Development Application

Statement of Environmental Effects

75 Anniversary POW Camp Monument

March 2019
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Development Application 75th Anniversary Monument
1. Introduction

This Statement of Environmental Effects has been compiled for the purpose of the lodgement of a Development Application for the installation and construction of a monument to commemorate the 75th anniversary of the Cowra Break-Out of the WW1 POW Camp on the 5 August 1944 by the Japanese POW’s.

This Development Application seeks consent for the installation and construction of a monument which will be made from laser cut steal in 5 panels with a base of local granite and will be approximately 5m x 3.5m at the base and approximately 2.7m in height. The 3D modelling of this monument and engineering is in the attached documents. The monument will represent to Japanese, Indonesian mother and baby, an Italian soldier and an Australian soldier. The 5th panel will describe the monument and its significance. Attached are the 3D models.

Submitted with the Development Application is the following:
Attachment A
   1. Completed application form
   2. Plans
   3. Section 57 Exemption from the Heritage Council under the Heritage Act.
Attachment B
   1. S57 Application OEH
   2. S57 Approval OEH

1.2 Background

The site is the Cowra WW11 Prisoner of War Camp Site, a State heritage Listed site located in Cowra, Central West NSW. The Camp is approximately 120ha in total size and the location of the monument is contained within Lot 305 DP823438 (14.74ha), adjacent to Lot 7029 DP93219 which is where the replica guard tower and viewing platform is currently located.

This year, marks the 75th anniversary of the Japanese Breakout and as such a monument is proposed to be positioned on Lot 305 DP823438. A site has been selected so as not to
interfere with view corridors and to avoid any archaeological remains of the POW camp. It is noted that this site is crowded with remnants from the camp and it is understood that if archaeological artefacts are discovered in the construction of this monument, work will cease immediately and OEH contacted for advice.

The site chosen by the Council is close to the existing viewing platform, exiting tower and signage; access will be easy with a short 45 meter walk to the monument slightly down slope. It is located on what looks like a parade ground or parking area in the original camp site. This area appears to be an area that was vacant of buildings on a small elevated platform with a small rock wall down slope (south east) of the proposed location. The stone wall section will not be disturbed in the construction of this monument.

2. Site Description

Name of Heritage Item: Cowra Prisoner of War Camp Site, SHR Listing No: 00619
Address: Corner Evans Street and Sakura Avenue, Post Code: 2794
Lot Number: Lot 305, Plan Number: DP823438

The site is the Cowra WW11 Prisoner of War Camp Site, a State heritage Listed site located in Cowra, Central West NSW. The Camp is approximately 120ha in total size and the location of the monument is contained within Lot 305 DP823438 (14.74ha), adjacent to Lot 7029 DP93219 which is where the replica guard tower and viewing platform is currently located.
Location of monument
3. Description of Proposed Development

The monument will be made from laser cut steal in 5 panels with a base of local granite and will be approximately 5m x 3.5m at the base and approximately 2.7m in height. The 3D modelling of this monument and engineering is in the attached documents. The monument will represent to Japanese, Indonesian mother and baby, an Italian soldier and an Australian soldier. The 5th panel will describe the monument and its significance. Attached are the 3D models.

The site chosen by the Council is close to the existing viewing platform, exiting tower and signage; access will be easy with a short 45 meter walk to the monument slightly down slope. It is located on what looks like a parade ground or parking area in the original camp site. This area appears to be an area that was vacant of buildings on a small elevated platform with a small rock wall down slope (south east) of the proposed location. The stone wall section will not be disturbed in the construction of this monument.
4. Planning Considerations

This section provides an evaluation of relevant matters under section 4.15 of the EP&A Act 1979 (as Amended).

4.15 Evaluation

(1) Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:
   (i) any environmental planning instrument, and
   (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
   (iii) any development control plan, and
   (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
   (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),
   (v) (Repealed)

that apply to the land to which the development application relates,

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

(c) the suitability of the site for the development,

(d) any submissions made in accordance with this Act or the regulations,

(e) the public interest.

(a)(i) The Provision of any environmental planning instrument

Cowra Local Environmental Plan 2012 (CLEP)

Zoning

The site is zoned RE1 Public Recreation under the CLEP
The land on which the proposed monument is best described as a recreation area which has the following meaning under the CLEP:

**recreation area** means a place used for outdoor recreation that is normally open to the public, and includes:

(a) a children’s playground, or
(b) an area used for community sporting activities, or
(c) 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).

The proposed monument is considered to be ancillary to the use of the land as a ‘recreation area’ and the proposed use is permissible with consent.

**Applicable CLEP Clauses:**

The subject land is listed in Schedule 5 of the CLEP 2012 as land containing an item of environmental heritage and in this regard special consideration of Clause 5.10 of the CLEP is required.

Item 134 – Lot 305 DP823438 Cowra POW Camp Site – State Heritage Significance.

Clause 5.10(4) requires Council to consider the effect of the proposed development on the heritage significance of the item concerned, being the Cowra POW Camp Site. The proposal to construct a monument does not detract from the heritage significance of the site and is further celebrating Cowra’s close connection to the site. Council has applied and been granted a section 57 exemption to the Heritage Act 1955. Therefore although this is seen as Integrated Development because Council has been issued with an exemption there is no need to undertake the Integrated referral process – as it has already been completed.

There are no other clauses in the CLEP that are considered to be relevant to this proposal.
4.3 State Environmental Planning Policies
There are no State Environmental Planning Policies which are considered relevant to this proposal.

4.4 Regional Environmental Plan
The Central West Orana Regional Plan is relevant the Cowra Shire, however this monument only adds to the tourist experience on the site and to the Shire. Additionally this monument is of sound architectural merit and one that reflects the ongoing commitment of the Shire to improving this site, this proposal aligns with the Regional Plan.

(1)(a)(ii) The provision of any proposed instrument
There are no draft environmental planning instruments known to apply to this land.

(a)(iii) Any development control plan

4.5 Development Control Plans
4.5.1 Cowra Shire Council DCP Advertising & Notification
It is expected that this Development Applicant will be notified to all relevant property owners in accordance with the requirements of this DCP. It is noted that Cowra Council is the owner and the developer of this land.

4.5.2 Cowra Shire Council DCP - Erosion & Sediment Control
All necessary sediment and erosion controls will be implemented and maintained throughout the construction phases of this development.

(a)(iiiia) Any planning agreement

4.6 There are no planning agreements relating to this development.

(a)(iv) – The regulations

4.7 Environmental Planning & Assessment Act and Regulations 2000
This application represents integrated Development under the Heritage Act 1977, however the s57 exemption satisfies the Integrated Development provisions of this part of the Act as the only approval necessary is from the Council. The s57 application was lodged with the Officer of Environment and Heritage in October 2019 and the exemption was granted in December 2019.
Division 8 of Part 6 of the EP&A Regs 2000 specifies additional matters that must be taken into consideration by a consent authority in determining a development application.

**Clause 92 – Government Coastal Policy**
Not applicable

**Clause 92 – Building Demolition**
Not applicable

**Clauses 93&94 – Fire Safety upgrades**
Not applicable

**Clause 94A – Temporary Structures**
Not applicable

**Clause 95 – Deferred Commencement**
Not applicable

**Clause 96 – Ancillary aspects of development**
Not applicable

**Clause 97 – Modification or surrender of development consent or existing use**
Not applicable

**Clause 97A – Fulfilment of BASIX commitments**
Not applicable

(b) The likely impacts of the development

4.8 Likely impacts of the development

Likely impacts:

**Access, transport and traffic**
The proposed monument will be access from a granite footpath extending from the existing footpath throughout the site. There will be no impacts to the existing traffic and transport networks.

**Public Domain**
This monument will add to the tourist experience in a positive way but drawing visitors into the heritage site.

**Non Aboriginal Heritage**

10 | Development Application 75th Anniversary Monument
The subject land is listed on Schedule 5 of the CLEP as land containing items of environmental heritage and as such requires special consideration.

Item 134 – Lot 305 DP823438 Cowra POW Camp Site – State Heritage Significance.

A site has been selected so as not to interfere with view corridors and to avoid any archaeological remains of the POW camp. It is noted that this site is crowded with remnants from the camp and it is understood that if archaeological artefacts are discovered in the construction of this monument, work will cease immediately and OEH contacted for advice.

Council has applied for a s57 exemption to the Heritage Act 1977 and was submitted to the Heritage Council in December 2019. The exemption was endorsed under the Standard Exemption 7: minor activities with little or no adverse impact on heritage significance. The Heritage Division have imposed a number of specific conditions to be included in the Development Consent:

1. This exemption does not allow the removal of state significant archaeological relics. If relics are discovered, work must cease in the affected area and the heritage Council of NSW must be notified in writing in accordance with section 146 of the Heritage Act 1977. Depending on the nature of the discovery, assessment and an excavation permit may be required prior to the recommencement of work in the affected area. Contact the Heritage Division on 98738500 or at heritagemailbox@environment.nsw.gov.au.

2. If any Aboriginal objects are discovered on the site, excavation or disturbance is to cease and the Office of Environment & Heritage (OEH) is to be informed in accordance with section 98A of the National Parks and Wildlife Act 1974. More information is available at http://www.environment.nsw.gov.au/licences/ACHregulation.htm or contact the Environment Line on 131555.

3. Anything done pursuant to this exemption must be specified, supervised and carried out by people with knowledge, skill and experience appropriate to the work.

Aboriginal Heritage

All works carried out are within the Garrison and the POW Camp area both have been significantly disturbed during the events of WW11 and since. The aim of the Cowra Peace precinct is to conserve Aboriginal and no Aboriginal Heritage. Council has considered the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW.
As Aboriginal site survey was conducted as part of the DEP Master Plan, which included an AHIMS search identifying known items. The nearest Aboriginal artefact is approximately 400m from the proposed site. The Heritage Council has included a condition of consent to be included relating to the presence or the discovery of Aboriginal Heritage items and this will be followed in the construction process.

Social and Economic Impact on the Locality

2019 marks the 75th anniversary of the Japanese Breakout and as such a monument is proposed to be positioned on Lot 305 DP823438. This is part of the Cowra Council 75 Anniversary celebrations to mark this milestone.

The site chosen by the Council is close to the existing viewing platform, exiting tower and signage; access will be easy with a short 45 meter walk to the monument slightly down slope. It is located on what looks like a parade ground or parking area in the original camp site. This area appears to be an area that was vacant of buildings on a small elevated platform with a small rock wall down slope (south east) of the proposed location. The stone wall section will not be disturbed in the construction of this monument.

No negative social or economic impacts are anticipated.

Flora and Fauna

There will be some minor surface disturbance with the construction of the footings for the monument. This monument requires no removal of any vegetation that is significant and it is a cleared site.

There will be no impact of both flora and fauna

(c) The suitability of the site for the development

4.9 The suitability of the site for the development

The land forms part of the Cowra Peace precinct, which includes the Cowra POW Camp Site. The installation of the monument is part of the 75th anniversary celebrations of this remarkable historical site.
5. Conclusion

Based on the information contained within this Statement of Environmental Effects and consideration for all the statutory requirements applicable, it is concluded that the proposal is consistent with the objectives and provisions of Council’s planning documents and that the proposal has been assessed against section 4.15 of the EP& A Act and that any potential impacts are of a minor nature.