

Wagga Wagga City Council

Planning Proposal

Amendment to the Wagga Wagga Local Environmental Plan 2010

LEP20/0008 – Artisan Food and Drink Industries

- Inclusion of artisan food and drink industries in certain rural and commercial zones;

Date of Planning Proposal:

9 February 2021

Updated 13 May 2021

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ADDENDUM

Council is in receipt of a planning proposal to amend the Wagga Wagga Local Environmental Plan 2010 by including artisan food and drink industries as an additional permitted use within Schedule 1 of the LEP as it relates to 611 Sturt Highway, Borambola. The application is provided in Appendix 1.

Following a review of the proposal and the strategic merit and wider economic and tourism benefits that would result from such activities, this addendum has been prepared that seeks to include artisan food and drink industries as a permitted land use within certain rural and commercial zones across Wagga Wagga.

A Gateway determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979* is requested.

The items included in the Planning Proposal have been supported by Council. A copy of the report and minutes is provided with the planning proposal.

Council is seeking delegations to make this plan as the matters contained in the Planning Proposal are of local significance. The evaluation criteria for the delegation of plan making functions checklist is provided. In addition, the completed Information Checklist is provided with this proposal.

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The planning proposal seeks to include artisan food and drink industries as a permitted land use within certain rural and commercial zones.

PART 2 – EXPLANATION OF THE PROVISIONS

The proposed objectives and intended outcomes will be achieved by:

Including *artisan food and drink industries* as development permitted with consent within item 3 of the following rural and commercial zones:

- RU1 Primary Production Zone.
- RU2 Rural Landscape Zone.
- RU4 Primary Production Small Lots Zone.
- B3 Commercial Core Zone.
- B4 Mixed Use Zone.

PART 3 – JUSTIFICATION

Section A – Need for the planning proposal

Is the planning proposal a result of any strategic study or report?

No, the planning proposal is not the result of any strategic study or report.

The proposal is the result of a recent site specific planning proposal (LEP20/0008) that was submitted to Council seeking inclusion of artisan food and drink industries as an additional permitted use within Schedule 1 of the LEP as it relates to 611 Sturt Highway, Borambola.

Following a review of the proposal and the strategic merit and wider economic and tourism benefits that would result from such activities, this addendum has been prepared that seeks



to include artisan food and drink industries as a permitted land use within certain rural and commercial zones across Wagga Wagga outlined in Part 2 above.

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

The proposed changes are considered the best way to achieve the intended outcome and will have a far more wide-reaching benefit rather than allowing individual site by site amendments.

The proposal has been prepared as a result of recent changes to the Standard Instrument Local Environmental Plan by the NSW Department of Planning, Industry and Environment, which introduced a new definition of ‘artisan food and drink industries’ as outlined below:

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.*

Note—

See clause 5.4 for controls in industrial or rural zones relating to the retail floor area of an artisan food and drink industry.

Artisan food and drink industries are a type of light industry—see the definition of that term in this Dictionary.

See Planning Circular PS 18-008 for further details.

Consequently, artisan food and drink industries are currently prohibited within a range of land use zones across Wagga Wagga. The use is currently permitted with consent in the following zones:

- RU5 Village
- B6 Enterprise Corridor
- IN1 General Industrial
- IN2 Light Industrial

The use is permitted with consent in these zones either under the higher order definition of ‘light industry’ or as ‘any other development not specified in item 2 or 4’ being development that is permitted without consent or is prohibited.

The desire to increase the range of zones where artisan food and drink industries are permitted is aligned with the general need to promote tourism, leisure and alternative consumer experiences for visitors and residents of the Wagga Wagga region.

By allowing artisan food and drink industries within certain rural and commercial zones of Wagga Wagga will support economic development, business investment and tourism.

Artisan food and drink industry will remain prohibited in the following zones:

- RU6 Transition

The RU6 Transition zone is located across the local government area in locations that are restricted by either environmental constraints or have a lower amenity being located close to industrial precincts or sewerage treatment plants.



Retaining a prohibition in these areas will ensure these uses do not occur in these areas.

- **B1 Neighbourhood Centre**

The neighbourhood centre zone is located within various suburbs across the city with the objective to provide small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood. An artisan food and drink industry would be inconsistent with this objective as this type of use would likely attract patronage from a broader catchment than the surrounding neighbourhood.

- **B2 Local Centre**

The local centre zone is in various locations within various suburbs across the city. Whilst an artisan food and drink premise may be consistent with the objectives of the zone, permitting this type of use may be inconsistent with the local provision 7.9 that aims to protect the primacy of the B3 Commercial Core.

The local centres are aimed to serve the local area and an artisan food and drink industry will likely attract patronage from a broader catchment.

- **B5 Business Development**

The existing B5 Business Development area of Wagga Wagga is located along Dobney Avenue and Pearson Street. This precinct has established predominantly as a vehicle sale and hire and landscaping and building supplies precinct. An artisan food and drink industry would be inconsistent with the precinct character.

Section B – Relationship to strategic planning framework

Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

The planning proposal is consistent with the Riverina Murray Regional Plan 2036 as outlined in Table 1 below.

Table 1: Consistency with Riverina Murray Regional Plan 2036

Direction	Compliance
Protect the region's diverse and productive agricultural land	<p>The site is located within the RU1 Primary Production zone and the planning proposal seeks to include artisan food and drink industries as permitted with consent within certain rural zones.</p> <p>The proposal is consistent with this direction as the inclusion of artisan food and drink industries will support the agricultural base of Wagga Wagga and will increase the range of supportive or complementary activities that are permitted in these zones.</p>
Promote the growth of the agribusiness sector	<p>This direction outlines the importance of agribusiness as it sustains the local economies of many communities in the region. It comprises businesses that support agricultural production and can include food, beverage and other product outlets.</p>



	The proposal is consistent with this direction and specifically achieves the outcomes of Action 2.1, which seeks to 'encourage agribusiness diversification by reviewing local plans and removing restrictive land use zonings and outdated land use definitions'.
Promote business activities in industrial and commercial areas.	<p>The amended planning proposal seeks to permit artisan food and drink industries within the B3 Commercial Core.</p> <p>The proposal is consistent with this direction as it will support existing businesses by allowing for the establishment of new and emerging businesses such as boutique retailing outlets that manufacture goods on-site. This in turn will encourage economic development, jobs creation and tourism.</p>
Promote tourism opportunities	<p>The proposal is consistent with this direction as it will encourage and support tourism industries by promoting a wider range of commercial and light industrial uses across the city.</p> <p>The proposal will strengthen the role of existing commercial centres, support the agricultural base and will achieve economic development and growth.</p>
Promote the growth of regional cities and local towns	The proposal is consistent with this direction as it will increase the range and type of commercial and light industrial uses that are permitted across the city.

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

The planning proposal is consistent with the following local Council strategic plans and policies outlined in Table 2 below:

Table 2: Consistency with local Council strategic plans and policies

Wagga Wagga Community Strategic Plan	
Direction	Compliance
We attract and support local businesses and industry	The proposal is consistent with this outcome/direction as it will support existing and proposed businesses by increasing the range and type of commercial and light industrial uses permitted within Wagga Wagga.
We foster entrepreneurs and start-ups	The proposal is consistent with this outcome as it caters for a growing demand and trend for boutique industries and service related businesses such as cellar doors, microbreweries etc.
We are a tourist destination	The proposal is consistent with this outcome as it will support tourism and economic development by promoting and encouraging artisan food and drink premises within a wider range of zones across the city.



Wagga Wagga Spatial Plan 2013 - 2043	
Direction	Compliance
We plan for a growing community	The proposal is consistent with this objective as it will increase the range and type of light industrial and commercial land uses permitted within Wagga Wagga.
There is growing business investment in our community	The proposal is consistent with this objective as it will support new and emerging businesses through more flexible planning controls.
Draft Wagga Wagga Strategic Planning Statement	
Direction	Compliance
Engage with the business community to ensure that our LEP, DCP and approvals systems are enabling the right types of land uses in the right locations to support investment, business and employment growth	<p>The proposal has been prepared in response to changing and emerging business trends, which will support a wider range of new businesses and industries.</p> <p>The planning proposal will be publicly exhibited and comments will be sought from the general public and business community.</p>
Provide for more diverse industries, including renewable energy, emerging and creative industries and the development of new small business ventures.	The proposal directly responds to this direction as it provides for a diverse and emerging range of new industries including small business ventures.

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

The planning proposal is generally consistent with the following relevant State Environmental Planning Policies (SEPPs) outlined in Table 3 below:

Table 3: Consistency with State Environmental Planning Policies (SEPPs)

Policy	Compliance
State Environmental Planning Policy No. 33 – Hazardous and Offensive Industry	The planning proposal is consistent with this SEPP as artisan food and drink industries are a light industry and would therefore not likely be considered a hazardous or offensive industry within the meaning of this SEPP.
State Environmental Planning Policy No. 55 – Remediation of Land	<p>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 way.</p> <p>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.</p>



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

The planning proposal is generally consistent with the following relevant Section 9.1 Ministerial Directions outlined in Table 4 below:

Table 4: Consistency with Section 9.1 Ministerial Directions

Direction	Compliance
1.1 Business & Industrial Zones	The planning proposal is consistent with this direction as it does not reduce the amount of business or industrial zoned land and will support and promote employment growth within designated zones industrial and commercial zones.
1.2 Rural Zones	The planning proposal is consistent with this direction as it does not reduce the amount of rural zoned land. Similarly, the proposal will not increase the permissible density of land within a rural zone and will support the agricultural supply chain (where necessary) through ancillary and complementary land use activities.
1.5 Rural Lands	The planning proposal is consistent with this direction for the reasons outlined in response to Direction 1.2.
2.3 Heritage Conservation	The planning proposal is consistent with this direction. Whilst the planning proposal seeks to make permissible with consent 'artisan food and drink industry' in zones that contain heritage items and precincts, the provisions for heritage conservation and protection will still apply.
2.6 Contaminated Lands	The planning proposal is consistent with this direction. The planning proposal is intending to make permissible with consent 'artisan food and drink industry' in several zones. These zoned areas may include properties that are likely to be land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is know to have been, carried out. The planning proposal does not remove the need for contamination and remediation to be considered as part of a development application.
3.1 Residential Zones	The planning proposal is consistent with this direction as it will not affect land within an existing or proposed residential zone or any other zone in which significant residential development is permitted or proposed to be permitted.
4.3 Flood Prone Land	The planning proposal is consistent with this direction. Whilst the proposal may permit with consent 'artisan food and drink industry' on land that may be flood prone, it does not remove the need for flooding to be considered and addressed as part of a development application for that use.
4.4 Planning for Bushfire Protection	The planning proposal is consistent with this direction. Whilst the proposal may permit with consent 'artisan food and drink industry' on land that may be bushfire prone, it does not remove the need for bushfire to be considered and addressed as part of a development application for that use.



5.10 Implementation of Regional Plans	The planning proposal is consistent with the recommendations and actions of the Murray Regional Plan 2036 as outlined earlier in this table.
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Section C – Environmental, social and economic impact

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?

There are no known impacts on critical habitat or threatened species, populations or ecological communities, or their habitats.

The planning proposal seeks to allow artisan food and drink industries to be established within certain rural and commercial zones and avoids areas of environmental significance, which are zoned Environment Protection.

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

There are no known environmental effects as a result of the planning proposal.

Consideration of individual site-specific conditions will be undertaken as part of any subsequent development application submitted to Council.

How has the planning proposal adequately addressed any social and economic effects?

The proposed amendment will have a generally positive social and economic benefit as it will support business development and growth, particularly small start-ups and primary producers, as well as catering for increasing demands for boutique businesses.

This in turn will create local jobs, support economic development and investment, as well as local tourism opportunities.

Whilst it is acknowledged that some artisan food and drink premises have the potential to generate noise or odours during the manufacturing process, it should be noted that the definition of artisan food and drink industries only applies ‘...to 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, wastewater, water products, grit or oil, otherwise...’

Consequently, the inclusion of artisan food and drink premises within a wider range of rural and commercial zones is not expected to adversely affect the amenity of adjoining landowners and will be subject to future development application/s.

Section D – State and Commonwealth interests

Is there adequate public infrastructure for the planning proposal?

There are no direct public infrastructure requirements resulting from this planning proposal.

Notwithstanding the above existing commercial zones are equipped with adequate reticulated services and infrastructure including water, sewerage, electricity,



telecommunications, and stormwater drainage), which will be able to cater for any proposed future development.

Where development is proposed within the rural zones, consideration of the infrastructure servicing requirements will be undertaken at the time of submitting a development application.

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

No consultation has occurred with any public authorities prior to preparation and lodgement of the planning proposal.

The views of State and Commonwealth public authorities (if necessary) will be sought once the Gateway Determination has been issued.

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* and any conditions of the Gateway Determination (to be issued).

Although the planning proposal is minor in nature, it will be beneficial to conduct a 28-day exhibition period to enable the community sufficient time to provide comment.

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 and this addendum;
- The Gateway determination; and
- Relevant council reports

Whilst affected and adjoining neighbour notification is a general requirement for planning proposal, this proposal has been prepared at the city-wide scale and will affect a significant number of individual landowners. Therefore, an exemption from notifying all affected landowners is sought in this instance.



PART 6 – PROJECT TIMELINE

The anticipated timeline for the project is provided in Table 5 below.

Table 5: Anticipated project timeline

Task	Anticipated timeframe
Anticipated date of Gateway Determination	April 2021
Anticipated timeframe for completion of required technical information	N/A
Timeframe for Government agency consultation	May 2021
Commencement and completion dates for public exhibition.	June – July 2021
Dates for public hearing	N/A
Timeframe for consideration of submissions	August 2021
Timeframe for the consideration of a proposal post exhibition	September 2021
Date of submission to the Department to finalise the LEP	December 2021
Anticipated date RPA will make the plan	February 2021
Anticipated date RPA will forward to the Department for notification	April 2021



Appendix 1: Application to amend Wagga Wagga Local Environmental Plan (LEP20/0008).

