

Moruya Business Development Area Proposal

Proposal Title :	Moruya Business Development Area Proposal		
Proposal Summary :	To rezone 16 lots, bounded by John Street, Church Street and Princes Highway in Moruya from RU1 - Primary Production Zone to B5 - Business Development Zone under the Eurobodalla LEP 2012 (once notified). It is further proposed to apply no minimum lot size to the land and to introduce an additional objective into the B5 Zone to ensure development within the zone compliments the Moruya commercial centre.		
PP Number :	PP_2012_EUROB_001_00	Dop File No :	12/09955

Proposal Details

Date Planning Proposal Received :	10-May-2012	LGA covered :	Eurobodalla
Region :	Southern	RPA :	Eurobodalla Shire Council
State Electorate :	BEGA	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Queen Street		
Suburb :	Moruya	City :	Postcode : 2537
Land Parcel :	Lot 1, DP700880, Lot 10 Sec18 DP758710, Lot 1 DP1138105, Lot 8 Sec13 DP758710, Lot 3 DP800767, Lot 11 Sec18 DP758710, Lot 4 DP800767, Lot 2 DP1138105		
Street :	Church Street		
Suburb :	Moruya	City :	Postcode : 2537
Land Parcel :	Lot 7 Sec13 DP758710, Lot 2 DP800767, Lot 2 DP700880, Lot 3 DP700880, Lot 1 DP800767		
Street :	Campbell Street		
Suburb :	Moruya	City :	Postcode : 2537
Land Parcel :	Lot 3 DP1004604, Lot 4 Sec18 DP758710, Lot 5 Sec18 DP758710		

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	South Coast Regional Strategy	Consistent with Strategy :	No
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0
The NSW Government Yes Lobbyists Code of Conduct has been complied with :			
If No, comment :			

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

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes : **The planning proposal seeks to rezone a total of 16 lots from RU1 Primary Production in the draft Eurobodalla LEP 2012 (once the new LEP is in force) to the B5 Business Development Zone to enable redevelopment for the purposes of business, warehouse and bulky goods premises that require large floor areas. It is proposed that no minimum lot size will apply to the land and a further objective is proposed for the B5 Zone for development to compliment the Moruya commercial centre.**

Adequacy Assessment

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

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

Comment : **The objectives of the planning proposal for the rezoning are:**
- to enable development of the land for business development purposes including bulky goods, business and warehouse uses requiring a large floor area;
- to provide additional employment opportunities in Moruya;
- to cater for a range of low intensity business uses whilst minimising the adverse effect of business related activities on other land uses;
- Ensure development is sensitive to existing density and scale of adjoining town centre;
- Mitigate the access and traffic issues to be generated as a consequence of the land's proximity to major transport nodes; and
- Mitigate any flood impacts of the proposed developments on neighbouring lands.

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

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

Comment : **Council have proposed to rezone the subject lots from RU1 Primary Production to B5 Business Development on the Eurobodalla LEP 2012 Zoning Map.**
Council is also proposing to amend the Eurobodalla LEP 2012 Lot Size Map to remove the 'No further Subdivision' classification applying to the subject land and replace it with a category that does not provide a minimum lot size for subdivision.
Council seeks also to add an additional objective to the B5 Zone as follows "To support the nearby local business centre of Moruya without adversely impacting on the viability of that centre".

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones
1.2 Rural Zones
1.5 Rural Lands
3.4 Integrating Land Use and Transport
4.1 Acid Sulfate Soils
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection
5.1 Implementation of Regional Strategies
6.1 Approval and Referral Requirements
6.3 Site Specific Provisions

Is the Director General's agreement required? **Yes**

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

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land
SEPP (Infrastructure) 2007
SEPP (Rural Lands) 2008

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

As per requirement under s117 Direction 4.4 Planning for Bushfire, Council is required to consult with and consider comments from the NSW Rural Fire Service prior to public exhibition of the planning proposal.

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

SEPP (Rural Lands) 2008 - The proposal is inconsistent as it seeks to rezone rural land to a business development zone. Council has justified the inconsistency stating that the land is no longer considered appropriate for primary production or agricultural use due to its fragmented ownership pattern, lot sizes and existing land uses which include residential, bulky goods and rural based businesses. Subsequently Council is of the

opinion that the B5 Zone will be more appropriate with respect to existing and proposed land uses.

S117 Directions: The planning proposal is considered consistent with the following applicable s117 Directions - 1.1 Business and Industrial Zones, 3.4 Integrating Land Use and Transport, 5.1 Implementation of Regional Strategies, 6.1 Approval and Referral Requirements, 6.3 Site Specific Provisions.

The proposal is considered inconsistent with the following directions, however, Council has justified the inconsistencies as follows;

1.2 Rural Zones - The proposal seeks to rezone rural land from rural (RU1) to a B5 Business Development Zone and is therefore inconsistent. Council has justified the inconsistency stating that the land is no longer considered appropriate for primary production or agricultural use due to its fragmented ownership pattern, lot sizes and existing land uses which include residential, bulky goods and rural based businesses. Council argues that the land is more productive if used for business development.

1.5 Rural Lands - The proposal seeks to rezone rural land from rural (RU1) to a B5 Business Development zone and is therefore inconsistent. Council has justified the inconsistency stating that the land is no longer able to support primary production or agricultural uses due to its fragmented ownership pattern, lot sizes and existing land uses which includes residential, bulky goods business and rural based business. Council advises that the rezoning for business development is supported by the objectives of the endorsed Economic Development and Employment Lands Strategy, which identified the need for further business development opportunities in and around Moruya Town Centre. This also addresses the Rural Planning Principles of the Rural Lands SEPP particularly Principle '(7)(d) in planning for rural lands, to balance the social, economic and environmental interests of the community'.

4.1 Acid sulphate soils - The planning proposal is inconsistent with the Direction as the proposed rezoning will lead to an intensification of land use on land identified as being affected by acid sulphate soils. Council is of the opinion that the inconsistency is justified due to the relatively low grade (class 2) of affectation and that further consideration will be given at the development application stage for any subsequent future development. Council's soon to be adopted Principal LEP contains the model acid sulfate soils clause. It is also considered to be of minor significance.

4.3 Flood Prone Land - The proposal is inconsistent as it seeks to rezone flood affected rural land for business purposes. Despite the known flood affectation of the subject land, Council has justified the inconsistency with the Direction in that it considers that the site is suitable for development of large floor plate business development (bulky goods, warehouse and storage, vehicle sales and hire, hardware and garden supplies etc) as this type of development represents a minimal risk to life due to low occupancy and as residential accommodation is not permitted in the zone. Council also states that the potential for danger to personal safety and damage is of minor significance and can be addressed on merit by land form changes (filling of land etc), building, siting and design at the development application stage and would be consistent with Council's current development processes and procedures as applied to adjacent business lands with similar hazard category.

4.4 Planning for Bushfire Protection - Part of the subject land is identified as bushfire prone. Preliminary bushfire assessment has shown a minor risk to development. As the planning proposal essentially only rezones land rather than proposing specific development, Council has identified that the minor risk can be appropriately dealt with at the development application stage.

RECOMMENDATION: Council is required to consult with the NSW Rural Fire Service and take into account any comments it may make prior to community consultation.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Mapping provided by Council is considered adequate for exhibition purposes.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council considers the planning proposal to be low impact and has subsequently proposed a 14 day exhibition period and will include a notice in local newspaper, exhibition material at the libraries and Council Administration Building, advertisement on Council's website and letters to be sent to surrounding land owners and other relevant stakeholders.**

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 : **The planning proposal is considered adequate and Council has sufficiently addressed the requirements, and provided sufficient information to enable consideration of the planning proposal.**

Proposal Assessment

Principal LEP:

Due Date : **July 2012**

Comments in relation to Principal LEP : **The draft Eurobodalla LEP 2012 is in the final stages of legal drafting and is expected to be notified in June/July 2012. This planning proposal will become the first amendment to the new LEP.**

Assessment Criteria

Need for planning proposal : **To facilitate the proposed future development of the subject land for business development purposes, a planning proposal is required to rezone and amend the applicable minimum lot size map and to add a further objective to the B5 Zone.**

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Consistency with strategic planning framework :

The planning proposal is consistent with the South Coast Regional Strategy (SCRS). Whilst the land is not specifically identified within the strategy as being for future employment purposes, the planning proposal will support the strategy through consistency with the objectives and actions relating to the supply of zoned employment land, and to appropriately add to employment lands in existing economic centres, major regional towns and major towns. Moruya is identified within the SCRS as a major town and that key functions of a major town include the provisions of warehouse, bulky goods developments, as is proposed within the proposed B5 Zone. Despite rezoning rural land for businesses purposes, the proposal is considered consistent with the SCRS as the land is not considered to be sustainable viable agricultural land due to small lots, fragmented ownership and existing uses which do not include agriculture.

Council adopted an Economic Development and Employment Lands Strategy in 2011, which was subsequently endorsed by the Director General in 2012. Whilst not identified as a future development site within the strategy, the strategy identified a need to provide further additional employment lands to meet the predicted shortfalls to cater for future demands in the LGA.

The planning proposal is also consistent with the strategy's employment land planning principles in that;

- future employment lands be provided in accessible locations to service distinct population centres.
- future employment lands be determined having regard to the need to increase economic and employment diversity, by basing employment land decisions on known or anticipated business locations needs and the potential for business clusters to establish and grow.
- centres remain compact in form and land use, particularly for core retail and commercial activities, with opportunities for non-core retail and commercial development to be provided in appropriate locations adjacent to centres.

The proposed siting of the B5 Zone provides for expansion of employment lands adjacent to the town centre of Moruya and will assist in the future growth of a major town where it has appropriate access and is servicing a distinct population centre in central Eurobodalla.

The Eurobodalla Settlement Strategy 2006 identified a shortfall in commercial floor space to meet demand in 2026 within Moruya. This planning proposal is consistent in that it seeks to provide addition commercial floor space provided within a B5 Zoning.

The planning proposal is also consistent with the objectives and strategies identified in the Community Strategic Plan - Eurobodalla 2030 as it will concentrate business development on land adjacent to Moruya Town Centre, near transport routes and increase employment opportunities.

Environmental social economic impacts :

Environmental

The subject land is identified as flood prone and as containing low grade acid sulfate soils. Currently in fragmented ownership and being used for a range of residential and commercial activities, the land is not considered to have any significant environmental attributes. Whilst the proposal seeks only to amend the zoning and minimum lot size applicable to the subject site, subsequent development of the site is not considered to have any significant environmental impacts and issues associated with flood risk and acid sulphate soils etc will be effectively managed by Council via the development application process.

Social /Economic

The planning proposal will provide significant land for future employment lands and provide for important employment growth within Moruya and broader Eurobodalla area. Significant flow on economic effects for the adjacent town and surrounding areas and its residents will be realised due to increased employment opportunities through construction and once completed.

Assessment Process

Proposal type : **Consistent** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 Month** Delegation : **DG**

Public Authority : **Southern Rivers Catchment Management Authority**
Consultation - 56(2)(d) : **Office of Environment and Heritage**
NSW Department of Primary Industries - Agriculture
NSW Department of Primary Industries - Fishing and Aquaculture
NSW Rural Fire Service
Transport for NSW - Roads and Maritime Services

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

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

If no, provide reasons : **The planning proposal should proceed as it provides additional employment lands in an appropriate location adjacent to existing town centre and with access to appropriate transport routes. Whilst the subject land is zoned RU1, it is not considered viable agricultural use due to current fragmented ownership patterns, small lot sizes and existing uses being non agricultural.**

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

No additional studies are required. Council has sufficient mapping and data that will allow for consideration of matters as part of any subsequent development applications lodged.

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 : **The planning proposal does not require state infrastructure funding.**

Documents

Document File Name	DocumentType Name	Is Public
council_letter_20120507.pdf	Proposal Covering Letter	No
planning_proposal.pdf	Proposal	No

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones**
- 1.2 Rural Zones**
- 1.5 Rural Lands**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

Additional Information :

That the delegate of the Minister for Planning and Infrastructure, determine under section 56(2) of the EP&A Act, that an amendment to the Eurobodalla Local Environmental Plan 2012 to amend the Zoning and Minimum Lot Size Maps should proceed subject to the following conditions:

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 14 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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

Southern Rivers Catchment Management Authority
Office of Environment and Heritage
NSW Department of Primary Industries – Agriculture
NSW Department of Primary Industries – Fisheries
NSW Rural Fire Service
Transport for NSW – Roads and Maritime Services

Each public authority is to be provided with a copy of the Planning Proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that it will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the Planning Proposal.

3. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not have any bearing on the need to conduct a public hearing under the provisions of any other legislation.

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

S117 DIRECTIONS

It is recommended that the Director General can be satisfied that:

5. The Planning Proposal is consistent with the following s.117 Directions:

s117 1.1 Business and Industrial Zones - as it will facilitate development and encourage employment growth by providing more land zoned B5 Business Development.

s117 3.4 Integrating Land Use and Transport - as it will provide for a mix of business related land uses, encouraging employment opportunities close to Moruya Town Centre in a location where existing transport infrastructure is provided.

s117 5.1 Implementation of Regional Strategies - the proposal is consistent with the South Coast Regional Strategy (SRS) as it will assist in providing for future employment and economic growth in the Major Town of Moruya.

s117 6.1 Approval and Referral Requirements - the proposal does not effect the objectives of this Direction and will be consistent with this requirement.

s117 6.3 Site Specific Provisions - the proposal does not effect the objectives of this Direction.

It is recommended that the Director General can be satisfied that:

6. The Planning Proposal is inconsistent with the following section s.117 Directions that are either of minor significance and/or that the inconsistency has been adequately

justified;

s117 1.2 Rural Zones - The proposal is inconsistent with this Direction as the proposal seeks to rezone RU1 land to B5 Business Development and reduce the minimum lot size from 'No further Subdivision' to 'No Minimum Lot size' on 16 lots to facilitate future employment lands development. The land is no longer considered appropriate for primary production or agricultural use due to its fragmented ownership pattern, lot sizes and existing land uses which includes residential, bulky goods and rural based businesses. Subsequently the proposed zoning will better be reflected existing and proposed land uses. The planning proposal is consistent with the Rural Planning Principals of the Rural Lands SEPP.

s117 1.5 Rural Lands - The proposal is inconsistent with this Direction as the proposal seeks to rezone RU1 land to B5 Business Development and reduce the minimum lot size from 'No further Subdivision' to 'No Minimum Lot size' on 16 lots to facilitate future employment lands development. The land is considered no longer able to sustain viable primary production or agricultural use due to its fragmented ownership pattern, lot sizes and existing land uses which includes residential, bulky goods business and rural based business.

s117 4.1 Acid Sulphate Soils - The planning proposal is inconsistent with the Direction as the proposed rezoning will lead to an intensification of land use on land identified as being affected by acid sulphate soils. The inconsistency is justified due to the relatively low grade (class 2) of acid sulphate soil affectation and that further consideration will be appropriately given at the development application stage for any subsequent future development. In addition the Principal LEP adopts the standard acid sulfate soils provision.

s117 4.3 Flood Prone Land - The proposal is inconsistent as it seeks to rezone flood affected rural land for business purposes. The inconsistency is justified in that the development type resulting from the proposed subdivision will represent a minimal risk to life due to low occupancy and as residential accommodation is not permitted in the zone. Further, it is considered that the potential for danger to personal safety and damage is of minor significance and can be addressed on merit by land form changes (filling of land etc), building, siting and design at the development application stage and would be consistent with Council's current development processes and procedures.

7. s117 4.4 Planning for Bushfire Protection - Part of the subject land is identified as bushfire prone and a preliminary bushfire assessment has shown a minor risk to development. Whilst satisfied that the inconsistency is minor, Council is however required to, in accordance with s117 4.4(7) to consult with and consider comments from the NSW Rural Fire Service prior to public consultation.

8. The Director General can be satisfied that the planning proposal is consistent, justifiably inconsistent or of minor significance with all other s117 Directions. No further consultation is required in relation to s117 Directions while the proposal remains in its current form.

Supporting Reasons :

The planning proposal seeks to rezone land to provide for economic and employment growth within Moruya, a major town within the Eurobodalla LGA. The subject land is zoned RU1, however, its fragmented ownership, small lot sizes and existing non agricultural uses mean that it is no longer considered viable agricultural land. The site is adjacent to the existing town centre, has access to existing transport networks and will compliment the existing Moruya town centre. The planning proposal is consistent with State and Local Planning Strategies.

Signature:



Printed Name:

MARK PARKER
Local Planning Manager

Date:

19th June 2012