

2. SECTION 59 ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 – PLANNING REPORT

Planning Proposal details:

PP_2014_COROW_001_00: to rezone Lot 13 DP 193072 and Lot 14 DP 193072, 249 Honour Avenue, Corowa.

Planning Proposal summary:

To rezone Lots 13 and 14 DP 193072, 249 Honour Avenue, Corowa from zone B2-Local Centre to zone R1-General Residential and amend the related Land Zoning Map and Lot Size Map.

Date of Gateway Determination:

10 January 2014.

1.0 SUMMARY

- The rezoning will alter the zoning of the lots from B2-Local Centre to R1-General Residential.
- The Planning Proposal was placed on public exhibition from 5 February 2014 until 7 March 2014.
- There were no submissions received from either the public or government agencies.
- There are no amendments proposed to the Planning Proposal as a consequence of public exhibition or agency consultation.

2.0 GATEWAY DETERMINATION

- The Gateway Determination was issued on 10 January 2014.
- The project timetable for the completion of the Planning Proposal is 12 months from the week following the date of the Gateway Determination.
- The Gateway Determination was not subject to a review request.
- The conditions included in the Gateway Determination have been complied with.

3.0 COMMUNITY CONSULTATION

- The Planning Proposal was on public exhibition from 5 February 2014 until 7 March 2014. The Planning proposal was available for viewing at Council offices in Corowa, as well as being exhibited on Council's website.
- No submissions were received following public exhibition.
- The Planning Proposal was not re-advertised.
- The consultation requirements included in the Gateway Determination were complied with i.e. minimum number of days made publically available (28) and the type of material that was to be made publically available.
- Following a Post Exhibition review Council resolved to proceed with the Planning Proposal as exhibited.
- As there were no issues raised during public exhibition there have been no amendments made to the Planning Proposal in response of such.
- Documents placed on public exhibition are attached.

4.0 VIEWS OF PUBLIC AUTHORITIES

- The following public authorities were consulted:
 - **NSW Office of Environment and Heritage** – no response
 - **Essential Energy** – no response
- Agency consultation occurred in accordance with the requirements of the Gateway Determination i.e. agencies were given at least 21 days to comment on the type of material that was forwarded to them.
- Following a Post Exhibition review Council resolved to proceed with the Planning Proposal as exhibited.
- As there were no issues raised during agency consultation there have been no amendments made to the Planning Proposal in response of such.
- Documents forwarded to the public authorities are attached.

5.0 CONSISTENCY WITH S. 117 DIRECTIONS AND OTHER STRATEGIC PLANNING DOCUMENTS

The following Section 117 Directions have been addressed as part of the Planning proposal:

See attached to the report.

Consistency with SEPP's

The following relevant environmental planning instruments (EPI) have been considered in the preparation of this Planning proposal.

See attached to the report.

6.0 PARLIAMENTARY COUNSEL OPINION

- An opinion was sought from Parliamentary Counsel on 27 June 2014.
- An opinion was given on 31 July 2014 and states that the draft environmental planning instrument may legally be made. See attachment.

7.0 OTHER RELEVANT MATTERS

- No representations have been received on the Planning Proposal from State or Federal members of Parliament.
- The Council has not met with the Planning Minister in relation to the Planning Proposal.

8.0 MAPPING

- Maps indicating the current and the Planning proposal i.e. Land Zoning Map and Lot Size Map are attached.

9.0 RECOMMENDATION

RECOMMENDED that Council adopt this report, its attachments in accordance with Section 59 of the Environmental Planning and Assessment Act 1979 AND Council further directs the General Manager (a delegate of the Minister for Planning) to make the Plan in accordance with this Section 59 planning report.

ATTACHMENTS – PLANNING PROPOSAL – 249 HONOUR AVENUE, COROWA

Planning Proposal
Rezoning to R1 General Residential
249 Honour Avenue, Corowa

November 2013

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**Document Control**

Version	Date	Author	Reviewed	Approved
A	08/11/2013	DH	DH	11/11/2013

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PLANNING PROPOSAL
REZONING TO R1 GENERAL RESIDENTIAL

249 HONOUR AVENUE, COROWA

1. INTRODUCTION

1.1 Overview

This is a Planning Proposal relating to two lots described as Lots 13 and 14 DP193072 at 249 Honour Drive, Corowa. The property at 249 Honour Avenue comprises three allotments in a single ownership, with a rectangular allotment known as Lot 1 DP193072 comprises the existing Newmarket Hotel building. For the purposes of this proposal, references to 'the subject land' are in reference only to those lots to be rezoned, being Lots 13 and 14 DP193072.

An existing B1 zone is applied to the entire three lots, although the two rear lots have been determined to be surplus to the future needs of the hotel. Further, it has been determined that these two lots have little potential of being utilised for commercial purposes in their own right given they address a lower order street and directly adjoin residential land.

Consequently, this Planning Proposal seeks to change the zoning of the subject land (lot 13 & 14 DP193072) to R1 General Residential.

This Planning Proposal has been prepared in accordance with the Department of Planning's *A Guide to Preparing Planning Proposals* ("the Guide").

1.2 Site Context

The subject land is located within the northern fringe of the main urban area of Corowa, approximately 150 metres north east of the Sangar Street intersection. The property at 249 Honour Avenue comprises three allotments in a single ownership. The three lots forming the property exist between Honour Avenue, Walker Street and John Street. This planning proposal will affect only two of the allotments, being Lots 13 and 14 DP193072. These two lots are also subject to a current boundary adjustment application to realign the two rear lots to ensure that all ancillary infrastructure for the hotel is contained in the adjacent Lot 1 DP193072.

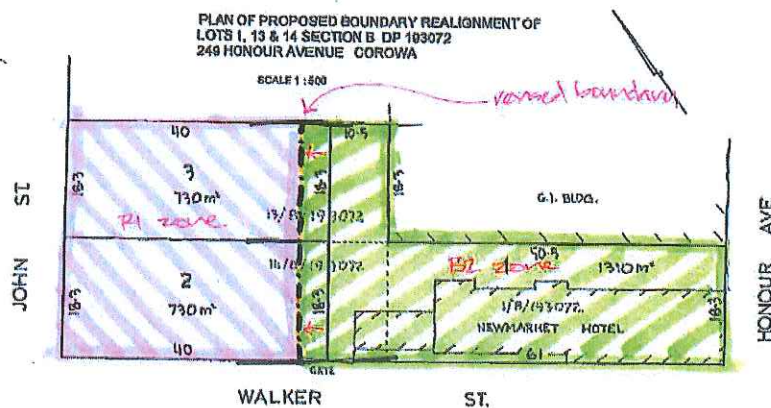


Figure 1 – Proposed boundary adjustment to Lots 1,13 and 14 DP193072.

The two lots (as per the proposed adjustment layout) comprise a total area of 1,284m² and both have a depth of 36 metres and widths of 18 metres. Lot 14 presents as a corner allotment to Walker and John Street and is open to both frontages. Lot 13 has an unsealed accessway along its north eastern boundary (serving as a secondary access/egress to the hotel car park) which is to be closed.

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The land is presently vacant, other than for some disused barbeque equipment and a concrete pad, both located at the rear portion of Lot 14. These were previously utilised for the purposes of a beer garden, however have been ceased for some time. Existing vegetation is contained on the subject land, however is predominantly exotic species.



Figure 2 – Subject land (13 and 14 DP193072) as viewed from the John Street frontage.



Figure 3 – Frontage of both lots to John Street from the northern corner of the land.

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Figure 4 – View along the rear boundary of the subject land(13 and 14 DP193072 as proposed) to the hotel car park.



Figure 5 – Internal conditions of the subject land, including groundcover and vegetation. Note the vacant nature of the property.



Figure 6 – View north east along John Street with existing residences on the eastern side and public open space to the west.

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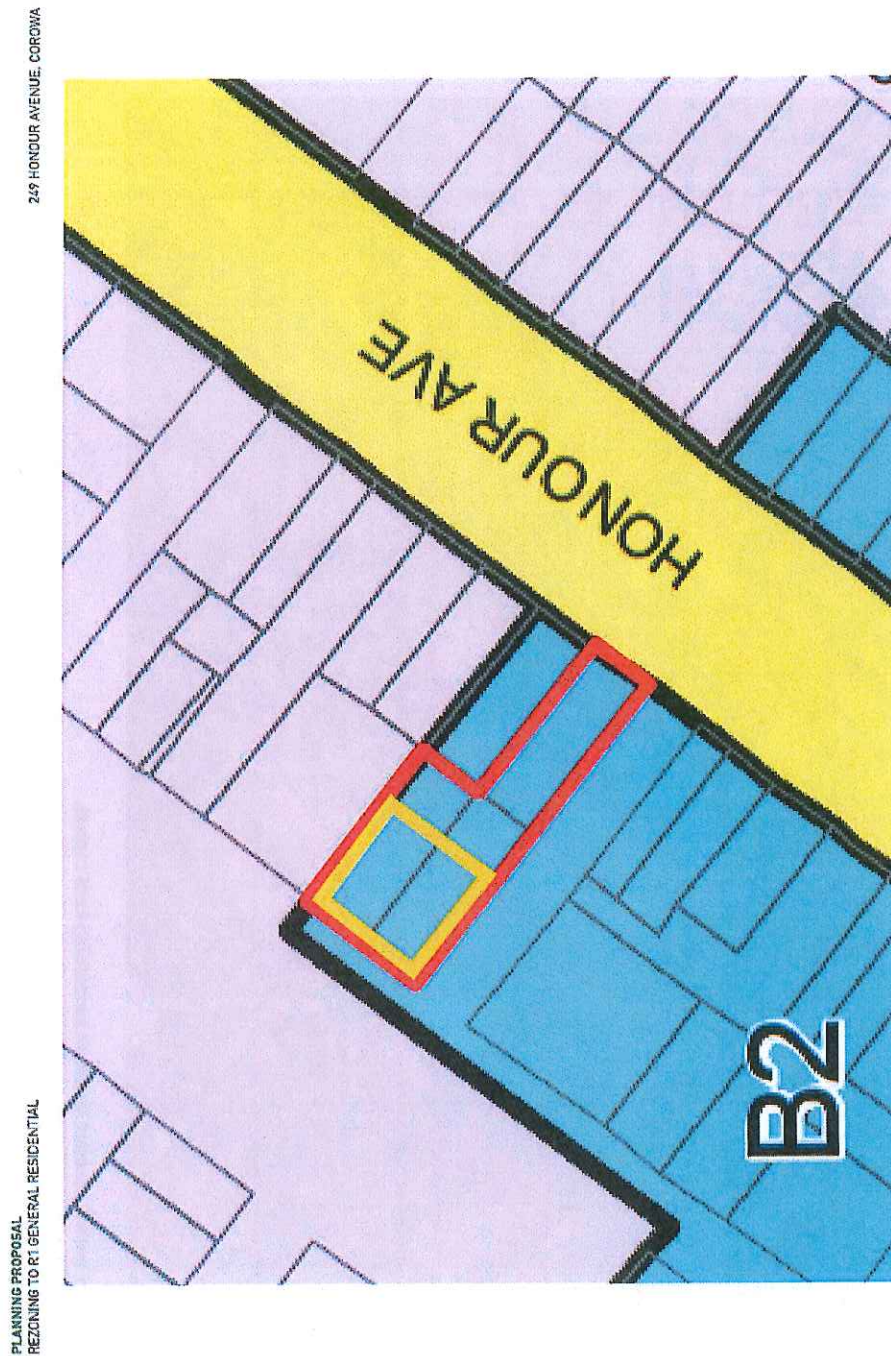
Figure 7 – Subject land in its surrounding local context.

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249 HONOUR AVENUE, COROWA

2. INTENDED OUTCOMES

The intended outcome of this planning proposal is to rezone the two rear lots addressing John Street to R1 General Residential zone and also extend the 550m2 minimum lot size across the two lots. Presently the land is zoned B2 Local Centre, however only the lot addressing Honour Avenue comprises commercial uses, with the rear lots adjoining residential properties and considered to be surplus to the future needs of the hotel. It is considered that the two lots also have limited commercial opportunities given they are located within a more residential context. The intention of the amendment is therefore to reflect a more appropriate urban zoning regime for the property.

3. EXPLANATION OF THE PROVISIONS

The intended outcome of the planning proposal will be achieved by:

- Amending the *Corowa Local Environmental Plan 2012 Land Zoning Map* (ref: LZN_006A) as it applies to Lot 13 and 14 DP193072 at 249 Honour Avenue (in their configuration proposed by a current boundary adjustment application) showing the entire lot zoned R1 General Residential.
- Amending the *Corowa Local Environmental Plan 2012 Lot Size Map* (ref: LSZ_006A) as it applies to Lot 13 and 14 DP193072 at 249 Honour Avenue (in their configuration proposed by a current boundary adjustment application) to show the entire lot area with a 2 hectare minimum lot size.

The proposed amendment will not require any new controls or introduce any new zone or minimum lot size provisions. The proposal will utilise existing zoning and minimum lot size provisions already contained within the LEP and simply extend the adjoining zones.

It should be noted that a concurrent boundary adjustment is being sought between the three lots to ensure all components of the hotel (i.e. rear access and parking etc) is contained entirely within the lot fronting Honour Avenue. The application is not yet approved, however is attached for reference. Further, proposed zone changes shown in this Planning Proposal are based on the proposed lot configuration, while not yet being registered.

The site is proposed to be zoned R1 General Residential under the Corowa LEP 2012. The objectives of the R1 zone are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The above objectives can be achieved by the subject land, particularly as it will introduce additional flat and vacant allotments for residential opportunities. The future development of the land will essentially extend the existing residential character which exists to the immediate north east of the two rear lots.

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4. JUSTIFICATION

This section of the Planning Proposal sets out the justification for the intended outcomes and provisions, and the process for their implementation. The questions to which responses have been provided are taken from the Guide.

4.1 Need for the Planning Proposal

Is the Planning Proposal a result of any strategic study or report?

The Corowa Shire Strategic Land Use Plan ("the SLUP") considered the future growth potential for all villages within the Corowa LGA, including the Corowa township. This document provided a background document to the formulation of the new principal LEP. The SLUP encouraged new retail development to be established primarily with the existing town centre and along major spines and nodes. The resultant zoning reflects the intention for encouraging new business growth, however at a site specific level, the application of a commercial zone to rear two rear lots within a residential context is not considered to reflect the future urban intentions of Corowa.

This Planning Proposal is therefore made to provide a more appropriate zoning regime to the subject land which is better served as residential land than commercial land when assessed in a local context.

Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A rezoning of the land is considered to be the most efficient and appropriate method to achieve the intended outcomes. The B2 zone does not permit residential development and the landowner has previously investigated potential options under the current LEP and has determined that a rezoning is the most suitable approach. The rezoning will utilise land use zone and minimum lot size controls already applied to immediately adjacent residential properties (north east).

It is therefore necessary and appropriate to rezone the site via a planning proposal.

Is there a net community benefit?

On balance, there is a net community benefit to be gained from the Planning Proposal. This is considered in greater detail within the below table.

Table 4.1 – Net Community Benefit Test

Evaluation Criteria	Comment
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)?	The most relevant regional strategy for Corowa Shire is the <i>Draft Murray Regional Strategy 2009</i> (the Draft Strategy) which was prepared by the Department of Planning (DoP) in October 2009. The draft Strategy was also exhibited and is therefore a relevant matter to be considered in this planning proposal. Overall, the proposal is consistent with the general aims and objectives of the Draft Strategy given that it seeks to encourage new residential development in appropriate locations.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	Corowa, and Corowa Shire more generally, is not located within global/regional city, strategic centre or corridor.

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Evaluation Criteria	Comment
Is the LEP likely to create a precedent or create or change in expectations of the land owner or other land owners?	The Planning Proposal seeks to change the zoning of part of the subject land (rear lots) to reflect the existing residential zoning immediately adjacent, and improve the potential for future use of the land. The request is considered to be acceptable and appropriate given the context of the subject land, and is not considered to set any unnecessary precedent. Amendments of this nature require consideration on a case-by-case basis to determine their suitability. The proponent for the proposal is the current landowner and it is not considered that the proposed rezoning will be unexpected. Likewise, it is considered that a change from a commercial to a residential zone would be preferred by existing residential neighbours to the north east.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Since the implementation of the LEP, there have been very few spot rezoning undertaken across the villages. In this instance, the proposal is seeking to extend the existing residential zone on immediately adjacent land across part of the subject land to reflect a more appropriate future use of this part of the land. The proposal will not introduce any new requirements which are not already in place within the immediate area.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	The provision of additional zoned residential land will have an indirect impact upon economic development and employment for Corowa generally by providing additional permanent population.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	The proposal will provide opportunity for the future development of 2 separate residential lots of greater than 600m ² each. The result of this will be an increase in the supply of zoned residential land and greater variety in available residential lots.
Is the existing public infrastructure (roads, rail, and utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	The site is located within the developed urban area of Corowa, and is well serviced by existing urban infrastructure. Sealed local roads (John Street and Walker Street) address the part of the land to be rezoned, and provide vehicle and pedestrian links to Honour Avenue and further to Sangar Street and the Corowa CBD. In addition, electricity, reticulated water, reticulated sewer and gas and telecommunications are also provided to the property, and possible to be extended in order to service new residential development.
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	The proposal is unlikely to have any negative impacts upon travel distances or the like, given that it will result in new residential land within the urban area of Corowa. It will in fact reflect a more accessible location for residential dwellings.
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	There are no known significant government infrastructure investments in the immediate area which would be affected by this proposal.

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Evaluation Criteria	Comment
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	The subject land is not identified as having any significant environmental or biodiversity values. The land has been subject to previous urban activities by way of its association with the existing hotel. While some vegetation is contained on the land, there are no native species nor any habitat value.
Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	The proposed outcome will extend the existing R1 zone across the full extent of the subject land, along with the existing 550m ² minimum lot size applicable to the residential areas of Corowa. This will maintain a consistent zoning along the John Street precinct and reflect the controls applied to the residential areas of Corowa. The proposal will have limited impact on the surrounding amenity of the area as it is expected to be developed for single dwellings, consistent with the immediately adjacent land. The proposal is considered more likely to have a better amenity outcome than what would be expected from its existing commercial zoning. The proposal is unlikely to have any impact upon the public domain. Indirect improvements to the public domain (such as streetscape and visual amenity) will result from improvements to the subject land.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	The proposal will impact upon commercial opportunities by removing a portion of B2 zoned land. Notwithstanding this, the land is not considered to be preferred for commercial activities given it addresses a lower order local street and adjoins residential development.
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	Not applicable, given the proposal involves a change in zoning for residential land use.
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	The public interest is served by this Planning Proposal as it will provide for additional zoned residential land within an appropriate location of Corowa. The land is largely unconstrained and will provide flow on economic and employment benefits for the township.

Further to the above table, the proposal will result in the following additional benefits generally:

- The land would be available for development of new residential dwellings, consistent with the surrounding residential context;
- The rezoning would represent a more appropriate use of the land, as it does not present well as a future commercial area;
- The property is unconstrained by flooding, bushfire and other natural hazards, and can be developed in the short term; and
- The land has excellent vehicle, pedestrian and bicycle access to the Corowa CBD and other important retail, business and community nodes.

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249 HONOUR AVENUE, COROWA

4.2 Relationship to strategic planning framework

Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including exhibited draft strategies)?

There is no adopted regional strategy applicable to the Planning Proposal.

However the draft *Murray Regional Strategy* was prepared by the Department of Planning (DoP) in October 2009. The draft Strategy was also exhibited and is therefore a relevant matter to be considered in this planning proposal. Overall, the proposal is consistent with the general aims and objectives of the Draft Strategy given that it seeks to encourage new residential development in appropriate locations.

Is the Planning Proposal consistent with the local Council's community strategic plan or other local strategic plan?

The *Corowa Strategic Land Use Plan* was endorsed in 2011, prior to the gazettal of the new LEP in 2012. The subject land is identified on the edge of the commercial area of Corowa, with residential land adjacent. The strategy is not considered to be definitive in this regard, but rather demonstrating the future land use intentions. The SLUP identifies that commercial land use be concentrated around the main street (Sangar Street) and immediate surrounds. The subject lots do not reflect land which would be preferred for future commercial growth in isolation.

The SLUP also identifies the following key strategies for Corowa, which support the rezoning of the land to residential:

- Provide an adequate supply of zoned and appropriately located land for development to accommodate population growth.
- Encourage infill development to established residential areas.
- Focus short-term residential growth close to existing development.
- Ensure all urban and semi-urban land is provided with appropriate infrastructure to support sustainable development.

Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

There are a number of State Environmental Planning Policies (SEPP's) relevant to the Planning Proposal. The relevant SEPP's are addressed within Table 4.4 below.

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REZONING TO R1 GENERAL RESIDENTIAL

249 HONOUR AVENUE, COROWA

Table 4.4 - Consistency with relevant State Environmental Planning Policies

	SEPP Title	Applicable to Planning Proposal	Assessment
1	State Environmental Planning Policy – Development Standards	No, does not apply to land in the Corowa LGA since gazettal of the new LEP 2012	
4	State Environmental Planning Policy – Development without consent & Miscellaneous Exempt & Complying Development	No, does not apply to land in the Corowa LGA since gazettal of the new LEP 2012	
6	State Environmental Planning Policy – Number of Storeys in a Building	Not applicable to this proposal.	
14	State Environmental Planning Policy – Coastal Wetlands	No, does not apply to the Corowa LGA	
15	State Environmental Planning Policy – Rural Landsharing Communities	No, does not apply to the Corowa LGA	
19	State Environmental Planning Policy – Bushland in Urban Areas	No, does not apply to the Corowa LGA	
21	State Environmental Planning Policy – Caravan Parks	Not applicable to this proposal.	
22	State Environmental Planning Policy – Shops & Commercial Premises	Not applicable to this proposal.	
26	State Environmental Planning Policy – Littoral Rainforests	No, does not apply to the Corowa LGA	
29	State Environmental Planning Policy – Western Sydney Recreation Area	No, does not apply to the Corowa LGA	
30	State Environmental Planning Policy – Intensive Agriculture	Not applicable to this proposal.	

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249 HONOUR AVENUE, COROWA

SEPP Title	Applicable to Planning Proposal	Assessment
32 State Environmental Planning Policy – Urban Consolidation (Redevelopment of Urban Land)	Not applicable to this proposal.	
33 State Environmental Planning Policy – Hazardous & Offensive Development	Not applicable to this proposal.	
36 State Environmental Planning Policy – Manufactured Home Estate	Not applicable to this proposal.	
39 State Environmental Planning Policy – Spit Island Bird Habitat	No, does not apply to the Corowa LGA	
44 State Environmental Planning Policy – Koala Habitat Protection	Not applicable to this proposal.	
47 State Environmental Planning Policy – Moore Park Showground	No, does not apply to the Corowa LGA	
50 State Environmental Planning Policy – Canal Estate Development	Not applicable to this proposal.	
52 State Environmental Planning Policy – Farm Dams and Other Works in Land and Water Management Plan Areas	No, does not apply to the Corowa LGA	
53 State Environmental Planning Policy – Metropolitan Residential Development	No, does not apply to the Corowa LGA	
55 State Environmental Planning Policy – Remediation of Land	Not applicable as the land is not known to have been used for any potentially contaminating use.	

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SEPP Title	Applicable to Planning Proposal	Assessment
59 State Environmental Planning Policy – Central Western Sydney Regional Open Space and Residential	No, does not apply to the Corowa LGA	
60 State Environmental Planning Policy – Exempt & Complying Development	Not applicable – does not apply to land in the Corowa LGA since gazettal of the new LEP 2012	
62 State Environmental Planning Policy – Sustainable Aquaculture	Not applicable to this proposal.	
64 State Environmental Planning Policy – Advertising & Signage	Not applicable to this proposal.	
65 State Environmental Planning Policy – Design Quality of Residential Flat Development	Not applicable to this proposal.	
70 State Environmental Planning Policy – Affordable Housing (Revised Schemes)	No, does not apply to the Corowa LGA	
71 State Environmental Planning Policy – Coastal Protection	No, does not apply to the Corowa LGA	
State Environmental Planning Policy (Affordable Rental Housing) 2009	Not applicable to this proposal.	
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Not applicable to this proposal.	Noted that any future residential development of the property would require a BASIX certificate to be prepared and submitted.

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SEPP Title	Applicable to Planning Proposal	Assessment
State Environmental Planning Policy (Exempt & Complying Development Codes) 2008	Not applicable to this proposal.	It is noted that future residential development is likely to be undertaken in accordance with the General Housing Code controls of the SEPP. An assessment cannot be undertaken as no proposal is being presented, however the subject land would meet the site criteria under the SEPP.
State Environmental Planning Policy (Housing for Seniors & People with a Disability) 2004	Not applicable to this proposal.	
State Environmental Planning Policy (Infrastructure) 2007	Not applicable to this proposal.	
State Environmental Planning Policy (Kosciuszko National Park – Alpine Resorts) 2007	No, does not apply to the Corowa LGA	
State Environmental Planning Policy (Major Development) 2005	Not applicable to this proposal.	
State Environmental Planning Policy (Mining, Petroleum Production & Extractive Industries) 2007	Not applicable to this proposal.	
State Environmental Planning Policy (Rural Lands) 2008	Not applicable to this proposal as it does not involve rural land.	
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	No, does not apply to the Corowa LGA	
State Environmental Planning Policy (Temporary Structures) 2007	Not applicable to this proposal.	
State Environmental Planning Policy (Western Sydney Employment Area) 2009	No, does not apply to the Corowa LGA	
Murray Regional Environmental Plan No. 2 – Riverine Land (MRP2)	Not applicable to this proposal.	

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MAYOR _____

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REZONING TO R1 GENERAL RESIDENTIAL

247 HONOUR AVENUE, COROWA

Is the Planning Proposal consistent with applicable Ministerial Directions (S.117 Directions)?

Section 117 of the EP&A Act allows the Minister for Planning to give directions to Councils regarding the principles, aims, objectives or policies to be achieved or given effect to in the preparation of draft LEPs. A Planning Proposal needs to be consistent with the requirements of the Direction but can be inconsistent if justified using the criteria stipulated such as a Local Environmental Study or the proposal is of "*minor significance*". Those S117 Directions considered relevant to this Planning Proposal are as follows:

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Table 4.5 - Consistency with relevant Section 117 Directions

No.	Direction Title	Applicable to Planning Proposal	Consistency
1	Employment and Resources		
1.1	Business & Industrial Zones	Yes, involves changes from an existing business zone (B2) to a residential zone (R1).	The objectives of this direction are to encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified strategic centres. This direction applies when: a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary). The proposal seeks to amend the zoning of the land from a business zone to a residential and as such triggers the consideration of this direction. The proposal will remove around 1800m² of existing business zoned land to provide for a residential zoning. This is not considered to be of significant consequence to the Corowa township, as there is adequate potential elsewhere in the township to provide for additional business floor space. The subject land to be rezoned is not considered a suitable location for future commercial development, and as such, the Corowa community would be better served by established commercial activities in more suitable locations of the township.
1.2	Rural Zones	Not applicable	Not applicable
1.3	Mining, Petroleum Production & Extractive Industries	Not applicable	Not applicable
1.4	Oyster Aquaculture	Not applicable	Not applicable
1.5	Rural Lands	Not applicable	Not applicable
2	Environment and Heritage		
2.1	Environmental Protection Zones	Not applicable	Not applicable
2.2	Coastal Protection	No, does not apply to the Corowa LGA	Not applicable

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No.	Direction Title	Applicable to Planning Proposal	Consistency
2.3	Heritage Conservation	Yes, applies to all Relevant Planning Authorities where a Planning Proposal is prepared	The Planning Proposal does not affect or alter any heritage items or heritage conservation areas or relevant controls contained in Schedule 5 of the Corowa LEP 2012.
2.4	Recreation Vehicle Areas	Not applicable	Not applicable
3. Housing Infrastructure and Urban Development			
3.1	Residential Zones	Yes, applies to any Planning Proposal which will involve changes to the residential zoning.	The objectives of this direction are to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environment and resource lands. The Direction requires that: (1) A planning proposal must include provisions that encourage the provision of housing that will: (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) be of good design. (2) A planning proposal must, in relation to land to which this direction applies: (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and (b) not contain provisions which will reduce the permissible residential density of land. The existing controls within both the Corowa LEP and associated DCP are considered to encourage high quality and appropriate residential development to all land in the shire. The proposal itself will increase the availability of zoned residential housing and also encourage a variety of potential housing opportunities.
3.2	Caravan Parks & Manufactured Home Estates	Not applicable	Not applicable

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No.	Direction Title	Applicable to Planning Proposal	Consistency
3.3	Home Occupations	Not applicable	Not applicable
3.4	Integrating Land Use and Transport	Yes, applies to any Planning Proposal which will create, alter or remove a zone or a provision relating to urban land.	The Direction requires that: (1) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001). Corowa is provided with limited public transport services, however are available within the surrounding context. The proposal is considered to be appropriately located to ensure high accessibility to retail and community services of the township. The proposed is considered consistent with the objectives and principles of the Guidelines and Policy identified in this Direction.
3.5	Development Near Licensed Aerodromes	Not applicable	Not applicable
3.6	Shooting Ranges	Not applicable	Not applicable
4.	Hazard and Risk		
4.1	Acid Sulphate Soils	Not applicable	Not applicable
4.2	Mine Subsidence & Unstable Land	Not applicable	Not applicable
4.3	Flood Prone Land	Not applicable	Not applicable
4.4	Planning for Bushfire Protection	Not applicable	Not applicable
5.	Regional Planning		
5.1	Implementation of Regional Strategies	No (there is no regional strategy applicable to the Corowa LGA)	Not applicable
5.2	Sydney Drinking Water Catchment	No (does not apply to the Corowa LGA)	Not applicable

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No.	Direction Title	Applicable to Planning Proposal	Consistency
5.3	Farmland of State & Regional Significance on the NSW Far North Coast	No (does not apply to the Corowa LGA)	Not applicable
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	No (does not apply to the Corowa LGA)	Not applicable
5.5	Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Not applicable. Revoked 18 June 2010	Not applicable
5.6	Sydney to Canberra Corridor	Not applicable. Revoked 10 July 2008.	Not applicable
5.7	Central Coast	Not applicable. Revoked 10 July 2008.	Not applicable
5.8	Second Sydney Airport: Badgenys Creek	No (does not apply to the Corowa LGA)	Not applicable
6.	Local Plan Making		
6.1	Approval and Referral Requirements	Yes	The Planning Proposal does not propose any additional provisions which will require referral of development applications to the Minister or any other public authority.
6.2	Reserving Land for Public Purposes	Not applicable	Not applicable
6.3	Site Specific Provisions	Yes, as the Planning Proposal will allow particular development to be carried out.	This Direction seeks to reduce the imposition of site specific controls on land rezoned for a particular development. While the Planning Proposal relates to a general zone amendment and particularly an extension of the existing R1 zone and associated minimum lot size, rather than a site specific zone not a particular development of the site.
7.	Metropolitan Planning		

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No.	Direction Title	Applicable to Planning Proposal	Consistency
7.1	Implementation of Metropolitan Strategy	Not applicable	Not applicable

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4.3 Environmental, Social & Economic Impact

Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The proposal will not result in any disturbance to prominent habitat areas or natural features of the area because it relates to the rezoning of a highly disturbed urban location. The land to be rezoned has been used in conjunction with the adjacent hotel for a number of years, and comprises land within a highly urbanised location.

There is limited vegetation within the subject land, with scattered exotic trees generally located along the boundaries. It is expected that most of the vegetation will be removed for future development, however this is considered to be of little consequence given the nature of the vegetation (i.e. exotic).

Having regard to the current context of the site, it is unlikely that the future use and development of the land

Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

There are few environmental effects anticipated as a result of the Planning Proposal, given the highly urbanised location of the property. As identified above, there are no significant vegetation features, nor is the site considered to represent any suitable flora or fauna habitat. The urban location of the land means the land has been subject to previous urban activities and some minor landscape modification.

While the future development of the land is expected to include introduction of new residential buildings on vacant allotments, it is considered that standard building practices and procedures will prevent any impacts upon the surrounding environment.

How has the Planning Proposal adequately addressed any social and economic effects?

The social and economic benefits of the Planning Proposal are considered to be positive (see net community benefit assessment contained earlier in the report) given mostly that it will involve greater availability of residential land. The proposal will increase the residential opportunities for a broad segment of the residential market in Corowa. The flat nature of the land ensures that land can be developed relatively unconstrained and affordably. The provision of new residential land is also expected to increase the permanent population of the Corowa township.

The provision of additional population will have direct and indirect impact upon the retail, service and employment sectors of Corowa and the LGA generally. The additional permanent population will make use of existing retail and community services established within the township and also provide for possible increase in demand for such services.

The social and economic effects of the Planning Proposal are considered to be entirely positive.

4.4 State & Commonwealth interests

Is there adequate public infrastructure for the Planning Proposal?

Yes, all existing urban infrastructure is available to the property from either Walker Street or John Street. Existing services include reticulated water and sewer, electricity, gas and telecommunications. All services can be adequately extended to connect with future residential development.

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Road infrastructure comprises sealed local roads with appropriate kerb and channel drainage. John Street is provided with layback channel frontage only on the subject land interface, with the western side of the road draining to the existing park area.

The land could be developed as soon as the residential zone is applied. The landowner intends to sell the lots for future development, rather than developing prior to sale. It is considered that there is strong market demand for vacant lots in Corowa.

What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Responses are not required on the proposal until after the Gateway determination.

5 COMMUNITY CONSULTATION

The Planning Proposal will be subject to public exhibition and agency consultation as part of the Gateway process. The gateway determination will specify the community consultation that must be undertaken on the planning proposal. As such, the exact consultation requirements will be determined upon receipt of the gateway determination.

This Planning Proposal is considered to be a minor proposal given it will essentially result in an extension of the existing R1 zone and minimum lot size which is already applied to the adjacent properties.

The proposal will be exhibited for a period of 28 days in accordance with the requirements of section 57 of the *Environmental Planning & Assessment Act 1979* and the NSW Department of Planning's: *A guide to preparing local environmental plans* (October 2012).

At a minimum, the future consultation process is expected to be in accordance with the consultation requirements set out in "A guide to preparing local environmental plans" (Department of Planning, 2009), being:

- written notification will be provided to adjoining and surrounding landowners who may be directly or indirectly impacted by the proposed development, with a minimum notification period of 28 days;
- consultation with relevant Government Departments and Agencies, service providers and other key stakeholders, as determined in the gateway determination;
- public notices to be provided in a local newspaper and on Councils' website;
- static displays of the Planning Proposal and supporting material Council offices;
- electronic copies of all documentation being made available to the community free of charge.

At the conclusion of the notification and public exhibition period Council staff will consider submissions made with respect to the Planning Proposal and prepare a report to Council.

It is considered unlikely that a Public Hearing will be required for the proposal.

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6 PROJECT TIMELINE

The project timeline for the planning proposal is as follows. There are many factors that can influence compliance with the timeframe including the cycle of Council meetings, consequences of agency consultation and consequences of public exhibition. Consequently the timeframe should be regarded as indicative only.

Milestone	Date/timeframe
<i>Anticipated commencement date (date of Gateway determination)</i>	November 2013
<i>Anticipated timeframe for the completion of required studies</i>	None required.
<i>Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)</i>	2 months from Gateway
<i>Commencement and completion dates for public exhibition period</i>	Commence December 2013/January 2014 and complete 28 days after commencement
<i>Dates for public hearing (if required)</i>	Within 2 weeks of public exhibition completion
<i>Timeframe for consideration of submissions</i>	2 weeks following completion of exhibition
<i>Timeframe for the consideration of a proposal post exhibition</i>	1 month following completion of exhibition
<i>Anticipated date RPA will make the plan (if delegated)</i>	2 weeks following consideration of proposal
<i>Anticipated date RPA will forward to the department for notification (if delegated).</i>	1 month following consideration of proposal

7 CONCLUSION

The subject land is considered to be suitable for a change in zoning to R1 General Residential zone and application of the 550m² minimum lot size. The land represents area surplus to the future needs of the hotel, and are highly unlikely to be utilised for commercial activities given their location and context. Consequently, it is considered that there is greater potential for the land to be used for residential purposes, reflecting the immediate character of John Street to the north east.

The land is located on the urban area of Corowa and is therefore provided with all relevant urban infrastructure. The lots also represent land which could be readily and efficiently developed once a residential zoning is applied. This assists in meeting the short term demand for residential land in Corowa.

In conclusion, the Planning Proposal is worthy of support and will deliver a net positive social and economic outcome for the residents of Corowa.

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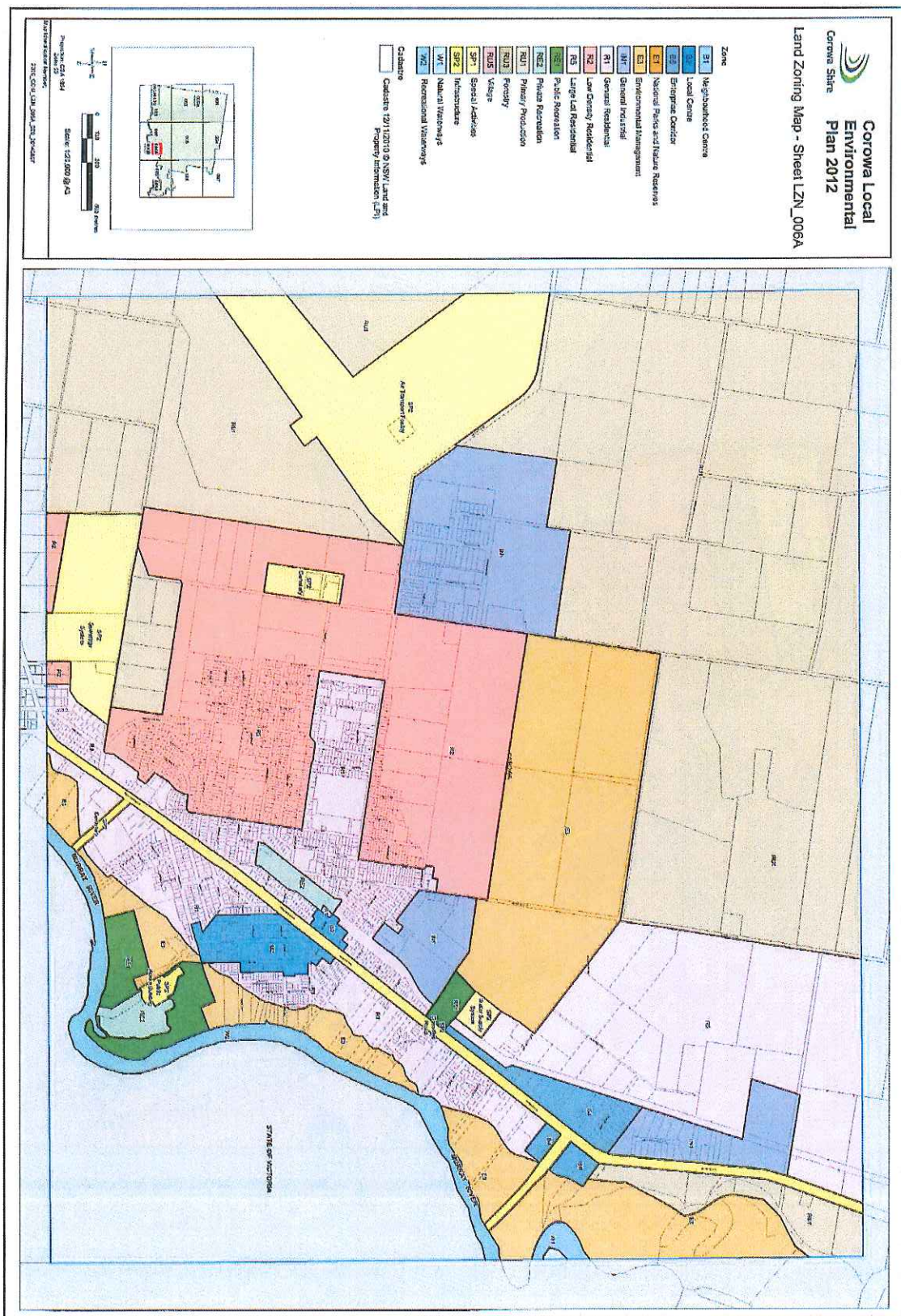
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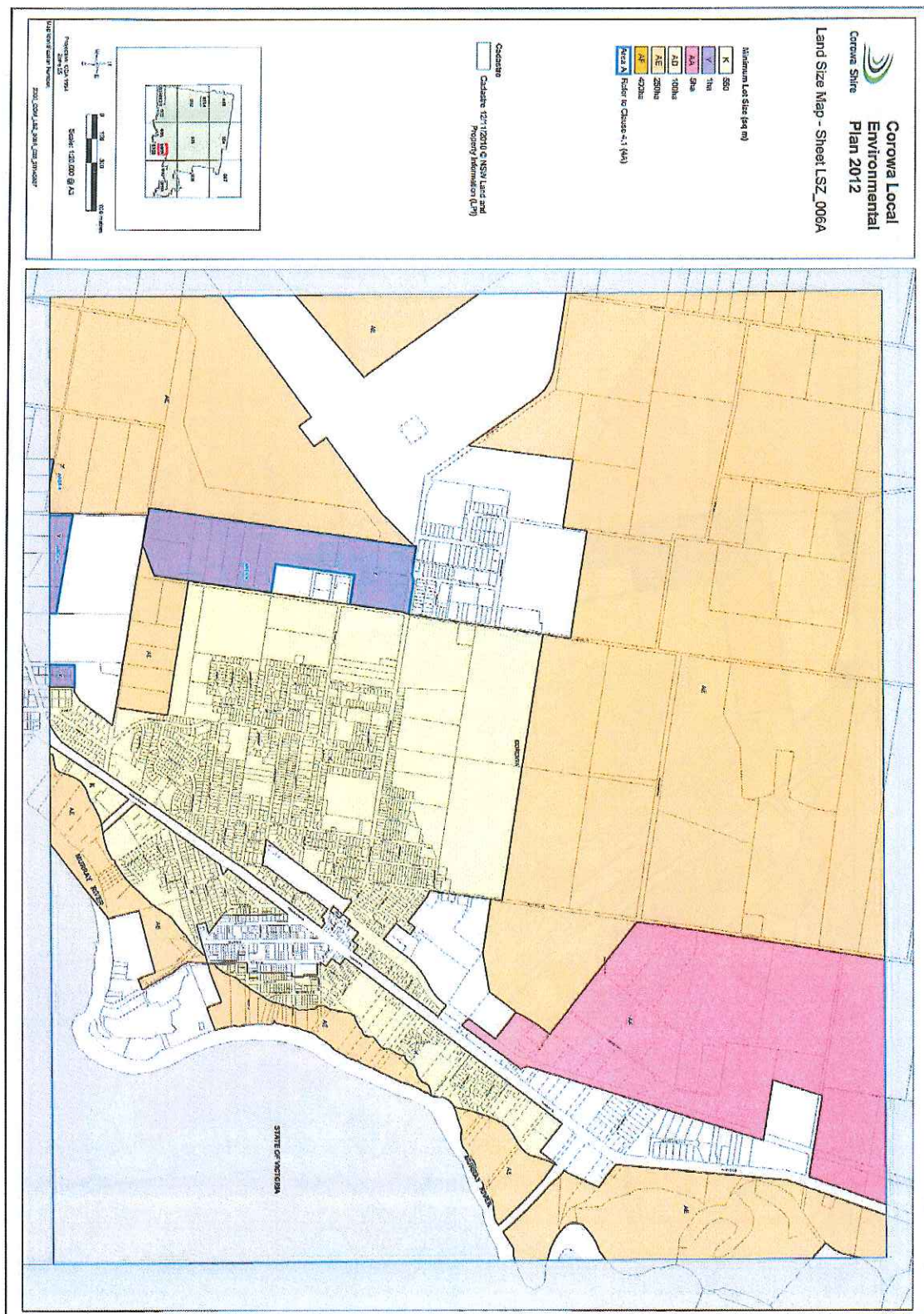
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Environmental Planning and Assessment Act 1979

**Corowa Local Environmental Plan 2012
(Amendment No 5)**

Corowa Shire Council
PO Box 77
COROWA NSW 2646

Map Cover Sheet

The following map sheets are revoked:

Map Sheet	Map Identification Number
Lot Size Map LSZ_006A	2300_COM_LSZ_006A_020_20140204
Land Zoning Map LZN_006A	2300_COM_LZN_006A_020_20140204

The following map sheets are adopted:

Map Sheet	Map Identification Number
Lot Size Map LSZ_006A	2300_COM_LSZ_006A_020_20140807
Land Zoning Map LZN_006A	2300_COM_LZN_006A_020_20140807

Certified
[Title of Council Delegate]
for the Minister for Planning

[Date]

2300_COM_MCS_20140807

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**PARLIAMENTARY COUNSEL***Opinion*

Environmental Planning and Assessment Act 1979
Proposed Corowa Local Environmental Plan 2012 (Amendment No 5)

Your ref: Bob Parr
Our ref: DG e2014-191-d03.

In my opinion the attached draft environmental planning instrument may legally be made.

When the environmental planning instrument is made, a map cover sheet that lists the final form of the maps adopted by the instrument should be signed by the person making the instrument.

A handwritten signature in black ink, appearing to read 'D Colagiuri'.

(D COLAGIURI)
Parliamentary Counsel
31 July 2014

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Corowa Local Environmental Plan 2012 (Amendment No 5)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979.

Minister for Planning

e2014-191-26.d03

C:\Docs\ep\2014-191\d03\2014-191EXN.fm 29/7/14, 11:16 am

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