

## **PLANNING PROPOSAL**

### **Amendment to Albury Local Environmental Plan 2010**

Inclusion of 'artisan food and drink industry' in various Land Use Tables

Prepared by  
AlburyCity Council

July 2020

**AlburyCity**  
**AMENDMENT TO ALBURY LOCAL ENVIRONMENTAL PLAN 2010**

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### PART 1 – OBJECTIVES OR INTENDED OUTCOMES

AlburyCity Council has resolved to prepare a Planning Proposal as per Section 3.33 of the *Environmental Planning & Assessment Act 1979* (EP&A Act 1979). The proposal does not relate to any one site in particular. Rather, the Planning Proposal seeks to add a permissible land use to the B1 - B4 *Business Zones* and RU5 *Village Zone* to support the vitality of these zones and to uplift the overall economic profile of Albury. DPIE has introduced a new land use definition:

**artisan food and drink industry** means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following—

- (a) a retail area for the sale of the products,
- (b) a restaurant or cafe,
- (c) facilities for holding tastings, tours or workshops.

The Planning Proposal has been prepared in response to Council seeking to amend *Albury Local Environmental Plan 2010* (Albury LEP 2010) to enable artisan food and drink industry uses ('artisan uses') permissible in the B1 - B4 *Business Zones* and RU5 *Village Zone*.

### PART 2 – EXPLANATION OF PROVISIONS

The objective of this Planning Proposal will be achieved by introducing the 'artisan food and drink industry' land use as permissible with consent in the following land use zones of ALEP 2010, as outlined below:

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

The proposed amendment to Albury LEP 2010, pursuant to the above, is shown below in **Figure 1**.

Insert "**artisan food and drink industry**" into Land Use Table > Zone B1 Neighbourhood Centre > 3 Permitted with consent

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Insert "**artisan food and drink industry**" into Land Use Table > Zone B2 Local Centre > 3 Permitted with consent

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Insert "**artisan food and drink industry**" into Land Use Table > Zone B3 Commercial Core > 3 Permitted with consent

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Insert “**artisan food and drink industry**” into Land Use Table > Zone B4 Mixed Use > 3 Permitted with consent  
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Insert “**artisan food and drink industry**” into Land Use Table > Zone RU5 Village > 3 Permitted with consent

**Figure 1** – Proposed amendment to LEP land use tables

## **PART 3 – JUSTIFICATION**

### ***Section A – Need for the planning proposal.***

#### ***1. Is the planning proposal a result of any strategic study or report?***

The Planning Proposal is not a result of a specific strategy study or report.

The Planning Proposal has been prepared as a result of the Department of Planning, Industry and Environment making the following amendment to the Standard Instrument Local Environmental Plan (SI LEP) by introducing a new land use definition:

***artisan food and drink industry*** means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only. It must also include at least one of the following:

- a. a retail area for the sale of the products,
- b. a restaurant or cafe,
- c. facilities for holding tastings, tours or workshops.

Currently ‘light industry’ is only permissible with consent in B5 - B7 *Business Zones* and IN1 – IN2 *Industrial Zones*. The desire for artisan uses in the B1 - B4 *Business Zones* and RU5 *Village Zone* of Albury is aligned with the general need to promote tourism, leisure and alternative consumer experiences for visitor and residents of the Albury region.

Allowing artisan uses in the B1 - B4 *Business Zones* and RU5 *Village Zone* of Albury will support economic development, reinforce the primacy of Albury’s nominated commercial and village zones and will attract visitors to the region.

#### ***2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?***

The Standard Instrument LEP has inserted ‘artisan food and drink industry’ as a subcategory of ‘light industry’, resulting in that new use as being permissible with consent in the following zones of the Albury LGA:

- B5 Business Development,
- B6 Enterprise Corridor,

- B7 Business Park,
- IN1 General Industry, and
- IN2 Light Industry.

Local councils must amend their Local Environmental Plans (LEP) where they wish to insert the new use as a permissible use in other land zones.

An alternative approach was considered:

- Amend Schedule 1 of the LEP to provide additional permitted uses on sites that are nominated by developers on an ad hoc basis.

The alternative was considered inappropriate and inherently short sighted. It is more efficient and orderly to amend the land use tables of the nominated B1 - B4 *Business Zones* and RU5 *Village Zone*, to include artisan uses as permissible with consent. This approach then allows for specific guidance and outcomes to potentially be added to future DCP chapters. Thus, the Planning Proposal will create the ability to guide development in a consistent manner, in line with community expectations for planning, growth and governance.

### **Section B – Relationship to strategic planning framework**

#### **3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?**

The *Riverina Murray Regional Plan 2036* (RMRP) was adopted by the NSW government in 2017. The Minister's foreword to the document states that the RMRP "encompasses a vision, goals, directions and actions that were developed with the community and stakeholders to deliver greater prosperity for this important region." A response against relevant goals, directions and actions of this Plan is outlined below:

#### **Goal 1 – A growing and diverse economy**

##### *Direction 4 – Promote business activities in industrial and commercial areas:*

The proposal is consistent with the intent of this Direction. The proposal will encourage new retail activity in existing commercial centres to strengthen the role and function of these areas, capitalise on existing infrastructure (including transport and community facilities), and enhance the value of existing public spaces.

##### *Direction 7 – Promote tourism opportunities:*

The proposal is consistent with the intent of this Direction. The proposal will enhance the appeal of Albury's commercial areas and village zone. The craft of food and drink production at a local scale, located alongside other experiential uses (retail and dining), will attract visitors to Albury and add to visitor experience.

#### **Goal 2 – A healthy environment with pristine waterways**

Not relevant. The proposal will not impact the Murray River or adversely affect the environmental or social functions that this waterway provides

**Goal 3 – Efficient transport and infrastructure networks**

Not relevant as the proposal does not relate to industry or freight and will not affect air travel.

**Goal 4 – Strong, connected and healthy communities**

*Direction 22 – Promote the growth of regional cities and local centres:*

The proposal is consistent with the intent of this Direction. The proposal will grow the appeal of Albury's B1 - B4 *Business Zones* and RU5 *Village Zone*, encourage investment and increase job opportunities and services – all of which will benefit the immediate and broader regional community.

*Direction 28 – Deliver healthy built environments and improved urban design:*

The proposal is consistent with the intent of this Direction. Allowing artisan uses in the B1 - B4 *Business Zones* and RU5 *Village Zone* will reinforce the primacy of Albury's traditional town centre and will encourage investment in existing infrastructure.

*Direction 29 - Protect the region's Aboriginal and historic heritage:*

The proposal is consistent with the intent of this Direction. Broadening the permissible uses in nominated commercial zones invites adaptive re-use of heritage assets in Albury City, and will help to support the local economy

**4. Is the planning proposal consistent with the council's local strategy or other local strategic plan?**

The Planning Proposal is consistent with Council's local community strategic plan, *Albury 2030*. The *Albury 2030* Plan includes the following strategic aims under the theme of 'A Growing Economy':

*Outcome 1.1 – Increase visitors to Albury and the surrounding region:*

- 1.1.1 – *Promote tourism and enhance the Albury Wodonga region as a destination of choice – through a collaborative approach between all stakeholders and interest groups.*
- 1.1.3 – *Further develop and strengthen the City's visitor product and infrastructure. Ensure its effective marketing and promotion.*
- 1.1.5 – *Understand the benefits of the visitor economy to the region.*
- 1.1.6 – *Increase focus on regional promotion of our tourism offer.*
- 1.1.7 – *Enhance the capacity of businesses to support the delivery of quality tourism, sport and business events, experiences and outcomes.*

*Outcome 1.2 – Improve visitor and residents' experiences:*

- 1.2.4 – *Continue to enhance Albury and Lavington CBDs.*

- 1.2.6 – *Promote and provide high quality visitor information and services across Albury’s public access facilities.*
- 1.2.8 – *Ensure venues and facilities attract visitation and improve the lifestyle offer of the city.*

*Outcome 1.5 – Promote Albury for industry and business*

- 1.5.1 – *Promote Albury as a major regional economy and the regional city of choice for lifestyle, career and investment opportunities.*
- 1.5.5 – *Support and promote business and business opportunities across all sectors to continue to foster economic diversity.*

Artisan uses, such as micro-breweries and small scale cheese factories, are not perceived as producing as many negative externalities as traditional industrial uses that require distinct separation from more sensitive uses/areas. The Planning Proposal will allow artisan uses in the B1 - B4 *Business Zones* and RU5 *Village Zone*, which will ensure artisan uses of varying scales and intensities have options in their location and development.

**5. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

The Planning Proposal is consistent with, *State Environmental Planning Policies*, as set out in **Table 2** of Appendix A.

**6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?**

The Planning Proposal is consistent with, or where applicable, justifiably inconsistent with *Section 9.1 Directions*, as set out in **Table 3** of Appendix A.

**Section C – Environmental, social and economic impact**

**7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The Planning Proposal will not create any adverse environmental impacts for threatened species, populations or ecological communities or their habitats.

Previous city-wide environmental and strategic planning documentation (including the *Thurgoona Threatened Species Conservation Strategy 2004*, *Albury Ranges Threatened Species Conservation Strategy 2006* and the *Biodiversity Strategy 2011*) has identified land considered desirable habitat network for threatened species populations to be retained across the Albury LGA.

These environmental investigations subsequently informed the preparation and gazettal of ALEP 2010, which identified and excised these same habitat networks from urban and rural zoned lands and zoned them E2 *Environmental Conservation*, E3 *Environmental Management*

or E4 *Environmental Living*, which is geared towards the protection, management and restoration of areas with special ecological, scientific, cultural or aesthetic value.

The spatial determinants and land management recommendations associated within these retained and desirable habitat networks have generally been based on tree cover, connectivity and are broadly based on wildlife conservation and provide protection to critical habitat or threatened species, populations or ecological communities, or their habitats. This Planning Proposal does not seek to alter, amend or reduce the spatial location or protection requirements of any environmental zoned land as contained within ALEP 2010.

The Proposal seeks to add artisan food and drink industries into nominated commercial zones of Albury. Most areas currently zoned B1, B2, B3, B4 or RU5 are well established and do not contain habitats or species of particular interest.

Artisan food and drink industries are considered to be a hybrid use of a commercial/light industrial nature. If relatively vacant, undisturbed B1 - B4 *Business Zones* and RU5 *Village Zone* land is proposed to accommodate artisan uses, the development application for that use will need to demonstrate the merits of the proposal against the EP&A Act 1979 and Biodiversity Conservation Act 2016, being the same process for any other commercial/industrial development application. Any future land proposed to be zoned B1, B2, B3, B4 or RU5 will need to assess the likelihood of impacting sensitive habitats/species as part of that planning proposal.

**8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

**Odour**

Some artisan uses, such as micro-breweries, small-scale distilleries, and cheese factories, may generate odours due to their manufacturing and chemical processes. It should be noted that artisan food and drink industries are a sub-category of 'light industry' in the LEP Dictionary:

**Light industry** means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following:

- (a) high technology industry,
- (b) home industry,
- (c) artisan food and drink industry.

In light of this, artisan uses can only be defined as such where the proposed use will not interfere with the amenity of the neighbourhood in which they are proposed to be situated. Therefore, any odours likely to be generated by artisan food and drink industries will be considered acceptable/low/minor with respect to the impact on surrounding uses and locality. In those instances where proposed artisan uses are somewhat borderline in their perceived odour impacts, proponents will be encouraged to locate their establishments in industrial zoned land where artisan uses are presently permitted. This flexibility in choosing appropriate



sites is an inherent benefit of allowing artisan uses in a variety of commercial and industrial zones.

**Traffic**

Artisan uses are not anomalous in comparison with other uses allowable in the B3 and B4 zones in terms of traffic generation by way of loading and servicing vehicles, and patron trip generation. Council's DCP includes chapters and planning outcomes that guide assessments on the impacts of traffic generation and parking demand for development proposed in business/commercial zones. The local traffic network and parking impacts for a proposed development will need to be addressed at the development application stage, for specific proposals at specific sites. Parking contributions or other development contributions may apply to such development to offset traffic impacts. Furthermore, most land currently zoned B1, B2, B3, B4 and RU5 have established road networks and hierarchies, and future artisan uses will mostly be infill development.

**Noise**

Some artisan uses may generate noise due to their manufacturing and assembly processes, and levels of patronage. It should be noted that artisan food and drink industries are a sub-category of 'light industry' in the LEP Dictionary, the definition of which is outlined under 'Odour' above. In light of this, artisan uses can only be defined as such where the proposed use will not interfere with the amenity of the neighbourhood in which they are proposed to be situated. Therefore, any noise likely to be generated by artisan food and drink industries will be considered acceptable/low/minor with respect to the impact on surrounding uses and locality. In those instances where proposed artisan uses are somewhat borderline in their perceived noise impacts, proponents will be encouraged to locate their establishments in industrial zoned land where artisan uses are presently permitted. This flexibility in choosing appropriate sites is an inherent benefit of allowing artisan uses in a variety of commercial, village and industrial zones.

**Visual**

Due to the boutique, small-scale nature of artisan food and drink industries, it is considered unlikely that such uses will occur in buildings/structures incongruous with the overall existing and desired built form for the B1, B2, B3, B4 and RU5 zones. Visual impacts for specific proposed development at specific sites will need to be addressed as part of a development application, in response to the guiding criteria of Council's DCP. With regard to infill development in heritage items and conservation areas, clause 5.10 of the LEP and Part 7 Heritage Conservation of Albury Development Control Plan 2010 (ADCP 2010) will safeguard the visual impacts of artisan uses in areas with heritage significance.

**9. Has the planning proposal adequately addressed any social and economic effects?****European and Aboriginal Heritage**

The Planning Proposal is likely to have a negligible-to-positive impact on heritage items and conservation areas. See comments under 'Visual' in **Q8**.

**Employment**

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The Planning Proposal is likely to have a positive impact on employment opportunities in the commercial and village zones of Albury.

#### **Residential Growth**

The Planning Proposal is likely to have a negligible impact on residential growth areas and density.

#### **Quality of Life/Lifestyle**

The Planning Proposal will introduce a new land use definition as permissible in key commercial and village zones, which is therefore likely to improve the quality of life and lifestyle options for consumers in Albury.

#### **Social Infrastructure**

The Planning Proposal will have a negligible-to-positive impact on social infrastructure such as schools and hospitals. There is the potential to enhance local education and training opportunities as a result of the craftsmanship/trade component of artisan uses.

#### **Retail Centres**

The Planning Proposal will reinforce the primacy of Albury's traditional town centre as the key retail and commercial centre for the Albury region and surrounds.

### ***Section D – State and Commonwealth interests***

#### ***10. Is there adequate public infrastructure for the planning proposal?***

##### **Utilities**

Existing commercial zones are equipped with adequate utilities (water, sewer, electricity, stormwater, NBN infrastructure). Water/sewer headworks charges may apply to proposed development and this would be levied at the development application stage.

##### **Public Transport**

The commercial zones of Albury are serviced by buses that capture public transport users from residential areas of Albury and surrounds. The inclusion of artisan uses as permissible in the B1 - B4 *Business Zones* and RU5 *Village Zone* is not anticipated to unduly impact on the operation of bus services.

##### **Roads**

The Planning Proposal is likely to have a negligible-to-minimal impact on roads – refer to 'Traffic' under Q8.

##### **Waste Management and Recycling Services**

Commercial/industrial rates will apply to artisan premises for collection of waste and recycling. Council's trade waste approvals scheme will moderate the impact of liquid wastes on Council's sewer system. The Planning Proposal is unlikely to create significant adverse impacts on the provision of these services.

##### **Emergency Services Provision**

The Planning Proposal is unlikely to generate significant demand on the existing emergency services network.

**11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

No formal consultation has been carried out at this stage with any State and/or Commonwealth Public Authorities or service providers in relation to the Planning Proposal. Notwithstanding, any consultation requirements will occur in accordance with the Gateway Determination.

**PART 4 – MAPPING**

No changes are proposed to the LEP Maps.

**PART 5 – COMMUNITY CONSULTATION**

The Planning Proposal will be exhibited in accordance with the requirements of Schedule 1, Clause 4 of the *Environmental Planning & Assessment Act 1979*, the NSW Department of Planning's: *A guide to preparing local environmental plans (August 2016)* and any conditions of the Gateway Determination (to be issued).

The Planning Proposal will be publicly exhibited for at least a minimum period of 28 days.

Written notification of the community consultation will be provided in a local newspaper, Councils' website and on social media.

The written notice will contain:

- A brief description of the objectives or intended outcomes of the Planning Proposal;
- An indication of the zones which will be affected by the proposal;
- Information on where and when the Planning Proposal can be inspected;
- The name and address of Council for the receipt of submissions;
- The closing date for submissions; and
- Whether the Minister has chosen to delegate Plan Making powers to Council.

During the public exhibition period the following documents will be placed on public exhibition:

- The Planning Proposal;
- The Gateway determination; and
- Relevant council reports

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Related legislation including *Environmental Planning & Assessment Act 1979* (inclusive of State Environmental Planning Policies and Ministerial Directions), *Albury Local Environmental Plan 2010* and *Albury Development Control Plan 2010* can be made available for viewing purposes on request.

Following the exhibition period, a report will be prepared analysing any submissions received and making recommendations as to any appropriate changes or adjustments to the Planning Proposal, for the consideration of Albury City Council.

Where contact details have been provided, all persons and organisations making a submission will be advised of the date and time of the relevant Council (or committee) meeting where the report is to be considered, and subsequently advised of the determination.

**PART 6 – PROJECT TIMELINE**

Table 1 provides a project timeline for the proposed amendment to ALEP 2010.

**Table 1 – Project Timeline**

<b>No.</b>	<b>Description of Tasks</b>	<b>Task Commencement</b>	<b>Task Completion</b>
1.	<b>Gateway Determination</b> Anticipated Gateway Determination (including any delegated authority).	July 2020	August 2020
2.	<b>Public Exhibition</b> Agency and community consultation to be undertaken as part of the formal public exhibition of the Planning Proposal in accordance with any conditions of the Gateway Determination.	August 2020	September/October 2020
3.	<b>Consider Submissions &amp; Document Finalisation</b> Post public exhibition, AlburyCity officers to consider, respond and report on submissions received and issues raised to Council (if any) and where necessary, recommend relevant changes to the Planning Proposal.	October 2020	October 2020
4.	<b>Submission to the Department and/or Parliamentary Counsel</b> RPA to forward Planning Proposal to the department and/or Parliamentary Counsel (if delegated) for finalisation following public exhibition (including any changes made) (if required).	November 2020	November 2020
5.	<b>Notification</b> Anticipated date LEP will be notified.	December 2020	December 2020

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**APPENDIX A**

**Table 2 – Consideration of State Environmental Planning Policies**

<b>No.</b>	<b>SEPP Title</b>	<b>Applicable to Planning Proposal</b>	<b>Consistency</b>
19	State Environmental Planning Policy – Bushland in Urban Areas	No, does not apply to the Albury LGA	N/A
21	State Environmental Planning Policy – Caravan Parks	Applicable	The Planning Proposal does not conflict with the aims, strategies, development consent, assessment and location provisions as provided in the SEPP.
33	State Environmental Planning Policy – Hazardous & Offensive Industry	Applicable	The purpose of this SEPP is to regulate the definition of hazardous and offensive industries and associated uses, and stipulate matters for consideration when assessing development applications for such uses. 'Artisan food and drink industry' is a light industry, and would likely not be considered a hazardous or offensive industry within the meaning of the Standard Instrument LEP. The Planning Proposal is considered to be consistent with and not in contravention of this SEPP.
36	State Environmental Planning Policy – Manufactured Home Estate	Not applicable	N/A
47	State Environmental Planning Policy – Moore Park Showground	No, does not apply to the Albury LGA	N/A
50	State Environmental Planning Policy – Canal Estate Development	Not applicable	N/A
55	State Environmental Planning Policy – Remediation of Land	Applicable	SEPP No 55 aims to identify lands where potential contamination requires that land to be remediated prior to being developed, used, or zoned in a certain

<b>No.</b>	<b>SEPP Title</b>	<b>Applicable to Planning Proposal</b>	<b>Consistency</b>
			way. Prior to any use or development occurring subject to a development application, land will need to be assessed against clause 7 of the SEPP. The Planning Proposal is considered to be consistent with and not in contravention of this SEPP.
64	State Environmental Planning Policy – Advertising & Signage	Applicable	The Planning Proposal does not conflict with the aims, development consent requirements and assessment criteria for advertising and signage as provided in the SEPP.
65	State Environmental Planning Policy – Design Quality of Residential Apartment Development	Not applicable	N/A
70	State Environmental Planning Policy – Affordable Housing (Revised Schemes)	Not applicable	N/A
	State Environmental Planning Policy (Aboriginal Land) 2019	Not applicable	N/A
	State Environmental Planning Policy (Activation Precincts) 2020	Not applicable	N/A
	State Environmental Planning Policy (Affordable Rental Housing) 2009	Not applicable	N/A
	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Not applicable	N/A
	State Environmental Planning Policy (Coastal Management) 2018	No, does not apply to the Albury LGA	N/A
	State Environmental Planning Policy	Not applicable	N/A

<b>No.</b>	<b>SEPP Title</b>	<b>Applicable to Planning Proposal</b>	<b>Consistency</b>
	(Concurrences and Consents) 2018		
	State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017	Not applicable	N/A
	State Environmental Planning Policy (Exempt & Complying Development Codes) 2008	Applicable	The Planning Proposal does not seek to make 'artisan food and drink industry' exempt or complying development in the LEP. Therefore, the Planning Proposal is considered to be consistent with and not in contravention of this SEPP.
	State Environmental Planning Policy (Gosford City Centre) 2018	No, does not apply to the Albury LGA	N/A
	State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Not applicable	N/A
	State Environmental Planning Policy (Infrastructure) 2007	Applicable	The Planning Proposal does not conflict with the aims, permissibility, development consent, assessment and consultation requirements, capacity to undertake additional uses, adjacent, exempt and complying development provisions as provided in the SEPP.
	State Environmental Planning Policy (Koala Habitat Protection) 2019	No, does not apply to the Albury LGA	N/A
	State Environmental Planning Policy (Kosciuszko National Park–Alpine Resorts) 2007	No, does not apply to the Albury LGA	N/A
	State Environmental Planning Policy	No, does not apply to the Albury LGA	N/A



<b>No.</b>	<b>SEPP Title</b>	<b>Applicable to Planning Proposal</b>	<b>Consistency</b>
	(Kurnell Peninsula) 1989		
	State Environmental Planning Policy (Major Infrastructure Corridors) 2020	Not applicable	N/A
	State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable	N/A
	State Environmental Planning Policy (Penrith Lakes Scheme) 1989	No, does not apply to the Albury LGA	
	State Environmental Planning Policy (Primary Production and Rural Development) 2019	Not applicable	N/A
	State Environmental Planning Policy (State and Regional Development) 2011	Not applicable	N/A
	State Environmental Planning Policy (State Significant Precincts) 2005	No, does not apply to the Albury LGA	N/A
	State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	No, does not apply to the Albury LGA	N/A
	State Environmental Planning Policy (Sydney Region Growth Centres) 2006	No, does not apply to the Albury LGA	N/A
	State Environmental Planning Policy (Three Ports) 2013	No, does not apply to the Albury LGA	N/A

<b>No.</b>	<b>SEPP Title</b>	<b>Applicable to Planning Proposal</b>	<b>Consistency</b>
	State Environmental Planning Policy (Urban Renewal) 2010	Not applicable	N/A
	State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	Not applicable	N/A
	State Environmental Planning Policy (Western Sydney Employment Area) 2009	No, does not apply to the Albury LGA	N/A
	State Environmental Planning Policy (Western Sydney Parklands) 2009	No, does not apply to the Albury LGA	N/A
	Murray Regional Environmental Plan No. 2 – Riverine Land (Deemed SEPP)	Applicable	The Planning Proposal does not conflict with the aims, objectives, assessment and consultation requirements, as provided in the MREP2.

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**Table 3 – Consideration of Section 9.1 Directions**

<b>No.</b>	<b>Direction Title</b>	<b>Applicable to Planning Proposal</b>	<b>Consistency</b>
<b>1. Employment and Resources</b>			
1.1	Business & Industrial Zones	Applicable	<p>The Planning Proposal is consistent with this Direction.</p> <p>Direction 1.1 stipulates that Planning Proposals must:</p> <ul style="list-style-type: none"> <li>• give effect to the objectives of the Direction,</li> <li>• retain existing business and industrial zones,</li> <li>• not reduce total potential floor space for employment and related public services in business zones and industrial uses in industrial zones, and</li> <li>• ensure that proposed new employment areas are in accordance with a strategy that is approved by the Department of Planning and Environment.</li> </ul> <p>The Proposal responds robustly to this Direction. The addition of artisan uses in nominated B1 - B4 <i>Business Zones</i> and RU5 <i>Village Zone</i> will encourage employment growth in suitable locations, and protect the viability of employment lands. The appropriation of industrial land for artisanal uses, which are relatively low-impact and small-scale uses compared to other light and general industrial activities, will be curbed by allowing artisan uses in B1 - B4 <i>Business Zones</i> and RU5 <i>Village Zone</i> which can comfortably accommodate those uses.</p>
1.2	Rural Zones	Not applicable	N/A
1.3	Mining, Petroleum Production & Extractive Industries	Not applicable	N/A
1.4	Oyster Aquaculture	Not applicable	N/A

No.	Direction Title	Applicable to Planning Proposal	Consistency
1.5	Rural Lands	Not applicable	N/A
<b>2. Environment and Heritage</b>			
2.1	Environment Protection Zones	Not applicable	N/A
2.2	Coastal Protection	Not applicable	N/A
2.3	Heritage Conservation	Yes, applies to all Relevant Planning Authorities where a Planning Proposal is prepared.	<p>Clause 5.10 of ALEP 2010 seeks to facilitate the conservation of items, areas, objects and places of environmental heritage significance which is consistent with the objective of this direction.</p> <p>Any Development Application for artisan uses in the B1 - B4 <i>Business Zones</i> and RU5 <i>Village Zone</i> land will need to demonstrate the merits of the proposal against the EP&amp;A Act 1979, which includes consideration under Clause 5.10 of ALEP 2010, being the same process for any other commercial/industrial development application.</p>
2.4	Recreation Vehicle Areas	Not applicable	N/A
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable	N/A
2.6	Remediation of Contaminated Land	Applicable	Consistent, as the Planning Proposal does not detract from the objectives of this direction. Prior to any use or development occurring subject to a development application, land will need to be assessed against clause 7 of the State Environmental Planning Policy No 55 – Remediation of Land. This in turn also satisfies term 4 and 5.
<b>3. Housing, Infrastructure and Urban Development</b>			

<b>No.</b>	<b>Direction Title</b>	<b>Applicable to Planning Proposal</b>	<b>Consistency</b>
3.1	Residential Zones	Applicable	<p>The Planning Proposal is consistent with the objectives of this Direction, but not the terms of the Direction.</p> <p>B1, B2, B3, B4 and RU5 zones do include some residential accommodation uses as permissible with consent.</p> <p>In response to (4) and (5) of this Direction, the Planning Proposal does not encourage additional housing in the B1, B2, B3, B4 and RU5 zones nor does it contain requirements for servicing of land to meet residential development needs. The Planning Proposal does not seek to reduce the residential density of land by any proposed controls.</p> <p>The emphasis of objectives in the B4 zone is to provide a mixture of compatible land uses that integrate well to maximise accessibility and liveability. A vast range of residential accommodation types are permitted with consent in this zone. In regard to the B4 zone, it is an open zone in which a variety of land uses similar to artisan food and drink industries are currently permissible, such as restaurants, cafes, small bars, and pubs.</p> <p>Additionally the objectives in the RU5 zone strengthen the artisan use by providing for a range of land uses, services and facilities associated with a rural village as well as contributing to the Table Top and Lake Hume villages.</p> <p>The Planning Proposal will not remove residential accommodation uses and given the above points, it is not anticipated that the Planning Proposal will detract from the variety of housing options. The</p>

No.	Direction Title	Applicable to Planning Proposal	Consistency
			<p>Planning Proposal generally accords with the objectives of this Direction so the inconsistency with terms (4) and (5) is considered minor.</p>
3.2	Caravan Parks & Manufactured Home Estates	Not applicable	N/A
3.3	Home Occupations	Not applicable	N/A
3.4	Integrating Land Use and Transport	<p>Yes because the planning proposal affects urban land zoned including land zoned for residential, business, industrial, village or tourist purposes.</p>	<p>A review of the proposal against the two transport strategies referenced in this direction has been undertaken. Consequently, it is considered that allowing artisan uses in the B1 - B4 <i>Business Zones</i> and RU5 <i>Village Zone</i> will consolidate trip-generating leisure/retail/hospitality activities in key commercial and zones. These commercial zones are more accessible to consumers and public transport users than other zones, such as industrial zoned land in which artisan uses are currently permitted.</p> <p>As a result of the Planning Proposal, car dependence will be reduced in Albury for leisure/retail/hospitality consumer trips, as the burgeoning popularity of artisan uses will be accommodated in existing commercial hubs. The B1 - B4 <i>Business Zones</i> are already highly connected to public transport bus routes and cycling routes. Infill development in these commercial zones reinvests money back into these established areas and existing infrastructure, as well as encouraging growth, competition and innovation in land uses and consumables in the B1 - B4 <i>Business Zones</i>.</p>

No.	Direction Title	Applicable to Planning Proposal	Consistency
			The proposed addition of artisan uses in the RU5 <i>Village Zone</i> will not extend the zone boundary or create a new zoned area so there is unlikely to be any impact on public transport as a result of this planning proposal.
3.5	Development Near Regulated Airports and Defence Airfields	Not applicable	N/A
3.6	Shooting Ranges	Not applicable	N/A
3.7	Reduction in non-hosted short term rental accommodation period	Not applicable	N/A
<b>4. Hazard and Risk</b>			
4.1	Acid Sulphate Soils	Not applicable	N/A
4.2	Mine Subsidence & Unstable Land	Not applicable	N/A
4.3	Flood Prone Land	Yes, as the subject land is identified as being flood prone on the Albury Flood Planning Map.	<p>The Planning Proposal is consistent with the objectives of this Direction, but not the terms of the Direction.</p> <p>There are patches of flood prone land zoned B1 - B4 <i>Business Zones</i> and RU5 <i>Village Zone</i>, on which artisan uses will be made permissible by virtue of the Planning Proposal. It is conceded that the Proposal, using a strict interpretation, is inconsistent with (4) and (6), and that (5), (7), and (8) do not apply.</p> <p>The justification for inconsistency is grounded in the fact that the Planning Proposal does not seek to vary any of the flood control provisions currently contained in the LEP. The flood study underpinning the Flood Planning Map in the LEP was completed in accordance with the</p>

<b>No.</b>	<b>Direction Title</b>	<b>Applicable to Planning Proposal</b>	<b>Consistency</b>
			<i>Floodplain Development Manual 2005</i> . Any proposed development that requires consent will need to demonstrate compliance with clause 7.4 of the LEP, which is the clause that seeks to limit inappropriate development of flood prone land. Therefore, the Planning Proposal will not result in development of flood prone land that is inconsistent with the <i>Floodplain Development Manual 2005</i> , nor will it result in changes to the LEP that would undermine clause 7.4. The Planning Proposal's inconsistency with terms of (4) and (6) is therefore considered to be of minor significance in comparison to the overall objectives of this Direction.
4.4	Planning for Bushfire Protection	Not applicable	N/A
<b>5. Regional Planning</b>			
5.1	Implementation of Regional Strategies (Revoked 17 October 2017)	No (there is no gazetted regional strategy applicable to the AlburyCity LGA)	N/A
5.2	Sydney Drinking Water Catchments	Not applicable	N/A
5.3	Farmland of State & Regional Significance on the NSW Far North Coast	Not applicable	N/A
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable	N/A
5.5	Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Not applicable	N/A



No.	Direction Title	Applicable to Planning Proposal	Consistency
	(Revoked 18 June 2010)		
5.6	Sydney to Canberra Corridor (Revoked 10 July 2008)	Not applicable	N/A
5.7	Central Coast (Revoked 10 July 2008)	Not applicable	N/A
5.8	Second Sydney Airport: Badgerys Creek (Revoked 20 August 2018)	Not applicable	N/A
5.9	North West Rail Link Corridor Strategy	Not applicable	N/A
5.10	Implementation of Regional Plans	Yes as the Riverina-Murray Regional Plan applies to the Albury LGA	<p>Consistent, as the Planning Proposal does not derogate from the vision, land use strategy, goals, directions and actions contained within the <i>Riverina Murray Regional Plan</i>, being the relevant Regional Plan for the Albury LGA.</p> <p>The four key goals of the Riverina Murray Regional Plan include:</p> <ul style="list-style-type: none"> <li>▪ Goal 1 – A growing and diverse economy;</li> <li>▪ Goal 2 – A healthy environment with pristine waterways;</li> <li>▪ Goal 3 – Efficient transport and infrastructure networks;</li> <li>▪ Goal 4 – Strong, connected and healthy communities.</li> </ul> <p>The Planning Proposal is generally consistent with the goals, directions and actions as contained within the Riverina-Murray Regional Plan as it seeks to support economic development and tourism growth within Albury, whilst also having regard to the context and setting of the area.</p>

No.	Direction Title	Applicable to Planning Proposal	Consistency
5.11	Development of Aboriginal Land Council land	Not applicable	N/A
<b>6. Local Plan Making</b>			
6.1	Approval and Referral Requirements	Yes, applies to all relevant Planning Authorities	Consistent, as the Planning Proposal does not propose to require concurrence for artisan uses in the LEP, nor classify artisan uses as designated development.
6.2	Reserving Land for Public Purposes	Not applicable	N/A
6.3	Site Specific Provisions	Not applicable	Consistent, as the Planning Proposal does not seek site specific amendments to the LEP. Rather, the Planning Proposal aims to add 'artisan food and drink industry' to the B1 - B4 <i>Business Zones</i> and RU5 <i>Village Zone</i> Land Use Tables of the LEP. The impetus for the Planning Proposal is not the result of a particular development proposal.
<b>7. Metropolitan Planning</b>			
7.1	Implementation of A Plan for Growing Sydney	Not applicable	N/A
7.2	Implementation of Greater Macarthur Land Release Investigation	Not applicable	N/A
7.3	Parramatta Road Corridor Urban Transformation Strategy	Not applicable	N/A
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable	N/A
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and	Not applicable	N/A

<b>No.</b>	<b>Direction Title</b>	<b>Applicable to Planning Proposal</b>	<b>Consistency</b>
	Infrastructure Implementation Plan		
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable	N/A
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable	N/A
7.8	Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	Not applicable	N/A
7.9	Implementation of Bayside West Precincts 2036 Plan	Not applicable	N/A
7.10	Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable	N/A