



Corowa Shire

...the choice

REFERENCE: BP:LA – Planning
CONTACT: MR BOB PARR

10 August 2010

Regional Director
Department of Planning
PO Box 58
DUBBO NSW 2830

Attention: Mr Wayne Garnsey

Dear Sir

**RE: PLANNING PROPOSAL FOR FORMER COROWA BOWLING CLUB SITE
REQUEST FOR FURTHER INFORMATION**

I refer to the two emails from Mr Garnsey dated 4 and 5 August 2010 requesting additional information in regard to this Planning Proposal.

Following discussions between Mr Garnsey and Councils Mr Parr, Council confirms that it is not imperative that the Planning Proposal be restricted to a rezoning to 3 (a) Commercial but rather Council would also accept an additional development being listed under Clause 35 (Development of certain land) of the Corowa Local Environmental Plan 1989 (LEP). The method of achievement is not of importance to Council but the permitted occupation of the building is.

To each of the matters raised I advise as follows:

- As part of its proposal to locate all of Councils services into the one building i.e. administration, library, tourist information, civic centre, community meeting rooms, council chambers and environmental agencies, Council has sought grant funding to assist in the reconstruction and relocation. To this end Council has been successful in attracting almost \$400,000 (\$200,000 from NSW State Library and \$184,000 from Australian Government Community Infrastructure Grants). However a requirement of accepting these grants is that they must be fully expended by December 2011. Therefore there is great urgency in having this Planning Proposal processed now and not as part of the new comprehensive LEP process.
- The area of Lot 541 DP 726128 is 2.891 hectares. The area of the building is 4680m². This comprises an upper storey of 3850m² and lower of 830m². The upper storey is located above the 1% flood level.
- s117 – 1.1 If the Planning Proposal is assessed as a Clause 35 of Councils LEP this direction will not apply as there will not be a resulting rezoning of a proposed business or industrial area. The purpose of the Planning Proposal is for the use of the building and not to alter the use of the land.

- s117 – 1.3 The Planning proposal will not restrict or prohibit Mining, Petroleum Production and Extractive Industries as it proposes the change of use of an existing building and does not involve building extensions.
- s117 – 3.4 The reuse of the existing building will permit all of Council services to be located on the one site and provide easy access for residents to access such services. Car parking is provided adjacent to the building and only a single trip will be required to access all of Council services.
- s117 – 4.3 Although the current Flood Risk Management Plan (adopted 20 October 2009) identifies the building being sited in the medium to high flood risk precinct, the floor level of the upper storey is located above the 1% flood level. During a flood event up to a 1% occurrence access to the building will be available 100% of the time. This is via Bridge Road from the Victorian side of the Murray River. During a flood event up to a 1% event (1917) the building will be able to continue to function to assist in emergency management. Although in the case of flooding the SES is the combat agency not local government. In the case of a flood in this reach of the river the incident would not be managed from Corowa but rather from the SES headquarters in Albury. Council's own emergency operation centre is not located within the administration centre; it is at the airport which is located above the 1% flood level. Flash flooding does not occur in this type of terrain, the existence of Dartmouth and Hume dams means that Corowa residents have some 2.5 days warning before flooding occurs and therefore has ample time to facilitate evacuate of persons from flood affected properties. The proposal is not introducing another structure into the flood plain but rather is for the reuse of an existing building. The surrounding lands around the building will continue to be used for recreational purposes i.e. lawn bowls, swimming pool, tennis courts, cricket oval, hockey ground, football oval and parks.
- s117 – 6.1 The proposal is consistent with the 117 direction as the Planning proposal does not introduce provisions for concurrences or referrals. The land when acquired from Department of Lands had a restriction attached to it. This was that the land must be used for the purpose of civic administration.
- s117 – 6.2 If the Planning proposal was treated as a Clause 35 (Development of certain land) there would not be a reduction in recreational land i.e. public or private. Again it needs to be stated that the purpose of the proposal is for the internal use of the building not the surrounding lands. The other facilities on the actual site i.e. Lot 541 DP 726128, bowling greens and car park are both existing facilities and there is no proposal to alter either. The car park will continue to be used for the tennis courts, the bowling greens, swimming pool, football oval and parks users. The use of the building as an administration office / civic centre as a worst case could only be considered as having minor significance and impact on the recreational use of the surrounding lands.
- s117 – 6.3 A Clause 35 (Development of certain land) would permit the building to be used for civic administration purposes without imposing any development standards or additional requirements to the land.

- The present draft Strategic Land Use Plan (yet to be endorsed by Department of Planning) specifically identifies the site and states "Provide for re-use of former Corowa Bowling Club site". The SLUP when adopted by Council will identify the building as civic administration.

A consideration of the Planning proposal against all planning directions issues by the Minister for Planning under Section 117 of the Environmental Planning and Assessment Act 1979 in relation to a Clause 35 (Development of certain land) is attached.

Should you require any further information, please contact Mr Bob Parr on (02) 6033 8960 during normal office hours.

Yours faithfully



BJ CORCORAN
GENERAL MANAGER

ASSESSMENT OF PLANNING PROPOSAL AGAINST LOCAL PLANNING DIRECTIONS ISSUED BY THE MINISTER FOR PLANNING UNDER SECTION 117 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

NO.	TITLE	APPLICABLE TO COROWA SHIRE?	APPLICABLE TO PLANNING PROPOSAL?	RESPONSE
1	Business and Industrial Zones	Yes, this direction applies to all councils.	No, because the Planning Proposal does not propose any change to commercial or industrial zone.	
2	Rural Zones	Yes, this direction applies to all councils.	No, because the Planning Proposal does not propose any change to a rural zone.	
3	Mining, Petroleum Production and Extractive Industries	Yes, this direction applies to all councils.	No, because the Planning Proposal does not restrict mining.	
4	Oyster Aquaculture	No	-	
5	Rural Lands	Yes because Corowa Shire is not included in the list of excluded LGA's	No, because the Planning Proposal does not propose any change to a rural or environment zone.	
2.1	Environmental Protection Zones	Yes, this direction applies to all councils.	Yes, because it applies to all Planning Proposals.	The Planning Proposal does not propose any provisions to address environmentally sensitive areas and therefore is technically inconsistent with this Direction. The inconsistency is justified on the grounds the Planning Proposal is of "minor significance" because it does involve any environmentally sensitive land.
2.2	Coastal Protection	No	-	
2.3	Heritage Conservation	Yes, this direction applies to all councils.	Yes, because it applies to all Planning Proposals.	The Planning Proposal does not propose any provisions to address heritage conservation and therefore is technically inconsistent with this Direction. The inconsistency is justified on the grounds the Planning Proposal is of "minor significance" because it does not involve heritage conservation.
2.4	Recreation Vehicles Areas	Yes, this direction applies to all councils.	Yes, because it applies to all Planning Proposals.	The Planning Proposal is consistent with this Direction because it does not facilitate a recreation vehicle area.
3.1	Residential Zones	Yes, this direction applies to all councils.	No, because the Planning Proposal does not propose any change to a residential zone.	

NO.	TITLE	APPLICABLE TO COROWA SHIRE?	APPLICABLE TO PLANNING PROPOSAL?	RESPONSE
3.2	Caravan Parks and Manufactured Home Estates	Yes, this direction applies to all councils.	Yes, because it applies to all Planning Proposals.	The Planning Proposal is consistent with this Direction because it will not change provisions relating to caravan parks and MHE's in the underlying 6(a) and 6(b) open space zones.
3.3	Home Occupations	Yes, this direction applies to all councils.	Yes, because it applies to all Planning Proposals.	The Planning Proposal is consistent with this Direction because it will not change provisions relating to home occupations.
3.4	Integrated Land Use and Transport	Yes, this direction applies to all councils.	Yes, because the Planning Proposal in effect creates a provision relating to urban land.	The Planning Proposal is consistent with this Direction because it is not inconsistent with the "aims, objective and principles" of the two referenced documents.
3.5	Development Near Licensed Aerodromes	Yes, this direction applies to all councils.	No because there is no licensed aerodromes in the Shire	
4.1	Acid Sulphate Soils	No, there is no land in the Shire shown on the Acid Sulphate Soils Planning Maps		
4.2	Mine Subsidence and Unstable Land	No, there is no land in the Shire within a Mine Subsistence District or that is unstable.		

NO.	TITLE	APPLICABLE TO COROWA SHIRE?	APPLICABLE TO PLANNING PROPOSAL?	RESPONSE
4.3	Flood Prone Land	Yes, because it applies to all Councils with flood prone land.	Yes, because the Planning Proposal creates a provision that affects flood prone land.	Firstly it is noted that whilst the subject site is recorded as 'flood prone' the developed portion of the subject site is above the Flood Planning Level. The Planning Proposal is consistent with this Direction because it does not rezone land. It is also consistent in that it does not provide for any intensification of development on the subject site and therefore there can be no additional flood impacts. It is also consistent with the principles of the Floodplain Development Manual in that it does not increase the consequences of flooding already associated with the existing development on the site. Flooding along the Murray River floodplain is a foreseeable event mainly because flows are regulated by Hume Weir. Flood waters are slow to rise allowing those downstream ample time to prepare for flood events. Having regard for the circumstances of the subject site, the Planning Proposal is not inconsistent with the <i>Corowa Shire Floodplain Risk Management Plan</i>.
4.4	Planning for Bushfire Protection	Yes, because it applies to all Councils for which a bushfire prone land map has been prepared.	Yes, because the Planning Proposal involves land that is mapped as bushfire prone.	The Planning Proposal is inconsistent with this Direction because the S62 referral to the RFS has not yet been undertaken. It can comply with other elements of this Direction because it does not propose any "development". The bushfire risk is not exacerbated by the Planning Proposal because the site is already developed. Compliance with this Direction will be determined following a response from the RFS.
5.1	Implementation of Regional Strategies	No because there is no adopted regional strategy applicable to the Shire.	-	
5.2	Sydney Drinking Water Catchments	No because it applies to land not within Murray Shire.	-	

NO.	TITLE	APPLICABLE TO COROWA SHIRE?	APPLICABLE TO PLANNING PROPOSAL?	RESPONSE
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	No because it applies to land not within Murray Shire.		
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	No because it applies to land not within Murray Shire.		
5.5	Development in the vicinity of Ellalong, Pariton and Millfield (Cassnock LGA)	No because it applies to land not within Murray Shire.		
5.6	Sydney to Canberra Corridor	No because it applies to land not within Murray Shire.		
5.7	Central Coast	No because it applies to land not within Murray Shire.		
5.8	Second Sydney Airport: Badgerys Creek	No because it applies to land not within Murray Shire.		
6.1	Approval and Referral Requirements	Yes, this direction applies to all councils.	Yes, because it applies to all Planning Proposals.	The Planning Proposal is consistent with this Direction because it does not propose any additional referral requirements or nominate any designated development.
6.2	Reserving Land for Public Purposes	Yes, this direction applies to all councils.	Yes, because it applies to all Planning Proposals.	The Planning Proposal is consistent with this Direction because it does not alter the 6(a) Public Recreation Zone as it currently applies to part of the site or its status as public land.
6.3	Site Specific Provisions	Yes, this direction applies to all councils.	Yes because the Planning Proposal will allow a particular development to be carried out (or in this case, use).	The Planning Proposal is consistent with this Direction because it will "allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended".