

RP-1 DRAFT PLANNING PROPOSAL (LEP20/0008) TO AMEND WAGGA WAGGA LOCAL ENVIRONMENTAL PLAN 2010 TO INCLUDE ARTISAN FOOD AND DRINK INDUSTRY WITHIN CERTAIN RURAL AND COMMERCIAL ZONES

Author: Crystal Atkinson

Director: Michael Keys

Summary:

Council is in receipt of a planning proposal to include artisan food and drink industries as an additional permitted use within Schedule 1 of the Wagga Wagga Local Environmental Plan 2010 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, an addendum to the planning proposal has been prepared that seeks to include artisan food and drink industries as a permitted land use within the following rural and commercial zones across Wagga Wagga:

- RU1, RU2, RU4
- B3, B4

The recommendation is to proceed with a planning proposal and request a Gateway Determination from NSW Department of Planning, Industry and Environment.

Recommendation

The Council:

- a support planning proposal LEP20/0008 to amend the Wagga Wagga Local Environmental Plan 2010 by including artisan food and drink industries as a permitted land use within certain rural and commercial zones.
- b submit the planning proposal and addendum to the NSW Department of Planning, Industry and Environment seeking a Gateway Determination.
- c subject to endorsement of the Planning Proposal, undertake public exhibition and consultation with a further report to be prepared after the public exhibition period addressing any submissions made in respect of the planning proposal.
- d consider the need for controls in the Wagga Wagga Development Control Plan 2010 and prepare draft controls for exhibition alongside the planning proposal.

Planning Proposal Details

Submitted Proposal:

Planning Proposal LEP20/0008 seeks to include artisan food and drink industries as an additional permitted use within Schedule 1 of the Wagga Wagga Local Environmental Plan 2010 as it relates to 611 Sturt Highway, Borambola.

Applicant:

Monette O'Leary

Landowners:

Monette and Noel O'Leary and John Jelly.

Proposal

Council is in receipt of a planning proposal to amend the Wagga Wagga Local Environmental Plan 2010 (WWLEP) to include artisan food and drink industries as an additional permitted use within Schedule 1 of the WWLEP as it relates to the subject land.

The purpose of the planning proposal is to allow the landowners to build a small café and retail outlet on-site, which will support the existing and proposed future agricultural operations of the property and allow for the direct sale of goods and products produced on-site ('farm gate').

Site and Locality

The site is located approximately 41 kilometres east of Wagga Wagga on the Sturt Highway. The site's location is shown in Figure 1.



Figure 1 – Site location

The site is currently zoned RU1 Primary Production and used for agricultural and rural dwelling purposes. Tarcutta Creek runs along the eastern boundary, the Sturt Highway forms the northern boundary and rural land is located along the southern and western boundaries of the site.

An aerial image of the site is shown in Figure 2.

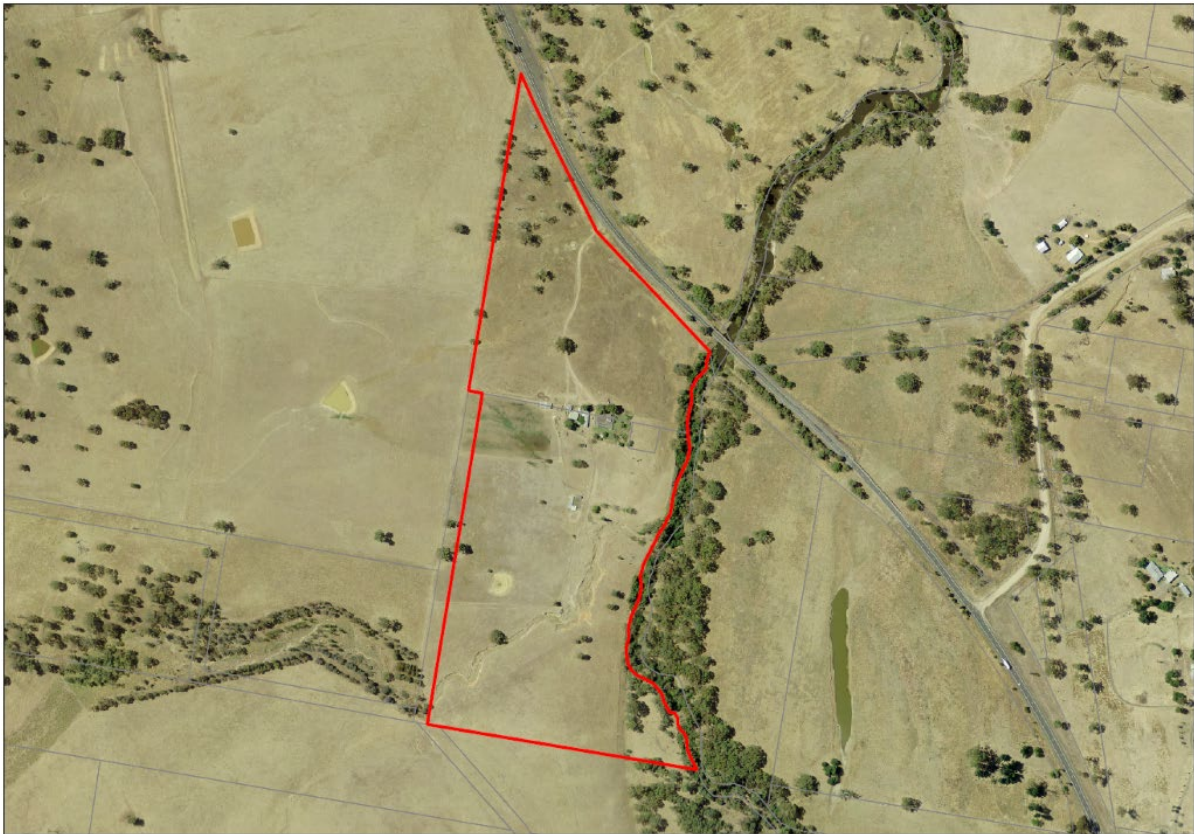


Figure 2 – Aerial image of site

Key Considerations

The planning proposal has been assessed against Council's strategies, policies and guidelines, the NSW Department of Planning, Infrastructure and Environment's *Guideline for preparing planning proposals* and the Ministerial Directions. The key considerations are identified below:

1. Planning Policy Context:

NSW Department of Planning Circular PS 18-008 provides directions to Council's on amendments to retail land use definitions in the NSW planning system. As part of this circular, 'artisan food and drink industries' were introduced to provide clarity for the growing artisan and craft food and drink industry.

The purpose of the amendment was in response to:

Boutique, craft or artisan food and drink products are increasingly popular among consumers who want an alternative to mass-manufactured offerings. Craft and locally produced goods command a price premium and support industries such as tourism and hospitality and provide local employment

The new land use term will provide clarity for the growing artisan and craft food and drink industry such as microbreweries or cheese makers by establishing a new definition that reflects the nature of these uses.

Examples of artisan food and drink premises include wineries (cellar doors), breweries (such as the Thirsty Crow in Wagga Wagga), cheese makers, berry farms or the like.

Artisan food and drink industry is defined in the WWLEP as:

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.

Clause 5.4 (10) – Controls relating to miscellaneous permissible uses – Artisan food and drink industry exclusion in the WWLEP specifies the following controls:

- (10) **Artisan food and drink industry** exclusion If development for the purposes of an artisan food and drink industry is permitted under this Plan in an industrial or rural zone, the floor area used for retail sales (not including any cafe or restaurant area) must not exceed—

- (a) 30% of the gross floor area of the industry, or
- (b) 400 square metres,

whichever is the lesser.

2. Council's vision or strategic intent:

The Wagga Wagga Spatial Plan 2013-2043 identifies the need to ensure rural communities remain strong and viable and continue to make their invaluable contribution to the character of our area.

Allowing 'artisan food and drink industry' in the rural areas where farm produce can be sold on site will facilitate farm diversification and value-add to the farming uses on the site.

The Wagga Wagga Community Strategic Plan 2040 includes the outcome 'We attract and support local business and industry'. Allowing artisan food and drink industries in certain rural and commercial zones will support start up local businesses that will manufacture and sell local produce on site.

The recently adopted Wagga Wagga Local Strategic Planning Statement – Planning for the future: Wagga Wagga 2040 identifies the objective of "supporting key industries across the city is imperative to ensure Wagga Wagga continues to grow and attract new business, services and investment".

Similarly, Economic Action No. 8 seeks to 'provide for more diverse industries, including renewable energy, emerging and creative industries and the development of new small business ventures'.

By allowing the use of certain rural and commercial lands as an artisan food and drink industry will help support new and emerging industries.

The proposal is consistent with Council's vision and strategic intent.

3. Addendum to Planning Proposal:

Artisan food and drink industries were not a defined land use term at the time WWLEP was gazetted in 2010.

Consequently, artisan food and drink industries are currently prohibited within a range of land use zones across Wagga Wagga except for the RU5 Village, B6 Business Park, IN1 General Industrial and IN2 Light Industrial zones where they are permitted with consent 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.

For land outside of these zones, artisan food and drink industries are prohibited.

Following a review of the subject planning proposal and the strategic merit and wider economic and tourism benefits that would result from such an activity, an addendum to the planning proposal has been prepared that seeks to include artisan food and drink industries as a permitted land use within a range of different zones across the City.

Specifically, the amended planning proposal seeks to allow artisan food and drink industries within 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;

Whilst it is acknowledged that some artisan food and drink industries 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, waste water, water products, grit or oil, otherwise...*'

Consequently, the inclusion of artisan food and drink industries 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.

As a result of the proposed addendum, there is now no need to include the subject land within Schedule 1 of the LEP as an additional permitted use as this use will become permitted with consent in the RU1 Primary Production Zone, which will achieve the same objective.

Conclusion

In view of the matters considered, the proposal is found to be reasonable and in the public interest.

The proposal is supported for the following reasons:

- The planning proposal will support and encourage a wide range of small-scale light industrial and commercial uses that will support economic growth and tourism.
- It complies with the provisions of Council's endorsed strategic plans and policies.
- It meets the relevant Section 9.1 Ministerial Directions.

Financial Implications

The application was lodged during the 2019/20 financial year and attracted an application fee of \$16,000 in accordance with Council's Fees and Charges Policy. The proponent has paid this fee.

Policy and Legislation

Environmental Planning and Assessment Act 1979
Wagga Wagga Local Environmental Plan 2010

Link to Strategic Plan

The Environment

Objective: We plan for the growth of the city

Outcome: We have sustainable urban development

Risk Management Issues for Council

The planning proposal has been assessed and it is recommended it be submitted to NSW Department of planning, Industry and Environment for Gateway Determination. If issued, the determination will require public and agency consultation. Consultation may highlight issues not evident during the assessment.

Internal / External Consultation

Formal public consultation with agencies and the public will occur if Gateway Determination is received.

An engagement plan for the planning proposal is attached to this report (attachment 4).

Proposed consultation methods are indicated in the table below:

Mail			Media				Community Engagement				Digital					
Rates notices insert	Direct mail	Letterbox drop	Council news story	Council News advert	Media releases	TV/radio advertising	One-on-one meetings	Your Say website	Community meetings	Stakeholder workshops	Drop-in sessions	Surveys and feedback forms	Social media	Email newsletters	Website	Digital advertising

TIER															
Consult					☒				☒				☒		☒

Attachments

1. Planning Proposal and Application
2. Assessment Report

RECORD OF VOTING ON THE MOTION

For the Motion

Against the Motion

- Y Braid OAM
- G Conkey OAM
- V Keenan
- R Kendall
- T Koschel
- K Pascoe
- D Tout

RP-1 DRAFT PLANNING PROPOSAL (LEP20/0008) TO AMEND WAGGA WAGGA LOCAL ENVIRONMENTAL PLAN 2010 TO INCLUDE ARTISAN FOOD AND DRINK INDUSTRY WITHIN CERTAIN RURAL AND COMMERCIAL ZONES

21/056 RESOLVED:
On the Motion of Councillors D Tout and T Koschel

The Council:

- a support planning proposal LEP20/0008 to amend the Wagga Wagga Local Environmental Plan 2010**
- b include artisan food and drink industries as a permitted land use within certain rural and commercial zones across the Local Government Area**
- c submit the planning proposal and addendum to the NSW Department of Planning, Industry and Environment seeking a Gateway Determination**
- d subject to endorsement of the Planning Proposal, undertake public exhibition and consultation with a further report to be prepared after the public exhibition period addressing any submissions made in respect of the planning proposal**
- e consider the need for controls in the Wagga Wagga Development Control Plan 2010 and prepare draft controls for exhibition alongside the planning proposal**

CARRIED

RECORD OF VOTING ON THE MOTION

For the Motion

Against the Motion

- Y Braid OAM
- G Conkey OAM
- V Keenan
- R Kendall
- T Koschel
- K Pascoe
- D Tout