CM13.1. Nexus Industrial Precinct - Amendment to the Albury Development Control Plan 2010

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CONFIDENTIAL	No		
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Purpose of Report

To provide Council with the opportunity to consider the draft Amendment to the Albury Development Control Plan 2010 (DCP) and seek endorsement for public exhibition.

Background

The creation of the Regional Job Precincts (RJPs) initiative gives effect to the NSW Government's roadmap for economic recovery and stimulus outlined in *A 20 Year Economic Vision for Regional NSW*.

RJPs are focused on providing local councils with planning support to drive investment, diversify economies and create new jobs in regional NSW. The NSW Government has led the master planning for RJPs to provide local councils, regional communities, industry, and businesses with greater confidence in future investment and development.

In January 2020, the NSW Government identified 1,200 hectares of land 10kms north of Albury as an important opportunity to generate employment and support growth of industries in advanced manufacturing, agribusiness, and freight industries. The study area includes and leverages off significant existing investment in the Nexus Industrial Precinct (450 hectares).

The *Albury Regional Job Precinct Master Plan 2023* (ARJPMP) was developed and prepared by State Government, in collaboration with AlburyCity, and was publicly exhibited by the Department of Regional NSW and the Department of Planning and Environment from 18 November to 16 December 2022.

Twelve submissions were received (including the submission made by AlburyCity) which resulted in changes to the ARJPMP. AlburyCity provided a letter of support to the final ARJPMP in July 2023 and the *Albury Regional Job Precinct Master Plan 2023* was approved and published by State Government on 15 December 2023.

The ARJPMP will supersede the *Albury Industrial Hub Master Plan 2010* (AIHMP) which has been in effect since July 2010. The broad framework and design principles contained in the AIHMP have been effective and generated significant investment in government infrastructure to provide fully serviced sites and improve access to the Precinct.

However, over the last 15 years, the evolution of modern approaches to industrial development and changing market conditions necessitated a re-examination of how to leverage the region's competitive advantage for long term strategic benefits.

The ARJPMP provides a strong vision, principles and staging plan which reflects the role and function of the Nexus Industrial Precinct and capitalises on the competitive advantages for industry investment. It provides a guide for future land uses which will enable a broad range of industrial activities to provide maximum potential for job generation, whilst providing flexibility for future operators.

In order to accommodate the flexibility envisaged by the ARJPMP, it has not adopted the design requirements from the AIHMP. However, the controls contained within parts 12.1 to 12.8 of the *Albury Development Control Plan (DCP) 2010* will support decisions on development applications effectively.

To give effect to the ARJPMP, an amendment to the Albury DCP 2010 is required. It is proposed to update Part 12 of the Albury DCP 2010 by deleting the AIHMP at Appendix K and replacing it with the ARJPMP.

This change will have consequential impacts on other parts of the Albury DCP 2010 (Part 11 - Development in Commercial Zones and Appendix E - Ettamogah Outline Development Plan). Changes to these provisions also form part of the suite of changes within this draft Amendment.

Issues

Specific Changes (Attachment 1)

The draft Amendment to the Albury DCP 2010 specifically:

<u>Updates</u>

- Part 11 Development in Commercial Zones (Attachment 3)
- Part 12 Development in the Industrial Zones (Attachment 2)
- Appendix E Ettamogah Outline Development Plan (Attachment 4)

<u>Replaces</u>

- AIHMP at Appendix K with the ARJPMP 2023 (Attachment 5)

<u>Makes administrative updates</u>

- Parts 11 and 12 and Appendix E have been updated to clarify and improve the language or grammatical form. These are policy neutral updates which will improve the performance of the Albury DCP 2010.

The draft Amendment to the Albury DCP 2010 gives effect to the following statutory and strategic frameworks:

Legislative alignment

This Amendment gives effect to the *Environmental Planning and Assessment Act 1979* (EP&A Act) as follows**:**

(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources;
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment;
(c) to promote the orderly and economic use and development of land;
(g) to promote good design and amenity of the built environment;
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants; and
(j) to provide increased opportunity for community participation in environmental planning and assessment.

This Amendment gives effect to the *Albury Local Environmental Plan (LEP) 2010* as follows**:**

(a) to give effect to the desired outcomes, principles and actions contained in the Council's adopted strategies and policy documents.

Strategic alignment

This Amendment gives effect to the following strategic frameworks**:**

Riverina Murray Regional Plan 2041:

Part 3: Economy – Objective 14 Protecting and promoting industrial and manufacturing land.

Towards Albury 2050

'A Growing Sustainable Economy':
1.1 Albury is a vibrant city, providing high quality sustainable infrastructure, industry-leading services and amenities.
  1.1.1 Encourage sustainable residential and commercial development.
1.2 Albury has an accessible, integrated transport network that connects our city through safe and efficient travel options.
  1.2.1 Effectively plan, upgrade and maintain our network of roads, bridges, bike networks, footpaths, walkways and street lighting.
  1.2.2 Partner and advocate for accessible transport options that better connects our city, our region and nationally.
1.4 Albury is a nationally recognised place to do business, driving economic growth, circular economy and innovation.
  1.4.1 Support a circular economy by maximising the use of valuable resources and reducing waste.

1.4.3 Increase and attract private and public sector investment.

Two Cities One Community Strategic Plan 2022-2025:

Section 1: Our Economy
1.1 We have sustainably managed the growth and development of our community for the betterment of all.
1.3 We promote business, investment and jobs including seeking to attract and retain young people.

Section 2: The Environment
2.1 We have a high level of awareness of sustainability and environmental issues.
2.4 We are acting to ensure the sustainability of our environment through our land-use planning and management.

Discussion

Key features of the ARJPMP (Attachment 5)

Land use directions

The land use directions will facilitate development opportunities that specifically cater for the growth of advanced manufacturing, circular economy and recycling, agribusiness, freight and logistic services.

The ARJPMP recognises that the Albury LEP 2010 and the Albury DCP 2010 will provide guidance and decision making parameters (such as air quality, noise, odour, land use safety and building design) in order to minimise land use conflicts and impacts on residential areas and environmental corridors.

New wastewater treatment plant designation

Land in the north-east portion of the precinct (Maryvale) has been designated for a new shared water and wastewater treatment plant. This land has been recently purchased by AlburyCity, and work is underway with short- and long-term activities to ensure the land is safeguarded.

Staging Plan

The staging plan will ensure that development aligns with the delivery of key transport, essential utilities and other enabling infrastructure projects, which will provide the capacity to support industries. Noting, that if out of sequence development occurs, additional augmentation may be required and Council will need to consider these matters carefully.

Road Hierarchy Structure Plan

A road hierarchy has been established to improve connections to the Hume Highway and the rail intermodal, to ensure safe and efficient freight movements and protect biodiversity corridors.

Aboriginal Cultural Heritage

The ARJPMP recognises the importance of protecting and enhancing the history and culture of the Aboriginal custodians of the land, recognising and reflecting connection to Country by protecting and enhancing significant natural features in and around the Precinct.

Biodiversity

The ARJPMP emphasises the importance of protecting and conserving areas that connect habitat, vegetation or riparian corridors and assisting developers and industry partners to address biodiversity conservation to facilitate sustainable development.

Nexus Industrial Precinct site specific development controls

The Amendment to the Albury DCP 2010 inserts a new clause – 12.9 Nexus Industrial Precinct site specific development controls – and introduces objectives and controls relating to:

- land use directions;
- staging;
- roads;
- sustainability;
- site coverage;
- minimum lot size;
- communal outdoor areas;
- site topography and management of level change;
- stormwater management;
- noise, vibration and air emissions;
- Aboriginal cultural heritage; and
- biodiversity.

The design requirements within the AIHMP were reviewed as part of the amendment and are not being translated into the Albury DCP 2010 with this Amendment, for the following reasons:

1. Some of the controls are unnecessarily restrictive (eg. building setback to a minimum of 10m at a local road); and
2. The design parameters and objectives elsewhere at Part 12 - Development in the Industrial Zones, and Part 11 - Development in Commercial Zones will support effective decision making within the Nexus Industrial Precinct and provide a level of flexibility for innovative building design.

The City Development Cluster will continue to monitor the performance of the Planning Policy to ensure decision making is effective and the anticipated outcomes for the ARJPMP are being achieved.

Other consequential changes

As a result of inserting the Nexus Industrial Precinct site specific development controls, other parts of the Albury DCP 2010 have been impacted and amendments are proposed to the following parts of the Albury DCP 2010 and Appendices:

- Part 12 (parts 12.1 to 12.8) – Development in the Industrial Zones;
- Part 11 – Development in the Commercial Zones;
- Appendix E – Ettamogah Development Plan; and
- Appendix K – Albury Industrial Hub Master Plan (1 July 2010).

These parts of the Albury DCP 2010 have not been reviewed since 2010. Since then, there have been several State Government initiated changes to naming conventions for zones (effective as of April 2023), and machinery of government changes resulting in new departments, and updated State Government policy documents. Administrative updates have been made to reflect these changes.

A detailed table (Attachment 1) outlines all policy neutral changes proposed to improve the readability and overall performance of the Albury DCP 2010.

Community Engagement

The following community engagement activities are consistent with the Community Participation Plan and are proposed as part of public exhibition of the Amendment:

- public exhibition for a minimum of 28 days;
- public notice in the Border Mail newspaper;
- exhibition material placed on the AlburyCity website and hardcopies placed at Albury City Council Offices, LibraryMuseum and Lavington Library;
- notification via Council's social media; and
- direct notification to adjoining/adjacent landowners/occupiers and key stakeholders (including relevant government agencies).

Albury City Council officers will be available to assist with any queries throughout the consultation period.

Risk

- **Business Risk** – The draft Amendment to the Albury DCP 2010 provides planning policy and decision-making guidance to facilitate industrial development in the Nexus Industrial Precinct. Commitments to the provision of water and wastewater, and other infrastructure are crucial to the success of the Nexus Industrial Precinct. The risk has been managed in the ARJPMP which identifies short-, medium- and long-term staging, reflecting the anticipated delivery of essential utilities and other enabling infrastructure that will provide capacity to support industries. Out of sequence development would significantly increase (financial) risk as additional augmentation would be required.

- **Corporate Risk** – Council is a significant landowner (Nexus Industrial Precinct) within the wider industrial precinct. The introduction of the ARJPMP and amendment to the Albury DCP 2010 ensures that there is a high level of transparency in how the decisions will be made on development applications within Nexus and the wider precinct. Any delay to the introduction of these amendments could erode public confidence in Council's ability to implement an important policy framework, which enables high quality industrial development and attracts industries which can support jobs growth.

- **WHS & Public Risk** – There are no WHS and public risk issues identified.

- **Environmental Risk** – The ARJPMP was informed by extensive technical studies in relation to environmental risks. The controls and decision-making parameters proposed in the Albury DCP 2010 reflect the expectations that priority will be given to the protection and enhancement of the natural environment and that risks of air quality, odour and noise impacts will be mitigated.

- **Delivery Program Risk** – The implementation of the ARJPMP is not tied to a grant or program commitment however any further delays to implementing the ARJPMP could erode the State Government's confidence in Council's capability to harness opportunities provided by the State Government.

Options

1. That Council
    a. receive and note this report;
    b. and endorse the progression of the draft Amendment to Parts 11 and 12, and Appendices E and K of the Albury DCP 2010 to public exhibition for 28 days, consistent with the requirements of the *Environmental Planning and Assessment Regulation 2021*. **Recommended.**

    The Amendment is the result of a thorough examination of the ARJPMP to ensure an effective translation into the Albury DCP 2010. Attachment 1 outlines the detailed changes proposed and the rationale for the changes.

2. Seek further changes to the Amendment. **Not recommended.**

    Further delay to the implementation of the ARJPMP increases the risk of suboptimal development outcomes in the Nexus Industrial Precinct.

3. Not endorse the recommendation. **Not recommended.**

Conclusion

The Amendment proposes to introduce the Albury Regional Job Precinct Master Plan (August 2023) (Appendix K) and give effect to the plan by introducing a new clause within Part 12 of the Albury DCP 2010 and making consequential updates to the remainder of Part 12, Part 11, and Appendix E Ettamogah Outline Development Plan.

The introduction of Part 12.9 Nexus Industrial Precinct, including objectives and principles, will ensure industrial development within the Precinct is well planned and developed, reduces the impacts of industrial uses and protects amenity.

The additional administrative updates will strengthen and improve the performance of the Albury DCP 2010.

Recommendation

That Council:

a. receives and notes this report and
b. endorses the progression of the draft Amendment to Parts 11 and 12, and Appendices E and K of the DCP to public exhibition for 28 days consistent with the requirements of the *Environmental Planning and Assessment Regulation 2021*.

Attachments:

1. Audit of amendments to Albury DCP 2010 (DOC25/270618).
2. Part 12 Development in the Industrial Zones (DOC25/270626).
3. Part 11 Development in Commercial Zones (DOC25/270634).
4. Appendix E Ettamogah Outline Development Plan (DOC25/270643).
5. Appendix K Albury Regional Job Precinct Master Plan 2023 (DOC25/270653).