

Murray LEP 2011 Amendment 4 - Schedule 1 Additional permitted use

Proposal Title : **Murray LEP 2011 Amendment 4 - Schedule 1 Additional permitted use**

Proposal Summary : **Amend Schedule 1 Additional Permitted Uses to include 'vehicle body repair workshop' as an additional permitted use with consent on the land known as Lot 1 DP 222761, 75 Meninya Street Moama.**

PP Number : **PP_2014_MURRA_002_00** Dop File No : **14/16294**

Proposal Details

Date Planning Proposal Received : **25-Sep-2014** LGA covered : **Murray**

Region : **Western** RPA : **Murray Shire Council**

State Electorate : **MURRAY DARLING** Section of the Act : **55 - Planning Proposal**

LEP Type : **Housekeeping**

Location Details

Street :
Suburb : City : Postcode :
Land Parcel : **Lot 1 DP 222761, 75 Meninya Street Moama**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Wayne Garnsey**
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Land Release Data

Growth Centre : Release Area Name :
Regional / Sub Consistent with Strategy :
Regional Strategy :

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MDP Number :

Date of Release :

Area of Release
(Ha) :

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 8

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment :

Have there been meetings or
communications with
registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

The site is currently zoned 'B2 – Local Centre' under the Murray LEP 2011. Zone B2 – 'Local Centre' land within Murray Shire prohibits the use of vehicle body repair workshops.

The Planning Proposal is to reuse an existing site that was used for industrial style use and there are existing industrial style uses nearby. The Planning Proposal is supported by a noise assessment conducted which outlines that the expected noise levels from any such subsequent Vehicle Body Repair Workshop business on the site can be managed.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The objectives are clear - to allow the use of Lot 1 DP 222761 (75 Meninya Street, Moama) as 'Vehicle Body Repair Workshop'.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : The proposed outcome would be achieved by:

Adding 'Vehicle Body Repair Workshop' as an additional permitted use with consent on the land known as Lot 1 DP 222761 (75 Meninya Street, Moama) to Schedule 1 of the Murray LEP 2011. The subject land is to be mapped to clearly indicate that an additional permitted use applies.

This is considered to be the best option to achieve the proposed outcome rather than rezoning the subject land to industrial.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

* May need the Director General's agreement

6.3 Site Specific Provisions

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered :

s117 Direction 1.1 Business and Industrial Zones

The planning proposal is consistent with this Direction as it encourages employment growth in a suitable location close to Cobb Highway and within range of other important service industries.

The subject site can be identified as a 'suitable location' due to its location and surrounding development and that it will use an existing resource. The site is not constrained by adjoining properties (due to setbacks of residential dwellings, and non residential land uses also surrounding the site).

The proposal protects employment land within the current business zoned land. The additional business created will provide further employment opportunities to the shire and create an additional opportunity to attract new people and families into the area.

The proposal is consistent with supporting the viability of identified strategic centres as it is located in close proximity to the centre of Moama along with the new commercial precinct at the intersection of Cobb Highway and Perricoota Road.

s117 Direction 6.3

The planning proposal is consistent with this Direction as it does not require restrictive site specific planning controls but instead promotes an additional land use for a specific site within zone B2 – Local Centre. This proposal does not intend to change the zoning of the land.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment :

The proposal is to amend Schedule 1 of the Murray Local Environmental Plan 2011 to include the use 'Vehicle Body Repair Workshop' as permissible with consent on the subject land.

An additional permitted use map for this site will be required.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council's proposed community consultation is acceptable. Due to the potential noise and odour impacts of the planning proposal, Council intends to exhibit the proposal for 28 days.

Council proposes community consultation that will include the distribution of notification letters to adjoining property holders, a newspaper advertisement, and providing copies of the planning proposal to Council's Moama and Mathoura offices for

public viewing.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

The Murray Local Environmental Plan 2011 was notified on 16 December 2011.

Assessment Criteria

Need for planning
proposal :

The subject site is zone B2 – Local Centre and 'Vehicle Body Repair Workshops' are prohibited.

The planning proposal is a site specific application which would amend Schedule 1 – Additional Permitted Uses of the Murray LEP 2011 and does not change the zone or Land Use Table. This is considered the most efficient process to enable the use of 75 Meninya Street, Moama as a 'Vehicle Body Repair Workshop'.

The other options are:

- rezone the particular parcel of land from B2 – Local Centre, to a zone which permits 'Vehicle Body Repair Workshop' - however this is deemed to have no strategic justification and would be disruptive to the existing zoning of the location and surrounding area.
- apply to amend the land use table for land within zone B2 Local Centre to allow 'Vehicle Body Repair Workshop' use in all land zoned B2 Local Centre land however it is considered that this would not be an appropriate planning outcome.

Consistency with
strategic planning
framework :

The Murray Shire Strategic Land Use Plan 2010 - 2030 outlines that traditionally Moama's commercial 'centre' has been in Meninya Street, with commercial uses stretching up to Perricoota Road. However, the recently completed supermarket complex on the corner of Cobb Highway and Perricoota Road is likely to further develop and thus create an additional commercial focus. The location of this planning proposal is situated in close proximity, just south of the Cobb Highway/Perricoota Road intersection and is consistent with the vision of the Murray Shire Strategic Land Use Plan 2010 - 2030.

The proposal would provide an additional business, use of an existing resource and create employment opportunities and is consistent in reinforcing the role of Moama as the main commercial centre in Murray Shire.

Environmental social
economic impacts :

The subject land is a developed urban site and there is no remaining significant habitat remaining on the site. As a result, it is considered that there is no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, would be adversely affected as a result of the proposal.

The site is not affected by Bush Fire, Flooding, Biodiversity or Heritage.

The particular activities which would occur as part of the approved 'Vehicle Body Repair

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Workshop' would include

- Vehicle Panel removal
- Vehicle Panel replacement
- Spray painting and baking
- Sanding, smoothing and surface preparation
- Cutting of metal and plastic
- Welding
- Paint mixing

Therefore the key environmental impacts relate to noise and odours as a result of the land being used as a 'Vehicle Body Repair Workshop'. Council has considered these impacts and submitted adequate information with the Planning Proposal. It is considered that the impacts can be managed at the development application stage.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **Other**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Noise Study.pdf	Study	Yes
Cover Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Murray Request for gateway checklist.pdf	Proposal	Yes
Murray evalaution for delegation and checklist.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones**
 6.3 Site Specific Provisions

Additional Information : **1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:**

- (a) the planning proposal must be made publicly available for a minimum of 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).

No consultation with agencies is required.

2. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

3. Prior to exhibition an Additional Permitted Use Map is to be prepared and submitted to the Western Region office of the Department of Planning and Environment for approval to indicate that the subject site is the subject to an Additional Permitted Use. The Additional Permitted Use Map is to be compliant with the Department's "Standard technical requirements for LEP Maps".

4. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

5. That Murray Shire Council be authorised to exercise delegation to finalise the Planning Proposal.

Supporting Reasons : **The Planning Proposal seeks to facilitate business/commercial development by providing a 'Vehicle Body Repair Workshop' (commonly known as a 'panel beater') as an Additional Permitted Use on the subject land. This application is supported by a comprehensive analysis of the site in relation to constraints, context, character and likely benefits, consideration against relevant local, regional and State planning policies/directions and an assessment of likely impacts. The proposed use will utilise an existing resource.**

The approval of this planning proposal would result in an amendment to the Murray LEP 2011 by adding 'Vehicle Body Repair Workshop' as an additional permitted use with consent on Lot 1 DP 222761, 75 Meninya Street into Schedule 1 of the Murray LEP 2011. This Additional Permitted Use Map will be confirmed by a LEP map.

The Planning Proposal has been prepared in accordance with 'A guide to preparing planning proposals (July 2012)' and is consistent with the ongoing assessment and advice of the Murray Shire planning staff to ensure that all necessary research has been undertaken, documented and addressed for the purposes of demonstrating land capability for a 'Vehicle Body Repair Workshop' business.

Signature:



Printed Name:

W Gurnsey

Date:

8/10/14