 2021

As this is a rezoning further advice regarding the final use of the site once it is rezoned can be assessed in the DA process. The rezoning is so that it can be purchased by a party who wants to redevelop it and the final use is yet to be determined. The land is currently unusable as it stands, and the current zoning prevents private development.

- SEPP (Housing) 2021 not applicable
- SEPP (Resources and Energy) 2021 not applicable
- SEPP (Primary Production) 2021 not applicable

 $\operatorname{SEPP}-\operatorname{Resilience}$ and Hazard 2021

It is noted that while this site is adjacent to the Cowra Railway Precinct, historical advice that has been received is that it has never been used for any railway use or any other use. This site has remained vacant and unused.

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:

- 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 child care 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.

In relation to the land which is the subject of this proposal, the following has

Planning Proposal – Bethlehem Rev 2

been established relating to the issue of any potential contamination:

- The land has not been declared to be significantly contaminated under the Contaminated Land Management Act 1997.
- The land has not been regulated by the EPA in relation to contamination.
- Historically, from photographs and discussing with a local historian whilst this land was associated with the railway and its historic uses, this land was never developed and remained vacant.
- No uses can be identified on this land that would have created contamination.
- A visual inspection did not indicate any remnant-built infrastructure or footing or any other use.

It is therefore concluded that from the assessment and historical knowledge there is no potential contamination of this site and that there is nothing to indicate that there is any threat to human health or the environment. There is no reason that the planning proposal can not progress in a reasonable way.

3.7 IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE MINISTERIAL DIRECTIONS?

This planning proposal is consistent with the applicable Ministerial Directions.

- Focus area 1: Planning Systems
- 1.1 Implementation of Regional Plans. NA
- 1.2 Development of Aboriginal Land Council Land. NA
- 1.3 Approval and Referral Requirements. Yes
- 1.4 Site Specific Provisions. No
- Focus area 1: Planning Systems Place Based NA
- Focus area 2: Design and Place NA
- Focus area 3: Biodiversity and Conservation NA
- 3.1 Environment Protection Zones No

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3.2 Heritage Conservation

The Cowra Railway is a State and Locally listed heritage listed item and is located to the west of the site. It is noted that there will be no impact on this site from the rezoning of this land.

Additionally, a search of the Aboriginal Heritage Information System has been undertaken and there are no AHIM's sites within 100m of this land.

The Cowra Railway Station and yard group is No. 19 on schedule 5 of the Cowra LEP and is located adjacent to the subject land.



- (1) Objectives The objectives of this clause are as follows—
- (a) to conserve the environmental heritage of Cowra,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.
- (2) Requirement for consent Development consent is required for any of the following—
- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—
- (i) a heritage item,
- (ii) an Aboriginal object,

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- (iii) a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (d) disturbing or excavating an Aboriginal place of heritage significance,
- (e) erecting a building on land—
- (i) on which a heritage item is located or that is within a heritage conservation area, or
- (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land—
- (i) on which a heritage item is located or that is within a heritage conservation area, or
- (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.
- (3) When consent not required However, development consent under this clause is not required if—
- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—
- (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
- (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
- (b) the development is in a cemetery or burial ground and the proposed development—
- (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
- (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
- (d) the development is exempt development.

The Railway Station and Yard Group is also on the State heritage Register although it again is not accurately mapped the State listing does contain photographs of the several structures including the small square brick building to the south of the subject lot. The following is a description of the State heritage listing:

Planning Proposal – Bethlehem Rev 2

All infrastructure, vegetation and archaeological relics in Cowra yard between the up and down distant signals.

All infrastructure and vegetation included in the former Cowra locomotive depot.

The Cowra Station building - standard roadside,1886, HS signal box - non-standard platform level timber box with gable roof,1937 residence - type 3, 32 Brougham St, 1886 Railways Institute building, brick Examiners hut - c.1886 Roundhouse and environs...



There are no heritage items on the subject land.

Comments

This proposal is on adjacent land some 40 metres to the east, there is no proposal on the land which contains a heritage item. This proposal does not disturb, move or alter the heritage item. However, there may be some impact in the future by the proposal in terms of views and setting. There may be some impact from the views from Lynch Street on the approach from the east. However, there will be no physical impact to the actual heritage item identified on the map above being on an adjacent lot. Any future DA on this site could address some softening or landscaping on this site to screen it from the adjacent lot containing the heritage item.

3.3 Sydney Drinking Water Catchments No3.4 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs No

3.5 Recreation Vehicle Areas No

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- Focus area 4: Resilience and Hazards
- 4.1 Flooding No
- 4.2 Coastal Management No
- 4.3 Planning for Bushfire Protection No
- 4.4 Remediation of Contaminated Land No
- 4.5 Acid Sulfate Soils No
- 4.6 Mine Subsidence and Unstable Land No
- Focus area 5: Transport and Infrastructure
- 5.1 Integrated Land Use and Transport Yes

There are no changes to any road or public transport proposed by this rezoning.

- 5.2 Reserving Land for Public Purposes No
- 5.3 Development Near Regulated Airports and Defence Airfields No
- 5.4 Shooting Ranges No
- Focus area 6: Housing No
- 6.1 Residential Zones

It is not proposed to use this land as residential land although it is permitted with the consent of Council. None of the other provisions in this Direction apply to this proposal. This application does not encourage the development of housing or any residential land therefore there is no need to make provision for them.

6.2 Caravan Parks and Manufactured Homes Estates No

- Focus area 7: Industry and Employment
- 7.1 Business and Industrial Zones Yes

Any future development on this site once the rezoning is successful will likely provide employment, increase the total potential floor space area and support the continued viability of Cowra. Whilst this land has not been considered in the Council's strategic Planning Documents there is consideration to increasing employment lands as discussed above in Part 3.

Council Staff encouraged the use of this zone for this land in initial discussions. This land will form an extension to the use of commercial-type zoned land to the south of this site. The current zoning of this land as SP2 Rail Infrastructure

facilities does not allow for any redevelopment opportunities as privately owned land since it is located on the non-operation railway line and this zone does not allow for any development not associated with anything else but the railway line. This important undeveloped site gives effect to the objectives and actions of the Central West and Orana Regional Plan 2041. Rezoning this land to Zone E3 Productivity Support allows this land to play a strategic link for the town of Cowra, the intersecting of 3 highways and the railway corridor.

There are several ways to service this land including to the north of Lynch Street, which would require boring under lynch street, to the east through to the existing services at the freight terminal, and under the existing rail line to the south to Campbell Cresent. This of course will need some investigating however this investigation will be undertaken when the owner is confident that the rezoning can be achieved. This zoning anomaly should be corrected by the Council first then the infrastructure provisions can be investigated. As there are 3 potential avenues to be investigated at some cost to the owner this should be allowed as part of the greater process to get economically viable land in Cowra.

7.2 Reduction in non-hosted short-term rental accommodation period No

7.3 Commercial and Retail Development along the Pacific Highway, (Cessnock LGA) (Revoked 18 June 2010) No

• Focus area 8: Resources and Energy

8.1 Mining, Petroleum Production and Extractive Industries No

- Focus area 9: Primary Production
- 9.1 Rural Zones No
- 9.2 Rural Lands No

9.3 Oyster Aquaculture No

9.4 Farmland of State and Regional Significance on the NSW Far North Coast No

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3.8 IS THERE ANY LIKELIHOOD THAT CRITICAL HABITAT OR THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES, OR THEIR HABITATS WILL BE ADVERSELY AFFECTED BECAUSE OF THE PROPOSAL?

The land appears to be highly disturbed and is clear of any significant vegetation or trees. It is unlikely that any critical habitat or threatened species or habits will be adversely affected by the rezoning and future development of this land. This land is not mapped as Terrestrial Biodiversity nor does it contain any wetlands.



Figure 8 - Terrestrial Biodiversity map - Sheet BIO_002



Figure 9 - Wetlands Map Map Sheet CL1_002

It is noted that Cowra has no areas of Outstanding Biodiversity and has one area

of protected threatened species of which there is a management plan – Greyheaded Flying-fox camp at the Cowra Gold Club.

The Biodiversity Conservation Act 2016 lists several Threatened species in NSW. Generally speaking, most species require food trees and habitat is usually found in forests and woodlands, swamps and wetlands.

3.9 ARE THERE ANY OTHER LIKELY ENVIRONMENTAL EFFECTS OF THE PLANNING PROPOSAL AND HOW ARE THEY PROPOSED TO BE MANAGED?

Utilities - there are several alternatives for connection to water sewer and stormwater which will be finalised at the DA stage. The freight terminal to the east has connections to both water and sewer and there is a connection on the opposite side of Lynch Street for both water and sewer. All these options require investigations at a later stage. Nothing can occur until the rezoning is complete therefore there is no reason that all services can be connected to the site now.

Land use conflict can be managed in several ways, but this depends on the type of use and this will be determined after the rezoning and at the DA stage. This site is opposite a heavy vehicle route and a major highway, it was also adjacent to the freight terminal and previously an operating railway line. There is no reason that land use conflict can't be minimised in the future.

As mentioned above the site was never used as part of the rail infrastructure and has remained vacant.

3.10 HAS THE PLANNING PROPOSAL ADEQUATELY ADDRESSED ANY SOCIAL AND ECONOMIC EFFECTS?

Anecdotally, there is a shortage of commercial/industrial land in Cowra. This land is vacant SP land and should be rezoned to something that can be developed and used. This is privately owned land adjacent to the rail corridor and Council

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needs to consider a rezoning so that this land can be used or sold to be used as productive economically viable land in Cowra. Support for the rezoning will enable this land to be developed and used for employment generating commercial/manufacturing or industrial type uses. The State Heritage item adjacent to the west will not be affected by any development on this site.

3.11 IS THERE ADEQUATE PUBLIC INFRASTRUCTURE FOR THE PLANNING PROPOSAL?

As addressed previously there are a number of different options for the provision of water, sewer and stormwater connections which have not yet been investigated and whilst the decision has not been made as to which connection the development will use, there is enough information for the rezoning to proceed. The investigation may take some time to undertake and need several different trades and owners to come together including TfNSW, there are no shortfalls with this methodology, it is a question of the owner's timing and contracts of sale. There is adequate public infrastructure in the immediate vicinity to allow this rezoning to proceed.

The applicant is unable to clarify if the adjoining rail line is to be used in the future. If necessary TfNSW will condition and give Council advice on the planning proposal during the period of comment.

3.12 WHAT ARE THE VIEWS OF STATE AND FEDERAL PUBLIC AUTHORITIES AND GOVERNMENT AGENCIES CONSULTED IN ORDER TO INFORM THE GATEWAY DETERMINATION?

This is not part of the draft planning proposal process, and the views of government authorities are more part of the Gateway process as the heading details, therefore this will be informed by the Council process of seeing government agency comments.

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PART 4 – MAPS

Mapping has been provided.

PART 5 - COMMUNITY CONSULTATION

Consultation has been undertaken with the Council via the planning department and the Infrastructure Department for water and sewer connections. Consultation needs to be undertaken with TfNSW depending on which option of water, sewer and stormwater treatment is chosen and this can be undertaken at the DA stage.

PART 6 – PROJECT TIMELINE

Standard Planning Proposal	
Stage 1 – Pre-lodgement	50 days
Stage 2 – Planning proposal	95 days
Stage 3 - Gateway determination	25 days
Stage 4 – Post-Gateway	50 days
Stage 6 - Finalisation	55 days
Sub-total (Department target)	225 days
Total (end to end)	320 days

CONCLUSION

This Planning Proposal is to rezone the subject land from SP2 - Rail Infrastructure Facilities to Zone E3 Productivity Support, as identified in the Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021. This is the most appropriate zone to allow for a variety of

Planning Proposal – Bethlehem Rev 2

land uses that would suit this site. This rezoning is strategically supported by concepts contained within the Cowra LSPS 2020 and the Central West and Orana Regional Plan 2041. This land is privately owned and cannot be developed with the current SP zone. Council must support this rezoning to enable the facilitation of a future use. This land should be developed as there is a shortage of land available for development in Cowra.





Attachment B – Property Location Map and current zoning maps



Figure 1. Aerial view of the locality surrounding the subject site, Lot 2 DP 1028751.



Figure 2. Existing zoning of the locality surrounding the subject site, Lot 2 DP 1028751.

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Cowra Shire Council Planning Proposal Assessment Report



1. Application Details			
Planning Proposal No.	PP 2023-884		
Description of Proposal	The proposal is to amend Cowra Local Environmental Plan 2012 by rezoning Lot 2 DP 1028751 from SP2 Infrastructure to E3 Productivity Support. Attachment A to this assessment report includes the Land-use Tables from Cowra Local Environmental Plan 2012 relating to the SP2 Infrastructure Zone and the E3 Productivity Support Zone. (Note – throughout this planning assessment report, the Planning Proposal is referred as the PP)		
Applicant Details	Mr John Sarlas (as described on NSW Planning Portal)		
Landowner(s)			
Landowners consent provided	Ves I No		
	Comment: Landowner's consent provided 9 August 2023		
	Note: Planning Proposal Authority means the authority responsible for the governance of a planning proposal, including its preparation and submission to the Department for Gateway determination, satisfying the conditions of a Gateway determination, public exhibition and its finalisation (including submission to the Department for finalisation, where required).		
Date initially submitted on NSW Planning Portal	29 April 2023		
Date paid & assessment commenced on NSW Planning Portal	29 June 2023		
Additional Information	Original PP		
	It is important to note the current PP was preceded in late 2022/early 2023 by an earlier application, PP 2022-4111. This application was returned on the basis that a lack of information was provided in support of the proposal. By way of relevant background, a summary of the additional information requests provided by Council to the applicant for the earlier PP 2022-4111 is included as follows and a copy of Council's documents are included in Attachment B.		
	The applicant was provided with a request for Additional Information via the NSW Planning Portal on 3 February 2023.		
	 A more detailed assessment of potential impact on the State Heritage listed Cowra Railway Station and yard group (Item 19 of Schedule 5 of Cowra LEP). 		
	 An assessment of Section 9.1 Ministerial Directions. 		
	 As assessment of potential contamination risk arising from the known historic use of the land for purposes associated with railway yards, and the need for preliminary site investigation report. 		
	 An assessment of relevant infrastructure and servicing issues including, in particular, provision for sewer and stormwater. 		

	 Details relating to any consultation completed with community stakeholders and relevant government agencies.
	 Details relating to an expected timeline for completion of the PP.
	 Mapping and imagery consistent with DPE guidelines.
	A revised PP was submitted to Council via the NSW Planning Portal on 17 February 2023. The PP was further screened and a second request for additional information was provided to the applicant via the NSW Planning Portal on 17 March 2023. A summary of the matters requested is included as follows and a copy of Council's letter is also included as Attachment B:
	 Visibility of key issues raised by the NSW Department of Planning and Environment as part of preliminary feedback to Council on the PP.
	 Further assessment of applicable Section 9.1 Ministerial Directions and in particular Directions 3.2, 4.4 and 7.1.
	 The need to demonstrate strategy and site-specific merit for the rezoning proposal.
	 The need to consider supply and demand for E3 zoned land.
	 The need to demonstrate site suitability for E3 zoned land.
	 Consideration of the nature of the likely uses desired for the site once rezoned.
	 The need for owners' consent to be provided.
	 The need for more detailed mapping to be provided in support of the Planning Proposal, including site / locality mapping.
	The Planning Proposal was returned on 26 April 2023 to the applicant via the NSW Planning Portal with no response from the applicant after 7 days of notice.
	Current PP
	A revised PP, (being the current PP 2023-884) was submitted to Council via the NSW Planning Portal on 29 April 2023 and included updated details.
	The PP was screened and a request for additional information was provided to the applicant via the NSW Planning Portal on 7 June 2023.
	A copy of the Council's letter is included as Attachment B. The letter raised similar issues to the last request on 17 March 2023. Importantly, the applicant was advised to provide Council with the additional information within 21 days, or the application would be accepted for assessment and assessed on the basis of the information provided to date.
	A second document was uploaded by the applicant John Sarlas on 8 June 2023 and on this basis, the application was accepted by Council for assessment. Payment of application fees was made to Council on 29 June 2023. On June 30, in response to a verbal request from the applicant regarding outstanding information, Council directly emailed to John Sarlas its earlier June letter, along with excerpts from the Department's Planning Proposal Guidelines.
	Post-lodgement of the application, Council received the following information from the applicant for consideration prior to the finalisations of the assessment:
	- Owners consent in a form acceptable to Council, received 9 August 2023.
	- Existing Zone and Proposed Zone Maps, received 30 August 2023.
	A third amendment was subsequently made to the Planning Proposal and submitted to Council in early November 2023. The amendments relate generally to additional assessment of relevant S9.1 Ministerial Directions.
	These items have been considered as part of this assessment report.
2. Property Description	
Property Address	Lynch Street, Cowra NSW 2794
Title Description	Lot 2 DP 1028751. The land is identified to be Torrens Title.
Land area	5037 m2 (0.50 ha).

Current Land-use	The land is currently vacant. There are no existing land-use activities being carried out on the land.		
Existing Improvements	The land is currently vacant of any existing buildings or structures. There are remnants of a former access road to the Cowra Rail Freight Depot site (which has now been largely demolished). There are no existing connections to urban services or utilities.		
Location	The subject land is privately owned land within the rail corridor. The site is located on the eastern edge of the Cowra township. The site is located adjacent to the Mid-Western Highway / Lynch Street. A properly detailed map showing the location of the site in relation to the immediate and wider surrounding environment is absent from the Planning Proposal. Maps have instead been prepared by Council and are included in Attachment C to this assessment report.		
3. Record of Site Inspection			
Date of Site Inspection	17 May 2023		
Name of Inspecting Officer	Janine Finlayson, Land-use Planner		
Landowner present	Yes	🖾 No	
Applicant present	Yes	🖾 No	
Photographic record	A record of the photographs taken at the site inspection on 17/05/2023 is included in Attachment D to this assessment report.		
Comments from site inspection	 As a result of the site inspection performed on 17 M are made in relation to the site and surrounds: The subject site is located on the eastern Land immediately to the north & north-w Highway (locally known as Lynch Street) w network. There are a number of existing r nearby land to the north-west. Land to the east & south east contains the Demondrille rail line (currently non-opera of the rail corridor, local urban sealed roa Land to the south-east of Campbell Street is vacant of structures. Land immediately to the north-east conta Freight Depot, currently being demolished Land immediately to the south-west conta Freight Depot, currently being demolished Cowra Local Environmental Plan 2012 as I tower / tank which is located immediately corner of the subject land. The immediately surrounding area is char with low-rise building forms. Residential u western side of the highway, and there ar on nearby land as well. The site slopes to the east (rear of the lan natural surface level of the land is below to matural surface level of the land is below to matural surface level of the comparent of the site shows signs of being treated as an its western boundary. 	edge of the Cowra township. est features the Mid Western which is part of the classified road esidential dwellings located on e rail corridor for the Blayney to tional) and then on the southern side d Campbell Street. is zoned RE1 Public Recreation and ins the remnants of the Cowra Rail d as part of DA 95/2019. ains land that is part of a State d Yard Group. This land is identified in tem 9. The listing includes a water v adjacent to the south-eastern acterised by low density land-use uses predominate on the north- e examples of commercial land-use d). Site observations indicate that the the adjoining road environment. eight Depot site is clearly visible orth. n informal roadside parking area on	

	 The site has road access (unformed) from the classified State road Mid Western Highway & adjoins the Blayney to Demondrille Rail line.
	 There is an overhead powerline near the site, just over the northern boundary.
4. Site History	
Is there relevant site history?	X Yes No
Assessment Comment	History of Davelopment Approvale
Assessment comment	 History of Development Approvals DA 282/2000. Documented, electronic record with Council, hard copy at Council's archived records facility. Subdivision & consolidation. Subdivision of Lot 1 DP 842833 of railway land being Lynch Street Cowra by alteration of boundary.
	— This subdivision was the result of a land swap with the owners of lot 1 DP 842833 and the then State Rail Authority (SRA) as the Heritage listed water tower associated with the Rail Yard was on the parent lot. In return for relinquishing the water tower back to Rail control, the SRA gave 40 metres of the land adjoining the north of the lot from the Cowra Rail Freight Depot site.
	 It is unknown how the land prior to this became separated from the Rail Authority and transferred to private ownership. Information has been sought from UGL Regional Linx, the operational arm of the rail authority, but a response has not been forthcoming at this stage.
	History of Planning inquiries
	Council's records show that planning advice has been provided to various parties on
	multiple occasions within the past decade relating to this site. A summary of this advice is included as follows.
	 2015 – planning advice on options to expand permissible uses – Council Land- use Planner to T Mooney. Advice summarised three options that could be further explored in order to expand the permissible use: Development near Zone boundaries, Rezoning, and Additional Permitted Use.
	 2016 – Pre DA 3/2016 – proposed service station and convenience store – Council Development Planner to S Lawson. Advice the proposed project was not permissible under SP2 Rail Infrastructure zone. Planning Proposal process outlined. Key issues presented and outlined – access, site contamination, sewer and water infrastructure, stormwater, Heritage.
	 2017 - planning advice – proposed service station – Council Land-use Planner to G Voegel. Advice SP2 Rail Infrastructure zoning will not permit a service station. Advice provided regarding permissible development near zone boundaries. Advice provided regarding the Planning Proposal process for either rezoning or APU.
	 2020 – planning advice – proposed re-development of land – Council Land-use Planner to J Sullivan. Advice provided regarding planning controls. Advice provided regarding Planning Proposal process in regards to residential zoning. Identification of key issues – access, preliminary soil investigations due to potential contamination risk as site was associated with railway use, services (infrastructure) not present, proximity of the rail line to be considered for proposed residential use.
	 2021 – planning advice – Director of Environmental Services to M Kilzi. Advice provided of planning controls in regards to a current land zone and proposed future zone. Advice regarding Rezoning and the Planning proposal process. Advice regarding key issues, including access, potential contamination risk requiring preliminary soil investigations, lack of infrastructure connections and proximity of the rail line.
	History in wider context of location
	 The site features on a map of the Cowra Rail Yard in 1946, Pg. 6. "Lines to the Lachlan" by rail historian Lawrance Ryan. In the vicinity of the site is the former Railway Barracks, which has since been dismantled in 1985.

	 The northern section of the lot – as per DA 282/00 – was originally part of the Cowra Freight Depot site and also the road access to the depot from Lynch (Station) Street. An old access road to the freight terminal depot area still clearly traverses the lot to the Lynch Street access point. The freight terminal depot was used as a rail freight distribution centre in connection with the railway line until it closed in the late 1980s. The building had various development uses over the last 40 years. The structure is almost entirely dismantled and removed as part of DA 95/2019. Consideration in previous strategic planning processes The site has not been considered in previous strategic planning processes of Cowra Council, including the Cowra Shire Land-use Strategy 2009 or Cowra Local Strategic Planning Statement. 	
5. Cowra LEP 2012 – Prelimina	ry Evaluation and planning context	
Land Application Map	Cowra LGA	
Land Zoning Map	SP2 Infrastructure. The purpose shown on the map is 'Rail Infrastructure Facilities'	
Lot Size Map	No minimum lot size controls apply to the land	
Dwelling Opportunity Map	Not applicable	
Flood Planning Map	Not flood prone	
Heritage Map	The land is not listed in Schedule 5 as containing an item of environmental heritage. The land immediately adjoins Item 9 of Cowra LEP 2012 which relates to the State Heritage Listed Cowra Railway Station and Yard Group	
Land Reservation Map	Not applicable	
Terrestrial Biodiversity Map	Terrestrial biodiversity not present	
Wetlands, Groundwater Vulnerability, Riparian Lands and Watercourses Map	Part of the land is mapped as containing vulnerable groundwater. The land is not impacted by wetlands, riparian areas of watercourses	
Urban Release Area Map	The land is not located within an urban release area	
Additional Permitted Uses Map	There are no additional permitted uses applying to the land	
Natural Resources Sensitivity Map	The land does not contain sensitive natural resources.	
Land Reclassification Map	Not applicable	

6. Planning Proposal Evaluation

The New South Wales Department of Planning and Environment publication "Local Environmental plan Making Guideline – August 2023' (the Guideline) provides a detailed explanation of the steps of the NSW Local Environmental Plan (LEP) making process to assist and guide council's, communities, State agencies, proponents, and practitioners. More specifically, the Guideline sets out the specific requirements for the preparation of a planning proposal as issued by the Planning Secretary under section 3.33(3) of the Environmental Planning and Assessment Act 1979.

According to the Guideline, Planning Proposals must contain the following components:

- Part 1 Objectives and intended outcomes
- Part 2 Explanation of provisions
- Part 3 Justification of strategic and site-specific merit
- Part 4 Maps
- Part 5 Community Consultation
- Part 6 Project Timeline

The Guideline also forms the basis for the Planning Proposal Authority (in this instance - Cowra Council) to perform an assessment of the Planning Proposal. The following parts of this report perform an assessment of the PP structured around the six parts of the Guideline.

6.1. Part 1 – Objectives and Intended Outcomes		
Does the PP address Part 1?	🛛 Yes	□ No
PP Objectives	Page 12 of t	he PP states
	Infras	objective of this Planning Proposal is to rezone the subject land from SP2 structure (Railway Infrastructure Facilities) to Zone E3 Productivity Support er the Cowra Local Environmental Plan 2021 (LEP)"
PP Intended Outcomes	Page 12 of the PP identifies the following intended outcomes:	
		o rezone the subject land from SP2 Rail Infrastructure Facilities to Zone E3 roductivity Support
		o facilitate further employment generating opportunities by improving and tivating this area of Cowra which is currently underdeveloped
	ot	o contribute to the future of the Blayney-Demondrille rail line by providing oportunity to encourage uses/businesses which may wish to utilise this rategic location once the rail line is reopened in the future
		o contribute to the potential expansion of existing business and new business poortunities potentially relocating to Cowra
		p provide an opportunity for businesses that require highway frontage, future il access, and a high-profile presence to relocate or establish in Cowra
		allow permitted land uses in the Zone E3 Productivity Support zone that will omplement Cowra and the region's strategic objectives and vision
Council Assessment Comment	The objectiv	res of the PP are noted.
	The intende	d outcomes of the PP are noted.
	The informa 1 of the Gui	ation provided in the PP is generally consistent with the requirements of Part deline.

6.2. Part 2 – Explanation of Provisions		
Does the PP include an assessment of Part 2?	🛛 Yes	□ No
PP Response	Page 13 of t	the PP provides the following explanation of provisions:
	th	mend the Cowra Local Environmental Plan 2012 to include the provisions of le Zone E3 Productivity Support as prescribed in the Cowra Local livironmental Plan 2012 on the subject land
	- Ai	mend the future zoning maps to show the Zone E3 Productivity Support
Council Assessment Response	The intende	d provisions of the PP are noted.
		d by Council, the PP would result in the following specific changes to Cowra onmental Plan 2012:
		SW Planning Portal Digital EPI Viewer. Lot 2 DP 1028751 being changed from P2 Infrastructure to E3 Productivity Support.
	The informa 2 of the Gui	ation provided in the PP is generally consistent with the requirements of Part deline.
6.3. Part 3 – Justification of strategic and site-specific merit		
Does the PP include an assessment of Part 3?	🛛 Yes	□ No
SECTION A – NEED FOR THE PLANNING PROPOSAL		

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PP response	Pages 13 and 14 of the PP provide the following assessment:			
	This document has not been prepared as the result of an endorsed LSPS, strategic study, or report however, the Cowra LSPS 2020 does identify that Cowra is a Strategic Centre and is strategically located at the junction of 3 major highways (Mid-Western Highway, Olympic Highway and Lachlan Valley Way).			
	The subject site is located on Lynch Street (Mid-Western Highway) approximately 500 metres from the township of Cowra to the east. This land fronts the highway and as such transport and the movement of agricultural and manufactured goods through, as well as to and from Cowra is an essential component of the continued success and growth of this area. Many industries including agriculture and manufacturing and transport in Cowra are essential to the continued growth of Cowra and the surrounding area. The LSPS identifies several Directions and Priorities which identify the strategic location of the subject site:			
	 Priority 1 – leverage the central and strategic location of the Cowra Shire and encourage growth and new economic opportunities. 			
	 Specific Action 1.4 – Council will investigate the potential suitability of amending Cowra Local Environmental Plan 2012 to enable the efficient, orderly, and practical use of land adjoining main road corridors for a range of suitable purposes. 			
	 Priority 5 - advocate for new development to be supported by appropriate infrastructure. 			
	 Specific Actions 5.6 – Council will lobby for the reopening of the Blayney to Demondrille rail line for the benefit of Cowra and its surrounds. 			
	This site is in a strategic location and situated on the Mid-western Highway, this site lends itself to new economic opportunities and the revitalisation of a site on a major highway and in a strategic location. And being so close to the CBD area of Cowra township. Additionally, the site is strategically located to take advantage of the potential reopening of the Blayney to Demondrille rail line in the future.			
Council Assessment Response	The PP correctly states that the rezoning proposal has not been prepared as a result of an endorsed LSPS, strategic study or report of the Council. A more detailed assessment of the PP against the relevant strategic documents of Council is included as follows. Cowra LSPS			
	The LSPS is a primary guiding document for strategic land-use planning and decision making by Council in the Cowra Shire. The LSPS sets out the long-term vision for land-us planning in the Cowra Shire.			
	With a particular focus on the items that have been recognised in the PP, an assessment of the proposal against the Cowra LSPS is completed as follows:			
	 The rezoning of this land is not specifically identified in the strategic framework developed by the LSPS. The project does not feature in the Cowra Township Structure Plan and is not identified specifically as a strategic site or project for Council or the community. 			
	 At a broad level, the planning assessment confirms that the rezoning propose by the PP could be aligned with Planning Priority No. 1. Subject to the assessment findings against other relevant matters for consideration, the rezoning of this land could encourage growth and new economic opportunitie by enabling the development of the land for a more productive purpose than what is currently enabled by the SP2 zoning. The site does benefit from strategic access to the existing highway system and potential synergies create through the reopening of the Blayney Demondrille rail line in the future. 			
	Specific Action 1.4 commits Cowra Council to an investigative process that reviews the potential suitability of amending Cowra Local Environmental Plan 2012 to enable the efficient, orderly and practical use of land adjoining main road corridors for a range of suitable purposes. This is identified as a medium term action for Council. To date this action has not been commenced by Council. The locational characteristics of the subject land would qualify the sit for consideration as part of any investigations. Key issues affecting site			

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suitability for this project would generally relate to infrastructure and servicing capacity, land-use conflict risk, transport and access, and environmental constraints. These issues are considered in further detail within this assessment report.
 Priority 5 – Align infrastructure provision with community needs. Planning Priority 5 identifies the key infrastructure projects for Cowra and identifies a number of key strategic projects that are to be the focus for Council investment, planning and advocacy. The rezoning of land proposed by this PP is not identified as a strategic project and is not located within a precinct that has been identified by Priority 5 as a key focus area for Council-led infrastructure investment. A detailed assessment of infrastructure and servicing issues connected to this proposal is included in a further section of this report, including an account of existing arrangements as well as the likely future requirements for the land.
Specific Action 5.6 states that Council will lobby for the reopening of the Blayney to Demondrille rail line for the benefit of Cowra and surrounds. The PP has stated that the rezoning aligns with this specific action on the basis that the site is strategically located to take advantage of the potential reopening of the Blayney to Demondrille rail line in the future. The PP does not expand on this statement and generally includes a lack of detail to demonstrate how the future use of the land under the proposed E3 zoning would support the reopening of the railway line.
In summary, the assessment of the PP against the Cowra LSPS confirms that the rezoning of the subject land has not been identified in the plan as a strategic site or project, as a specific area for commercial expansion, as a specific area for rezoning, or as a specific action for Council. Notwithstanding, the Planning Proposal is seeking to demonstrate that the rezoning project is worthy of Council's support on the basis that the land is strategically located and that opportunities for economic growth and development will be created.
Cowra Shire Land-use Strategy 2009
The Cowra Shire Land Use Strategy 2009 (the Strategy) developed the land-use planning framework that ultimately informed the Cowra LEP 2012. The Strategy was developed following a comprehensive investigative and consultative process and provides key land-use planning recommendations for the full range of land-use bases in the Cowra Shire Local Government Area.
With a particular focus on the items that have been recognised in the PP, an assessment of the proposal against the Cowra Shire Land-use Strategy is completed as follows:
 The rezoning of this land is not specifically identified in the strategic framework developed by the Strategy.
 The project does not feature in the Commercial Framework Plan and is not identified specifically as a strategic project for Council or the community.
 Broadly speaking, the Strategy confirmed that there is an adequate amount of commercial zoned land within the Cowra township
 The plan for commercial zoned land is to ensure that the commercial areas of the Cowra CBD become more consolidated. The role and function of the other subordinate centres (South and West Cowra and Redfern Street, which currently feature E3 zoned land) are to be maintained with a preference given to limiting the expansion of these areas in order to ensure the success of CBD consolidation.
In summary, the assessment of the PP against the Strategy confirms that the rezoning of the subject land has not been identified in the plan as an important strategic project, as a specific area for commercial expansion, or a specific area for rezoning.
Cowra CBD Masterplan
The Cowra CBD Masterplan (the Masterplan) builds upon the proposals outlined in the Cowra CBD Issues paper and Conceptual Improvements Plan. The Masterplan provides a

	framework to guide the future of development of the CBD over a twenty-year timeframe.
	With a particular focus on the items that have been recognised in the PP, an assessment of the proposal against the Masterplan is completed as follows:
	 The rezoning of this land is not specifically identified in the strategic framework developed by the Cowra CBD Masterplan. The site does not feature in any of the recommendations of the Masterplan.
	 Broadly speaking, the Cowra CBD Masterplan reiterates that development outside of the CBD Commercial Core must not compromise the role and function of the CBD.
	In summary, the rezoning of the subject land has not been identified in the plan as an important strategic site or project, as a specific area for commercial expansion, or as a specific area for rezoning.
Matter for consideration – Is the PP the	e best means of achieving the objectives or intended outcomes, or is there a better way?
PP response	Page 14 of the PP provides the following assessment:
	Yes, the preparation of a planning proposal is the only means of achieving the objects or intended outcomes and there is no better way.
	The current zone is SP2 - Rail Infrastructure Facilities for development only associated with the disused railway. The site is vacant and clear and from research, it appears that this site has never been developed. The only way for this privately-owned land to be developed is with the planning proposal.
Council Assessment Response	According to the NSW DPE Local Environmental Plan Making Guidelines, a PP should review alternative approaches to achieve or give effect to the objectives or intended outcomes. Relevant options to consider include (in no particular order):
	 Planning Proposal to rezone the land under Cowra LEP 2012. This option has the result of enabling the range of permitted land-use activities on the land under the chosen land-use zone.
	 Planning Proposal to identify an Additional Permitted Use for the land under Schedule 1 of Cowra LEP 2012. Under this option, the zoning of the land remains unchanged, and a specifically nominated land-use activity is prescribed as being a permissible use on the site, despite that activity being prohibited in the zone.
	 Utilising the provisions of Clause 4.6 of Cowra LEP 2012 to vary a development standard. This option allows Council to consider a Development Application for a land-use activity (which must be permissible in the current zone) involving a departure from a development standard (such as a minimum lot size) in the LEP.
	4. Utilising the provisions of Clause 5.3 of Cowra LEP. This provision would allow Council to consider a Development Application for a land-use activity that is prohibited in the current zone, provided the land-use activity is permissible in an adjoining zone and the land is within 100m of that zone.
	 Waiting for Council to finalise a study, strategic plan, planning proposal or Development Control Plan that would facilitate the desired outcome.
	The PP has identified that the rezoning of the land from SP2 Infrastructure to E3 Productivity Support (Option 1 above) is the only means of achieving the objectives or intended outcomes (refer Section 6.1 of this report). The PP has not comprehensively explored whether any of the alternate options could be used to achieve the objectives or intended outcomes. Notwithstanding, an assessment of the merits of each alternative option is included below:
	 Additional Permitted Use
	Council has previously offered advice to the landowner that an Additional Permitted Use is a viable option for consideration. This approach would potentially allow Council to make a more informed assessment of the
	proposed land-use change having regard to site suitability issues and site- specific merit. The PP has chosen not to explore the merits of this option.
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	 Clause 4.6 of Cowra LEP 2012
	The use of Clause 4.6 of the LEP offers no realistic pathway to achieve the stated objectives and intended outcomes of the PP. The PP is seeking to amend Cowra LEP by enabling a change in the permissible use of the land, not a development standard.
	 Clause 5.3 of Cowra LEP 2012
	The use of Clause 5.3 of Cowra LEP offers no realistic pathway to achieve the stated objectives and intended outcomes of the PP. The adjoining land-use zones within 100m of the site include the R1 General Residential zone and the RE1 Public Recreation zone. Neither of these zones currently permit business related land-use activities. The nearest land-use zone providing for business related land-use activities is the E1 Local Centre zone (which applies generally to the Cowra CBD), however this is approximately 160m from the boundaries of the subject land.
	 Waiting for Council
	Waiting for Council to finalise a study, strategic plan, planning proposal or Development Control Plan has limited merit for the site. As mentioned in a previous section of this report, the locational characteristics of the subject land would qualify the site for consideration as part of a future study process to be completed by Council in accordance with the recommendations of Specific Action 1.4 of the Cowra LSPS. On the basis that Council has not committed a timeframe or budget for this study work, this pathway offers no realistic short- term solutions for the landowners to achieve the stated objectives and intended outcomes of the PP.
	In summary, the PP has nominated a rezoning of the land as the only approach to
	achieve the stated objectives and intended outcomes. The rezoning of the land is a valid approach to achieve the stated objectives and intended outcomes. The PP is to be assessed on the basis that the E3 Productivity Support zone is proposed for the land with the range of land-use activities currently permitted in that zone being possible future land-use outcomes for the site.
SECTION B - RELATIONSHIP TO STRATE	GIC PLANNING FRAMEWORK
Matter for consideration – Will the PP g strategy (including any exhibited draft p	ive effect to the objectives and actions of the applicable regional, or district plan or lans or strategies?
PP response	Pages 15 to 17 of the PP provide the following assessment:
	The Central West Orana Regional Plan 2041 recognises that Cowra is a strategic centre and that Cowra contributes significantly to the region's economy in agriculture and has a robust manufacturing and industrial sector. Although this land is not specifically mentioned in the Regional Plan the following objectives apply: Objective 7 – Plan for resilient places and communities
	The construction of any future building on this site (subject to a DA) will comply with all relevant controls in relation to climate change resilience. This site is not mapped as bushfire prone nor is it flood-prone.
	Objective 18 - Leverage existing industries and employment areas and support new and innovative economic enterprises
	By supporting the rezoning of this land will provide future economic potential in Cowra. This land has never been developed and could be of great economic potential. The current SP zone is in principle an industrial zone however as the rail line is disused the potential of bringing a new business to Cowra is lost. Whilst this land is not part of any existing industrial / manufacturing area, it is a wasted opportunity and is unlikely to be developed for rail purposes. This site has accessible water from the land adjacent via Council's infrastructure. This

	land is to the east of commercial zoned land and is adjacent to a number of hotels and government agencies.
	Objective 20 – Protect and leverage the existing and future road, rail and air transport networks and infrastructure
	This land is located on the Mid-Western Highway (Lynch Street) and connects to Cowra and has access to all of the transport connections throughout the state and the Country. This site has access to the Parkes SAP.
	Part 5
	Cowra Council's priorities include:
	 Innovation, technological advancement, and investment in the growing agricultural, industrial and manufacturing sectors
	 Potentially reopening the Blayney-Demondrille rail line
	 Identifying opportunities for the LGA as the wider region's economy diversifies
	The Regional Plan identifies Cowra as having the greatest population growth and housing demand along with other regional centres and this will be a flow on from Cowra's continued growth in agriculture, manufacturing and industry as well as Cowra's proximity to Canberra.
	This site is in an important for freight and logistics infrastructure. Cowra has easy access to markets in Canberra, Sydney, Adelaide, Melbourne, Brisbane, and Western Australia, and is part of an important strategic supply chain to markets across Australia and the world. Additionally, this site is strategically located on this network and is located to take advantage of the Parks Special Activation Precinct.
	This site is also located close to the Cowra Airport where goods can access the markets of Asia via Canberra Airport within 24 hours. Additionally, this site is in a strategic location to potentially take advantage of its proximity to the railway line when it gets reopened.
	Collaboration Activity 2 – Identify potential housing and land use planning opportunities from the Parks SAP
	Collaboration Activity 12 – surplus TfNSW land for tourism facilities
	Collaboration Activity 25 – investigate future uses of the Cowra rail corridors
	This site is adjacent to the Blayney - Demondrille railway line and is approximately 500 metres from the town of Cowra. The site is adjacent to a major highway, and an unused and underutilised railway line and is located opposite R1 General residential land, to the north.
	Freight networks from Cowra and the Region extend to Sydney, Newcastle, Wollongong, Brisbane, Melbourne, Canberra, Adelaide, and Perth. This includes access to Ports in Newcastle, Sydney, and Wollongong and access to the international airports in Sydney and Canberra airports. In the future, the subject site will have potential access to the Blayney - Demondrille Rail network to major centres and the future inland rail network.
	The current zoning of this land as SP2 Rail Infrastructure facilities does not allow for any redevelopment opportunities as privately owned land due to the fact that it is located on the non-operation railway line and this zone does not allow for any development not associated with anything else but the railway line. This important undeveloped site gives effect to the objectives and actions of the Central West and Orana Regional Plan 2041. Rezoning this land to Zone E3 Productivity Support allows this land to play a strategic link for the town of Cowra, the intersecting of 3 highways and the railway corridor.
Council Assessment Response	Central West and Orana Regional Plan 2041
	The Central West and Orana Regional Plan 2041 (CWORP) is the primary guiding document for strategic land-use planning and decision making at a regional level. In particular, the CWORP establishes a strategic framework vision and direction for land-use, addressing future needs for housing, jobs, infrastructure, a healthy environment, access to green spaces and connected communities.

	The PP includes an assessment and details seeking to demonstrate alignment of the project with the following key objectives in the CWORP:
	 Objective 7 – Plan for resilient places and communities.
	 Objective 18 – Leverage existing industries and employment areas and support new and innovate economic enterprises.
	 Objective 20 – Protect and leverage the existing and future road, rail and air transport networks and infrastructure.
	The PP also includes an assessment and details seeking to demonstrate alignment of the project with the following Collaboration Activities in the CWORP:
	 Collaboration Activity 2 – Identify potential housing and land use planning opportunities from the Parkes SAP.
	 Collaboration Activity 12 – Surplus Transport for NSW (TfNSW) land for tourism activities.
	 Collaboration Activity 25 – Investigate future uses of the Cowra rail corridors
	Assessment Comments
	 No detailed studies or specialist reports have been provided to demonstrate alignment with the identified CWORP objectives or Collaboration Activities and these have not been requested by Council given the project is generally considered to be of local planning significance.
	 Based on the detail presented in support of the PP, there is no evidence to suggest that the rezoning of the land will facilitate a development outcome that is likely to be of regional planning significance.
	 A review of the PP against the CWORP confirms that a rezoning of the land from SP2 Infrastructure to E3 Productivity would not create any major inconsistencies with objectives, strategies or actions in the plan. Broadly, the rezoning of the land to enable future commercial land-use would align with Objectives 7, 18 and 20, and would be consistent with the strategic intent of Collaborative Activities 2, 12 and 25.
	 The Planning Proposal does not create any major inconsistencies with the CWORP.
Matter for consideration – Will the local strategy or strategic plan?	PP give effect to a council's endorsed local strategic planning statement, or another endorsed
PP response	Pages 17 and 18 of the PP provide the following assessment:
	Whilst this site is not specifically identified in the Cowra LSPS and as mentioned above a number of priorities can be identified to support this strategically located site and its proposed rezoning:
	The Cowra LSPS 2020 identifies that Cowra is strategically located on the junction of 3 major highways and is, therefore, Cowra is a strategically significant location. The subject site is located on the Mid-Western Highway approximately 500 metres from the township of Cowra to the west. Transport and the movement of agricultural and manufactured goods through, as well as to and from Cowra is an essential component of the continued success and growth of industries such as agriculture and manufacturing in Cowra. The LSPS identifies several priorities which identify the strategic location of the subject site:
	Priority 1 – leverage the central and strategic location of the Cowra Shire and encourage growth and new economic opportunities.
	Specific Action 1.4 – Council will investigate the potential suitability of amending Cowra Local Environmental Plan 2012 to enable the efficient, orderly, and practical use of land adjoining main road corridors for a range of suitable purposes.
	Priority 5- advocate for new development to be supported by appropriate infrastructure.
	Specific Actions 5.6 – Council will lobby for the reopening of the Blayney to Demondrille rail line for the benefit of Cowra and surrounds.
	This site lends itself to support the strategic location of Cowra and the location of the site on the Mid Western Highway. New economic opportunities could be

	site is	wed once the zoning allows for dev s strategically located to take adva ney to Demondrille rail line when it	ntage of the potential reopening o	
Council Assessment Response	An assessment of the PP against the Cowra Local Strategic Planning Statement and other relevant strategies / studies has been included in a previous section of this report. Refer to 'Section A – Matter for consideration – is the PP a result of an endorsed local strategic planning statement, strategic study or report?'.			
Matter for consideration – Is the PP cor	sistent with a	ny other applicable State or regior	al studies or strategies?	
PP response	effect to the	eats the same assessment response e objectives and actions of the app ny exhibited draft plans or strategi	licable regional, or district plan or	
Council Assessment Response		ent of the PP against the Central W ed a previous section of this report		l has
		ction A – Matter for consideration anning statement, strategic study c		l local
Matter for consideration – Is the PP cor	nsistent with a	pplicable State Environmental Plar	nning Policies?	
Note: According to the Guideline, Planr advise on how a proposal may satisfy th			e proposal against the relevant SE	PPs and
Preliminary SEPP Evaluation	Name of SEPP		Applicability	
	SEPP (Biodiversity and Conservation) 2021		Yes – See below for details.	🗆 No
	SEPP (BASIX) 2004		□ Yes – See below for details.	🛛 No
	SEPP (Exempt and Complying) 2008		□ Yes – See below for details.	🛛 No
	SEPP (Housing) 2021		□ Yes – See below for details.	🛛 No
	SEPP (Industry and Employment) 2021		□ Yes – See below for details.	🛛 No
	SEPP No 65—Design Quality of Residential Apartment Development		☐ Yes – See below for details.	🛛 No
	SEPP (Plann	ing Systems) 2021	□ Yes – See below for details.	🛛 No
	SEPP (Preci	ncts – Regional) 2021	□ Yes – See below for details.	🛛 No
	SEPP (Prima	ary Production) 2021	□ Yes – See below for details.	🛛 No
	SEPP (Resili	ence and Hazards) 2021	Yes – See below for details.	🗆 No
	SEPP (Reso	urces and Energy) 2021	☐ Yes – See below for details.	🛛 No
	SEPP (Susta	inable Buildings) 2022	☐ Yes – See below for details.	🛛 No
	SEPP (Trans	port and Infrastructure) 2021	Yes – See below for details.	🗆 No
SEPP (Resilience and Hazards) 2021				
Does the PP include an assessment of this SEPP?	🛛 Yes	□ No		
PP response	It is n advic any c Claus	23 of the PP includes the following outed that while this site is adjacen- ie that has been received is that it h other use. This site has remained vi- se 4.6(1) of the SEPP requires that a ing out of any development on lan- it has considered whether the l	t to the Cowra Railway Precinct, h has never been used for any railwa acant and unused. I consent authority must not conse d unless:	iy use or

	 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:
	 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 child care 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.
	In relation to the land which is the subject of this PP the following has been established relating to the issue of any potential contamination:
	 The land has not been declared to be significantly contaminated under the Contaminated Land Management Act 1997.
	• The land has not been regulated by the EPA in relation to contamination.
	 Historically, from photographs and discussing with a local historian whilst this land was associated with the railway and its historic uses, this land was never developed and remained vacant.
	 No uses can be identified on this land that would have created contamination.
	 A visual inspection did not indicate any remnant-built infrastructure or footing or any other use.
	It is therefore concluded that from the assessment and historical knowledge that there is very little potential contamination of this site and that there is nothing to indicate that there is any threat to human health or the environment. There is no reason that the planning proposal can not progress in a reasonable way.
Council Assessment Response	The SEPP includes a planning framework that guides development in relation to:
	 Coastal Management
	 Hazardous and offensive Development
	 Remediation of Land The provisions in the SEPP relating to remediation of land are generally relevant for
	consideration. Clause 4.6 of the SEPP requires a consent authority to be consider whether a site is potentially contaminated before determining a development application to carry out development that would involve a change of use of the land.
	There are no provisions in the SEPP which require such considerations to be made as part of the assessment of a rezoning application. Ministerial Direction 4.4 does however trigger an assessment of this issue and this is included in a further section of this report.

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SEPP (Biodiversity and Conservation) 2021			
PP response	Not inconsistent.		
Council Assessment response	The SEPP includes a planning framework that guides development in relation to:		
	 Vegetation in non-rural areas 		
	 Koala habitat protection 		
	 River murray lands 		
	 Water catchments 		
	 Strategic conservation planning 		
	In the context of this PP, the provisions in the SEPP relating to vegetation in non-rural areas are relevant for consideration. The SEPP prescribes the specific circumstances when a permit may be required before undertaking the clearing of native vegetation in non-rural areas of the State (which includes land to which PP relates).		
	The site is predominantly cleared of existing vegetation. Isolated trees are observed within the site and within the road reservation, however the PP has not identified whether the vegetation is native or otherwise.		
	The PP has stated that the proposal is not inconsistent with this SEPP, but has not expanded on how the rezoning of the land and future redevelopment of the site (for a purpose that is enabled by the proposed E3 zone) would be capable of addressing the requirements of this SEPP. Further, the PP is not supported by any specialist studies or reports which assess the ecological value of site vegetation.		
	The PP includes limited detail with respect to the future specific use of the land, however it is expected that some minor clearing works are likely to be required as part of any redevelopment scenario in the event that a rezoning was to be supported by Council.		
	Currently, Cowra Council does not have a permit system in place for the clearing of native vegetation in non-rural areas. If the clearing of native vegetation on the subject land was required as part of any future development scenario, this would need to be addressed through the development assessment process to which Part 4 of the Environmental Planning and Assessment Act 1979, including an assessment of the likely environmental impacts of the clearing works. On this basis, it is assessed that the rezoning of the land does not create any inconsistencies with the SEPP.		
SEPP (Transport and Infrastructure) 2021		
PP response	Page 21 of the PP includes the following assessment of the SEPP:		
	As this is a rezoning further advice regarding the final use of the site once it is re- zoned can be assessed in the DA process. The rezoning is so that it can be purchased by a party who wants to develop it and the final use is yet to be determined. The land is currently unusable as it stands and the current zoning prevents development.		
	Page 31 of the PP includes the following additional comments relating to the infrastructure matters:		
	The applicant is unable to clarify if the adjoining rail line is to be used in the future. If necessary TfNSW will condition and give Council advice on the planning proposa during the period of comment.		
Council assessment response	The SEPP includes a planning framework that guides development in relation to:		
	 Infrastructure uses by public and non-public authorities 		
	 Educational establishments 		
	 Major Infrastructure Corridors 		
	 Three Ports – Port Botany, Port Kembla and Port of Newcastle 		
	 Moorebank Freight Intermodel Precinct 		
	In the context of this PP, the provisions in the SEPP relating to infrastructure uses are relevant for consideration. The SEPP prescribes the circumstances when a consultation with a public authority may be required, and sets out the development control		

	framework for infrastructure uses that can be carried out as either e development, complying development, development permitted only development that is permissible without consent.	-	ent or	
	Clause 2.98 includes provision that must be considered when a deve on land that is adjacent to rail corridors. The subject land is adjacent corridor. It will therefore be the case that any assessment process re development of the land will trigger consultation with the TfNSW ar SEPP provisions.	t to an exist elated to the	ing rail e future	
	Clause 2.119 includes provisions that must be considered when a de proposed with frontage to a classified road. The subject land has fro Street (Mid-Western Highway) which is a part of the classified road therefore be the case that any future development of the land will r directly to the classified road system and that the assessment proce consultation with TfNSW and consideration of SEPP provisions.	ntage only network. It equire acce	to Lynch will ss	
	The detailed requirements for developing land (that connects to the system or adjoins the rail corridor) are typically worked through as p preparation of a Development Application for the specified use of th relevant for a PP to consider the key issues to ensure that the land is intended purpose. In this regard, a review of the information contait that:	oart of the ne land. It is s suitable fo	however r it's	
	 The PP has not included any detailed assessment or consid access requirements for a future development scenario or rezoning occur. 			
	 The PP is not supported by any specialist or technical stud assessment of the suitability of existing access conditions or the likely requirements for achieving a safe standard of development. 	to the classi	fied road	
	 The PP has not included any evidence of preliminary consu in relation to site access considerations. 	ultation with	n TfNSW	
	 The PP has not included any evidence of preliminary consultation with TfNSW in relation to the adjoining rail corridor. 			
	The specific and / or technical requirements for connecting the site Highway have not been canvassed in the PP. Notwithstanding, the la immediate adjacency to the classified road system and is therefore a and regional transport and distribution networks (which is a strategi site). The key issues for transport and traffic are likely to be focused safe sight distance, entrance design and capacity of the existing road accommodate any anticipated increases in trip movements. The nat intensity of future land-use on the site has not been explored in the regard the specific requirements for access are not able to establish Strategically, the proposal does not raise any major concerns related transport / traffic interests as relevant to the planning framework in	and does en accessible to ic advantage around the d network to rure, extent PP, and in t ed at this st d to related	joy o local e for the need for o and his age.	
Matter for consideration – Is the PP con	sistent with applicable Ministerial Directions (s9.1 Directions)?			
Preliminary Evaluation of S.91 Ministerial Directions	Direction	Applicabl	e to PP?	
	Focus Area 1 – Planning Systems	_		
	Direction 1.1 – Implementation of Regional Plans	□ No	Ves	
	Direction 1.2 – Development of Aboriginal Land Council land	No No	Yes	
	Direction 1.3 - Approval and Referral Requirements	□ No	Yes	
	Direction 1.4 - Site Specific Provisions	🛛 No	☐ Yes	
	Focus Area 1 – Planning Systems – Place-based	M N-	□ V	
	Directions 1.5 – 1.22 (Place Based)	🛛 No	☐ Yes	
	Focus Area 2 – Design and Place – n/a			

Focus Area 3 – Biodiversity and Conservation		
Direction 3.1 - Conservation Zones	□ No	🖾 Yes
Direction 3.2 - Heritage Conservation	🗆 No	🛛 Yes
Direction 3.3 - Sydney Drinking Water Catchments	🖾 No	🗆 Yes
Direction 3.4 - Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	🖾 No	🗆 Yes
Direction 3.5 - Recreation Vehicle Areas	🗆 No	🖾 Yes
Direction 3.6 - Strategic Conservation Planning	🖾 No	🗆 Yes
Direction 3.7 - Public Bushland	🖾 No	🗆 Yes
Direction 3.8 - Willandra Lakes Region	🖾 No	🗆 Yes
Direction 3.9 - Sydney Harbour Foreshores and Waterways Area	🖾 No	🗆 Yes
Direction 3.10 - Water Catchment Protection	🖾 No	🗆 Yes
Focus Area 4 – Resilience and Hazards		
Direction 4.1 - Flooding	⊠ No	□ Yes
Direction 4.2 - Coastal Management	⊠ No	🗆 Yes
Direction 4.3 - Planning for Bushfire Protection	⊠ No	🗆 Yes
Direction 4.4 - Remediation of Contaminated Land	□ No	🛛 Yes
Direction 4.5 - Acid Sulfate Soils	🛛 No	🗆 Yes
Direction 4.6 - Mine Subsidence and Unstable Land	🛛 No	🗆 Yes
Focus Area 5 – Transport and Infrastructure		
Direction 5.1 - Integrating Land Use and Transport	🗆 No	🛛 Yes
Direction 5.2 - Reserving Land for Public Purposes	🗆 No	🛛 Yes
Direction 5.3 - Development Near Regulated Airports and Defence Airfields	🛛 No	🗆 Yes
Direction 5.4 - Shooting Ranges	🖾 No	🗆 Yes
Focus Area 6 – Housing		
Direction 6.1 - Residential Zones	🗆 No	🛛 Yes
Direction 6.2 - Caravan Parks and Manufactured Home Estates	🗆 No	🖾 Yes
Focus Area 7 – Industry and Employment		
Direction 7.1 - Business and Industrial Zones	🗆 No	🛛 Yes
Direction 7.2 - Reduction in non-hosted short-term rental accommodation period	🖾 No	□ Yes
Direction 7.3 - Commercial and Retail Development along the Pacific Highway, North Coast	🖾 No	□ Yes
Focus Area 8 – Resources and Energy		
Direction 8.1 - Mining, Petroleum Production and Extractive Industries	⊠ No	□ Yes
Focus Area 9 – Primary Production		
Direction 9.1 - Rural Zones	🛛 No	🗆 Yes

	Direction 9.	3 - Oyster Aquaculture	🛛 No	□ Yes
	Direction 9. NSW Far No	4 - Farmland of State and Regional Significance on the orth Coast	🖾 No	□ Yes
		e it has been identified in the preliminary evaluation abc oplies to the PP, a more detailed assessment is included i		
Section 9.1 Ministerial Direction 1.1 –	Implementati	on of Regional Plans		
Does the PP include an assessment of this Direction?	Yes Yes	□ No		
PP response	Pages 23 of N/A	the PP includes the following assessment of the Directio	n:	
Council Assessment Response	Plan has be All land with 2041 relate	on applies when preparing a Planning Proposal for land to en released by the Minister for Planning. hin the Cowra LGA is land to which the Central West and s. An assessment of the PP against the Regional Plan has n of this report and revealed no major inconsistencies.	Orana Reg	ional Plan
Section 9.1 Ministerial Direction 1.3 –	· Approval and	Referral Requirements		
Does the PP include an assessment of this Direction?	Yes	□ No		
PP response	Page 23 of 1 Yes	the PP includes the following assessment of the Direction	1:	
Council Assessment Response	– M or – N M ol The PP is no will not intr the subject Transport a	ry, the Direction requires that the PP must: linimise the inclusion of provisions that require the concerned referral of development applications to a Minister or Pu ot contain provisions requiring concurrence, consultation linister or public authority unless the relevant planning a btained the approval of the appropriate Minister and the ot inconsistent with the requirements of the Direction. The oduce new concurrence, consultation or referral provision land, such provisions already exist under various SEPP's nd Infrastructure SEPP) based on the locational characte ed rezoning would not impact on the existing concurrence	ublic Autho n or referra uthority ha Planning S ne rezoning ons. In the (for examp ristics of th	rity. Il of a Secretary. g proposal context of Ie the ie land.
Section 9.1 Ministerial Direction 3.1 –	Conservation	Zones		
Does the PP include an assessment of this Direction?	□ Yes	⊠ No		
		the PP includes the following assessment of the Direction	n:	
PP response	No.			
PP response Council Assessment Response	The Direction Proposal and In summar	on applies to all relevant planning authorities when prepared therefore must be considered as part of the assessment y, the Direction requires that the PP must:	nt of the PF	
	The Direction Proposal and In summar – In en – W	In therefore must be considered as part of the assessment y, the Direction requires that the PP must: Include provisions that facilitate the protection and consen Invironmentally sensitive areas. With respect to land in a conservation zone (or land other	nt of the PF rvation of wise identi	p. fied for
	The Direction Proposal and In summar – In en – W en co	In therefore must be considered as part of the assessment y, the Direction requires that the PP must: Include provisions that facilitate the protection and consen invironmentally sensitive areas.	nt of the PF rvation of wise identi , not reduc	fied for e the

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	 The land is not identified in any known environmental planning instrument as land being for environment conservation / protection purposes. The land is not mapped in Cowra Local Environmental Plan 2012 as and containing environmentally sensitive land (including vulnerable groundwater
	 terrestrial biodiversity, or karst systems). The Cowra LEP 2012 contains special provisions 7.3 to 7.6 which apply to environmentally sensitive lands. The PP does not propose to remove or alter these provisions. The PP is not inconsistent with the requirements of the Direction.
Section 9.1 Ministerial Direction 3.2 – I	eritage Conservation
Does the PP include an assessment of this Direction?	Yes No
PP response	Pages 23 to 26 of the PP include the following assessment of the Direction: The Cowra Railway is a State and Locally listed heritage listed item and is located to the west of the site. It is noted that there will be no impact on this site from th rezoning of this land. Additionally, a search of the Aboriginal heritage Information System has been
	undertaken and there is no AHIM's sites within 100m of this land. The Cowra Railway Station and yard group is No. 19 on schedule 5 of the Cowra LEP and is located adjacent to the subject land. The Railway Station and Yard Group is also on the State heritage Register although it again is not accurately mapped the State listing does contain photographs of the several structures including the small square brick building to the south of the subject lot. The following is a description of the State heritage listing:
	All infrastructure, vegetation and archaeological relics in Cowra yard betwee the up and down distant signals.
	All infrastructure and vegetation included in the former Cowra locomotive depot. The Cowra Station building - standard roadside,1886, HS signal box - non- standard platform level timber box with gable roof,1937 residence - type 3, 32 Brougham St, 1886 Railways Institute building, brick Examiners hut - c.1886 Roundhouse and environs
	There are no heritage items on the subject land.
	Comments This proposal is on adjacent land some 40 metres to the east, there is no proposal on the land which contains a heritage item. This proposal does not disturb, move alter the heritage item. However, there may be some impact in the future by the proposal in terms of views and setting. There may be some impact from the views from Lynch Street on the approach from the east. However, there will be no physical impact to the actual heritage item identified on the map above being on adjacent lot. Any future DA on this site could address some softening or landscaping on this site to screen it from the adjacent lot containing the heritage item.
	Page 31 of the PP includes the following assessment of the Direction:
	The State Heritage item adjacent to the west will not be affected by any development on this site.
Council Assessment Response	 In summary, the Direction requires that the PP must facilitate the conservation of: items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,

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 Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.
An initial screening of the PP was completed by Council prior to application being accepted for assessment on the NSW Planning Portal. This screening process identified the need for the PP to provide additional assessment work relating to:
 the potential impacts of the proposal on the State Heritage Listed Cowra Railway Station and Yard Group (Item 9 of Schedule 5 of Cowra LEP 2012), and
 demonstrated consistency of the proposal with the requirements of Ministerial Direction 3.2.
The amended PP includes additional detail relating to the above matters.
An assessment of Non-Indigenous and Indigenous Heritage is included as follows:
 Non-Indigenous Heritage
Given the immediate adjacency of the site to the Cowra Railway Station and
Yard Group, an assessment is required to be completed to determine the likely impacts of the proposal on this State Heritage listed site.
A copy of the inventory description for the Cowra Railway Station and Yard Group is included in Attachment E to this report, which includes the following details:
- Statement of Significance
 Physical Description of the curtilage, buildings, structures, plant and equipment and landscape elements to which the listing relates.
 More detailed descriptions for specific items including the Railway Station, District Locomotive Engineers Office, Amenities Building, Signal Box, Water Tank and Column at Station, Water Tanks at Depot, as well as the Former Station Masters Residence
Attachment E also includes a map showing the location of the subject site in relation to the listing. This is necessary for context as the map in the PP fails to clearly show the spatial extent of the Cowra Railway Station and Yard Group listing in relation to the subject site.
The Cowra Railway Station and the Water Tank and Column are the two items which are located in close proximity to the subject land. The Water Tank and Column (in particular), are located immediately adjacent to the south-eastern boundary of the subject land. The Ministerial Direction places an obligation on the Planning Proposal to demonstrate that the rezoning would facilitate the conservation of these items.
The impact assessment in the PP is not provided in the form of a technical study prepared by a qualified heritage professional. The proponent has also not requested advice from Council's Heritage Advisor (Mr David Scobie) in relation to the rezoning, and as a result the PP does not feature any technical input from a qualified heritage professional.
As part of the preparation of this assessment report, Council's Heritage Advisor, Mr David Scobie, has been asked to review the PP and a copy of his report is included in Attachment F. In summary, the Heritage Advisor has identified specific sections of the PP where the impact assessment would benefit from additional detail, but raises no significant issues with the rezoning proposal on the basis that most issues are able to be further investigated and addressed as part of a more detailed site and building design process associated with the preparation and lodgement of a DA with Council for the future use of the land.
The proposal is assessed to be consistent with the requirements of Ministerial Direction 3.2 on the basis that:

	 The rezoning of the land will not facilitate a planning outcome that results in direct impact to items of the natural or built environment that are known to be of local or state heritage significance.
	 The PP does not propose to remove or alter any existing provisions in Cowra LEP 2012 which aim to conserve heritage.
	 The Council's Heritage Advisor has reviewed the PP and does not raise any objections to the rezoning of the land.
	 A more detailed impact assessment can be performed as part of the assessment of a Development Application for the future use of the land.
	The PP has not included any evidence of preliminary consultation with TfNSW (as landowner to the Cowra Railway Station) or NSW Office of Environment and Heritage. Further consultation with relevant agencies is expected to be a requirement of the Gateway Determination.
	 Indigenous Heritage
	The PP includes a basic-level assessment of aboriginal cultural heritage matters, with the stated findings supported only by reference to searches of the AHIMS database and not through evidenced based site investigations or technical / specialists' studies.
	The PP states than an AHIMS search has not indicated the presence of culturally significant items or sites within 100m of the subject land. This assessment is consistent with records held by Cowra Council.
	 A visual inspection of the site reveals a disturbed / modified environment associated with historical land-use. Given the disturbed nature of the site, it is considered to be unlikely that any items of Aboriginal heritage would be discovered on the land.
	The level of assessment work completed in the PP relating to non-indigenous heritage is brief but adequate having regard to the scope of the proposal, the findings of the desktop investigations and the observations made through a visual inspection of the site. The need for a more thorough site investigation and / or completion of further technical studies by suitably qualified persons is not considered necessary in the circumstances. In relation to the requirements of Ministerial Direction 3.2, there is no evidence to suggest at this stage that
	the rezoning of the land would impact significantly on matters of Aboriginal cultural heritage significance.
Section 9.1 Ministerial Direction 3.5 – F	Recreation Vehicle Areas
Does the PP include an assessment of this Direction?	□ Yes
PP response	Page 26 of the PP includes the following assessment of the Direction: No
Council Assessment Response	This direction applies to all relevant planning authorities when preparing a planning proposal.
	In summary, the Direction requires that a Planning Proposal must not enable land to be developed for the purpose of a recreation vehicle area where the land:
	 is within a conservation zone, or
	 comprises a beach or a dune adjacent to or adjoining a beach, or where the land is not within either of these areas without first taking into account specific guidelines associated with Recreational Vehicles Areas.
	It is assessed the PP is consistent with the requirements of this Direction, as it is not seeking the land to be designated as a Recreational Vehicle Area.

Section 9.1 Ministerial Direction 4.4 – Remediation of Contaminated Land		
Does the PP include an assessment of this Direction?	🛛 Yes	□ No

PP response	Page 27 of the PP includes the following assessment of the Direction:	
	No.	
Council Assessment Response	The Direction applies when a planning proposal authority prepares a planning proposal that applies to:	
	 land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997, 	
	 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, 	
	 the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land: 	
	 in relation to which there is no knowledge (or incomplete 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 (or incomplete knowledge). 	
	In order to determine whether the Ministerial Direction applies to this PP, the following notes are relevant:	
	 Council records do not show that the land is within an investigation area within the meaning of the Contaminated Land Management Act 1997. 	
	 Council records indicate that the land has been used for a historical purpose referred to in Table 1 of the contaminated land planning guidelines. Council has formed this opinion based on the following: 	
	 The site features on a map of the Cowra Rail Yard in 1946, Pg. 6. "Lines to the Lachlan" by rail historian Lawrance Ryan. 	
	 In the vicinity of the site is the former Railway Barracks, which has since been dismantled in 1985. 	
	 Council records also show the current Lot 2 DP 1028751 was created by a subdivision approved by Council in accordance with DA 282/2000. The file shows that this land was formerly used for rail infrastructure purposes and included land used as part of the rail freight terminal depot located on the adjoining site immediately to the north. 	
	 An old access road to the freight terminal depot area still clearly traverses the site. The freight terminal depot was used as a rail freight distribution centre in connection with the railway line until it closed in the late 1980s. The building had various development uses over the last 40 years. 	
	On the basis of the above, it is assessed that Ministerial Direction No. 4.4 does apply to the planning proposal.	
	In summary, the Direction requires that the PP must:	
	 Not include in a particular zone any land to which the Direction applies if the inclusion of the land in that zone would permit a change of use of the land, unless Council has considered whether the land is contaminated, and if so that the land is either suitable in its current state for purposes allowed in the zone, or that the land is remediated to be made suitable for those purposes. 	
	 Provide Council with a report the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines. 	
	An initial screening of the PP was completed by Council prior to application being accepted for assessment on the NSW Planning Portal. This screening process identified the need for the PP to be supported by a preliminary investigation in accordance with the contaminated land planning guidelines to confirm whether the land is potentially contaminated as a result of the historic use of the land for railway yard purposes (as described above). The applicant has chosen not to provide a Preliminary Site Investigation, instead relying only on desktop-based investigations (presented on Pages 21 to 23 of the PP).	

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	Without further information from the applicant in the form of a Preliminary Site Investigation, the PP has not adequately demonstrated that the rezoning of the land is consistent with the requirements of Ministerial Direction 4.4.		
	Departmen Council and conditioned Preliminary	This issue has been discussed with the Western Regional planning team at NSW Department of Planning and Environment (DPE). Should the rezoning be supported by Council and DPE, the proponent can expect that a Preliminary Site Investigation will be conditioned as a requirement of any Gateway Determination. The findings of the Preliminary Site Investigation (including any requirements for remediation of the land) will therefore be considered at the next step in the plan making process. Despite the land-use history known to be linked to the subject land, the preliminary investigations in the PP and Council's own site investigations indicate that the likelihood of significant contamination occurring at the site is low. In the circumstances, it is considered acceptable to deal with potential contamination risk as part of the Gateway process.	
	investigatio of significar considered		
Section 9.1 Ministerial Direction 5.1 – I	ntegrating La	nd-use and Transport	
Does the PP include an assessment of this Direction?	🛛 Yes	□ No	
PP response	There are n	o changes to any road or public transport proposed by this rezoning.	
Council Assessment Response	proposal th	on applies to all relevant planning authorities when preparing a planning at will create, alter or remove a zone or a provision relating to urban land, nd zoned for residential, employment, village or tourist purposes.	
		d that Ministerial Direction 5.1 does apply as the PP will create land zoned nent purposes.	
	The objectiv	ves of Direction 5.1 are to ensure that a relevant Planning Proposal:	
	tr	nproves access to housing, jobs and services by walking, cycling and public ansport, and	
		creases the choice of available transport and reducing dependence on cars, nd	
		educes travel demand including the number of trips generated by evelopment and the distances travelled, especially by car, and	
	- si	upports the efficient and viable operation of public transport services, and	
		rovides for the efficient movement of freight.	
		, the direction requires a planning proposal to include provisions that give d are consistent with the aims, objectives and principles of:	
		nproving Transport Choice – Guidelines for planning and development (DUAP 001), and	
	– TI	he Right Place for Business and Services – Planning Policy (DUAP 2001).	
	-	Proposal may be inconsistent with the terms of this direction only if the ithority can satisfy that:	
	– is	justified by a strategy approved by the Planning Secretary which:	
	0	gives consideration to the objective of this direction, and	
	0	identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or	
		justified by a study prepared in support of the planning proposal which gives onsideration to the objective of this direction, or	
	P	in accordance with the relevant Regional Strategy, Regional Plan or District lan prepared by the Department of Planning and Environment which gives onsideration to the objective of this direction, or	
		f minor significance.	
		nes generally encourage new commercial areas to be well located and aving regard to established principles relating to integrated land-use and lanning.	

	land-use and and location therefore ac An assessme guideline do	es to a zoning that is site specific. The need for an integrated approach to d transport planning is not considered to be critical given the nature, scale of the proposal. The site directly adjoins the Mid Western Highway and is cessible to key transportation networks. ent of the PP against the objectives and principles of the two referenced cuments indicates that the rezoning is generally satisfactory and that any ies are capable of being justified on the grounds of minor significance.
Section 9.1 Ministerial Direction 5.2 –	Reserving Land	d for Public Purposes
Does the PP include an assessment of this Direction?	□ Yes	⊠ No
Council Assessment Response	proposal. The objectiv – fau pu – fau lar In summary, reduce exist of the public The PP prop Support. The Cowra LEP 2	n applies to all relevant planning authorities when preparing a planning es of this direction are to: cilitate the provision of public services and facilities by reserving land for ablic purposes, and cilitate the removal of reservations of land for public purposes where the nd is no longer required for acquisition. the Ministerial Direction requires that the PP must not create, alter or ing zonings or reservations of land for public purposes without the approval e authority. oses a rezoning of the site from SP2 Infrastructure to E3 Productivity e proposal does not relate to land that is reserved for a public purpose in 012 or any other relevant environmental planning instrument. t inconsistent with the requirements of Ministerial Direction 5.2
Section 9.1 Ministerial Direction 6.1 -	Residential Zo	nes
Does the PP include an assessment of this Direction?	🛛 Yes	□ No
PP response	consent of C This applicat	oosed to use this land as residential land although it is permitted with the council. None of the other provisions in this Direction apply to this proposal. tion does not encourage the development of housing or any residential land ere is no need to make provision for them.
Council Assessment Response	This Direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary), or any other zone in which significant residential development is permitted or proposed to be permitted. The PP is proposing the rezone the land from SP2 Infrastructure to E3 Productivity Support. The PP is seeking to enable a future use of the land that has a commercial / industrial focus, and whilst the chosen Land-use Zone (E3) will permit development for the purposes of a single residential dwelling on the subject land, this is not considered to be 'significant residential development'. In addition, the E3 zone is not a residential based zoning. On this basis, further consideration of the PP against Ministerial Direction 6.1 is not considered to be necessary. Any inconsistencies are assessed to be of minor significance.	
Section 9.1 Ministerial Direction 6.2 –	Caravan Parks	and Manufactured Home Estates
Does the PP include an assessment of this Direction?	🗆 Yes	⊠ No
Council Assessment Response	proposal, ex	n applies to all relevant planning authorities when preparing a planning cept: own land reserved or

	 land dedicated for any purposes under the Crown Land Management Act 2016, except Crown land reserved for accommodation purposes, or land dedicated or reserved under the National Parks and Wildlife Act 1974 	
	The objectives of the Ministerial Direction are to:	
	 provide for a variety of housing types, and 	
	 provide opportunities for caravan parks and manufactured home estate. 	
	In summary, the Ministerial Direction requires the PP to retain provisions and zonings	
	that permit development for the purposes of caravan parks on land.	
	The PP proposes a rezoning of the site from SP2 Infrastructure to E3 Productivity Support. Development for the purposes of a caravan park is currently not permissible in either zone and the PP does not propose to change this permissibility.	
	The PP is not inconsistent with the requirements of Ministerial Direction 5.2	
Section 9.1 Ministerial Direction 7.1 – I	mployment Zones	
Does the PP include an assessment of this Direction?	Yes No	
PP response	Page 23 of the PP includes the following assessment of the Direction:	
	Any future development on this site subsequent to the rezoning will likely provide employment, increase the total potential floor space and support the continued viability of Cowra.	
Council Assessment Response	This direction applies to all relevant planning authorities when preparing a planning proposal that affects land within an existing or proposed Employment zone (including the alteration of any existing Employment Zone boundary). The Direction therefore applies to this PP.	
	The objectives of this direction are to:	
	 encourage employment growth in suitable locations, 	
	 protect employment land in employment zones, and 	
	 support the viability of identified centres. 	
	The Ministerial Direction requires a Planning Proposal to:	
	 give effect to the objectives of this direction, 	
	 retain the areas and locations of Employment zones, 	
	 not reduce the total potential floor space area for employment uses and related public services in Employment Zones. 	
	 not reduce the total potential floor space area for industrial uses in E4, E5 and W4 zones, and 	
	 ensure that proposed employment areas are in accordance with a strategy that is approved by the Planning Secretary. 	
	An assessment of the PP against the requirements of this Direction reveals the following inconsistency:	
	 The rezoning proposes new employment land that is not in accordance with a strategy approved by the Planning Secretary (such as the Cowra Local Strategy Planning Statement or Cowra Shire Land-use Strategy). 	
	The PP may be inconsistent with the terms of the Ministerial Direction only if the relevant planning authority can satisfy the Planning Secretary that:	
	 it is justified by a strategy approved by the Planning Secretary. 	
	 it is justified by a study (prepared in support of the planning proposal) which gives consideration to the objective of this direction, or 	
	 it is in accordance with the relevant Regional Strategy, Regional Plan which gives consideration to the objective of this direction, or 	
	 is of minor significance. 	
	In the case of this PP, the rezoning proposal relates to a single lot, and the merits of	
	rezoning the site are largely based around site-specific issues, rather than a response to broader strategic initiatives or frameworks for employment lands developed by Council	

	The rezoning proposal is therefore not strictly in accordance with a Strategy that has been endorsed by the Planning Secretary (such as the LSPS or the Cowra Shire Land-use Strategy).	
	The site is not identified as belonging to an important employment precinct in Cowra, but it is also not significantly disconnected from nearby employment lands (Cowra CBD). Given the single-lot nature of the rezoning proposal, the size of the holding, and the location of the site, it is considered unlikely that the future development of the land for an employment purpose would compromise the objectives of the Ministerial Direction relating to encouraging employment growth in suitable locations, protecting employment lands, and / or supporting the viability of centres. The existing zoning framework for the E3 zone (chosen for this site) includes a number of objectives designed to ensure new developments are (1) compatible with, but do not compete with, land uses in surrounding local and commercial centres (such as the Cowra CBD), and (2) maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity. On the basis of the assessment findings above, any inconsistency of the PP with the	
	requirements of Ministerial Direction 7.1 are considered to be justified on the grounds of minor significance.	
SECTION C – ENVIRONMENTAL, SOCIAL	AND ECONOMIC IMPACT	
	likelihood that critical habitat or threatened species, populations or ecological dversely affected as a result of the proposal?	
PP response	Pages 23 and 24 of the PP includes the following assessment:	
	 The land appears to be highly disturbed and is clear of any significant vegetation or trees. It is unlikely that any critical habitat or threatened species or habits will be adversely affected by the rezoning and future development of this land. This land is not mapped as Terrestrial Biodiversity nor does it contain any wetlands. 	
	 It is noted that Cowra has no areas of Outstanding Biodiversity and has one area of protected threatened species of which there is a management plan – Grey-headed Flying-fox camp at the Cowra Golf Club. 	
	 The Biodiversity Conservation Act 2016 lists a number of Threatened species in NSW. Generally speaking, most species require food trees and habitat is usually found in forests and woodlands, swamps and wetlands. 	
Council Assessment Response	The desktop assessment presented in the PP is accepted and is generally considered to be sufficient having regard to the following considerations:	
	 The site is predominantly cleared, with isolated trees observed to be located on the land and within the road reservation. 	
	 The site is not mapped in Cowra LEP 2012 as being of biodiversity significance. 	
	 Council has not requested specialist studies, report or investigations to determine likely impacts on critical habitat, threatened species, populations or ecological communities. 	
	 The PP includes limited detail with respect to the future specific use of the land, however it is expected that some clearing works are likely to be required as part of any redevelopment scenario should a rezoning be supported by Council. Currently, Cowra Council does not have a permit system in place for the clearing of native vegetation in non-rural areas. If the clearing of native vegetation on the subject land was required as part of any future development scenario, this would need to be addressed through the development assessment process to which Part 4 of the Environmental Planning and Assessment Act 1979, including an assessment of the likely environmental impacts of the clearing works. 	
	On the basis of the above, it can be concluded that the rezoning of the land would not pose a high risk of significantly impact on critical habitat, threatened species, populations or ecological communities, or their habitats.	

Natural Hazards		
PP response	Page 25 of the PP includes the following assessment: The site is not identified on the Cowra Shire Bushfire Prone Land Map.	
Council Assessment Response	Planning assessment confirms that the land is not impacted by natural hazards including bushfire or flooding. Further detailed investigations are not deemed to be necessary. The proposal to rezone the land from SP2 Infrastructure to E3 Productivity Support is no inappropriate because of any natural hazards affecting the land.	
Land-use Conflict		
PP response	Page 25 of the PP includes the following assessment:	
	Land use conflict can be managed in a number of ways, but this depends on the type of use and this will be determined after the rezoning and at DA stage. This site is opposite a heavy vehicle route and a major highway, it was also adjacent to the freight terminal and previously an operating railway line. There is no reason that land use conflict can't be minimised in the future.	
	As mentioned above the site was never used as part of the rail infrastructure and has remained vacant.	
Council Assessment Response	The PP is proposing a rezoning of the land from SP2 Infrastructure to E3 Productivity Support.	
	An assessment is required to determine the likelihood that the future intended use of the land (for a purpose enabled by the new E3 zoning) would result in unacceptable or unmanageable land-use conflict issues having regard to the nature of existing and / or planned land-use in the vicinity of the subject land.	
	The following observations are documented relating to the nature of surrounding land- use:	
	 Land immediately opposite the subject land is zoned R1 General Residential. Single storey residential development predominates on the western side of th Mid Western Highway, but there is also an existing commercial motel accommodation facility located opposite the subject land. 	
	 Land generally on the eastern side of the Mid Western Highway forms part of the corridor belong to the Blayney to Demondrille Railway. Currently, this rail line is not operational, however the re-opening of the line continues to be the subject of further investigations and advocacy of Council and other interested stakeholders. 	
	 The Cowra Railway Station and Yard Group is located to the south west. 	
	 The site is located on the eastern edge of the zoned area relating to the Cowra Central Business District. The nearest existing commercial property is the site of the former Cowra Plasterworks, approximately 200m from the subject land 	
	 The nearest community facility is the Cowra TAFE on College Drive, however this is generally not within line-of-sight proximity to the subject land. 	
	 Apart from the potential re-activation of the Cowra to Demondrille Railway, there are no known major projects (public or private) planned in locations tha adjoin or which are nearby to the subject land. 	
	As assessment of key issues is as follows:	
	 The subject land is located within an area that comprises of mix of existing land-use activities including residential, commercial and infrastructure uses. There is no one particular dominant use. 	
	 Land-use conflict issues related to noise, traffic and visual impact are difficult to assess at rezoning stage as the specific future specific use of the land is not known. 	

Matter for consideration - Are there any other likely environmental effects as a result of the planning proposal and how are they

	 At a strategic level, the site is not deemed to be unsuitable for the range of land-use activities that are permissible under the existing framework for the E3 Productivity Support zone in Cowra LEP 2012.
	 Given the current zoning of the land is for SP2 Infrastructure, the rezoning proposal is unlikely to exacerbate any risk that the site will be developed for a purpose that is inappropriate for the location and setting of the land.
	On the basis of the above, there are no significant concerns associated with the rezoning proposal in terms of land-use conflict.
Heritage	
PP response	Page 25 of the PP includes the following assessment:
	The Cowra Railway is a State and Locally listed heritage listed item and is located to the west of the site. It is noted that there will be no impact on this site from the rezoning of this land. Additionally, a search of the Aboriginal heritage Information System has been undertaken and there is no AHIM's sites within 100m of this land.
Council Assessment Response	An assessment of the key issues related to indigenous and non-indigenous heritage has been included in a previous section of this report dealing with the requirements of Ministerial Direction 3.2. The assessment concluded that:
	 The PP has demonstrated that the rezoning of the land is consistent with the requirements of Ministerial Direction 3.2.
	 The level of assessment work completed in the PP relating to non-indigenous heritage is adequate having regard to the scope of the proposal, the findings of the desktop investigations and the observations made through a visual investigation of the scope of face were thereas the investigation of desktop.
	inspection of the site. The need for a more thorough site investigation and / or completion of further technical studies by suitably qualified persons is not considered necessary.
	 A further opportunity will be available at DA stage to assess any specific site related impacts on Non-Indigenous and Indigenous Heritage.
Water & Soils	
PP response	Page 25 of the PP includes the following assessment:
	The site is not identified on the Cowra and Gooloogong Floodplain Risk Management Plan.
Council Assessment Response	A review of the existing planning framework applying to the land confirms that:
	 The land is not impacted by flooding.
	 A small part of the land is mapped in Cowra LEP 2012 as containing vulnerable groundwater resources. The source of the vulnerable groundwaters is likely to be associated with the nearby Waugoola Creek.
	 The land is not mapped as containing other environmentally sensitive land or water resources.
	Given the urban setting of the land, water and soil impacts are not identified to be primary environmental issues associated with the assessment of the rezoning proposal. Council has not requested specialist studies, report or investigations to determine likely impacts on water and soils. Strategic level assessment confirms that the land is not impacted by flooding, environmentally sensitive land or significant water resources (noting that vulnerable groundwater resources are known to exist in the locality). There are no significant concerns associated with the rezoning proposal in terms of water and soils.
Traffic & Transport	
PP response	Page 25 of the PP includes the following assessment:
11 response	

Council Assessment Response	The subject land has frontage only to Lynch Street (Mid-Western Highway) which is a part of the classified road network. It will therefore be the case that any future development of the land will require access directly to the classified road system.
	The detailed requirements for developing land that connects to the classified road system are typically worked through as part of the preparation of a Development Application for the specified use of the land. It is however relevant for a PP to consider the key issues to ensure that the land is suitable for its intended purpose. In this regard, a review of the information contained in the PP shows that:
	 The PP has chosen not to include any detailed assessment or consideration of the likely access requirements for a future development scenario on the land, should a rezoning occur.
	 The PP is not supported by any specialist or technical studies which provide an assessment of the suitability of existing access conditions to the classified road or the likely requirements for achieving a safe standard of access to the development.
	 The PP has not included any evidence of preliminary consultation with TfNSW in relation to site access considerations.
	The PP is generally lacking in information that enables a detailed assessment of the likely traffic and transport issues associated with the intended future use of the land. The specific and / or technical requirements for connecting the site to the Mid-Western Highway have not been canvassed in the PP. Notwithstanding, the land does enjoy immediate adjacency to the classified road system and is therefore accessible to local and regional transport and distribution networks (which is a strategic advantage for the site). The key issues for transport and traffic are likely to be focused around the need for safe sight distance, entrance design and capacity of the existing road network to accommodate any anticipated increases in trip movements. The nature, extent and intensity of future land-use on the site has not been explored in the PP, and in this regard the specific requirements for access are not able to established at this stage. Strategically the proposal does not raise any major concerns related to transport and traffic.
Utilities and Services	
PP response	Page 25 of the PP includes the following assessment: Utilities - there are a number of alternatives for connection to water sewer and stormwater which will be finalised at DA stage. The freight terminal to the east has connections to both water and sewer and there is a connection on the opposite side of Lynch Street for both water and sewer. All these options require investigations at a later stage. Nothing can occur until the rezoning is complete therefore there is no reason that all services can be connected to the site now.
	The sewer is available to be connected from the property to the east (freight terminal) approximately 160m, with the permission of the owners of the land, Transport Asset Holding Entity, Transport for NSW.
	As addressed previously there are a number of different options for the provision of water, sewer and stormwater connections which have not yet been investigated and whilst the decision has not been made as to which connection the development will use there is enough information for the rezoning to proceed. The investigation may take some time to undertake and need a number of different trades and owners to come together including TfNSW, there are no shortfalls with this methodology, it is a question of the owner's timing and contracts of sale. There is adequate public infrastructure in the immediate vicinity to allow this rezoning to proceed.
Council Assessment Response	The subject land exists as vacant unserviced land. A more specific account of the existing servicing arrangements to the subject land is included as follows:
	 The land does not currently have an existing connection to Council's reticulated water supply system. According to Council's asset management system, the nearest water supply main is located on the opposite side of the

	 The land does not currently have an existing connection to Council's gravity sewerage supply network. According to Council's asset management system, the subject land is located within Cowra Township's gravity sewer network catchment, and the nearest gravity-fed reticulated sewer main is approximately 160m to the north.
	 The land does not currently have an existing connection to grid electricity. This infrastructure is the responsibility of Essential Energy and not Cowra Shire Council. A check of Essential Energy's Network Information Portal shows that the electricity distribution network (in the vicinity of the subject land) is focused along the western side of the Mid Western Highway.
	 Stormwater is currently unmanaged with overland flow discharging to the rail corridor along the eastern boundary of the site.
	Without connection to urban services, the land is generally considered to be unsuitable for most types of development which are to be enabled for the site by the rezoning proposal.
	Whilst the PP has not been supported by specific plans or details, the applicant has broadly considered likely infrastructure and servicing requirements for the project, and has concluded that connection to urban services is possible subject to further engineering investigation and designs being completed as part of the preparation and lodgement of a Development Application for the land.
	The PP has been referred to Cowra Infrastructure and Operations for comment on the likely requirements for water, sewer, stormwater and access provision to the site. The comments are detailed in a further section of this assessment report. Council's engineering assessment confirms that that whilst the PP is deficient in terms of detailed plans and specifications relating to the connection of urban services, the site is located within the catchment area for critical infrastructure (water, sewer and stormwater) and that connection of these services is operationally possible subject to further investigations and third-party consent being procured (as necessary) over adjoining land. Based on the above, the rezoning of the subject land is capable of strategic support from Council. The detailed requirements for connecting the land to urban infrastructure, utilities and services is to be further investigated as part of the preparation lodgement of a Development Application with Council, at which time the specific needs of the chosen land-use will be further known.
Matter for consideration – Has the pla	anning proposal adequately addressed any social and economic effects?
PP response	Page 25 of the PP includes the following assessment:
	Anecdotally there is a shortage of commercial/industrial land in Cowra. This land is vacant SP land and should be rezoned to something that can be developed and used. This is privately owned land adjacent to the rail corridor and Council needs to consider a rezoning so that this land can be used or sold to be used as productive economically viable land in Cowra. Support for the rezoning will enable this land to be developed and used as employment generating commercial/manufacturing or industrial type uses. The State Heritage item adjacent to the west will not be affected by any development on this site.
Council Assessment Response	The potential social and economic benefits of the rezoning proposal have been canvassed within the PP. There are no specialist reports or studies which explore the potential benefits in detail.
	The development potential of the site is limited by the existing range of permissible uses currently available to the land under the SP2 Infrastructure zone. To be clear, only land- use activities which are 'ordinarily incidental or ancillary to' to development for railway infrastructure purposes are currently allowed on the site.
	As privately-owned land (and having considered the current status of the Blayney to Demondrille Railway), the current zoning is unlikely to encourage the redevelopment of the site for a purpose that realises positive social and economic benefits to Cowra. A rezoning of the land (to E3 Productivity Support) would allow for a range of permissible land-use activities including residential / commercial / light industrial, community and recreation type activities. At a broad level, a change to the land-use zoning for the land could:

	 Increase the development potential of the land, by enabling a greater range of permissible land-use activities on the land. 	
	 Stimulate interest in the land from private developers. 	
	 Encourage privately-led infrastructure investment at the site and within the surrounding location. 	
	 Enable the land to be utilised for potential employment generating activity. 	
	 Result in positive social and / or economic development for the Cowra Township through the development of the site for suitable purpose. 	
	In summary, the current zoning of the land is posing a significant limitation on the development potential for the land. The rezoning of the site will enable a greater range of land-use options to be considered for the land, which may have positive and social impacts for the site and for Cowra more generally.	
SECTION D - LOCAL STATE AND COMM	ONWEALTH INTERESTS	
Matter for consideration – Is there adeo	uate public infrastructure for the planning proposal?	
PP response	The applicant has commented there are a number of different options for the provision of water, sewer and stormwater connections which have not yet been investigated and that they wish to proceed with re-zoning, saying there is enough information and adequate public infrastructure in the immediate vicinity to allow this re-zoning to proceed.	
Council Assessment Response	A referral of the PP has been provided to Council's Infrastructure and Operations with a request for a preliminary engineering assessment of the proposal. The following comments were received: <u>Sewer</u>	
	 The PP does not include any detail which indicates preferred option for connection of the site to Council's gravity sewerage supply system. 	
	 The PP does not include on the likely future specific use of the land, and does not include any early estimations on the likely number of Equivalent Tenements (ETs) likely to be generated by a future redevelopment of the land. 	
	 The Campbell Street Pump Station has enough storage capacity for possible upstream developments, including this site. 	
	 Preliminary investigation indicates that a potential option for connection would involve an extension from the existing 150mm conc sewer retic main opposite Short St, connecting Lynch St to Campbell St. Further investigations would be required to confirm that depths and grades of the infrastructure are suitable. Connection to this infrastructure would require the procurement of an easement over land that is not included in the PP and this is not addressed in the application documentation. 	
	 Depending on the future use of the land, a Liquid Trade Waste agreement with Council would likely be required. 	
	Reticulated Water.	
	 The PP does not include any detail which indicates preferred option for connection of the site to Council's reticulated water supply system. 	
	 The PP is not supported by any specialist studies or reports that investigate the capacity of the existing water supply system to service the future development of the site. 	
	 Modelling of existing water supply infrastructure in the location of the development would be required as part of a future development proposal. 	
	Stormwater	
	 The PP does not include any detail which indicates preferred option for managing stormwater generated from the land to the public drainage system. 	

	 There is an existing underground stormwater pipe connecting from Short Street to the stormwater inlet pit that is located next the former Freight Terminal Building on the adjoining land to the north of the subject site. Stormwater is subsequently discharged to Crown Land east of the rail yard, then on to Waugoola Creek. Connection to this infrastructure would require the procurement of an easement over land that is not included in the PP and this is not addressed in the application documentation. <u>Access</u> The site has frontage to Lynch Street (Mid Western Highway) which forms part of the classified road system. The PP does not include any detailed information to support an assessment of the likely access needs for a future development proposal. Site inspection indicates the land falls away from Lynch Street at grades that may create difficulties for achieving suitable access to the land. Further investigations are required to determine specific design requirements. There is currently no footpath on the eastern side of Lynch Street. Further investigations would be required as part of a future development scenario to determine potential for suitable connections of the site to Kendal Street. In summary, the site is located within an existing urban area and within the catchments for potential connections to key services and utilities including Council's reticulated water supply system, gravity sewerage supply system and public stormwater drainage system. While the PP itself has not included detailed assessment of key issues relating to infrastructure capacity and specific requirements for connecting including the likely need to procure service easements of adjoining land that does not form part of the application, a combination of the site's size and location, plus Council's own
	investigations, show provision is possible via more than one method.
Matter for consideration – What are the Gateway determination?	e views of state and Commonwealth public authorities consulted in accordance with the
PP response	The PP has not included any evidence of preliminary consultation having been completed with state / commonwealth agencies.
Council Assessment Response	 Council anticipates that consultation with the following agencies (as a minimum) would be conditioned by NSW DPE should the rezoning proceed to Gateway Determination: Transport for New South Wales (TfNSW) Transport Asset Holding Entity UGL Regional Linx, as the manager of all operations and maintenance on the Country Regional Network in NSW. NSW Office of Environment and Heritage (OEH)
6.4. Part 4 – Maps	
Does the PP include mapping in accordance with Part 4?	Yes No
PP response	Page 32 of the PP includes the following assessment: Mapping has been provided.
Council Assessment Response	According to the LEP Plan Making Guideline, the following map information is generally required to support a PP: - Map of the subject site and immediate surrounds.

	- N	ap of the current zoning.				
	- N	ap of current development standards.				
	- N	ap of any alternative zone(s) if a change is proposed.				
	- N	laps illustrating changes of development standards if a change is proposed.				
	- N	ap of extent of a proposed heritage conservation area.				
	– N	ap of a location of a specific heritage item.				
		lap of extent of native vegetation and validated regionally important nvironmental values.				
	- N	ap of extent of an environmental conservation area.				
	- N	ap of an area to which a local provision will apply.				
		laps with additional material such as aerial photographs clearly identifying ne subject site.				
	The PP was	initially submitted with the following map detail:				
	re	lap extracts from Cowra LEP 2012 showing the terrestrial biodiversity sources, vulnerable groundwater resources, riparian lands and watercourses cated in the vicinity of the subject land.				
	– A	copy of Deposited Plan 1028751 relating to the subject land.				
		n extract of Council's mapping system indicating the location of gravity everage supply assets in the vicinity of the subject land.				
	The followi	ng maps were subsequently submitted to Council on 30 August 2023:				
	- N	ap showing the existing zoning for the land under Cowra LEP 2012.				
	- N	ap showing the proposed zoning for the land under the PP.				
	As part of t	he assessment of this PP, Council has also prepared the following maps:				
		lap of the subject site in relation to the adjacent State Heritage listed Cowra ailway Station and Yard Group,				
	– Lo	ocality map, and				
	 Aerial view map. 					
	Having compared the PP to the requirements of the Guideline, the standard of supporting maps is generally sufficient to give context in relation to the spatial setting of the land within the Cowra Township and the nature of the proposed changes to Cowra LEP 2012.					
6.5. Part 5 – Community Cons	ultation					
Does the PP include an assessment of Part 5?	🛛 Yes	□ No				

Does the PP include an assessment of Part 5?	🛛 Yes	□ No				
PP response	Page 32 of the PP includes the following assessment: Consultation has been undertaken with Council via the planning department and the Infrastructure department for water and sewer connections. Consultation needs to be undertaken with TfNSW depending on which option of water, sewer and stormwater treatment is chosen and this can be undertaken at DA stage.					
Council Assessment Response	submitted t Gateway De the determi proposal. Sp be submitte In accordan are required	ncil resolve to support the rezoning proposal, the application will need to be to the NSW Department of Planning and Environment with a request for a etermination. Should a Gateway Determination be issued, it is expected that nation will specify the minimum public exhibition requirements for the becial conditions may also be applied requiring further studies or reports to d prior to community consultation occurring. ce with the Cowra Community Participation Plan 2020, Planning Proposals d to be placed on public exhibition for a mandatory timeframe of 28 days or meframe specified in the Gateway Determination.				
6.6. Part 6 – Project Timeline						

5.6. Part 6 – Project Timeline

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Does the PP include an a Part 6?	ssessment of	🛛 Yes	□ No					
PP response		The PP has not provided estimated timeframes for the project, other than to list the Department's targets for standard planning proposals.						
Council Assessment Response		Council considers that the PP would fall into the Complex Category having regard to the criteria established in the NSW DPE Local Environmental Plan Making Guideline.						
		Benchmark timeframes differ between Standard and Complex Planning Proposals, being generally longer for a Complex proposal.						
		Council expects that a realistic timeframe for the project would be as follows:						
		1. Submission of PP to Cowra Shire Council –June 2023						
		2. Council Assessment / Council Resolution – November 2023						
		3. Submission to Gateway – Mid December 2023						
		4. DPE Gateway Assessment – Late January 2024						
		5. DPE Gateway Determination – Late January 2024						
		6. Post Gateway (action any required conditions) – April 2024						
		7. Public exhibition and assessment – May-June 2024						
		8. Fi	nalisation (preparation of LEP and Map	os) – August 2024	1			
7. Summary								
Part 1			adequately addressed the the Guideline?	🛛 Yes	🗆 No			
Part 2	Has the Planning Proposal adequately addressed the requirements of Part 2 of the Guideline?							
Part 3	Has the Planning Proposal adequately addressed the requirements of Part 3 of the Guideline?				🗆 No			
Part 4	Has the Planning Proposal adequately addressed the requirements of Part 4 of the Guideline?			🛛 Yes	🗆 No			
Part 5	Has the Planning Proposal adequately addressed the requirements of Part 5 of the Guideline?			🛛 Yes	🗆 No			
Part 6	Has the Planning Proposal adequately addressed the requirements of Part 6 of the Guideline?			🛛 Yes	🗆 No			
Comments		sessment of t	he PP has been completed against the ted in this report:	following legislat	tive / policy			
	– Part	t 3, Division 3.4 of the Environmental Planning and Assessment Act 1979.						
		cal Environmental Plan Making Guide – August 2023, prepared by NSW Department of Inning and Environment.						
		evant Section 9.1 Ministerial Directions.						
	Having regard to the above, the Planning Proposal has been assessed on the basis of the information provided to date and a recommendation is to be made that Council supports the submission of the Planning Proposal to the NSW Department of Planning for Gateway Determination.							
8. Recommendatio	on(s)							
Recommendation(s)	(Re	v 4) which se	tes PP-2023-884 submitted by applican eeks to amend Cowra Local Environn P2 Infrastructure to E3 Productivity Su	nental Plan 2012				
	 That Council supports PP-2023-884 for submission to NSW Department of Planning Environment for Gateway Determination in accordance with Section 3.34 of the Environme Planning and Assessment Act 1979. 							

	3. That PP-20	Council 23-884 for C	notifies Gateway Det			of	its	decision	to	support
	 That Council submits PP-2023-884 to NSW Department of Planning & Environment with request for Gateway Determination in accordance with Section 3.34 of the Environment Planning and Assessment Act 1979. 									
Assessment Officer	Janine Finlayso	n								
Date of Decision	14 November 2023									
Authorised Delegate	Land-use Planner									
Date	14 November 2023									

Attachment A

Land-use Table to Cowra LEP 2012 - SP2 Infrastructure Zone

1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- 2 Permitted without consent

Roads

3 Permitted with consent

Aquaculture; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3

Land-use Table to Cowra LEP 2012 - E3 Productivity Support Zone

Objectives of zone

- To provide a range of facilities and services, light industries, warehouses and offices.
- To provide for land uses that are compatible with, but do not compete with, land uses in surrounding local and commercial centres.
- To maintain the economic viability of local and commercial centres by limiting certain retail and commercial activity.

• To provide for land uses that meet the needs of the community, businesses and industries but that are not suited to locations in other employment zones.

• To provide opportunities for new and emerging light industries.

• To enable other land uses that provide facilities and services to meet the day to day needs of workers, to sell goods of a large size, weight or quantity or to sell goods manufactured on-site.

• To ensure commercial development in the Redfern Street area and at the Cowra Airport is consistent with the commercial hierarchy of the Cowra township and does not involve major retailing activities or detract from the core commercial functions of the Cowra central business district.

• To maximise public transport patronage and encourage walking and cycling.

• To ensure commercial, industrial or other compatible development at the Cowra Airport provides aviation-related services and facilities or services and facilities to support that development.

2 Permitted without consent

Environmental protection works; Home occupations; Roads

3 Permitted with consent

Animal boarding or training establishments; Boat building and repair facilities; Business premises; Centre-based child care facilities; Community facilities; Depots; Dwelling houses; Function centres; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Industrial retail outlets; Industrial training facilities; Information and education facilities; Landscaping material supplies; Light industries; Local distribution premises; Markets; Mortuaries; Neighbourhood shops; Office premises; Oyster

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aquaculture; Passenger transport facilities; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Respite day care centres; Rural supplies; Service stations; Shop top housing; Specialised retail premises; Storage premises; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Veterinary hospitals; Warehouse or distribution centres; Wholesale supplies; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Amusement centres; Biosolids treatment facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Eco-tourist facilities; Entertainment facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Home occupations (sex services); Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Port facilities; Registered clubs; Residential accommodation; Resource recovery facilities; Restricted premises; Roadside stalls; Rural industries; Sewage treatment plants; Sex services premises; Shops; Tourist and visitor accommodation; Waste or resource management facilities; Water recreation structures; Water treatment facilities; Wharf or boating facilities Attachment B – Copies of Council correspondence to applicant requesting Additional Information

See following pages.



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

Your Ref: PP-2023-884

5 June 2023

Bethlehem Investments – John Sarlas

Dear Sir/Madam,

Re: Planning Proposal PP-2023-884 – Lynch Street, Cowra Lot 2 DP 1028751

On 17 March 2023, Council wrote to you with a request for the provision of additional information in support of your Planning Proposal to rezone Lot 2 DP 1028751 from SP2 Infrastructure to E4 Productivity Support. A copy of this letter is attached for your ease of reference.

As a result of Council's written request on 17 March 2023, a revised Planning Proposal was received by Council via the NSW Planning Portal on 29 April 2023. Council notes that the date of the Planning Proposal is marked 'February 2023 – Rev 2'.

Please be advised that Council's planning team has performed a review of the updated Planning Proposal to determine whether it contains sufficient information to allow an assessment of relevant matters in accordance with:

- The requirements of the Division 3.4 of the NSW Environmental Planning and Assessment Act 1979, and
- Local Environmental Plan Making Guideline prepared by NSW Department of Planning, Industry and Environment, dated September 2022.

Council remains of the opinion that the Planning Proposal contains insufficient detail pertaining to a number of key planning issues. Further assessment work is required to be incorporated into the Planning Proposal, including:

- A more detailed assessment of the rezoning proposal against relevant Section 9.1 Ministerial Directions, and where an inconsistency is identified – appropriate justifications. Council's preliminary assessment indicates that the Planning Proposal may create an inconsistency with Direction 4.4 (relating to the need for a preliminary site investigation) that has not yet been resolved and that further assessment is required to demonstrate consistency with Directions 3.2, 5.1, 6.1 and 7.1.

- The Planning Proposal has not adequately demonstrated that the subject land is capable of being serviced with key infrastructure and utility services required to support the future use of the land for purposes that are consistent with and permissible in the E4 Productivity Support zone. Whilst the Planning Proposal has detailed the findings of a desktop-based investigation to determine the nearest locations of Council's gravity sewer system, an assessment is still required to demonstrate that adequate arrangements to service the land with water, sewer, electricity and access can be achieved.
- More detailed mapping relating to the project including a locality map, existing zoning / lot size map and a proposed zoning / lot size map. The provision of suitable mapping is necessary to ensure that the subject land is appropriately identified within the existing context and setting of the land and to ensure that there is clarity in relation to the nature and scope of changes being proposed to Cowra Local Environmental Plan 2012. The provision of adequate mapping will also support the necessary stakeholder engagement processes.
- Cowra Council has not been provided with owners consent for the lodgement of the Planning Proposal. Please upload a copy to the NSW Planning Portal.

I have also provided, as an attachment to this letter, a list of matters that have been identified by NSW Department of Planning and Environment as part of an early engagement process initiated by Council. These matters are again provided for your information, and highlight some of the relevant issues that are likely to be assessed by the Department, should the project reach the stage where a Gateway Determination is required. Please note that Council supports the Department's views on these matters and suggests that these issues are appropriately considered as part of any updates to the Planning Proposal.

Please provide advice to Council within 21 days of the date of this request as to whether you intend to complete further work on the Planning Proposal, or whether you wish for Council to accept the Planning Proposal for assessment on the NSW Planning Portal and determine the application on the basis of the information that has already been provided.

Should you have any further questions in relation to this matter, please contact me through Council's Environmental Services Department on (02) 6340 2040.

Yours faithfully,

Janine Finlayson Land-use Planner

Attachment I - Summary of DPE Comments / Issues

- a) The subject site is within the Blayney-Demondrille Railway Corridor. The Central West and Orana Regional Plan 2041 (Objective 20) identifies this to be one of the railway corridors to be reactivated. The Planning Proposal should consider whether the subject land will likely be reacquired by TfNSW/TAHE as part of the reactivation, and whether the rezoning would have any potential impacts in terms of the reactivation project.
- b) In accordance with Ministerial Direction 7.1, further assessment is required to determine whether the E3 Productivity Support zoning is appropriate for the site and its impacts to the surrounding properties. The Planning Proposal should consider whether the rezoning is consistent with all relevant strategic documents of Council including the LSPS and the Cowra Shire Land-use Strategy. Where inconsistencies are identified, strategic and site-specific merit needs to be addressed. The following matters are relevant for consideration:
 - i. Supply and demand for E3 zoned land
 - ii. Why is this the best land for E3 zoned land
 - iii. Adequate infrastructure provision.
 - iv. Potential impacts onto the State Heritage Item 19 Cowra Railway Station and yard group
 - v. Consideration of the nature of the likely uses desired for the site once it has been rezoned
- c) In accordance with Ministerial Direction 4.4, a preliminary site investigation is required as the subject land is/was associated with railway yards, being a purpose identified in Table I of the Managing Land Contamination Guidelines.
- d) Prior to the request for Gateway Determination, the Planning Proposal should adequately demonstrate that appropriate infrastructure and service connections can be achieved for the land.
- e) A detailed locality map is to be inserted in the planning proposal. The locality map as well as other maps are to clearly display the subject land.
- f) The planning proposal is to consider the potential intensification of traffic and any road infrastructure upgrades that may be required as a result of the proposed rezoning.



Your Ref:

PP-2022-4111

17 March 2023

Bethleham Investments – John Sarlas

Dear Sir/Madam,

Re: Planning Proposal PP-2022-4111 – Lynch Street, Cowra Lots 2 DP 1028751

Thank you for the opportunity to provide additional feedback, research & commentary for PP-2022-4111 to rezone land at Lynch Street, Cowra (Lot 2 DP 1028751) from SP2 Rail Infrastructure Facilities to E3 Productivity Support (B5 Business Development & B7 Business Park).

Council wishes to stress that to assist you with providing a document that can be supported throughout the entirety of the Planning Proposal process, it has sought preliminary feedback from multiple agencies, including the Department of Planning & Environment (DPE Western Region), Transport for New South Wales (TfNSW), Transport Asset Holding Entity (TAHE) and UGL Regional Linx.

DPE & Cowra Council wish to reiterate that proponents should undertake scoping proposals as the first stage of any Planning Proposal process, as per LEP Making Guideline 2022 (pg. 19), to enable the provision of strategic and site merit feedback as well as the likely requirements for a subsequent planning proposal.

As this has not been undertaken in this instance, Council has endeavoured to assist the applicant & has undertaken preliminary consultation with relevant agencies to better inform the applicant's decision-making process.

As part of this effort to assist the applicant with their proposal (PP), DPE has offered the following preliminary advice:

DPE has raised concerns regarding the proposed E3 Productivity Support zoning and whether it is considered appropriate for the site given the potential impacts on surrounding properties.



As acknowledged by the PP, the proposal is not the specific result of a strategic planning policy, however its author cites several local and strategic planning objectives to highlight it is consistent with these local & regional planning policies.

DPE advises that if the PP is not a result of a strategic planning documents, it needs to demonstrate strategic and site-specific merit as required under Direction 7.1(1)(e) of the s9.1 Ministerial Directions.

For your assistance, please find this direction below:

A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:

(a) justified by a strategy approved by the Planning Secretary, which: i. gives consideration to the objective of this direction, and ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), or

(b) justified by a study (prepared in support of the planning proposal) which gives consideration to the objective of this direction, or

(c) in accordance with the relevant Regional Strategy, Regional Plan or District Plan prepared by the Greater Cities Commission or the Department of Planning and Environment which gives consideration to the objective of this direction, or Local Planning Directions

(d) of minor significance.

DPE has advised Council that it needs to ensure the PP proposal has significant considerations and detailed discussions of all the relevant matters of the Central West and Orana Regional Plan 2041, s9.1 Ministerial Directions and LSPS.

DPE also raised:

- i. Supply and demand for E3 zoned land
- ii. Why is this the best land for E3 zoned land
- iii. Adequate infrastructure provisions for the land (certainty should be demonstrated at PP stage)
- iv. Potential impacts onto the State Heritage Item 19 Cowra Railway Station and yard group – Council notes the information provision in the PP
- v. Consideration of the nature of the likely uses desired for the site once it has been rezoned

It is DPE's, as well as Cowra Council's view, that preliminary investigations into whether water, stormwater & sewer can be connected are integral to proving the site can operate under the proposed new zoning. Council stresses it is not the intention that this needs to be completed as part of the PP, but at a minimum, written evidence needs to be shown that preliminary discussions with the adjoining landowner indicate that the above infrastructure



provisions can be achieved where consent is required for works and/or easements on adjoining land.

Council has been advised it needs to be certain the site can be adequately serviced prior to proceeding to Gateway determination especially as DPE believes that TfNSW/TAHE typically does not permit easements through its properties.

This need for demonstration is also supported by Attachment C – Supporting Technical Information of the LEP Making Guidelines, which outlines how a utility and infrastructure servicing strategy that addresses the current capacity and future needs of the proposal is likely to be required for a Standard PP such as yours.

Other advice from DPE includes:

- A preliminary site investigation is required under Direction 4.4 of the s9.1 Ministerial Directions as the subject land is/was associated with railway yards. Council also notes its own records indicate the current lot was the creation of land formerly housing rail infrastructure and land from the freight terminal depot to the north (DA 282/00)
- A detailed locality map is to be inserted in the planning proposal. The locality map as well as other maps are to clearly display the subject land.
- The planning proposal is to consider the potential intensification of traffic and any road infrastructure upgrades that may be required as a result of the proposed E3 zone. As the PP will be subject to agency consultation, it is strongly advised that preliminary discussion with TfNSW would assist the author in its decision-making.
- The PP states owner's authority to lodge as attached, however a search of the document or the portal application could not locate this document.

Please note that the abovementioned matters are preliminary advice and is not an exhaustive list. The Department may request further information should the planning proposal proceed to Gateway determination.

I hope these additional comments are of assistance. Please do not hesitate if you would like to contact myself direct and discuss. We welcome the opportunity to assist with this site. Please advise Council of your intentions regarding the PP within 7 days or the application will be returned.

Yours faithfully

Janine Finlayson Land-use Planner



Your Ref:

PP-2022-4111

3 February 2023

Mr John Sarlas

Dear Sir/Madam,

Re: Additional Information - Planning Proposal PP-2022-4111

A preliminary assessment has been undertaken of the Planning Proposal for the aforementioned property.

For your convenience, I provide Council's comments and responses to Planning Proposal PP-2022-4111 (the Proposal) in line with key planning issues.

Please refer to the attached document giving detailed advice and feedback. I encourage you to review Department Guidelines:

Local Environmental Plan Making Guideline - September 2022 (nsw.gov.au)

We also strongly suggest seeking assistance from a planning consultant if you choose to amend your proposal. I would be happy to meet with you either on-site or at Council's Customer Service Centre to discuss this information and/or answer any questions that you may have regarding this letter. Department of Planning and Environment's preliminary feedback will also be sought and passed on.

Yours faithfully,

Janine Finlayson Land-use Planner
Planning Proposal PP-2022-4111 – Lot 2 DP 1028751 Lynch Street Cowra Matrix analysis comparing preparation guidelines to information so far provided		
Planning proposal part	What Planning Proposal 2022-4111 (PP) says:	What preparation guidelines says has to be achieved:
Part 1 – Objectives and intended outcomes	 PP provides a Statement of Objectives and intended outcome. Rezone the subject land from SP Rail Infrastructure Facilities to Zone E3 Productivity Support under the Cowra Local Environment Plan 2021 (LEP). 	A statement of the objectives of the proposed instrument
Part 2 – Explanation of	PP provides an Explanation of Provisions	An explanation of the provisions that are to be included in
provisions		the proposed instrument
3. 1 Is the planning proposal a result of an endorsed LSPS,	No. Referred to in PP.	Explain the context of the planning proposal
strategic study or report?	PP does cite	If the proposal aims to give effect to, or is the product of, a
	Cowra LSPS 2020 and Central West Orana Regional Plan	local planning priority or action in a LSPS endorsed by the
	2036 (now outdated, 2041 plan needs to be referenced)	Planning Secretary or delegate and/or assured by the GSC,
	as broadly supporting in concept/context.	or Department endorsed or approved local strategy (such as
	LSPS Priority 1	a Local Housing Strategy), this should be clearly outlined and
	Specific Action 1.4	described to justify the proposal
	Priority 5	If the proposal implements the outcomes of a strategic
	Specific Action 5.6	study or report of some kind, the nature of the study and its
		key findings should be briefly explained to justify the
		proposal. A copy of the study or report (or relevant parts)
		should be submitted with the planning proposal and
		ultimately form part of the public exhibition material

3. 2 Is the planning proposal	PP cites yes, rezoning is the only way to achieve the	Review alternative approaches to achieve or give effect to
the best means of achieving	intended outcomes.	the objectives or intended outcomes. This may include
the objectives or intended		seeking to vary applicable development standards via clause
outcomes, or is there a better		4.6 of the relevant LEP, waiting for council to finalise a study
way?		and/or separate planning proposal or whether the outcome
,.		could be achieved through an amendment to a development
		control plan
		It should be evident from this assessment that the proposed
		approach is the best, most efficient and most time-effective
		approach to delivering the desired outcome
3.3 Will the planning proposal	PP cites the Central West Orana Regional plan 2036	Regional and district plans and strategies include objectives,
give effect to the objectives	(now outdated).	directions, planning priorities and specific actions for a range
and actions of the applicable	Citations include:	of different matters relevant to that region, district and LGA.
regional or district plan or	Region an important freight & logistics centre (Goal 1,	These plans and strategies may include specific housing and
strategy (including any	Direction 12, Goal 3 and Cowra priorities.	employment targets and/or identify regionally important
exhibited draft plans or		natural resources, transport networks and social
strategies)?	PP cites Regional Plan which refers to Cowra as a	infrastructure. A planning proposal should provide an
	broader strategic location. Note - this PP citation is	explanation and justification of how the planning proposal is
	generally referring to Cowra, not site specific.	consistent with the applicable directions, priorities and
	PP then identifies:	actions. If a planning proposal is inconsistent with an
	Goal 1, Direction 10, 12. Goal 3.	objective and/or action within these documents, sufficient
	PP cites re-zoning will help the site meets these	justification should be also included in the planning proposal
	objectives.	
		 The relationship between the planning proposal and
		strategic plan or strategy needs to be outlined and whether
		the proposal will give effect to the plans and/or strategies.
		Mapping may be provided to demonstrate how a proposal
		will give effect to the priorities or actions under a regional or
		district plan • At a minimum, the planning proposal should
		address the assessment criteria for strategic merit
Part 3.4 Is the planning	PP confirms the site and re-zoning potential not	Demonstrate how the planning proposal is consistent with
proposal consistent with a	specifically identified in the Cowra LSPS.	the relevant council's LSPS that has been endorsed by the
council LSPS that has been		Planning Secretary (or assured by the GSC). Relevant matters

endorsed by the Planning	However, cites a number of priorities in the Cowra LSPS	should be identified and the relationship of the planning
Secretary or GSC, or another	as broadly speaking could be applied to this site.	proposal to those matters discussed
endorsed local strategy or		
strategic plan?	PP cites Specific Action 1.4 – Council will investigate the	• Where there is no endorsed LSPS, another local strategy or
	potential suitability of amending Cowra LEP 2012 to	local strategic plan may be considered
	enable the efficient, orderly and practical use of land	
	adjoining main road corridors for a range of purposes.	 The status of any strategy, plan or LSPS should be
		considered in the planning proposal – draft, adopted by
	Also cites Priorities 1 & 5.	council, endorsed by the Planning Secretary, etc. An example
		is an approved local housing strategy. A planning proposal
	See below for further comment.	that gives effect to a local strategy that has been
		endorsed/approved by the Planning Secretary would be
		expected to be supported
		• Local strategies or local strategic plans endorsed by the
		Planning Secretary or delegate also provide the opportunity
		to justify or detail how environmental issues (such as those
		set out in section 9.1 Directions) may be addressed
Part 3.5 Is the planning	PP says not inconsistent with any other regional study	Demonstrate how the proposal is consistent with any other
proposal consistent with any	or strategy.	relevant State or regional study or strategy – for example.
other applicable State and	of strategy.	Future Transport Strategy 2056, Cumberland Conservation
regional studies or strategies?	Council comment – needs detailed consideration of the	Plan, Net Zero Plan, Water Resource Plan, State
	relevant objectives of the Central West and Orana	Infrastructure Strategy, A 20 Year Economic Vision for
	Regional Plan 2041 (not 2036 – outdated) including but	Regional NSW
	not limited to the following:	
	a. Objective 7: Plan for resilient places and	
	a. Objective 7. Flair for resilent places and	
	communities	
	b. Objective 18: Leverage existing	
	industries and employment areas and	

	support new and innovative economic	
	enterprises	
	c. Objective 20: Protect and leverage the	
	existing and future road, rail and air	
	transport networks and infrastructure	
	i. Collaboration Activity 25	
	d. Part 5: Local government priorities –	
	Cowra	
Part 3.6 Is the planning proposal consistent with	PP says there are 11 SEPPS and is not inconsistent	Provide an assessment of the proposal against relevant SEPPs
applicable SEPPs?		 It may be necessary to provide preliminary advice in
	Council comment – contamination risk. Refer to	relation to how the proposal can satisfy the requirements of
	Contaminated Land Guidelines. Site is a former railway	a SEPP o for example, State Environmental Planning Policy
	yard, listed as an Activity that May Cause	(Infrastructure) 2007 requires that certain trip-generating
	Contamination. Preliminary site investigation to satisfy the requirements of Resilience and Hazards SEPP 2021.	proposals must be referred to Transport for NSW for advice
		• Mapping may be provided in the planning proposal to
		identify SEPPs relevant to the proposal
Part 3.7 Is the planning	PP says it is consistent with applicable Ministerial	The Minister may issue directions regarding the content of
proposal consistent with	Directions.	LEPs, to the extent that the content must achieve or give
applicable Ministerial		effect to particular principles, aims, objectives or policies set
Directions (section 9.1	Council comment - No actual assessment against	out in those directions28
Directions)?	relevant 9.1 directions given – needs to be provided.	 Assess against relevant section 9.1 Directions
Part 3.8 Is there any likelihood	Unknown – not addressed in PP.	 Identify if the land subject to the proposal has the
that critical habitat or		potential to contain critical habitat or threatened
threatened species,	Council comment – need to identify any potential via	species, populations or ecological communities, or
populations or ecological	mapping, etc, reference links, to eliminate potential.	their habitat
communities, or their habitats,		

will be adversely affected		
because of the proposal?		
Part 3.9 Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?	 Unknown – not addressed adequately in PP. Council comment - Sewerage management. Contamination management, former land-use as railway yards Stormwater impact on nearby infrastructure (rail corridor, main highway) Strategies to minimise land-use conflict – Residential zone immediately adjacent Scope of these investigations should be identified in the planning proposal Detailed information is to be provided in relation to the site's location, history, surrounding land uses and settlement pattern. 	 Environmental effects unique to a planning proposal may not be addressed in the strategic planning framework. These matters may be identified in informal guidelines, codes or policies prepared by other public authorities and government agencies. Environmental effects may include natural hazards such as flooding, land slip, bushfire hazard, etc The planning proposal should identify any other environmental effects and prepare information or undertake investigations to address an identified matter Scope of these investigations may be identified in the planning proposal and may need to be undertaken to inform the Gateway determination
Part 3.10 Has the planning proposal adequately addressed any social and economic effects?	 Unknown – not addressed adequately in PP. Council comment – Impact of commercial land on adjacent residential needs to be identified for preliminary investigation. Impact of economic benefits to rezoning needs to be addressed – see adjacent column – is there a shortage of commercial land in Cowra? If so, how will this rezoning assist? Etc Conflict considering close proximity of the rail line should be addressed. 	Identify effects on items or places of non-Aboriginal or Aboriginal cultural heritage not already addressed elsewhere • Estimate the number of jobs or housing growth (e.g. construction/post-construction and housing diversity) • Identify the impact on existing social infrastructure, such as schools and hospitals • Identify the need for public open space or impacts on green infrastructure • Identify the impact on existing retail centres

	 Heritage item in immediate vicinity not addressed 	 Identify measures to mitigate any adverse social or economic impacts, where necessary, and whether additional studies are required Identify any proposed public benefits
Part 3.11 Is there adequate public infrastructure for the planning proposal?	 No. The PP does not clearly identify all infrastructure missing from the site, nor potential mechanisms/strategies to addresses these shortfalls. Council comment Site not serviced by reticulated water. Reticulated water on adjoining lot. Site not serviced by sewer system. PP raises presence of internal sewer line nearby at Cowra Railway Station and the possibility of it being a connection to main/Council infrastructure solution, however does not properly investigate the feasibility i.e. suitability of infrastructure, negotiations with owners, implications of easements, etc. The PP should clearly indicate the steps needed to investigate this possibility. Transport for NSW/access/State Controlled road. The PP does not clearly outline what, if any consultation/seeking of preliminary views has been undertaken. Stormwater – the PP does not clearly indicate strategies to address this infrastructure shortfall. 	 Generally, this applies where the planning proposal includes development that will, or is likely to, require the provision of, or increase the demand for, public facilities and services Address whether existing infrastructure is adequate to serve or meet the needs of the proposal and how any predicted shortfall in infrastructure provision could be met Undertake studies required to identify the extent of any infrastructure shortfall, potential mechanisms or strategies to address any shortfall and which agencies have been consulted as part of that process The proponent/PPA is to identify what local and regional infrastructure may be needed For planning proposals likely to place additional demands on public infrastructure, it is important to undertake consultation with the public authorities and government agencies responsible for the provision of that infrastructure. The Gateway determination will confirm whether a local contributions plan is required to be exhibited with the planning proposal and require regular feedback on the progress of finalizing an infrastructure strategy and highlevel costs For planning proposals, a local contributions plan may be required. Liaison with the council is necessary

	 Clarify whether the rail line adjoining the site is disused and whether there is likely potential for the rail line to be reinstated and its implications to the site 	
Part 3.12 What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?	 Unknown. Not addressed in PP. No preliminary views provided. Council comment – High need for Transport for NSW feedback, both for highway access, as an owner of a lot with a form of sewer access proposed as a possible idea to investigate, as a general neighbour and as the owner of a nearby Heritage Item. Agencies identified as needing preliminary views/consultation Cowra Council water provision investigation Transport for NSW (Mid Western Highway Access) Transport for NSW (Meritage Item – Cowra Railway Station) Transport for NSW – owner of land identified as having sewer infrastructure which may provide a sewer connection (Cowra Railway Station) Essential Energy 	One of the aims of the LEP making process is to reduce the number of unnecessary referrals to government agencies. The planning proposal should nominate the state and federal agencies to be consulted and outline the matters that have triggered the need for the referral. Consultation will be confirmed by the Gateway determination • The proponent or PPA should get preliminary views of any state or federal agency prior to submitting a planning proposal and include them in this section including any preliminary issues raised. This should include any scope of additional information/ investigations, evidence of consultation and any agreement in relation to the progression of the planning proposal
Part 4 – Maps – existing and proposed maps, where relevant, to identify the effect of the planning proposal and the area to which it applies	Mapping and imagery not consistent with DPE guidelines.	According to DPE guidelines, mapping must be consistent with the Department's Standard Technical Requirements for Spatial Datasets and Maps using the same format, symbology, labelling and appropriate map scale.

Part 5 – Community consultation – details of consultation undertaken with Government agencies, council or other authorities, and community consultation that is to be undertaken on the planning proposal postGateway and during exhibition	No community consultation presented, not other attempt of answering Part 5.	According to DPE guidelines, Part 5 must be addressed. See link provided for full details.
Part 6 – Project timeline – project timeline to detail the anticipated timeframe for the LEP making process	No project timeline presented, not any other attempt to answer Part 6.	According to DPE guidelines, Part 6 must be addressed. See link provided for full details.

Attachment C – Property Location Map



Figure 1. Aerial view of the locality surrounding the subject site, Lot 2 DP 1028751.

Attachment D – Photographic Record from Site Inspection



Figure 2. Looking southwest from the western boundary, along the Mid Western Highway frontage.



Figure 3. Looking northeast across the adjacent rail corridor and further, Waugoola Creek and Campbell Street.

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Figure 4. Looking northwest from the middle of the block.



Figure 5. Looking southwest from the northern area of the block.

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Figure 6. Looking west from the middle of the block, towards the Mid Western Highway. Land use is a motel & dwellings.



Figure 7. Looking southeast, from the northwestern boundary corner.

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Figure 8. From the northeastern boundary corner to the southwest, showing the plateau effect of the lot's middle section.



Figure 9. From the centre of the site, looking north, over the rail corridor.

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Figure 10. The electrical pole is on the rail land to the immediate north. The remains of the Rail Freight Depot building can be seen.



Figure 2. Looking northwest. View shows the drop off from the immediate western boundary to the site's centre.

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Figure 32. The water tank – which until 2000 was part of the lot until a boundary adjustment in DA 282/00– and the view to the State heritage listed Cowra Rail Station and Rail Yard.

Figure 43. The remnants of an old access road.



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Attachment E – State Heritage Listing Map & and Inventory Details

State Heritage Listing Inventory

Statement of significance:

Cowra was reached by rail in 1886 from Young and linked to Blayney in 1888, forming the first cross country line. The station complex forms an interesting and complete group of buildings that illustrate the importance of the location through the development of the site, particularly the station building. Many periods of construction in varying styles are evident within the group and in the station buildings making the present structures unique. The complex forms an important civic group on one of the major approaches to Cowra having a strong relationship to the town and the nearby locomotive facilities. The station building is a significant civic structure within the town. The Institute building is one of the few remaining in the state and is of high significance for its social value in illustrating the importance of the railways to not only the work but the social, education and entertainment life of employees and their families. The examiners hut is a rare early example of such a building and is of high significance. The forecourt parking area (although the surface treatment has altered from the original) and grounds are of significance due to their connecting the streetscape and to the station complex. The site is in close proximity to the Cowra Locomotive Depot which is one of the few active remaining locomotive depots in the state. This association enhances the significance of both groups of structures.

Assessment of significance:

This item is assessed as historically rare. This item is assessed as scientifically rare. This item is assessed as archeologically rare. This item is assessed as socially rare.

Physical description:

Curtilage includes all infrastructure, vegetation and archaeological relics in Cowra yard between up and down distant signals. All infrastructure and vegetation included in the former Cowra locomotive depot.

BUILDINGS

Station building (1886) - standard roadside HS Signal Box (1937) - non-standard platform level timber box with gable roof Former Station Masters Residence (1886) - type 3, 32 Brougham St Railways Institute Building (c1886) Examiners Hut (c.1886) Roundhouse and Environs, HS

STRUCTURES

Water Column Water Tanks with brick base Footbridge - timber Turntable

PLANT + EQUIPMENT

drop pit jack in locomotive depot

LANDSCAPE

Forecourt and grounds. Locomotive depot, roundhouse, gardens, buildings, war memorial, turntable, footpaths and approaches - an almost complete country locomotive depot. Yard layout, c. 1930's

More detailed information is available for the following buildings:

RAILWAY STATION BUILDING:

Complex and substantially modified form. Painted terracotta asymmetrical brick building with corrugated iron clad hipped roof with three transverse gables and gablet details. Decorative timber bargeboards, gablet vents, finials and pendants, and vents under eaves at gable ends. Four painted brick chimneys. Concrete detailing (lintels, sills and plinth) Projecting central portico entrance with corrugated iron hipped verandah either side, extended to the south with simple timber posts and decorative cast iron lacework brackets (south only). Pebblecrete floor of verandah with painted dark brown square profile timber posts and cream cast iron lacework. Combination of hipped, skillion and flat roof extensions to north. Originally separate south pavilion (joined to main building) has a corrugated iron gable roof with lantern. Timber and corrugated iron roof platform awning with steel arched supports and cast iron Corinthian posts with decorative lacework brackets. Corrugated iron awnings over windows. No platform furniture. Metal bars on windows. Brick platform face with asphalt surface (GML, 2016).

DISTRICT LOCOMOTIVE ENGINEER'S OFFICE (DLE):

Single-storey building with square floor plan, central fireplace and four main areas including offices, conference room, meal room and kitchen. Building measures approximately 12 x 12m. Fabric consists of corrugated iron roof, timber floors covered with linoleum, external weatherboard walls. Interior walls are also weatherboard and ceiling is timber. Chimney and fireplace surrounds are of brick construction (GML, 2016).

AMENITIES BUILDING:

Single-storey rectangular building measuring 17 x 5m. Layout consists of five main spaces including meal room, wash room, toilets, showers and laundry. Corrugated asbestos roof sheeting, hardwood flooring in the large meal room, and concrete slab flooring elsewhere. Exterior walls consist of weatherboard from ground to waist-level and fibrous cement sheets to the roof eaves. Ceiling and interior walls are fibrous cement sheeting. Building in very poor condition (GML, 2016).

SIGNAL BOX:

Terracotta painted single room structure with corrugated iron skillion roof.

WATER TANK AND COLUMN AT STATION:

One type 3 Tank on a rare Type O brick stand with internal cavity. The tank sits on I beams. (Extent, 2016).

WATER TANKS AT DEPOT:

Two Type 3 Tanks on Type D Stands (stands no longer extant). One tank features a manufacturers plate, "Albion Engine Works, 1887, Davy and Sands Founders, Pyrmont Sydney".

FORMER STATION MASTERS RESIDENCE:

Located at the Brougham Street level crossing, the residence is described as a Type 3. However, it appears to have been heavily modified and no longer exhibits the square footprint and pyramidal roof form. It was constructed in 1886 concurrent with the railway station building almost 1km north. The property is currently tenanted by a resident with historical connections with Cowra Railway Station (2016).

Attachment F – Cowra Council Heritage Advisor Report

See following pages.

2.0 Lynch Street Planning Proposal

Contact : Dean Steward

Revision 4 of the proposal has been reviewed:

Issues to note:

- The Objectives do not include an Objective related to provide for the Conservation of state and local heritage items and their associated settings and curtilage;
- The Objectives do not include an Objective related to the provision of opportunities to optimize the use of the rail corridor in the support of heritage rail tourism;
- Page 5. A reference to the disused railway line. The term is imprecise and could be misleading. The Line is not currently used for rolling stock and is under repair
- It is technically named the Blayney Harden Railway line
- The State Heritage Inventory. The correct description is the State Heritage Register. The site is also listed on the S170 State Agency Heritage Register and the Cowra LEP. The SHI is the recording system which describes all heritage items in NSW, listed by Councils, The State and Statutory Authorities
- It is recommended that the following aerial plan Curtilage Mape be included for information.

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- The reference to the brick building with a tin roof. This building is at the north western extent of the listing, is separately described with a boundary and is known as the Examiner's Hut.
- In relation to the impact on the operational rail corridor, the recommendations are:
 - The whole perimeter of the railway is to be fenced to a standard with the fencing located not less than 3m from the centre of the outermost track.
 - Discussion will need to be held with UGL as rail maintainer on behalf of TfNSW and with Lachlan valley Railway as the licensed operator, on any additional maintenance access which may be required to maintain the tracks and deal with any emergency related to Locomotives and Rolling stock
- The discussion on page 6 needs to encompass a range of issues questions and answers provided within the Heritage Impact Statement guide. This appears as a summary and perhaps it could appear elsewhere in the assessment.
 - Matters for consideration
 - Do the proposed works include removal of unsympathetic alterations and additions? How does this benefit or impact the heritage item and its significance?
 - Do the proposed works affect the setting of the heritage item, including views and vistas to and from the heritage item and/or a cultural landscape in which it is sited? Can the impacts be avoided and/or mitigated?
 - Are the proposed works part of a broader scope of works?
 - Does this proposal relate to any previous or future works? If so, what cumulative impact (positive and/or adverse) will these works have on the heritage significance of the item?
 - Are the proposed works to a heritage item that is also significant for its Aboriginal cultural heritage values? If so, have experts in Aboriginal cultural heritage been consulted?
 - Has the applicant checked if any other approvals or a separate process to evaluate the potential for impacts is required?
 - Do the proposed works trigger a change of use classification under the National construction code that may result in prescriptive building requirements? If so, have options that avoid impact on the heritage values been investigated?
 - If the proposed works are to a local heritage item, are the requirements of the development control plans or any local design guidelines that may apply to the site considered?
 - Will the proposed works result in adverse heritage impact? If so, how will this be avoided, minimised or mitigated?

The following would be specific to the PP and should be addressed: Works adjacent to a heritage item

• Will the proposed works affect the heritage significance of the adjacent heritage item or the heritage conservation area? Setting, views and vistas Heritage

- conservation area ArchaeologyWill the proposed works affect views to, and from, the Interpretation heritage item?
- If yes, how will the impact be mitigated?

• Will the proposed works impact on the integrity or the streetscape of the heritage conservation area?

Curtilage

Describe impacts to the identified curtilage, including on layout, use(s), built and landscape elements such as open space, plantings (trees, shrubs, ground covers). Describe any previous subdivision and consider how it may result in future development or affect the identified curtilage.

Historical archaeology

Consider any impacts of the proposed works on the archaeological potential of the site. This information will determine if an archaeological assessment is required. If an archaeological assessment exists, refer to this report and describe any impacts on archaeology.

 Page 7: Lot 2 includes the railway water tank which falls within the SHR Curtilage boundary. The structure is significant and any future development would need to respect this

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significance and utilise and setback to clear the structure. It is recommended that a site photo be included of this structure as it defines the southern extent of Lot 1 and the site of the Planning Proposal

- Figure 4. The Examiners Hut is clearly visible in this image
- Page 11. It is recommended that additional photos are provided external to the site from the north, south and west so that a comprehensive survey is provided to fully assess any impacts of future development.
- Page 15. This is the Parkes Special Activation Precinct and the connection to the inland Rail Route
- o Page 15 & 16
 - It is recommended that a Priority in relation to the Rail line is the activation of Heritage tourism using the rail line to transport visitors between Cowra Railway Station and the Village of Woodstock via Holmwood.
 - An estimate from LVR of the potential passenger traffic is 5,000 passengers per annum. These travellers would take one of the twice monthly services from Cowra Railway Station using the steam locomotive and restored lounge car. As the line between Cowra to the south was restored, the journey time would be extended.
- Page 19 Part 5. It is recommended that Lawrance Ryan provide the statistics for the previous and future visitor numbers which could be expected to utilise the proposed heritage tourism railway from Cowra Railway Station.
- Page 20. Many previous projects have been based on multi-modal use of sites similar to this one. The demolition of the depot is an illustrative example of the failure of such concepts. It is therefore recommended that this section focus more on tourism railway uses in the vicinity and the potential value from complementary uses associated with the heritage trains.
- Page 21. Lawrance and the LVR may have records related to potential contamination or not, associated with the site and the former rail and vehicle uses in the vicinity. The only structure of significance which occupied the subject site was the Railway barracks building. This was located at the northern end of the site and close to Lynch Street. The building and environs were demolished in 1985.



 A valued artefact located adjoining the rail corridor. The structure will not be affected by the proposal. A future DA with appropriate Conditions will ensure development will have an acceptable impact on the heritage significance.

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2. View looking south west to the Examiners Hut with the tank to the right. The development proposal has the capacity to affect the curtilage and setting of these items. Mitigation for these impacts, which will be visual, can be dealt with through Conditions of Consent as part of DA.



3. A close view of the rare water tank. The site of this significant structure is close to the northern end of the subject site. Mitigation for impacts on this element, which will be visual and physical through construction/site works, can be dealt with through Conditions of Consent as part of DA. Particular Conditions would relate to a curtilage around the structure which would require a setback for any works of a nominal 15m from the structure and the provision of a planted landscape buffer

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4. A view to the south from the forecourt of the Cowra Railway Station. The view indicates that the potential visual impacts will be minimal and capable of being mitigated through Conditions as part of



5. View of the northern end of the site with the heritage structure to the right. The view indicates that the potential visual impacts will be minimal and capable of being mitigated through Conditions as part of a DA. A potential condition could require retention of the mature tree group shown to the left and a setback for works from the tree group of 12m to works. The tree group have potential heritage value as they have formed part of the former Railway Barracks which occupied this area until demolished in 1985. The nominal area of the Barracks was a footprint of 5x15m.

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6. A view from the rail corridor looking north towards the Cowra Railway Station. The photo is taken south of the proposed site to illustrate the rail corridor. Standard curtilage fencing would be required 3m from the track. It is noted that remnant power infrastructure remains in place



7. View looking east towards Lynch Street of the site marker to the south eastern corner of the subject site.

David Scobie Heritage Advisor to CSC

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6.3Development Application No. 105/2023, Lot 8 DP 235440, 12
Comerford Street Cowra, Garage, lodged by G C HayesFile Number:D23/2014

Author: Larissa Hackett, Director Environmental Services

RECOMMENDATION

- 1. That Council notes that the reason for the decision is that the proposal largely complies with Section 4.15 of the Environmental Planning and Assessment Act 1979. The variations to Section E.4.3.3 of Part E of Council's Development Control Plan 2021 is sufficiently justified and the application was publicly notified and no submissions were received; and
- 2. That Council approves variations to E.4.3.3.d and E.4.3.3.e.ii of Part E of Council's Development Control Plan 2021 for this development to allow a second access crossing and a 1m setback to the secondary street frontage; and
- 3. That Development Application No. 105/2023, for the construction of a garage on Lot 8 DP 235440, 12 Comerford 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./	Prepared by/Reference	Cowra Shire Council
Supporting Document	Details	Reference
Site Plan (including driveways)	-	Received 10 November 2023 Stamped No. 10.2023.105.1
Garage Floor Plan & Elevations Dwg. No. COWR01- 2197 Rev A Page I/I	Ranbuild N.D.	Received 10 November 2023 Stamped No. 10.2023.105.1
Statement of Environmental Effects (Pro-forma Template)	Graeme Hayes N.D.	Received I December 2023 Stamped No.

10.2023.105.1(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 CONSTRUCTION CERTIFICATE

3. Prior to the issue of a Construction Certificate, the Applicant must obtain consent from the roads authority pursuant to Section 138 of the Roads Act 1993 for the carrying out of works in a road reserve. In addition to the driveway construction, the Applicant shall also include relocation of the existing stormwater outlet in the Section 138 application. All costs associated with the repair of any damages caused by the driveway construction and repair works to the kerb shall be borne by the Applicant and at no cost to Council.

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE COMMENCEMENT OF WORKS

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

property boundary and demonstrates that the development will be constructed in accordance with the boundary setbacks provided on the approved plans.

CONDITIONS TO BE COMPLIED WITH DURING CONSTRUCTION

- 9. While building work is being carried out, any such work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.
- 10. Any damage caused to footpaths, roadways, utility installations and the like by reason of construction operations shall be made good and repaired to a standard equivalent to that existing prior to commencement of construction. The full cost of restoration/repairs of property or services damaged during the works shall be met by the Applicant.
- 11. All storage of goods and building materials and the carrying out of building operations related to the development proposal shall be carried out within the confines of the property. All vehicles must be parked legally and no vehicles are permitted to be parked over the public footpath. The unloading of building materials over any part of a public road by means of a lift, hoist or tackle projecting over the footway will require separate approval under Section 68 of the Local Government Act 1993.
- 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 and discharged to Council's stormwater management system in Flint Street.
- 15. Where the proposed building works necessitate the cutting-in of new stormwater outlets into the existing street kerb, the Applicant and plumbing/drainage contractor shall ensure that the following procedures are carried out:
 - (i) A kerb adaptor suitable for the particular kerb profile and capable of withstanding vehicle loadings is to be utilised;
 - (ii) The opening in the kerb is created by either a saw cut or bored hole only. Breaking out the kerb by impact methods is not permitted;
 - (iii) The kerb adaptor is to be kept flush with the top and outside face of the

kerb; and

(iv) The fixing of the kerb adapter and filling in of side gaps is to be undertaken by the use of an epoxy resin. Mortar or concrete is not to be used

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

- 16. The Applicant must not commence occupation or use of the garage until a Whole or Partial Occupation Certificate has been issued from the Principal Certifier appointed for the subject development.
- 17. Prior to the issue of a Whole Occupation Certificate, the Applicant shall construct an access crossing to the development site from Flint 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. 105/2023 proposes the construction of a garage on Lot 8 DP 235440, 12 Comerford Street, Cowra. The application was lodged by G Hayes on 10 November 2023.

The application is being reported to Council because it proposes a second access crossing and a boundary setback of 1m to the garage contrary to the requirements under section E.4.3.3 of Part E of Cowra Council Development Control Plan 2021.

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

Description of Site

Lot 8 DP 235440, 12 Comerford Street, Cowra is a generally rectangular allotment of approximately 786m², on the corner of Comerford Street and Flint Street. The lot is located in the RI General Residential zone under the Cowra Local Environmental Plan (LEP) 2012. The site contains an existing dwelling and has an existing access via Comerford 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 construct a garage at the rear of the dwelling with a new access crossing to be constructed from Flint Street. The garage is metal clad with dimensions of $7m \times 6m \times 3.4m$ maximum ridge height. The garage is proposed to be setback 1m from the Flint Street property boundary and 1m from the northern property boundary.

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 105/2023:

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

Cowra Local Environmental Plan 2012

The subject land is zoned R1 under the provisions of the Cowra Local Environmental Plan (LEP) 2012. The Inground swimming pool is permitted in the zone with development consent.

I.2 Aims of Plan

The development is not inconsistent the aims of the LEP.

I.4 Definitions

The existing development is defined as a dwelling house under the LEP. The proposed garage would be ancillary to the existing dwelling.

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

2.1 Land use zones

The site is zoned RI General Residential, and the proposed development is permitted with consent.



2.3 Zone objectives and Land Use Table

I Objectives of the Zone

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

2 Permitted without consent

Environmental protection works; Home occupations

3 Permitted with consent

Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; **Dwelling houses**; Food and drink premises; Group homes; Home industries; Hostels; Kiosks; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

4 Prohibited

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

Comment:

The proposed development is ancillary to the use of an existing dwelling house and 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 Hazard Reduction

N/A.

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 Earthworks

The site within the boundary is relatively flat. Earthworks are required to accommodate the garage. 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; accordingly this clause is not applicable.

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 Groundwater vulnerability

This clause applies to land that is identified as groundwater vulnerable on the *Groundwater Vulnerability Map*; the site is not identified as being affected; accordingly this clause is not applicable.

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	An existing reticulated water supply is available but not required.
Electricity	An existing electricity supply is available.
Sewage	Reticulated sewerage is available but not required.
Stormwater	Stormwater can be discharged to Council's street stormwater system as per the recommended conditions.
Access	The proposed development would utilise a new access crossing from Flint 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 (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 (Sustainable Buildings) 2022	Not applicable
SEPP (Transport and Infrastructure) 2021	Not applicable
SEPP (Biodiversity and Conservation) 2021	Not applicable

SEPP (RESILIENCE AND HAZARDS) 2021

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

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

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

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

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

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

Cowra Council Development Control Plan 2021

PART A – PLAN INTRODUCTION

Consent is required for the proposed pool.

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 subject land is cleared of vegetation and no tree removal is proposed – no further assessment required relating to Biodiversity.

PART E – URBAN AND VILLAGE DEVELOPMENT

Variations are required in regard to control E.4.3.3 as the proposed garage will require a second access crossing to the site and the garage will be forward of the existing building line. The variations are considered at the end of this section.

PART K – LAND USE BUFFERS

Cowra Airport Obstacle Limitation Surface

The subject land is located outside of the OLS.

PART N – LANDSCAPING

Landscaping assessment is not considered necessary for ancillary development.

PART O – ENVIRONMENTAL HAZARD MANAGEMENT

The subject land is not mapped as flood prone.

The subject land is not mapped as bushfire prone.

There is no identified contamination on the subject land.

PART P – CPTED PRINCIPLES

CPTED Assessment is not considered necessary for ancillary development.

In summary, the proposed development complies with the relevant requirements of the DCP with the exception of the following clauses:

<u>Variation I</u>

Section E.4.3.3.d of Part E of the Cowra Council DCP 2021 states the following in relation to detached ancillary buildings:

d. New buildings should be accessed from the same driveway servicing the property, where one already exists.

The existing development has a driveway servicing the property from Comerford Street. The proposed development consists of the construction of a new driveway crossing from Flint Street which represents a variation to this development control.

<u>Comment</u>

The objectives for ancillary development under Section E.4. are:

- a. To provide for ancillary development that enhances the amenity of residents without compromising the amenity of adjoining dwellings or the area.
- b. To ensure that materials and colours are compatible with the surrounding natural environment and the dwelling.
- c. To minimise the visibility of ancillary development from public spaces.
- d. To minimise acoustic impacts associated with ancillary development.

The applicant requests the variation on the following basis:

"To use existing driveway to access the rear yard is not a viable option due to the need to remove one tree and possibly a second tree and a garden shed. Reversing a trailer all the way up the side of the house would also be difficult".

Assessment comment:

The proposed variation is considered acceptable as the lot is a corner allotment and the additional driveway will not access the same road as the existing driveway. Therefore, the access locations

GENERAL COMMITTEE MEETING AGENDA

are well separated and the access can be constructed in accordance with Council's engineering standards. Due to site constraints including the position of the existing dwelling, a tree and a shed it is not practical to access the proposed garage from the existing driveway. The proposed access is not inconsistent with the ancillary development objectives listed above.

Variation 2

Section E.4.3.3.e.ii of Part E of the Cowra Council DCP 2021 states the following in relation to detached ancillary buildings:

e.ii. The setback to the boundary adjoining the secondary street frontage is always 4.5m, or behind the existing building line, whichever is the lesser.

The existing building line of the dwelling is approximately 3.5m from the boundary adjoining the secondary street frontage (Flint St). The proposed garage is setback Im from this boundary which represents a variation to the above clause.

The applicant requests the variation on the following basis:

"To construct the garage behind the existing building line would take up too much yard space. The garage is needed for partner's car insurance requiring a lockup garage. There is similar development in the area, including a garage on a corner block and a dwelling with a I metre boundary setback. I believe there will be no impacts to the neighbourhood as there is similar developments. The garage will be screened by existing trees and fencing".

Assessment comment:

The proposed Im setback to the garage is unlikely to have any significant adverse impact on the Flint Street streetscape. An existing metal fence is constructed on the Flint Street boundary as pictured below which will provide some screening of the garage:


In addition, there is similar existing development in the locality within I metre of the front boundary setback. For example, there is a metal garage that has been built to the boundary on nearby Wahroonga Street as pictured below:



Accordingly, it is assessed that the proposed garage will not impact adversely on the character of the locality and it is assessed that it complies with the above objectives for detached ancillary development. It is recommended that the variations be supported.

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(1)(b) The Likely Impacts of the Development

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

Context and Setting

The area is characterised by primarily dwelling houses and ancillary buildings with the exception that Weeroona Aged Care Centre is located to the west on the opposite side of Flint Street. The proposed development would not impact significantly on the existing streetscape. This proposal is consistent with the existing character of the locality.

<u>Access, Parking, traffic</u>

No traffic or parking concerns are identified. A street tree may require some pruning at lower levels to improve sight distance from the new driveway. A stormwater outlet will also require relocation to facilitate the driveway. Works within the road reserve will be subject to a Section 138 permit as conditioned.

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 does not need to connect to Council's water and sewer services. Stormwater can be discharged to Council's stormwater management system on Flint Street.

<u>Soils</u>

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 trees. 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.

Energy

A BASIX Certificate is not required.

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.

<u>Natural Hazards</u>

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.

Safety, Security and Crime Prevention

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

Social and Economic Impacts on the locality

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

Site Design and Internal Design

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

Construction

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

Cumulative impacts

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

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

The development is consistent with the zone objectives and consideration has been given to the impacts the development will have within the locality. It is considered that the proposed development will not create adverse impacts within its local setting. It is assessed that the development will not impact upon any existing services. The 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 22 November 2023 to 6 December 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

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. 105/2023 proposes the construction of a garage on Lot 8 DP 235440, 12 Comerford Street, Cowra. The application was lodged by G Hayes on 10 November 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 variations to section E.4.3.3 of Part E of Cowra Council Development Control Plan 2021 are 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 105/2023 Development Plans 🕹
- 2. DA 105/2023 Statement of Enviromental Effects 🕹
- 3. DA 105/2023 location map 🕹
- 4. DA 105/2023 aerial view 😃







RECEIVED Cowra Shire Council 1 December 2023 Plan No. DA 10.2023.105.1(A)

Cowra Shire Council Private Bag 342 Cowra NSW 2794

Phone: 02 6340 2000 Fax: 02 6340 2011 council@cowra.nsw.gov.au www.cowracouncil.com.au

Statement of Environmental Effects (SEE)

Pro-Forma for Minor Development

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

Applicant Details

Applicant(s)	Graeme	Hayes		
Address			•	 - 1
Telephone No.				
Email				

Property./ Site Details

Lot No.	8
Section No.	
Deposited Plan No.	235440
Street / Rural Address No.	12
Street / Road Name	Comeford
Suburb	Cowra

Description of the Proposal

Proposal	Residential Dwelling
Please tick the box that	Ancillary Residential Development (i.e. Shed)
best describes the	Rural Dwelling
proposed development.	Ancillary Rural Development (i.e. Farm Building)
eled hedrinish inspecifi b	Commercial / Retail Development
SENDER YOUNDE VIL	Advertisement / Advertising Structure
. Held	Change of Use Application
·	Subdivision / Boundary Adjustment
	Other
	Additional Detail

Description of the Site

Approximate Site Area				
Current Land-Use	🗹 Residential	🗌 Industrial		
Eg – the site is currently	E Farmland	Recreation/Parkland		
used for agricultural	Commercial	Other (described below)		
related purposes. The predominant agricultural	Additional Detail			
use is grazing, however,				
the land is also suited to cultivation				
e him and and have not a				
Previous Land-Use	Residential	Industrial		
Eg – the land has	E Farmland	Recreation/Parkland		
historically been used for residential purposes only.	Commercial	Other (described below)		
There are no other uses	Additional Detail			
known to have occurred on the land.				
on the fand.				
Adjoining Sites				
Aujoining Sites	✓ Residential	Industrial		
Eg – the adjoining site to	Farmland	Recreation/Parkland		
the south is currently used for commercial purposes.		Other (described below)		
The adjoining sites to the	Additional Detail			
east and west are currently used for residential				
purposes.				
Existing Structures		on the land		
in it is the second second	There are no existing structures on the land			
Eg – The land is currently vacant, except for an	There are existing structures on the land. These are described below			
existing shed structure	Additional Detail Currently a brick veneer house on the centre to rear of block.			
located in the south west portion of the block.	on the centre to rear of block.			
portion of the block.				

Operational Details

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

	Mon	NA	Fri	NA
	Tues	NA	Sat	NIA
Hours of Operations	Wed	NA	Sun	NA
	Thurs	NA	Public Holidays	NA
Number of Staff	NA			
Expected Number of Customers	NA			
Method of Timing of Deliveries	, N/I	7		
Production Processes	N/A	[
Type of Waste Products & Disposal	N	ł		
Details of any Hazardous Materials (Any materials that may pose a risk to health & safety if not managed correctly)	N	A		
Car Parking Arrangements	N	A		
Loading/Unloading Operations	Ň	/A		
Machinery Used	N	A		
Additional Detail (where necessary)	N		i	

Assessment of Environmental Impacts

*Are there items of European heritage on the property?	No No	Yes
*Are there items of Aboriginal Cultural Heritage within 100 metres of the development site?	⊠ No	Yes
Will the development impact on Critical Habitat or Threatened Species?	[N₀	Yes
*Does the site contain any contaminated materials (asbestos or other contaminants)?	⊡ No	Yes
*Are any trees proposed/required to be removed?	No No	Yes
Will the amenity of adjoining land owners be affected (views, solar access, noise, odour etc)?	⊠ No	Yes
Is the development out of character with existing development in the locality?	∏ No	Yes
*Does the development involve a new access crossing or increase in traffic?	□ No	Yes
*Does the development involve earthworks (cut or fill) of more than 600mm in depth or height?	⊡ No	Yes
Is the site connected to Council's reticulated water service?	□ No	Yes
Is the site connected to Council's reticulated sewer service?	□ No	Yes
*Is there any on-site sewage management system on the site?	No	Yes
Will the development increase crime, safety or security risks?	☑ No	Yes
*To be shown on plans	caller when the	Souther and the

If you answered Yes to any of the above, describe the steps proposed to be taken to prevent or lessen any environmental impacts:

Abide to all council regulations to prevent or lessen any environmental impacts.

Stormwater disposal

If your development will generate stormwater runoff i.e. additional roof or other impermeable surface, please identify where and how you will direct it (including overflow from any rainwater tanks): Stormwater runoff will be directed to existing Stormwater System on property. Note: The discharge location should also be shown on your Site Plan. Council's stormwater management system should be utilised where available.

Site Constraints

Is the development constrained by:		
Flooding	[No	Yes
Landslip or subsidence	⊠ No	Yes
Bushfire attack	No	Yes
Land contamination	I No No	Yes
Easements	✓ No	Yes

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

Assessment of Compliance with Local Planning Policies & Guidelines

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

Cowra Local Environmental Plan 2012

Select the appropriate zoning of	RUI Primary Production	B5 Business Development		
the land under Cowra Local Environmental Plan 2012:	RU4 Primary Production	🔲 IN I General Industrial		
Environmental Plan 2012:	RU5 Village	IN2 Light Industrial		
that had made provident	🗹 RI General Residential	REI Public Recreation		
state to prove	🔲 R2 Low Density Residential	RE2 Private Recreation		
upor parts your do and	🔲 R5 Large Lot Residential	E2 Environmental Conservation		
a abarrate state of second a	BI Neighbourhood Centre	E3 Environmental Management		
the way a billion	B2 Local Centre			
Is the development permissible in the zone	□ No	Yes		
Does the development meet the zone objectives	□ No	Yes		

Cowra Shire Council Development Control Plan 2021

	Applies		Consi	stent	Variation	Proposed
Part B – Land Management	Tes 1	No	Yes	🗌 No	Yes	🗌 No
Part C – Biodiversity Management	Yes 🚺	No	Yes	🗌 No	Yes	🗌 No
Part D – Subdivision Development	Yes 🚺	No	Yes	□ No	Yes	🗌 No
Part E – Urban & Village Development	Yes 🔲	No	Yes	No No	V Yes	🗌 No
Part F – Rural Development	Yes 🚺	No	Yes	🗌 No	Yes	🗌 No
Part G – Large Lot Development	Yes 🚺	No	Yes	□ No	Yes	□ No
Part H – Commercial Development	Yes 🚺	No	Yes	🗌 No	Yes	🗌 No
Part I – Industrial Development	TYes 🚺	No	Yes	🗌 No	Yes	🗌 No
Part J – Cowra Regional Airport	Yes 🛛	No	Yes	🗌 No	Yes	□ No
Part K – Land-use Buffers	Yes 🖊	No	Yes	🗌 No	Yes	🗌 No
Part L – Advertising and Signage	Yes 7	No	Yes	🗌 No	Yes	🗌 No
Part M – Parking, Access & Mobility	Yes 🖸	No	Yes	🗌 No	Yes	🗌 No
Part N – Landscaping	Yes 1	No	Yes	🗌 No	Yes	🗌 No
Part O – Hazard Management	Yes []	No	Yes	🗌 No	Yes	□ No
Part P – Crime Prevention	Yes 🚺	No	Yes	🗌 No	Yes	🗌 No

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

Justification for a variation to the DCP 2021 regarding minium set bock. (DCP Part E) Regarding clause E4.3-3.e.ii. a setback of I metre proposed. Existing building line 3-7 metres to building. To use existing drive way not a viable option due to the need to remove one tree possible removed of a second tree or damage to the root system. Due to excavation work needed because of the elevation change from existing driveway. Very difficult to reverse trailer. Would require the removed of a garden shed. Impossible to build it setback, take up much yard area. There will be no impact to traffic sightlines. This garage is is needed for porteners car insurance requiring a lock up garage. Similar develop in the area include a garage on a corner block, and a house extension to I metre setback on a boundry on Flint street. I bolieve there no impacts to the neighbour nood as there is similar developments. not out of charador. The garage will be screened by existing trees and force. This yariation works and Reviewed 19 November 2021 Page 6 approximate measure.







7 LATE REPORTS

8 NOTICES OF MOTIONS

Nil

9 CONFIDENTIAL MATTERS

RECOMMENDATION

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

10 CONFIDENTIAL GENERAL MANAGER

10.1 Sale of land - lot 9 Cowra Airport to Louise Donkin

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.