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ITEM 1 - ELECTION OF COMMITTEE CHAIRPERSON & DEPUTY CHAIRPERSON

REPORT IN BRIEF

Reason For Report	Annual election of Chairperson & Deputy Chairperson for the Environmental Services & Sustainability Committee.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.5.1.g - Code of Meeting Practice adopted and implemented.
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\\GOVERNANCE\\COUNCIL MEETINGS\\COUNCIL - COMMITTEE MEETINGS - 499906

RECOMMENDATION

THAT the Committee elect a Chairperson and Deputy Chairperson for the ensuing year.

DIRECTOR OF FINANCE AND CORPORATE SERVICES' REPORT

As this is the first Committee Meeting since the September Council Meeting, the Committee will need to elect a Chairperson for the ensuing year.

Council's Code of Meeting Practice provides as follows:-

"The Chairperson of each Committee of the Council must be:

the Mayor, or

if the Mayor does not wish to be the Chairperson of a committee - a member of the Committee elected by the Council, or

if the Council does not elect such a member - a member of the Committee elected by the Committee.

A Council may elect a member of a Committee of the Council as Deputy Chairperson of the Committee. If the Council does not elect a Deputy Chairperson of such a Committee, the Committee may elect a Deputy Chairperson.

It has been Council's practice in the past for Committees to elect their Chairperson and Deputy Chairperson. The Mayor has indicated that he does

not wish to automatically be considered as Chairperson of any committee other than the Works Committee.

ITEM 2 - APPLICATIONS FOR LEAVE OF ABSENCE

REPORT IN BRIEF

Reason For Report	To allow tendering of apologies for Councillors not present.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.5.1.g - Code of Meeting Practice adopted and implemented.
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\\GOVERNANCE\\COUNCIL MEETINGS\\COUNCIL - COUNCILLORS LEAVE OF ABSENCE - 499900

RECOMMENDATION

THAT any apologies tendered be accepted and the necessary leave of absence be granted.

GENERAL MANAGER'S REPORT

A call for apologies be made.

ITEM 3 - DECLARATIONS OF INTEREST

REPORT IN BRIEF

Reason For Report	To allow an opportunity for Councillors to declare an interest in any items to be determined at this meeting.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.5.1.g - Code of Meeting Practice adopted and implemented.
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\\GOVERNANCE\\COUNCIL MEETINGS\\COUNCIL - COUNCILLORS DECLARATION OF INTEREST - 499901

RECOMMENDATION

THAT the Declarations of Interest be noted.

GENERAL MANAGER'S REPORT

A call for Declarations of Interest.

ITEM 4 - DECLARATIONS FOR POLITICAL DONATIONS

REPORT IN BRIEF

Reason For Report	To allow an opportunity for Councillors to declare any Political Donations received.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.5.1.g - Code of Meeting Practice adopted and implemented.
Annexures	Nil
File Number	\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\COUNCIL - COUNCILLORS DECLARATION OF POLITICAL DONATIONS - 499904

RECOMMENDATION

THAT any Political Donations be noted.

GENERAL MANAGER'S REPORT

A call for Declarations of any Political Donations.

ITEM 5 - REQUEST TO REZONE LAND AT EUGOWRA FROM INDUSTRIAL TO VILLAGE

REPORT IN BRIEF

Reason For Report	To seek council resolution in regard to a community request to rezone land at Eugowra
Policy Implications	Request requires preparation of two Planning Proposals to amend Cabonne LEP 2012 to rezone land at Eugowra
Budget Implications	No budget has been allocated for the preparation of

	Planning Proposals to rezone land at Eugowra. Quotes sought indicate that the cost of preparation of the Planning Proposals may be in the order of \$40,000 each
IPR Linkage	4.1 - Develop and implement the Land Use Plan, Development Control Plan and other relevant plans.
Annexures	Nil
File Number	\OFFICIAL RECORDS LIBRARY\LAND USE AND PLANNING\ZONING\REZONING APPLICATIONS - 501582

RECOMMENDATION

THAT the council consider the community request to rezone land at Eugowra currently zoned IN2 - Light Industry to become R5 Village, and to rezone land to the south of Eugowra from RU1 Primary Production to IN2 Light Industry

DIRECTOR OF ENVIRONMENTAL SERVICES' REPORT

Council has received correspondence from the Eugowra Progress and Promotion Association and from 6 local residents, seeking amendments to the Cabonne Local Environmental Plan 2012 that was implemented across the shire on 18 January 2013.

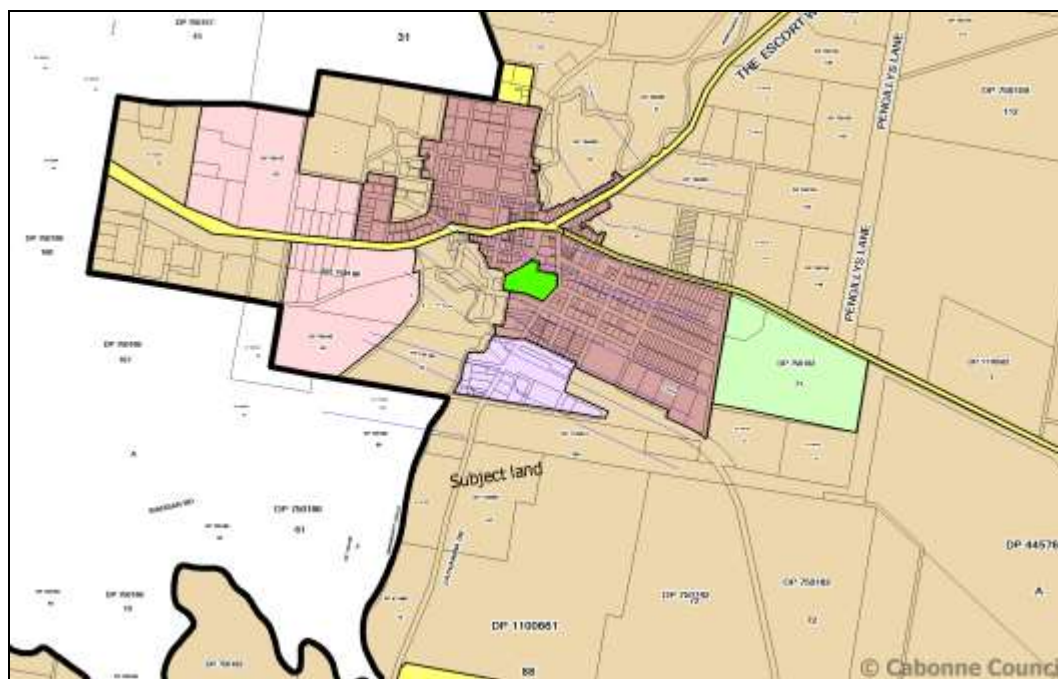
The correspondence seeks council resolution to make the following amendments to the LEP:

1 Rezone an area of land situated off Nanima Street to R5 Village. The area is a mix of existing industrial development, dwellings and vacant land. Part of the area contains a disused railway corridor. The precinct has been identified in various strategic planning documents over the past 20 years or more as a transition zone where additional industrial development was suited. Continued occupation of existing dwellings is protected through existing use right provisions of state planning law. The industrial classification of the area was supported by the Eugowra Settlement Strategy which was adopted by council along with the draft 2012 LEP subsequent to a community consultation process. Residents of the area are seeking to retain dwelling permissibility within the zone, and seek rezoning of the land back to village status to enable an ongoing mix of landuses that include residential and industrial uses.



2 Rezone an area of land owned by council, being Lot 87 DP 1100661, located on the eastern side of Casuarina Drive, Eugowra. The community seeks the rezoning of this land from RU1 Primary Production to IN2 Light Industry, and seeks council's commitment to implement the development of this land as an industrial estate. Council may recall that it specifically resolved to identify this parcel of land in the Eugowra Settlement Strategy 2012 as a

future investigation area for proposed industrial development. This decision was made in part so as not to delay the making of the Standard Instrument LEP as additional information / studies would be required to justify the land conversion ie flooding / hydrology studies, soil capability assessment, servicing availability and costing.



The process

Should council support the request to rezone the land, a process will need to be undertaken in accordance with the provisions of the Environmental Planning and Assessment Act to seek amendments to the Cabonne Local Environmental Plan 2012. The community is requesting council to facilitate the process. This would necessitate preparation of two Planning Proposals for consideration by council and subsequent submission to the Department of Planning under the Gateway Process. Such applications would need to provide justification based upon legislative requirements and endorsed strategies.

Three local planning companies have been approached to obtain an estimate of the cost to have an independent Planning Proposal prepared to satisfy the requirements for submission to the state government. The estimated cost is approximately \$40,000 per study excluding any additional reports required such as flooding or site contamination assessment. No budget has been provided by council in its 2013/14 operational plan to facilitate requests such as this one.

Discussions between the Eugowra Progress and Promotion Association representatives and council indicate their desire to seek expedient rezoning of

the Nanima Street precinct, followed by the rezoning of the Casuarina Drive land. The Department of Planning have indicated that while council is able to submit Planning Proposals under the Gateway Process to seek rezoning of any land within the council area, such applications would be assessed by the state review panel.

Land ownership

The Nanima Street IN2 precinct is held in 13 separate land ownerships and includes 26 separate allotments in addition to the railway corridor and crown roads. Council has received a letter signed by residents of 6 properties seeking review of the zoning of the area.

For the information of the committee the landownership of the area is as follows:

Nanima Street area:

Landowner	Area of holding/ use	Seeks rezoning
LP Donaldson, Croydon NSW	2.1 ha - vacant	
Canowindra Produce Co P/L	1ha - silos	
State Rail	Approx. 8ha - vacant	
Inglesole & Long, Croydon NSW	5381m2 lot with dwelling 1ha vacant lot	
Eugowra Produce Milling Co	Approx 3.4ha - industry	
M Rue, Eugowra	4800m2 – dwelling 4900m2 - vacant	yes
CG & KB Morris, Queanbeyan	4200m2 - industry	
E & RJ Hay P/L, Eugowra	2ha – timber mill 1.5ha vacant	
RM & CM Hay, Eugowra	1800m2 - dwelling	yes
KJ & NR Dixon, Eugowra	5 lots – 2 vacant 1644m2, dwelling and structure on remaining lots 32944m2	yes
BW Stanley & J Bray, Eugowra	5134m2 - dwelling	yes
LA Hoswell, Eugowra	5160m2 - dwelling	yes
AL Dent, Eugowra	2490m2 - dwelling	yes

Casuarina Drive land:

Landowner	Area / use	
Cabonne Council	22ha – grazing	Identified future investigation area – industrial purposes

The matter is provided for the committee's consideration.

ITEM 6 - HERITAGE GRANTS 2013/14 PROGRAM

REPORT IN BRIEF

Reason For Report	Seeking Council approval for funding allocation.
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Policy Implications	Nil
Budget Implications	In accordance with budget
IPR Linkage	4.3 Continue to implement the Heritage Program.
Annexures	Nil
File Number	\OFFICIAL RECORDS LIBRARY\GRANTS AND SUBSIDIES\PROGRAMS\HERITAGE GRANTS 2013 - 501826

RECOMMENDATION

THAT the application be supported and that a funding offer of \$1,000 be made to Mr Rodney Bowd for the external repainting of the property known as 88-90 Gaskill Street, Canowindra.

DIRECTOR OF ENVIRONMENTAL SERVICES' REPORT

88-90 Gaskill Street, Canowindra

Council has received an application for the external repainting of the above mentioned property.

The heritage advisor has reviewed the application and is in support of the project subject to a revised application with a reviewed schedule of works as funding is unable to be offered for works already commenced. It is recommended that the application be supported subject to the heritage advisor's advice and that a funding offer of \$1,000 be made to Mr Rodney Bowd for the external repainting of the property known as 88-90 Gaskill Street, Canowindra.

ITEM 7 - DA 2014/0020 FOR A RECREATION AREA (EVENT - QUARTERLY TOWN MARKETS) ON LOT 22 DP 569966, VILLAGE GREEN, BANK STREET, MOLONG

REPORT IN BRIEF

Reason For Report	For determination as the land is owned by Council
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.5.3.a Provide efficient and effective development assessment
Annexures	1. Draft Conditions DA 2014-0020
File Number	\Development Applications\DEVELOPMENT APPLICATION\2014\03-2014-0020 - 497088

RECOMMENDATION

THAT Development Application 2014/0020 for a Recreation Area (Event - Quarterly Town Markets) on Lot 22 DP 569966, Village Green, Bank Street, Molong, be granted consent subject to the conditions attached.

SENIOR TOWN PLANNER'S REPORT

ADVISORY NOTES

Record of voting

In accordance with s375A of the Local Government Act 1993, a division is required to be called when a motion for a planning decision is put at a meeting of Council or a Council Committee. A division under s375A of the Act is required when determining this planning application.

Political Disclosures

In accordance with s147(4) of the Environmental Planning and Assessment Act 1979, a person making a planning application to Council is required to disclose political donations and gifts made within 2 years prior to the submission of the application and concluding when the application is determined.

In accordance with s147(5) of the Environmental Planning and Assessment Act 1979, a person making a public submission to Council in relation to a planning application made to Council is required to disclose political donations and gifts made within 2 years prior to the submission being made and concluding when the application is determined.

Political donations and gifts (if any) to be disclosed include:

- All reportable political donations made to any local councillor or Council,
- All gifts made to any local councillor or employee of the Council.

Nil planning application disclosures have been received.

Nil public submission disclosures have been received.

SUMMARY

The following report provides an assessment of the development application submitted for a Recreation Area (Event - Quarterly Town Markets) on Lot 22 DP 569966, Village Green, Bank Street, Molong

The application has been referred to the Environmental Services and Sustainability Committee for determination as the land is owned by Council. The development proposal was neighbour notified for a period of 14 days with one (1) submission received.

Applicant: Molong Advancement Group
Owner: Cabonne Council
Proposal: Recreation Area (Event - Quarterly Town Markets)
Location: Lot 22 DP 569966, Village Green, Bank Street, Molong
Zone: B2 Local Centre

Council approval is sought for the event “Quarterly Town Markets” to be held four (4) times per annum from the date of consent by Council. The Development Application (DA 2012/183) is for five (5) years and a total of twenty (20) market days.

The event seeks to promote local goods and produce through a series of independent market stalls. There will also be other attractions including a jumping castle and barbeque. Other separate events may be undertaken throughout the village of Molong on the same date as the subject event. This may include, but is not limited to, the sale of second hand goods at the museum and Devonshire tea at the Yarn Market.

Section 79C of the *Environmental Planning and Assessment Act 1979* requires Council to consider various matters, of which those pertaining to the application are listed below.

**PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT
s79C(1)(a)(i)**

Clause 1.2 Aims of the Plan

The broad aims of the LEP are as follows:

'a) to encourage development that complements and enhances the unique character and amenity of Cabonne, including its settlements, localities, and rural areas,

(b) to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Cabonne in a manner that allows present and future generations to meet their needs by implementing the principles of ecologically sustainable development,

(c) to facilitate and encourage sustainable growth and development that achieves the following:

(i) contributes to continued economic productivity, including agriculture, business, tourism, industry and other employment opportunities,

(ii) allows for the orderly growth of land uses while minimising conflict between land uses within the relevant zone and land uses within adjoining zones,

(iii) encourages a range of housing choices and densities in planned urban and rural locations that is compatible with the residential and rural environment and meets the diverse needs of the community,

(iv) promotes the integration of land uses and transport to improve access and reduce dependence on private vehicles and travel demand,

(v) protects, enhances and conserves agricultural land and the contributions that agriculture makes to the regional economy,

(vi) avoids or minimises adverse impacts on drinking water catchments to protect and enhance water availability and safety for human consumption,

(vii) protects and enhances places and buildings of environmental, archaeological, cultural or heritage significance, including Aboriginal relics and places,

(viii) protects and enhances environmentally sensitive areas, ecological systems, and areas that have the potential to contribute to improved environmental, scenic or landscape outcomes.

Clause 1.9A Suspension of covenants, agreements and instruments

This clause provided that covenants, agreements or other similar instruments that restrict the carrying out of development upon the subject land do not apply unless such are:

- Covenants imposed or required by council
- Prescribed instruments under s183A of Crown Lands Act 1989
- Any conservation agreement under National Parks and Wildlife Act 1974
- Any trust agreement under the Nature Conservation Trust Act 2003
- Any property vegetation plan under the Native Vegetation Act 2003
- Any biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995

- Any planning agreement made under Division 6 of Part 4 of the Environmental Planning & Assessment Act 1979

Mapping

The subject site is identified on the LEP maps in the following manner:

Land zoning map	Land zoned B2 Local Centre
Lot size map	Minimum lot N/A
Heritage map	Is a heritage item or conservation area
Terrestrial Biodiversity Map	No biodiversity sensitivity on the subject land
Flood planning map	Is within a flood zone
Natural resource – karst map	Is within a karst area
Drinking water catchment map	Not within a drinking water catchment area
Riparian land and watercourse map, groundwater vulnerability map	Not affected by riparian, watercourse or groundwater vulnerability
Land reservation acquisition map	

These matters are addressed in the report following.

Cabonne Local Environmental Plan 2012

The subject land is zoned B2 Local Centre under the provisions of the Cabonne Local Environmental Plan 2012. A Recreation Area (Event – Quarterly Town Markets) for the temporary use of land is permissible within this zone, subject to Council's development consent. A recreation area is defined under the Cabonne Local Environmental Plan 2012 as “a place used for outdoor recreation that is normally open to the public and includes a children's playground; an area used for community sporting activities; a public park, reserve, or garden or the like; and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor). It is considered the proposed event is best defined by as a “recreation area”.

Objectives of the B2 Local Centre

The proposal is not contrary to the aims of the LEP or the objectives of the B2 Local Centre zone. The development relates to and is consistent with the zone objectives which seek to:-

- To provide for a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in, and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximize public transport patronage and encourage walking and cycling.
- To encourage mixed-use development that will promote community activity and safety without compromising business development opportunities.

Part 2 – Permitted or prohibited development

Clause 2.8 Temporary use of land

The proposal complies with sub-clauses (1), (2) and (3). The proposal is for a single event with Council owned land being used for a temporary purpose only. Upon completion of the event, the applicant will be required to return the site to its prior state. The site will also be returned to its previous use. No change in permanent use is proposed. The proposal does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.

Part 5 – Miscellaneous provisions

Clause 5.10 Heritage conservation

The objectives of the clause are:-

- (a) to conserve the environmental heritage of Cabonne,
- (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.

The proposal is consistent with the objectives of the clause.

(4) Effect of proposed development on heritage significance

The subject land is located within the Bank Street Conservation Area. The site is known as the Village Green and is used for passive recreation/open space. The site is the location of the former New Royal Hotel – a 1860s double storey hotel that was demolished in the 1950s. Located on the adjoining land is the stone coach house formerly associated with the hotel, remnant stone walls from the former stables and a mid 1800s brick cottage.

Currently the Village Green (subject site) is a grassed area of open space containing informal landscape elements such as trees, boulders, lighting, seating, memorial plaques, flag pole and war memorial. The proposed event will not have an adverse impact upon the heritage significance of the subject land or the Bank Street Conservation Area.

Part 6 – Additional local provisions

Clause 6.1 Flood planning

The lot is identified as being located in the Molong flood fringe. The subject development is not considered to increase risk to human life or damage to property caused by flooding. All items are to be temporary in nature with the event being postponed in severe weather conditions.

Clause 6.7 Land affected by karst

Whilst the subject land is identified as land affected by “Karst” on the Natural Resource – Karst Map, the proposed development will not impact on the karst system and is not contrary to the objectives of the clause as the proposed development is for a temporary event only.

Clause 6.8 Essential services

Existing essential services are considered adequate. No additional services are required for the proposed development.

REGIONAL ENVIRONMENTAL PLANS

There are no Regional Environmental Plans that apply to the subject land.

STATE ENVIRONMENTAL PLANNING POLICIES

No State Environmental Planning Policies are applicable to the proposal.

PROVISIONS OF ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT THAT HAS BEEN PLACED ON EXHIBITION s79C(1)(a)(ii)

There are no draft environmental plans that relate to the subject land or proposed development.

PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN s79C(1)(a)(iii)

DCP 10 – Flood Prone Land in Molong applies to the land. The proposed activity will not impact upon the DCP guidelines.

DCP 13 - Advertising Signage in Conservation Areas is applicable to the land, however the proposed development will not impact upon the provisions if the DCP.

PROVISIONS PRESCRIBED BY THE REGULATIONS s79C(1)(a)(iv)

The proposal does not contravene the relevant provisions of the regulations.

THE LIKELY IMPACTS OF THE DEVELOPMENT s79C(1)(b)

Context and Setting

The markets are to be held within the grounds of the Village Green, located at the corner of Bank and Gidley Street. The Village Green has been nominated as the site of the event due to its proximity to the Molong business area.

The proposed event will not have any permanent adverse impacts on the amenity of the area. It is anticipated there will be temporary impacts, however, are these are considered adequate given the temporary nature of the event, and the cultural and social benefits that the event entails.

It is anticipated there will be various other activities undertaken by local businesses throughout the village on the same appointed day as the event. The museum will host a second hand goods sale and the Yarn Market will have visitor information as well as an art and craft sale, this local business will also host a Devonshire tea for participants. All other activities besides the Quarterly Town Markets (to be held at the Village Green, Bank Street, Molong) are not included in the development application.

Heritage and Conservation

The proposed event is to be held within the Molong Bank Street Conservation area. There will be no permanent development that will affect the existing buildings and it is considered there will be no adverse impacts upon the heritage significance of Bank Street Conservation Area as a result of the development.

Visual Amenity

The Village Green will accommodate a range of stalls throughout the day. At the conclusion of the event, the area will be returned to its regular use.

Noise

It is proposed to use a hand-held megaphone device as amplification during the markets. Use of amplification equipment and other noise generated at the event is considered to be satisfactory for the development.

Access, Transport and Traffic

The proposed event is anticipated to attract up to 100 participants at any one time, to the proposed markets. The applicant proposes to make use of existing car parking facilities throughout the village, utilising Bank, Gidley and surrounding streets, the provision of access and parking has been assessed by the Development Engineer. It is considered the use of these sites for temporary parking is adequate, and will accommodate the anticipated increase of traffic. The applicant is not required to prepare a Traffic Management Plan for the proposed development.

Amenities and Site Management

On the designated day of the event the site is to be managed by the event committee. Existing public amenities that service the township of Molong will be available to those in attendance. No details for provision of toilet facilities have been included in the event plan and a waste management plan has not been provided by the applicant. It should be noted council has been approached to provide extra bins for placement around the designated event areas. A draft condition of consent has been included to address the disposal of waste in a lawful manner throughout the event.

The applicant is required to provide a copy of a \$20 million Public Liability Insurance Certificate to cover the event and ensure the proponent and Cabonne Council are protected by a liability claim and indemnifies Cabonne Council for any claims or damages during the event. The provision of current Public Liability Insurance is included as a condition of consent.

Notification

The applicant is obligated to notify public authorities and emergency services of the event activities prior to when the event is held. Any costs incurred by these services must be paid in full by the Event Committee. Notification to Public Authorities is included as a condition of consent.

Signage

The applicant intends to erect roadside signage on the Mitchell Highway, Bank Street and Gidley Street. The advertised signage will consist of small, portable sandwich boards.

The proposed signage is classified as 'exempt development' under State Environmental Planning Policy No 60 (Exempt and Complying Development), as such does not require approval from Council. A condition of consent is attached that ensures all proposed signage is erected under the provisions of the SEPP. Any signage must display advertising that is directly associated with the festival and must be displayed no more than 28 days prior to the event and must be removed no more than 14 days after the event. This is included as a condition of consent.

Safety, Security and Crime Prevention

Selling and consumption of alcohol is restricted to sampling of local wines only. The applicant is not required to obtain a liquor license for the event and it is considered that the development would not pose a security risk to the surrounding area.

The lot is located in the Molong flood fringe. The subject development is not considered to increase risk to human life or damage to property caused by flooding. All items are to be temporary in nature and it is understood the event would be postponed in severe weather conditions.

THE SUITABILITY OF THE SITE s79C(1)(c)

Physical Attributes and Hazards

The site is located in the Molong flood fringe, however no permanent structures are proposed and as such there would be no changes to the existing known flood flow. In the event of a large storm event, the markets would be cancelled or postponed.

DEVELOPMENT CONTRIBUTIONS

No road or bushfire contributions apply to the development.

PLAN OF MANAGEMENT

A Plan of Management has not been prepared for the site. As the development proposal is for a temporary activity only, the proposal is considered to be adequately addressed by an assessment under the LEP and relevant planning provisions.

ANY SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT s79C(1)(d)

The development proposal was neighbour notified for a period of fourteen (14) days with one (1) verbal submission being received during this timeframe. Issues raised include:-

- concern the development will increase in scale
- what is being sold at the markets

- no open fires in town, impact of smoke on adjoining properties
- unhealthy food products being sold without strict food regulations

In response to the concerns raised, the following comments are provided:-

- should the development increase or change significantly, a new DA would be required to be submitted and assessed. A condition of consent is included to address scale of development.
- The applicant has indicated that the markets will include craft, arts typical of small village markets.
- No open fires are included in the proposed development.
- Should food be sold at the markets, a condition of consent has been included to address requirements under the Food Act by the NSW Food Authority for food handling and notification to the Food Authority.

PUBLIC INTEREST s79C(1)(e)

The proposed development is considered to be of minor interest to the wider public due to the relatively localised nature of potential impacts.

CONCLUSION

The proposed development for a Recreation Area (Event – Quarterly Town Markets) is permissible with the consent of Council. The development complies with the relevant aims, objectives and provisions of the LEP. A section 79C assessment of the development indicates that the development is acceptable in this instance. Attached is a draft Notice of Approval outlining a range of conditions considered appropriate to ensure that the development proceeds in an acceptable manner.

ITEM 8 - DA 2014/0021 FOR INFORMATION & EDUCATION FACILITY (MUSEUM) AND FOOD AND DRINK PREMISE (CAFE) ON LOT 32 DP 771277, FORBES STREET, YEOVAL

REPORT IN BRIEF

Reason For Report	For determination by the committee as two (2) submissions were received during the notification period raising concerns about the proposed development.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.5.3.a Provide efficient and effective development assessment
Annexures	1. Draft Conditions DA 2014-0021
File Number	\\Development Applications\\DEVELOPMENT APPLICATION\\2014\\03-2014-0021 - 497715

RECOMMENDATION

THAT Development Application 2014/0021 for An Information and Education Facility (Museum) and Food & Drink Premise (Café) on Lot 32 DP 771277, Forbes Street, Yeoval, be granted consent subject to the conditions attached.

SENIOR TOWN PLANNER'S REPORT

ADVISORY NOTES

Record of voting

In accordance with s375A of the Local Government Act 1993, a division is required to be called when a motion for a planning decision is put at a meeting of Council or a Council Committee. A division under s375A of the Act is required when determining this planning application.

Political Disclosures

In accordance with s147(4) of the Environmental Planning and Assessment Act 1979, a person making a planning application to Council is required to disclose political donations and gifts made within 2 years prior to the submission of the application and concluding when the application is determined.

In accordance with s147(5) of the Environmental Planning and Assessment Act 1979, a person making a public submission to Council in relation to a planning application made to Council is required to disclose political donations and gifts made within 2 years prior to the submission being made and concluding when the application is determined.

Political donations and gifts (if any) to be disclosed include:

- All reportable political donations made to any local councillor or Council,
- All gifts made to any local councillor or employee of the Council.

Nil planning application disclosures have been received.

Nil public submission disclosures have been received.

SUMMARY

The following report provides an assessment of the development application submitted for Information and Education Facility (Museum) and Food and Drink Premise (Café) on Lot 32 DP 771277, 43 Forbes Street, Yeoval.

The application has been referred to the Environmental Services and Sustainability Council for determination as two (2) submissions opposing the development have been received.

It is recommended that the application be approved subject to conditions of consent.

Applicant: A & S Cantrell

Owner: A & S Cantrell

Proposal: Information and Education Facility (Museum) and Food & Drink
Premise (Café)

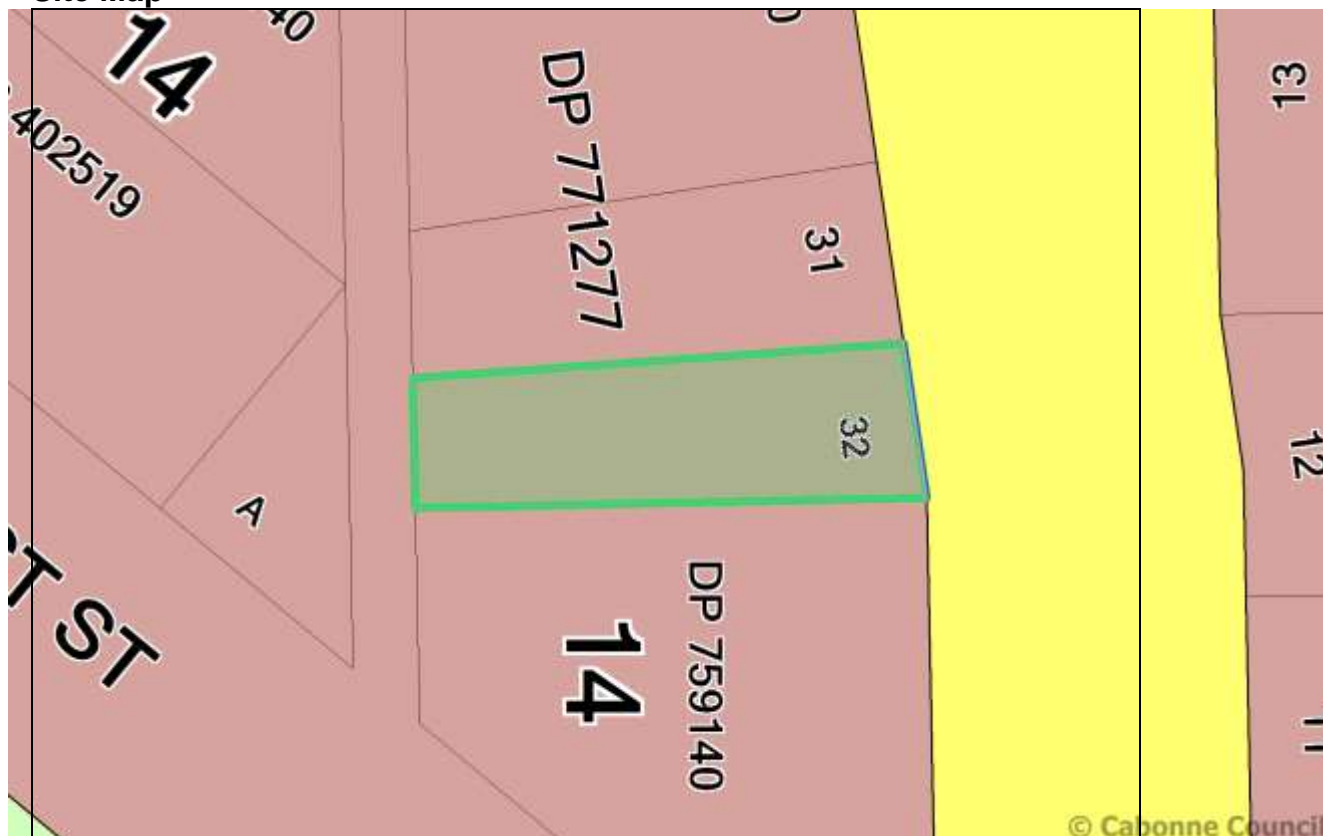
Location: Lot 32 DP 771277, 43 Forbes Street, Yeoval

Zone: RU5 Village

THE PROPOSAL

It is proposed to use the existing Masonic Hall building for the purposes of an Information and Education Facility (Museum) and Food and Drink Premise (Café). The purpose of the Museum is for the display of items associated with the life and times of Banjo Patterson. Proposed hours of operation for the café and museum is Monday to Sunday 9:00am to 3:00pm. Number of staff is one (1) staff member. A children's play area will be established for patrons of the café area located within the building. No dedicated parking area will be provided on site so on-street parking will be utilized. Minor internal works including kitchen refurbishment and accessible facilities as well as accessible entrance and exit to and from the site will also be included in the development.

Site Map





MATTERS FOR CONSIDERATION

Section 79C of the *Environmental Planning and Assessment Act 1979* requires Council to consider various matters, of which those pertaining to the application are listed below.

PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT s79C(1)(a)(i)

Clause 1.2 Aims of the Plan

The broad aims of the LEP are as follows:

‘a) to encourage development that complements and enhances the unique character and amenity of Cabonne, including its settlements, localities, and rural areas,

(b) to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Cabonne in a manner that allows present and future generations to meet their needs by implementing the principles of ecologically sustainable development,

(c) to facilitate and encourage sustainable growth and development that achieves the following:

(i) contributes to continued economic productivity, including agriculture, business, tourism, industry and other employment opportunities,

(ii) allows for the orderly growth of land uses while minimising conflict between land uses within the relevant zone and land uses within adjoining zones,

- (iii) encourages a range of housing choices and densities in planned urban and rural locations that is compatible with the residential and rural environment and meets the diverse needs of the community,
- (iv) promotes the integration of land uses and transport to improve access and reduce dependence on private vehicles and travel demand,
- (v) protects, enhances and conserves agricultural land and the contributions that agriculture makes to the regional economy,
- (vi) avoids or minimises adverse impacts on drinking water catchments to protect and enhance water availability and safety for human consumption,
- (vii) protects and enhances places and buildings of environmental, archaeological, cultural or heritage significance, including Aboriginal relics and places,
- (viii) protects and enhances environmentally sensitive areas, ecological systems, and areas that have the potential to contribute to improved environmental, scenic or landscape outcomes.

Clause 1.9A Suspension of covenants, agreements and instruments

This clause provided that covenants, agreements or other similar instruments that restrict the carrying out of development upon the subject land do not apply unless such are:

- Covenants imposed or required by council
- Prescribed instruments under s183A of Crown Lands Act 1989
- Any conservation agreement under National Parks and Wildlife Act 1974
- Any trust agreement under the Nature Conservation Trust Act 2003
- Any property vegetation plan under the Native Vegetation Act 2003
- Any biobanking agreement under Part 7A of the Threatened Species Conservation Act 1995
- Any planning agreement made under Division 6 of Part 4 of the Environmental Planning & Assessment Act 1979

Mapping

The subject site is identified on the LEP maps in the following manner:

Land zoning map	Land zoned RU5 Village
Lot size map	Minimum lot size 900m2
Heritage map	Not a heritage item or conservation area
Terrestrial Biodiversity Map	No biodiversity sensitivity on the subject land
Flood planning map	Not within a flood zone
Natural resource – karst map	Not within a karst area
Drinking water catchment map	Not within a drinking water catchment area
Riparian land and watercourse map, groundwater vulnerability map	Groundwater vulnerable

Land reservation acquisition map	
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These matters are addressed in the report following.

Cabonne Local Environmental Plan 2012

The subject land is zoned RU5 Village by the Cabonne Local Environmental Plan 2012. Information and Education Facility (Museum) and Food and Drink Premise (Café) is permissible within this zone, subject to Council's development consent. Information and Education Facility is defined by the standard instrument as *"a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like"*. A food and drink premise means "premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

- (a) a restaurant or café,
- (b) take away food and drink premises,
- (c) a pub.

The proposal is consistent with both definitions.

Objectives of the RU5 Village zone

The proposal is not contrary to the aims of the LEP or the objectives of the RU5 zone. The development relates to and is consistent with the zone objectives which seek to

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To encourage and provide opportunities for development and local employment growth.
- To ensure that development is compatible with surrounding land uses.

Part 6 – Additional local provisions

Clause 6.4 Groundwater vulnerability

The subject land has been identified as "Groundwater Vulnerable" on the Groundwater Vulnerability Map. The proposed development will not have any adverse impacts on groundwater dependent ecosystems nor any cumulative effect on the groundwater system itself. The development will not result in any any groundwater contamination. No additional measures are required to avoid, minimize, or mitigate impacts of the proposed development that utilizes an existing building.

REGIONAL ENVIRONMENTAL PLANS

There are no Regional Environmental Plans that apply to the subject land.

STATE ENVIRONMENTAL PLANNING POLICIES

Cabonne Council is identified within the SEPP 44 schedule as having koala habitat. The applicant has not addressed the SEPP; however, the subject land is generally cleared and the proposed development will not impact upon any existing vegetation. There are no known sightings of koalas in the locality, or sources of koala habitat.

PROVISIONS OF ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT THAT HAS BEEN PLACED ON EXHIBITION s79C(1)(a)(ii)

There are no draft environmental plans that relate to the subject land or proposed development.

PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN s79C(1)(a)(iii)

No Development Control Plans apply to this land.

PROVISIONS PRESCRIBED BY THE REGULATIONS s79C(1)(a)(iv)

The proposal does not contravene the relevant provisions of the regulations.

THE LIKELY IMPACTS OF THE DEVELOPMENT s79C(1)(b)

Siting /location

The proposed development utilizes an existing building within the village of Yeoval.

Visual amenity

The development is utilising an existing building. The proposal does not include any changes to the streetscape or the existing façade. A new access ramp will be constructed to comply with access requirements for entry and exit to and from the building.

Access and traffic

Access to the site is existing via an existing access point off Forbes Street. The existing road network is capable of the proposed increase of traffic generation.

On street parking is considered to be sufficient for the proposed development given the nature of the development and the proposed hours of operation being refined to 9:00am to 3:00pm. Whilst there is a school in close proximity to the development, the building is existing and the adjoining property is identified as the Catholic Church. As such sufficient on street parking is deemed to be satisfactory.

Heritage and Conservation

The site is not identified as being located in a conservation area nor is it identified as an item of environmental heritage under Schedule 5 of the Cabonne Local Environmental Plan 2012.

The application was referred to Council's Heritage Advisor for comment. The following information was provided:

1.0 Yeoval Masonic Hall 1951 – former

Note that the gutter is a contemporary hi-line style which leads to building damage due to the top outer edge being higher than the inner edge allowing water to overflow into the roof structure. To reduce the risk of further damage an appropriate gutter would be a standard traditional quad gutter in standard Colorbond Windspray.

The roof vents are rare, practical and useful for summer ventilation provided they are bird proofed with appropriate fine mesh.

A concrete ramp with a standard colour and non-slip finish with plain galvanised steel pipe handrails would suit the building.

The side elevation of the Hall.



The front elevation



It would be appropriate for the central panel currently white to be painted Windspray and for the existing sign panel to be re-painted to suit the new use.

The existing earth and grass against the building could lead to rising damp and should be replaced for a 600mm perimeter of compacted road base and gravel laid to fall away from the building.

The information provided by the Heritage Advisor is for noting and does not affect any aspects of the development proposal.

THE SUITABILITY OF THE SITE s79C(1)(c)

Physical Attributes and Hazards

There are no known technological or natural hazards that would affect the proposed development.

DEVELOPMENT CONTRIBUTIONS

No contributions apply to the development.

ANY SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT s79C(1)(d)

The proposed development is not advertised development, however the proposed development was neighbourhood notified for a period of 14 days. Two (2) submissions were received by the close of the exhibition phase. Issues raised in the submission(s) are addressed as follows:

Submission	Objections	Response
Paul Lees	Approval of such	Impact on an investment

	development will have an impact on investment property and tenants standard of living	property is not a planning matter for consideration under the NSW Environmental Planning and Assessment Act 1979. The purpose of s79C is to determine if the proposed development is appropriate and to identify potential impacts, if any.
	Loss of privacy	No external building works are proposed, only internal fitout and new access ramp.
	One access point	Access is addressed as adequate
	Not adequate space for parking	Parking has been assessed by the Development Engineer and based on the type of development and the proposed scale, sufficient on street parking is available
	The development will cause increased traffic and operational noise	Due to the type of operation and the proposed scale, increased traffic generation and operational noise is considered to be minimal. A condition of consent is included requiring compliance with the Protection of Environment Operations Act 1997 for noise emission.
	Traffic safety	Requirements for parking along Forbes Street is consistent with other business operations in the village. The adjoining site is identified as the Catholic Church and as such sufficient on street parking is deemed satisfactory.
	Hours of operation should be reduced	Hours of operation are conditioned and proposed hours of 9am to 3pm are satisfactory
	Increased traffic and proximity to the school and nursing home	Based on the scale of the operation, increased traffic generation is considered to be minimal. The site is

	Pedestrian safety	located opposite the school with the nursing home located in the next block approximately 150m away. Basic road rules apply for road users and due to proximity of the school being on the other side of the road, school signs will highlight to drivers of this fact. No additional measures are required due to the proposed scale of the activity.
Keith & Leona Anderson	Fifth food outlet is too many Other museums not open on a regular basis so why have more Council should not allow duplicate businesses to operate No potable water source and could pose as a health risk	The DA process does not restrict business uses based on what other uses already exist. The DA process assesses land use based on Council's legal planning instrument – The Cabonne Local Environmental Plan 2012 As above Not a planning consideration Acceptable water source will be conditioned

The submissions raised have been adequately addressed through appropriate conditions of consent.

PUBLIC AUTHORITY CONSULTATION

The application was not required to be referred to any other public authority for consultation or concurrence.

The application was however, referred to Council's internal Disability Reference Group for discussion regarding matters pertaining to accessible parking, access to the building and accessible facilities. The group endorsed the application subject to the DA process and compliance with the BCA.

PUBLIC INTEREST s79C(1)(e)

The proposed development is considered to be of minor interest to the wider public due to the relatively localised nature of potential impacts.

CONCLUSION

The proposed development is permissible with the consent of Council. The development complies with the relevant aims, objectives and provisions of the LEP. A section 79C assessment of the development indicates that the development is acceptable in this instance. Attached is a draft Notice of Approval outlining a range of conditions considered appropriate to ensure that the development proceeds in an acceptable manner.

ITEM 9 - BUSINESS PAPER ITEMS FOR NOTING

REPORT IN BRIEF

Reason For Report	Provides an opportunity for Councillors to call items for noting for discussion and recommends remainder to be noted.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.5.1.g - Code of Meeting Practice adopted and implemented.
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\\GOVERNANCE\\COUNCIL MEETINGS\\PROCEDURES - 499905

RECOMMENDATION

THAT:

1. Councillors call any items they wish to further consider.
2. The balance of the items be noted.

GENERAL MANAGER'S REPORT

In the second part of the Committee Business Paper are items included for the Committee's information.

In accordance with Council's format for its Business Paper, Councillors wishing to discuss any item are requested to call that item.

DRAFT CONDITIONS OF CONSENT DA 2014/0020

1. DEVELOPMENT IN ACCORDANCE WITH PLANS

Objective

To ensure the development proceeds in a manner assessed by Council.

Performance

Development is to take place in accordance with the documentation submitted with the application and subject to the conditions below, to ensure the development is consistent with Council's consent.

2. HOURS OF OPERATION

Objective

To protect the amenity of the surrounding area.

Performance

The hours of operation of the event/s shall be as follows:-

9:00 am to 3:00pm

With no activities taking place on Public Holidays.

3. EVENT DATES

Objective

To advise Council of the proposed dates for the event.

Performance

The applicant must advise Council in writing of the proposed dates for the markets to ensure availability of the Village Green.

4. NOISE EMISSION

Objective

To protect the amenity of the surrounding area.

Performance

Emission of sound from the activity shall be controlled at all times so as to comply with the Protection of the Environment Operations Act 1997.

5. SCALE OF THE DEVELOPMENT

Objective

To ensure the scale of the activity does not increase beyond the scope of the approval without further assessment of possible impact.

Performance

This approval enables the proponent to operate at a scale as submitted in the proposal and is limited to the operation of four markets, to be held on a date to be advised, over a period of one year from the date of approval. A separate application would need to be lodged for any future events.

6. AMENITIES

Objective

To ensure the site has adequate public amenities for the event.

Performance

To provide adequate public amenities for the event.

7. NOTIFICATION TO NSW FOOD AUTHORITY

Objective

To ensure statutory requirements are met.

Performance

The applicant is to notify the New South Wales Food Authority of the intended temporary food event and provide confirmation of such notification to Council prior to the commencement of the activity.

8. FOOD HANDLING FOR TEMPORARY EVENTS

Objective

To satisfy the provisions of the *NSW FOOD ACT 2003* and to protect public health.

Performance

The applicant is to ensure minimum compliance standards listed within NSW Food Authority "Food Handling for Temporary Events" are achieved.

9. NOTIFICATION TO AUTHORITIES

Objective

To ensure that public authorities are notified of the event.

Performance

Prior to the commencement of the event the applicant is to notify the NSW Ambulance Service, NSW Police and NSW Fire Brigade of the event. Any cost incurred for services by these authorities shall be paid by the Event Organiser.

10. ADVERTISING SIGNAGE

Objective

To ensure all signage proceeds in accordance with Council's approval.

Performance

All advertising signage to be erected is to only display a message relating to or being associated with the festival.

The erection of any signage associated with the event is to be erected/displayed no more than 28 days before the event.

All signage is to be removed within 14 days after the event.

11. WASTE/SITE CONDITION

Objective

To ensure the site is cleaned of waste generated from the event.

Performance

The site is to be cleared of all waste materials generated from the event. The waste is to be disposed of appropriately off site.

12. PUBLIC LIABILITY INSURANCE

Objective

To ensure that the applicant and Council are both protected against any liability claim.

Performance

Prior to the release of the proposed event on Council controlled land including a public road, the applicant is to affect Public Liability Insurance in the minimum amount of \$20 million. This insurance is to note Council's interest and is to remain current for at least the one day period of the event. Documentary evidence of the currency of the cover is to be provided to Council prior to the event taking place.

13. LIQUOR LICENCE

Objective

To ensure the requirements with the serving of alcohol are complied with.

Performance

Any proposed serving of alcohol at the Molong Village Market Event must be undertaken in accordance with the Casino, Liquor and Gaming Control Authority requirements for the provision of liquor.

14. COMPLIANCE WITH CONDITIONS OF CONSENT

Objective

To ensure the development proceeds in the manner as determined by Council.

Performance

All conditions and standards listed in this consent must be complied with throughout the duration of the scheduled activity.

DRAFT CONDITIONS OF CONSENT DA 2014/0021

1. DEVELOPMENT IN ACCORDANCE WITH PLANS

Objective

To ensure the development proceeds in the manner assessed by Council.

Performance

Development is to take place in accordance with the attached stamped plans (Ref No DA 2014/0021 un numbered) and documentation submitted with the application and subject to the conditions below, to ensure the development is consistent with Council's consent. NOTE: Any alterations to the approved development application plans must be clearly identified **WITH THE APPLICATION FOR A CONSTRUCTION CERTIFICATE**.

The Principal Certifying Authority for the project may request an application for modification of this consent or a new application in the event that changes to the approved plans are subsequently made. An application to modify the development consent under s96 of the Environmental Planning and Assessment Act, 1979, as amended and will be subject to a separate fee.

2. BUILDING CODE OF AUSTRALIA 2013 – AUSTRALIAN STANDARDS

Objective

To satisfy the Building Code of Australia 2013 and relevant Australian Standards.

Performance

The approved Information and Education Facility (Musuem) and Food and Drink Premise (Café) must meet the relevant Australian Standards and the performance requirements of the Building Code of Australia 2013. Compliance with the Performance Requirements can only be achieved by:-

- a) complying with the Deemed to Satisfy Provisions; or
- b) formulating an Alternative Solution which:-
 - i) complies with the Performance Requirements; or
 - ii) is shown to be at least equivalent to the Deemed to Satisfy Provisions; or
 - iii) a combination of both a) and b).

3. APPOINTMENT OF PRINCIPAL CERTIFYING AUTHORITY

Objective

To ensure compliance with s81A of the Environmental Planning and Assessment Act 1979 as amended.

Performance

The person having the benefit of this consent must appoint a Principal Certifying Authority for the development, pursuant to Section 81A of the *Environmental Planning and Assessment Act 1979*, as amended and advise Council in writing of that appointment **BEFORE WORKS COMMENCE**.

That Certifying Authority may be the Council, or an Accredited Certifier appointed under the Act. The required written notice to Council may be satisfied by supplying a copy of the Application for a construction Certificate (Form 11) under the *Environmental Planning and Assessment Regulation 1994*, as amended and must include the name, contact address, telephone and accreditation numbers of the selected Certifying Authority.

The Principal Certifying Authority and any other Certifiers appointed by that Authority will be responsible for the post-consent certification of the development. Copies of all certification is to be submitted to Cabonne Council referenced by the Development Application Number.

4. SCALE (GENERAL)

Objective

To ensure the scale of the activity does not increase beyond the scope of this approval without the further assessment of possible impact.

Performance

This approval enables the applicant to operate at a scale as submitted in the proposal. Any increase in the scale of the activity as submitted, will require the further approval of Council.

5. HOURS OF OPERATION

Objective

To protect the amenity of the surrounding area.

Performance

(a) The hours of operation of the business shall be as follows:-

9:00am to 3:00pm Monday – Sunday

6. CHANGE OF USE

Objective

To ensure use is in accordance with building classification.

Performance

No change in the use of the building is permitted without Council's prior approval.

7. VEHICLE LOADING / UNLOADING

Objective

To ensure reasonable pedestrian and vehicle safety

Performance

The loading and unloading of all vehicles must be done entirely within the property and not upon the road reserve or footpath.

8. OUTDOOR STORAGE & RETAILING

Objective

To protect the amenity of the surrounding area and ensure development proceeds in the manner assessed by Council.

Performance

No goods or materials are to be stored, displayed for sale or manufactured at any time outside the building.

9. NOISE EMISSION

Objective

To protect the amenity of the surrounding area.

Performance

Emission of sound from the premises shall be controlled at all times, so as to comply with the Protection of the Environment Operations Act 1997.

10. WATER SUPPLY

Objective

To provide a potable domestic supply for residents of Cumnock/Yeoval.

Performance

Council requires the installation of at least 22,500 litres (5000 gallons) water storage facilities for domestic purposes (Cumnock and Yeoval).

11. NOISE

Objective

To limit the impact of noise on adjoining properties.

Performance

Building work may only be carried out on the site between the following hours:

7.00am and 7.00pm Monday to Friday

7.00am and 5.00pm Saturdays

8.00am and 5.00pm Sundays and Public Holidays

* This includes site works and delivery of materials.

12. IDENTIFICATION OF SITE

Objective

To clearly identify the site.

Performance

Provide a clearly visible sign to the site stating:

- a) Unauthorised entry is prohibited;
- b) Builders name and licence number; or owner builders permit number;
- c) Street number or lot number;
- d) Contact telephone number/after hours number;
- e) Identification of Principal Certifying Authority.

13. PLUMBING AND DRAINAGE WORKS

Objective

To ensure compliance with the requirements of the relevant legislation.

Performance

All plumbing and drainage work shall be carried out by a licensed plumber and drainer to the requirements of the National Plumbing and Drainage Code AS3500.

14. WASTE DISPOSAL (GENERAL)

Objective

To ensure satisfactory disposal of wastes.

Performance

All wastes associated with the proposed operations are to be disposed of to a location and by an effective means in accordance with relevant government regulations.

15. STORM WATER DRAINAGE

Objective

To achieve a satisfactory standard of storm water disposal.

Performance

All driveways, hard stand areas and parking areas are to be drained to Council's roadways or storm water drainage system.

Details of drainage to be provided in conjunction with the application for a Construction Certificate.

16. OTHER AUTHORITIES

Objective

To ensure the requirements of other authorities are complied with.

Performance

Compliance with the requirement, if any, of: -

NSW Work Cover Authority
NSW Food Authority

17. PORTABLE FIRE EXTINGUISHERS

Objective

To safeguard against the spread of fire.

Performance

A fire extinguisher is to be provided for Class B and Class A fire risks in accordance with AS 2444.

18. ESSENTIAL FIRE SAFETY MEASURES

Objective

To ensure that all essential fire safety measures are installed and maintained in accordance with the relevant standard.

Performance

The applicant will ensure that a certificate of fire safety is provided to the PCA by a suitably qualified person prior to the issue of an Occupation Certificate. This certificate will certify that all fire safety measures specified in this consent have been designed, installed and are operating in accordance with the requirements of the Building Code of Australia and the relevant Australian Standard.

An annual Fire Safety Certificate is to be provided to the by a suitably qualified person certifying that the following Schedule of Essential Services has been inspected and tested and found to be operating in accordance with the requirements of the Building Code of Australia and the relevant Australian Standard.

SCHEDULE OF ESSENTIAL SERVICES **FIRE SAFETY MEASURE**

STANDARD

Portable Fire Extinguishers

AS 2444
Pt E1.6BCA

19. EMERGENCY PROCEDURES.

Objective

Emergency procedures are to be clearly displayed.

Performance

Instructions concerning procedures to be adopted in the event of an emergency are to be clearly displayed on the premises for both public and staff information at all times prior to commencement of the use.

20. DISABLED ACCESS

Objective

To comply with Disabled Access provisions under the Local Government Act, 1993

Performance

The applicant shall make provision for access requirements for disabled people in accordance with AS 1428.1 and the Disability Discrimination Act 1992.

21. FACILITIES FOR PEOPLE WITH DISABILITIES

Objective

To ensure compliance with Building Code of Australia 1996.

Performance

The designated disabled WC is to be constructed in accordance with AS1428.1

22. KITCHEN FACILITIES – CONSTRUCTION AND FITOUT

Objective

To ensure the design and construction of the kitchen is adequate for the proposed activities, fixtures, fittings and equipment to ensure the premises can be effectively cleaned and if necessary sterilized.

Performance

The construction and fitout of the kitchen is to meet the requirements of AS4674. The food premises are to operate in accordance with the requirements of the Australia New Zealand Food Standards Code.

Council recommends that prior to fitout of the kitchen, a floor plan/details of the fitout be submitted to Council to ensure it will meet the requirements of the Food Standards Code.

22. FOOD SAFETY REQUIREMENTS

Objective

To ensure compliance with the requirements set out in the Australia New Zealand Food Standards Code.

Performance

The applicant is required to meet the requirements set out in Standard 3.2.2 Food Safety practices and General Requirements and Standard 3.2.3 Food Premises Equipment of the Australia New Zealand Food Standards Code.

23. NAFSIS

Objective

To satisfy the requirements of the Food Act 2003

Performance

The Food and Drink Premise (Café) is to be registered with the Notification and Food Safety Information System with the NSWFoodAuthority and a copy of the NAFSIS to be provided to Council prior to occupation certificate being issued.

24. DISABLED ACCESS ADVISORY CONDITION

Objective

Advisory only.

Performance

Applicants are advised that provisions should be made to enable people with disabilities, as far as reasonable, safe equitable and dignified access to and within the building. This application does not imply nor confer compliance with the Commonwealth Disability Discrimination Act 1992. Applicants should satisfy themselves and make their own enquiries to the Human Rights and Equal Opportunity Commission.

25. OCCUPATION CERTIFICATE

Objective

To ensure compliance with the Environmental Planning & Assessment Act 1979.

Performance

All buildings will require an Occupation Certificate PRIOR to occupation/use of the building.

26. COMPLIANCE WITH CONDITIONS OF CONSENT

Objective

To ensure the development proceeds in the manner as determined by Council.

Performance

All conditions of this consent are to be complied with to the standards specified **prior** to any occupation.

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ANNEXURE ITEMS

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ITEM 1 - HERITAGE ADVISOR'S REPORT - SEPTEMBER 2013

REPORT IN BRIEF

Reason For Report	Providing Councillors with a copy of the Heritage Advisor's report for September 2013.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	4.3 - Beautiful towns and villages with historic assets cared for and preserved.
Annexures	1. Heritage Advisor's Report
File Number	\OFFICIAL RECORDS LIBRARY\DEVELOPMENT AND BUILDING CONTROLS\REPORTS\HERITAGE - 501811

DIRECTOR OF ENVIRONMENTAL SERVICES' REPORT

A copy of the Heritage Advisor's Report for September 2013 is attached for the information of the committee.

David Scobie Architects

Level One, 177A Sailors Bay Road,
Northbridge,
NSW 2063
Tel: (02) 9967 2426
Fax: (02) 9967 2471
Mobile: 0412 415010
Email scobiearchitect@optusnet.com.au

Heritage

Cabonne Shire Council
Via email
Attn: Ms. Heather Nicholls &
Amanda Rasmussen

REPORT: September 2013

Visit: 03/09/2013

1.0 Information provided to the Heritage Advisor

- 1.1 Heritage Committee Meeting:
 - 1.1.1 Current issues: Items addressed below
- 1.2 Heritage Advisor appointments –
 - Each of the Tuesday visits is listed below
 - October 15th
 - November 5th
 - December 3rd

2.0 Follow Up required

- ❖ Bank Street western stores and awning
- ❖ Molong Bakery – verandah reinstatement
- ❖ Canowindra Club - landscape
- ❖ Canowindra Main Street – crossings
- ❖ Canowindra – Main Street Study
- ❖ Sale of Boree Nyrang Homestead
- ❖ Ophir Trust

***The following notes apply to site visits and requests for advice
The intention is that the notes are passed to the Property Owner/Enquirer/DA
Applicant:***

3.0 Canowindra & District Historical Society – Plaques Project

Attention: Dorothy Balcomb, Canowindra & District Historical Society

Two additional draft texts have now been approved for production..

4.0 Borenore Railway Station

Attention: Heather Nicholls & Amanda Rasmussen



1. The sleeper retaining wall has failed and requires replacement. Sleepers are subject to substantial termite infestation and attraction and are not recommended for such work. Simply grade the land and plant with appropriate species sufficient to retain the material.



2. The building is not located on the same property as the railway Station. It is noted in this report as it shows evidence of damaged and unrestrained asbestos materials in the roofing and wall cladding. Given the exposed nature of the site and potential public risk, efforts need to be undertaken to meet the WorkCover requirements and make the materials safe and secure to meet the Code requirements.



3. General view of the building and subject site.



4. Remove all railway sleepers as noted above due to the loss in integrity and the risk from termites.



5. Check roof sheets - lifting at the gutter edge, and damaged ridge roll flashing. Replace barge board cover to match existing and paint due to sun damage.



6. Try to find a location for the bin where it is not exposed to view. Replace odd elements of topsoil and weeds with compacted roadbase and gravel.



7. Repair damaged timber cladding element.



8. Courtyard area: Prepare and paint the bench seat. Prepare and paint the weatherboards



9. Repair subsidence to the roadbase and gravel perimeter.



10. Typical rear elevation: replace damaged weatherboards with new boards to match. Prepare and paint. Check the extent of sub-floor ventilation and add additional traditional vents to match existing vents. Consolidate the perimeter roadbase and gravel topping and compact ensuring the fall is away from the building.



11. General view related to the above notes: Sub-floor vents, base board and consolidate the gravel.



12. Provide additional roadbase fill and compact and then top with gravel to match the existing finish and original ground levels.



13. Replace damaged fence materials with new timber to match, prepare and paint.



14. Replace barge capping boards to match existing where they cannot be restored and painted.



15. Brickwork should not be painted as this prevents the evaporation of moisture. As opposed to stripping, re-paint in a red-brown colour to match the colour of the existing bricks. Rain tanks should not be poly but should be standard rural galvanised steel. Exchange these for the appropriate tanks.



16. Interior: replace existing lights with Large (067) surface mounted old schoolhouse range Grenfell S17 with bronze powdercoat gallery (92) and compact fluoro warm white lamps. Provide new colours as follows to the interiors: walls as existing. Skirts and architraves Dulux Park bench and built in seats in Park Bench half strength. Fireplace surround in Loft.



17. Ceilings in Dulux lime white – replacement lights as specified above.



18. Repair door panel



19. Fill holes in roadbase and gravel topping as noted.



20. Re-paint gal iron fence in Dulux Windspray



21. Prepare and paint weatherboards to match existing



22. Supply and install gal spear points to all roll type flashings on barges



23. Replace poly tanks with standard rural steel tanks. Consider removing the telegraph poles and fencing wire as these heritage sites should have integrity without being faked.



24. Replace contemporary style folded barge flashings with traditional barge roll flashing

**5.0 Connelly's store
Meeting on site with Wayne and Dan**

The purpose is to discuss the scope of works in addition to the notes provided at a previous meeting and visit.



1. Repair missing brick prior to re-pointing and top mortar cover. Mortar cover is to curved parapet and does not continue down the vertical face of the brick pier.

Provide timber cover batten – nom. 70x20mm to seal junction of weatherboards with main wall



2. Review the roof space as a support for planking across the sheets. Review the fixings and add additional fixings if the battens are sound. If not do not attempt further work as the objective is to prolong the life of the sheets. Provide a simple pressure wash to the sheets followed by a coating of Penetrol or a 50:50 solution of turps and Fisholene.



3. The extent of the curved brick parapet facade. Provide safe access to the parapet and then test the render for drumminess. Remove all damaged material. Re-point the base brickwork with a lime based mortar. Provide a render coat similar to the existing 15-20mm to the parapet feathering the front edge face to match the original.



4. General roof timbers: replace as required as these are not original. Small sizes are preferred so hardwood is probably the best. Chamfers are not traditional on such simple verandahs and are not required.



5. The infill or side extension: Retain as much as possible except for termite damaged elements. Provide a timber set of cover battens to the vertical side of the framed wall. Leave the sheet metal patches on the front elevation. Re-nail weatherboards as required and supply replacement boards for any full

width damaged boards. Provide a re-cycled gal. Iron sheet cladding to the rear face down to the roof skillion including a flashing if required. Provide a simple parapet flashing with barge roll to overhang the boards. Final paint colour to be Dulux Beige. Any new sheet metal to be plain Gal or recycled g.i. as zincalume will corrode.



6. Provide an external architrave cover to the three sides of the door-set. Door colour to match wall colour.



An example from a railway Station showing the traditional detail.



View of the vehicle area looking from the Station to the road. Note the Cream swimming pool fencing and lack of gates or defined entrance. Consider reinstating traditional railway fencing and gates as shown:



Existing gates and fence at Millthorpe railway Station

6.0 Molong Bakery verandah, Bank Street – works under construction.



The original architectural drawings and the structural drawings show a standard traditional roof over the first floor verandah. The design intent and that of the project was to provide a building verandah based on the original photograph with minor changes to reduce the risk of vehicle damage.

The building under construction is showing a flat ceiling on the first floor beneath the verandah roof, contrary to the approved documents.

This element was not intended and is contrary to the approved DA and CC.

6.0 Yeoval Masonic Hall 1951 – former



The side elevation of the Hall.

Note that the gutter is a contemporary hi-line style which leads to building damage due to the top outer edge being higher than the inner edge allowing water to overflow into the roof structure. To reduce the risk of further damage an appropriate gutter would be a standard traditional quad gutter in standard Colorbond Windspray.

The roof vents are rare, practical and useful for summer ventilation provided they are bird proofed with appropriate fine mesh.

A concrete ramp with a standard colour and non-slip finish with plain galvanised steel pipe handrails would suit the building.



The front elevation

It would be appropriate for the central panel currently white to be painted Windspray and for the existing sign panel to be re-painted to suit the new use.

The existing earth and grass against the building could lead to rising damp and should be replaced for a 600mm perimeter of compacted road base and gravel laid to fall away from the building.

7.0 Western Stores building, Molong



The pressed metal soffit sheeting is not secured to the timber sub-frame. This is a significant hazard as it may come loose under wind conditions or through vehicle damage.



The steel post was provided prior to the site visit and review by structural engineer Anton Lynar. It is understood that Lynar consulting has reviewed the structure and the awning is sound. There is a safety hazard issue as indicated by the previous photo where the pressed metal sheet is not secured.

The steel post also presents a hazard:

- There are no traditional posts in the area of the building and this single post could lead to a pedestrian walking or riding into it. The party who erected the post may inherit some liability as could Council given it is located on public land
- The post is bolted to the footpath and welded to the awning. Should the post be struck by a vehicle or other large moving object, such loads would be transferred to the awning and thence to the building facade. The consequent damage to the awning and building could be substantial.
- Subject to the owner conferring further with Lynar consulting the post should be removed asap and the pavement and awning made good.

8.0 Yeoval War Memorial Hall

The proposal is to replace the damaged timber windows in the building. There are two sets of 3 on the front elevation and two pairs on the side elevations, making a total of 10 double hung sliding sash windows.

An aluminium framed double hung window in Primrose or Cream is proposed. The cross section which provides the external character is consistent with the existing profile. The optional sill section is not functional and is not consistent with the early 1950's character of the building and so it is not recommended for use. An enormous cost saving will result.

In view of the budget circumstances and other priorities such as the Canowindra HACC roof, it is recommended that the side four windows are done initially.

The condition of the timber front doors is very poor with the paint peeling and the base timber is fully exposed in parts. It is highly recommended that this joinery be prepared and painted asap.



Proposed colours for front doors:
Frames Indian Red
Door leafs Indian Red
Moulds Cream
Inset panel Indian red



Wrought iron details & pipe balustrades to be painted Black to match the lettered sign

9.0 Cabonne Shire: Proposed Awnings Survey Programme

The Advisor discussed the issues surrounding awnings with Mark Hodges in Orange. Mark provided advice and some outline documents relating to projects which have arisen following the general survey.

The survey work was initiated in 1999 following the awning collapse in Bathurst. Anton Lynar identified a number of awnings in Orange and Spring Hill that were not structurally adequate and did not comply with the current Australian Standards.

Baker Saran Engineers then conducted independent assessments to assess the structural integrity of these awnings and give detailed advice on remedial options or further investigations.

OCC then carried out a visual survey to list up to 85 awnings requiring a review and engaged GHD to complete an independent structural assessment of each. This was completed in 2010.

Mark has since consulted with Cook & Roe Engineers – Contact Wayne Roe tel. 6360 2561 on detailed design options for individual sites. Wayne had previously been part of the GHD survey team for the 2010 study but has since entered a partnership with the former John Worthington engineering practice.

The relevant Australian Standard = AS1170.2 “Structural design actions – wind actions. This standard is used to assess the performance of the structure under uplift conditions – an issue not commonly appreciated.

Relevant standards are also used to determine the capacity of the awning to resist traffic loads – the proximity of access points such as former doors and existing windows is to be noted, and snow loads. Remedial action for this additional live load problem can simply include restricting access to the roof/awning.

The key issues for review are as follows:

- The awning tie or suspension rod
- The wall connection with the tie
- The roof sheeting
- The guttering
- Deflection of the awning

- Access from the adjoining building – door/windows
- Downpipes/stormwater disposal
- Asbestos sheeting for soffit
- Overhanging tree/leaf litter source

Definitions

- A verandah is an over-footpath shelter structure supported against an existing building and with posts to the outer edge.
- A suspended awning is a steel framed over-footpath shelter structure against an existing building including two or more suspension rods or ties attached to the outer area of the awning and fixed back to the upper face of the building. The ties may have transfer structure behind the masonry or framed facade. Generally these date from post 1918 or WW1 period.
 - An interesting sub-category is an awning originally constructed to be supported by posts and adapted to being suspended in the mid 20th century.
- A cantilevered awning is a steel framed over-footpath structure against an existing building which uses steel beams or open trusses fixed back to the facade to support the roof. It does not have posts or ties.

Awning roofs generally have box type gutters either at the building face/junction with downpipes exposed or concealed within the walls or skillion type roofs with an outer gutter near the curb face and lateral downpipes running back to the facade and thence concealed or exposed down the wall. Both types include concealed drains running beneath the footpath to an outlet in the curb face.

Heritage items and Conservation Areas and valued Streetscapes

- Where the sites are within a conservation area or they are part of a listed heritage item, Mark has been consulting with the heritage advisor and using an excellent guide prepared by Bill Jordan, specialist heritage engineering consultant from Newcastle. The study was carried out for the Mid-Western Regional Council (former Mudgee Shire) and covered suspended awnings in both Mudgee and Gulgong in 2003.
- In terms of the Burra Charter, structures which have a good level of integrity and intactness should generally be retained or modified with their integrity where possible.

This invaluable report documents the key issues involved in typical awnings with simple drawings. The key issue noted is that a simple solution in awnings requiring remedial work often adopted is the attachment of steel posts to the outer edge of existing awnings. This is regarded as being detrimental to the heritage significance of awnings not originally designed to have support. In addition, the provision of such posts could lead to further excessive and even catastrophic damage when a vehicle collision transfers the force through the post to the awning and then into the masonry facade.

Many surveys over the last decade have observed that assessments can be very conservative to reduce the risk of all parties. A conservative approach generally results in the majority of awnings failing formal certification.

In summary the stages are as follows:

Council tenders and then commissions a group survey with the Consultant being clearly aware of the heritage issues on items, in conservation areas and streetscapes of value. The Consultant should not at this stage provide structural solutions: Cook & Roe come recommended for such reviews as do Anton Lynar and GHD.

The survey needs to identify those structures which require a detail review. This Stage Two is at the expense of the owner with the bonus that the Heritage Advisor would contribute to finding an affordable and appropriate solution. The solution may be eligible for local heritage fund assistance.

10.0 Annual Heritage Strategy checklist

1	Heritage Committee	Advice to Council	1	3
		Consultant Directory		
		Services & trades Directory		
2	Heritage Study	Aboriginal Study		
		Statements of significance		
3	Heritage Advice	Site visits	5	10
		Heritage advice	6	14
		Urban design advice		2
		Pre-DA advice		1
		Advice on DA's		1
4	Pro-active Management	Heritage DCP		

		Urban design DCP		
		DA fee relief		
		Flexible Planning & building		
5	Local Heritage Fund	Funded projects		3
		Project value		1
		Heritage fund value		1
		Owner contribution		
		Tourism projects		2
6	Main Street	Committee		
		Study		
		Implementation		1
		Expanded main street		
7	Education & promotion	Brochures, web, plaques, panels		3
		Events		
		Tourism strategy		
		Trails		
		Training		1
8	Council assets	Asset management plans		
		CMP and CMS		
		Works budgets		
9	Sustainability	Adaptive re-use		
		Restoration	1	1
		Reinstatement		
		Landscape	1	3
		Water		

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