

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**

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.

Panel Recommendation

Recommendation Date : 28-Jun-2012

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

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 is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning 2009) and must be made publicly available for 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 - Fishing and Aquaculture
- 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 they 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. Further to Condition 2 above, Council is to consult with the Commissioner of the NSW Rural Fire Service, prior to the commencement of community consultation and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection. Council is to amend the planning proposal, if necessary, and forward a copy of the revised planning proposal to the Department for finalisation.

4. 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

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otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

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

Signature: _____

Printed Name: _____

Date: _____