

## Planning and Assessment

IRF20/3593

### Gateway determination report

<b>LGA</b>	Albury City
<b>PPA</b>	Albury City Council
<b>NAME</b>	Inclusion of 'artisan food and drink industry' in various land use tables.
<b>NUMBER</b>	PP_2020_ALBUR_001_00
<b>LEP TO BE AMENDED</b>	Albury Local Environmental Plan 2010
<b>ADDRESS</b>	Various
<b>DESCRIPTION</b>	Land Zoned B1-B4 Business Zones and RU5 Village Zone
<b>RECEIVED</b>	23 July 2020 (Adequate 27 July 2020)
<b>FILE NO.</b>	IRF20/3593
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required.
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal.

## 1. INTRODUCTION

### 1.1 Description of planning proposal

The Planning Proposal seeks to include '*artisan food and drink industry*' as a permissible land use with consent within the B1 - B4 *Business Zones* and RU5 *Village Zone* of the *Albury Local Environmental Plan 2010* (ALEP 2010).

DPIE amended the standard instrument to introduce '*artisan food and drink industry*' as a new definition which is a subcategory of '*light industry*'. Currently light industry is only permissible with consent in the B5-B7 Business Zones and IN1 & IN2 Industrial Zones. The proposed changes will increase the choice of sites available for these developments and in doing so support tourism and economic activity in more central locations.

### 1.2 Site description

The proposed changes apply to all land included in the following zones of the ALEP 2010:

B1 Neighbourhood Centre,  
B2 Local Centre,  
B3 Commercial Core,  
B4 Mixed Use, and  
RU5 Village.

### **1.3 Existing planning controls**

The land use tables for the B1, B2, B3, B4 and RU5 zones currently prohibit industries. This includes light industries and therefore artisan food and drink industries through the group definition framework.

By adding '*artisan food and drink industry*' as permissible with consent for each of the zones other industries will remain prohibited, however, Council will have the discretion to approve '*artisan food and drink industry*' where it can be demonstrated to be appropriate.

### **1.4 Surrounding area**

As the planning proposal is not site specific the area surrounding impacted properties is variable. Consent will still be required before any '*artisan food and drink industry*' can commence. Accordingly, the suitability of any proposal in relation to the surrounding area will be assessed.

## **2. PROPOSAL**

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### **2.1 Objectives or intended outcomes**

The objectives of the proposal are contained in Part 1 (p. 1) of the planning proposal. They clearly articulate the intended outcome of the planning proposal and do not require amendment prior to community consultation.

### **2.2 Explanation of provisions**

The proposed explanation of provisions is contained in Part 2, (p. 1) of the planning proposal. It clearly articulates how the intended outcome will be achieved, clearly stating what LEP amendments are required. It does not require amendment prior to community consultation.

### **2.3 Mapping**

The planning proposal does not require any LEP map amendments.

## **3. NEED FOR THE PLANNING PROPOSAL**

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Part 3, Section A (p.2-3) of the planning proposal provides justification for the LEP amendment. The planning proposal indicates that the desire for artisan food and drink industries in the identified zones is '*aligned with the general need to promote tourism, leisure and alternative consumer experiences for visitors and residents of the Albury region*'. It is indicated that the LEP amendment will '*support economic development, reinforce the primacy of Albury's nominated commercial and village zones and will attract visitors to the region.*'

It is agreed that proposal is the best means for achieving the intended outcomes.

## **4. STRATEGIC ASSESSMENT**

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### **4.1 State**

There are no State issues of concern for this proposal.

### **4.2 Regional / District**

Part 3, Section B, 3 (p.3-4) of the planning proposal provides an assessment against relevant provisions of the Riverina Murray Regional Plan which applies to the Local Government Area (LGA). The assessment does not identify any inconsistencies and indicates that the proposal aligns with Directions 4, 7, 22, 28 & 29 of the plan. The assessment is considered appropriate and does not require amendment prior to community consultation.

### **4.3 Local**

The planning proposal discusses consistency with the local strategic planning framework in the context of consistency with the community strategic plan (Albury 2030) rather than consistency with the land use planning strategic planning framework.

The assessment provided in Part 3, Section B, 4 (p.4-5) demonstrates alignment with the desired outcomes of the community strategic plan.

A review of the recently exhibited Albury Draft Local Strategic Planning Statement indicates that the proposal does not raise any matters inconsistent with future planning directions for the local government area.

### **4.4 Section 9.1 Ministerial Directions**

The planning proposal provides an assessment against all the Ministerial Directions in Table 3 of Appendix A. Assessment by the department is discussed below.

Council has identified that Direction 6.3 Site Specific Provisions applies to the planning proposal, however after assessing the Direction, it is considered it does not apply to this planning proposal as it does not allow a particular development to be carried out.

The following Directions do apply to the planning proposal and after assessment against requirements are considered CONSISTENT. 1.1 Business and Industrial Zones, 2.3 Heritage Conservation, 2.6 Contaminated Land, 3.1 Residential Zones, 3.4 Integrating Land Use and Transport, 4.3 Flood Prone Land, 5.10 Implementation of Regional Plans, 6.1 Approval and Referral Requirements.

Council did not identify that Direction 4.4. Planning for Bushfire Protection applies to the planning proposal; however it is considered that it does as it applies to land in proximity to land massed as bushfire prone land.

The planning proposal is not considered to warrant further consideration in relation to bushfire protection as it is similar to uses already permitted in the zone. However, in order to comply with the Direction, it is necessary to apply a condition to the Gateway determination requiring Council to consult with the NSW Rural Fire Service to obtain its advice that it does not object to the progression of the planning proposal.

### **4.5 State environmental planning policies (SEPPs)**

The planning proposal has provided an assessment of the proposal against the State Environmental Planning Policies (Appendix A of the planning proposal). It does not identify any inconsistencies or issues of concern.

The planning proposal assessment is considered appropriate. There are no other issues of concern in relation to State issues.

## **5. SITE-SPECIFIC ASSESSMENT**

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### **5.1 Social**

The planning proposal discusses potential social impacts which may be associated with the proposal in Part 3, Section C, 9 (p.7-8). The assessment is considered appropriate and predicts positive social outcomes through greater choice for residents and potential opportunities for training through the manufacturing component of the use.

## **5.2 Environmental**

The planning proposal discusses potential environmental impacts which may be associated with the proposal in Part 3, Section C, 7 & 8 (p.5-7). The planning proposal states that *“The Planning Proposal will not create any adverse environmental impacts for threatened species, populations or ecological communities or their habitats.”* The planning proposal also provides an assessment of likely impacts in relation to Odour, Traffic, Noise and Visual Impacts. The assessment of likely environmental impacts is considered appropriate and it is noted that any subsequent proposal will be subject to assessment to ensure that they are appropriately located and managed.

## **5.3 Economic**

The planning proposal discusses potential economic impacts which may be associated with the proposal in Part 3, Section C, 9 (p.7-8). The assessment is considered appropriate and predicts positive economic outcomes. It is noted that improved opportunities for tourism are not discussed in this section but are identified in other areas of the planning proposal and are considered to be a likely positive economic outcome.

## **5.4 Infrastructure**

The planning proposal discusses considerations in relation to infrastructure in Part 3, Section D,10 (p.8-9). The assessment is considered appropriate indicates that existing servicing arrangements have capacity to support the proposed use in the identified zones.

# **6. CONSULTATION**

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## **6.1 Community**

Council's proposed community consultation (including exhibition for 28 days) as provided in the planning proposal (p.9-10) is considered appropriate.

## **6.2 Agencies**

Council has not identified any agency consultation. This is considered appropriate with the exception that consultation will be required with the NSW Rural Fire Service in order to comply with Ministerial Direction 4.4 as outlined earlier in this report.

# **7. TIME FRAME**

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Council's proposed timeframe for completing the LEP (p.11 of the planning proposal) is considered appropriate. However, it is recommended that the timeframe be extended from 6 to 12 months to account for delays which may occur in the current environment. A condition in the gateway for a period of 12 months reflects the extended timeframe.

# **8. LOCAL PLAN-MAKING AUTHORITY**

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Council has requested to be the local plan-making authority. Given the minor nature of the proposal, it is considered appropriate for Council to be authorised to be the local plan-making authority.

# **9. CONCLUSION**

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Preparation of the planning proposal is supported to proceed with conditions.

## 10. RECOMMENDATION

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It is recommended that the delegate of the Secretary:

1. note that the consistency with section 9.1 Direction 4.4. Planning for Bushfire Protection is unresolved and will require advice from the NSW Rural Fire Service.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with the following public authorities:
  - NSW Rural Fire Service.
3. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be the local plan-making authority.

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14.8.20

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