

AlburyCity - Council Meeting

AGENDA

CM 10 – OFFICERS REPORTS FOR CONSIDERATION

10A Planning Proposal: Amendment to In1 General Industrial Zone to Allow Agricultural Produce Industries to be Permitted with Consent (DOC13/102530)

DATE 18 November 2013

CONFIDENTIAL
Personnel Matters ☐

YES ☐
Commercial ☐

NO ☒
Legal ☐

If yes please tick one of the following reasons
Security ☐ Personal Hardship ☐

ITEM FOR DECISION ☐
Meeting Date Monday 25 November 2013

ITEM FOR NOTING ☐
Meeting Date

FURTHER ENQUIRIES TO Matt Johnson
Planning & Environment

PHONE 6023 8173

Introduction

The purpose of this report is to obtain Council's endorsement of a Planning Proposal that seeks to amend the land use permissibility of 'agricultural produce industries' as it applies to the IN1 General Industrial Zone as contained in *Albury Local Environmental Plan 2010* (ALEP 2010). In particular, it is proposed to list 'agricultural produce industries' as permitted with consent.

A copy of the Planning Proposal will be tabled at the Council Meeting for the perusal of Councillors.

Background

At the time of preparing ALEP 2010, 'rural industries' were prohibited to prevent the establishment of certain rural industry types, such as 'livestock processing industries' and 'stock and sale yards' due to concerns associated with these development types. As a consequence, agricultural produce industries became prohibited as this type of development is contained within the definition of 'rural industries' as outlined below.

Notwithstanding, Council has recently received a number of enquiries regarding the possible establishment of 'agricultural produce industries' within Albury's General Industrial areas, which are currently prohibited.

The subject amendment therefore seeks to amend the land use table of ALEP 2010, as it applies to the IN1 General Industrial Zone, to allow for the establishment of 'agricultural produce industries' in Albury's industrial areas. This is consistent with the objectives of this zone and other permissible land uses. It is not anticipated that the inclusion will create significant amenity and environmental impacts, particularly with regard to noise, stormwater run-off and environmental health concerns, however these considerations will form the basis for the assessment of individual development applications.

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Discussion

AlburyCity is seeking to amend ALEP 2010 in response to a number of recent enquiries received regarding the establishment of 'agricultural produce industries' within Albury's General Industrial areas. These uses are currently prohibited as the higher order definition 'rural industries' is prohibited.

The definition of a 'rural industry' and an 'agricultural produce industry' is defined in ALEP 2010 as follows:

Rural Industry means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following:

- (a) agricultural produce industries,
- (b) livestock processing industries,
- (c) composting facilities and works (including the production of mushroom substrate),
- (d) sawmill or log processing works,
- (e) stock and sale yards,
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.

Note. Rural industries are not a type of **industry**—see the definition of that term in this Dictionary.

Agricultural Produce Industry means a building or place used for the handling, treating, processing or packing, for commercial purposes, of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes wineries, flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry.

Note.

Agricultural produce industries are a type of **Rural Industry**—see the definition of that term in this Dictionary.

The reason for the proposed change to ALEP 2010 is due to the potential demand for 'agricultural produce industries' in Albury's industrial areas, given its position within the wider regional and rural catchment area of the Murray and Riverina. This is also considered appropriate given Albury's geographical location and operation as a logistics hub.

The inclusion of 'agricultural produce industries' as permitted with consent in the IN1 General Industrial Zone is consistent with the objectives of this zone. This is due to the fact that this type of development has similar amenity and off-site impacts to other forms of industrial development currently permitted within this industrial zone (including warehouse and distribution centres, truck depots and general industries) in terms of vehicular access, car parking, and noise.

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The ramifications of not proceeding with this Planning Proposal could be extensive, as this may prevent the establishment of a number of new businesses from commencing/starting up in Albury. It is also relevant to note that the *Albury Development Control Plan 2010* contains objectives and provisions encouraging opportunities to expand the local employment base by providing for a wide range of business, industry and other related uses, which the proposal is consistent with.

Despite this Planning Proposal, it is noted that the higher order definition 'rural industries' will still remain prohibited within the IN1 General Industrial Zone, so as to prevent the establishment of other rural industry types, such as 'livestock processing industries' and 'stock and sale yards'.

It is further noted that the subject proposal does not seek to change the land use permissibility's of the IN2 Light Industrial Zone, as these areas are generally in close proximity to established residential areas and other sensitive land uses/sources and have a smaller range of permissible industrial uses.

Conclusions

AlburyCity is seeking to amend the land use permissibility's of the IN1 General Industrial Zone to allow 'agricultural produce industries' to be permitted with consent. The ramifications of not proceeding with this Planning Proposal could be extensive, as this may prevent the establishment of a number of new businesses from commencing/starting up in Albury.

To ensure that development can occur and proceed in accordance with Council's intentions for these areas, this matter should be resolved as soon as possible.

Accordingly, Council support is now sought to endorse the tabled Planning Proposal and seek NSW Department of Planning and Infrastructure authority to progress the proposal as a 'low impact proposal' as an amendment to ALEP 2010, pursuant to Part 3 of the EP&A Act with only a 14 day public exhibition period.

Recommendation

That Council:

- a. endorse the Planning Proposal to the Minister for Planning and Infrastructure seeking an amendment to the *Albury Local Environmental Plan 2010*, insofar as amending the land use permissibility's of the IN1 General Industrial Zone by listing 'agricultural produce industries' as permitted with consent, and request that a Gateway Determination be made, enabling the exhibition of the Planning Proposal pursuant to the *Environmental Planning & Assessment Act 1979*;
- b. upon receipt of a Gateway Determination under Section 56 of the *Environmental Planning & Assessment Act 1979*, place the Planning Proposal on public exhibition pursuant to any requirements of the Gateway Determination and Section 57 of the *Environmental Planning & Assessment Act 1979*; and

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- c. should no objections be received, furnish a copy of this report and other relevant information to the NSW Department of Planning and Infrastructure, in accordance with the *Environmental Planning & Assessment Act 1979*, and request the Minister for Planning and Infrastructure undertake appropriate actions to secure the making of the amendment to the *Albury Local Environmental Plan 2010* to the extent that it relates to the land use permissibility's of the IN1 General Industrial Zone.

- **Attachment**

- 1. Planning Proposal: Inclusion of 'Agricultural Produce Industries' as Permitted with Consent in the IN1 General Industrial Zone (*to be tabled at the meeting*).