

Planning Services

IRF19/610

Gateway determination report

LGA	Temora
PPA	Temora Shire Council
NAME	Amend Land Use Table for RU1, RU5, R1, R5, B2, B4, B6 and IN1 Zones and amend Land Zoning Map to add 'caravan parks' as a permitted use in the SP1 Special Activities Zone on land in proximity to Temora Airport (0 homes, 0 jobs)
NUMBER	PP_2019_TEMOR_001_00
LEP TO BE AMENDED	Temora LEP 2010
ADDRESS	Land zoned RU1, RU5, R1, R5, B2, B4, B6 and IN1 and land zoned SP1 in proximity to Temora Airport.
DESCRIPTION	Changes to land use table and to permit caravan parks in the SP1 Special Activities Zone on land adjoining Temora Airport.
RECEIVED	Date received 5 February 2019
FILE NO.	IRF19/610
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

INTRODUCTION

Description of planning proposal

Temora Shire Council seek to amend the land use table for the RU1 Primary Production Zone, RU5 Village Zone, R1 General Residential Zone, R5 Large Lot Residential Zone, B2 Local Centre Zone, B4 Mixed Use Zone and B6 Enterprise Corridor Zone. The changes include:

- creating an 'open' land use table for each of these zones to enable innominate uses (i.e. uses not listed in the LEP Dictionary) as permissible with consent. It is Council's intention to apply a more flexible arrangement by creating an open land use table so that innominate uses become permissible with council consent.
- making changes to the permissibility of defined uses (uses listed in the LEP Dictionary). Council has reviewed the permissibility of defined land uses in each of the relevant zones and will generally be permitting a greater variety of uses within each of these zones. Council has provided information that clearly

identifies the proposed changes to the permissibility of the defined uses for each of the affected zones.

Council also seeks to amend the Land Zoning Map to permit a *caravan park* in the SP1 Special Activities Zone in proximity to Temora airport. There is an existing caravan park on the site and it is Council's intention to permit a caravan park in this location for short term tourist accommodation.

Surrounding area

The proposed changes will affect all land in the Shire zoned RU1 Primary Production Zone, RU5 Village Zone, R1 General Residential Zone, R5 Large Lot Residential Zone, B2 Local Centre Zone, B4 Mixed Use Zone, B6 Enterprise Corridor Zone and SP1 Special Activities Zone (Temora airport urban precinct).

Summary of recommendation

It is recommended that the planning proposal proceed to community consultation. The proposal has merit because it seeks to create greater flexibility in the range of appropriate uses to be permitted with Council consent within the RU1 Primary Production Zone, RU5 Village Zone, R1 General Residential Zone, R5 Large Lot Residential Zone, B2 Local Centre Zone, B4 Mixed Use Zone, B6 Enterprise Corridor Zone and the SP1 Special Activities Zone (Temora airport precinct) without compromising the intent and objectives of the zones.

PROPOSAL

Objectives or intended outcomes

The planning proposal clearly states that it seeks to amend Temora LEP 2010 to revise the land use table for the RU1 Primary Production Zone, RU5 Village Zone, R1 General Residential Zone, R5 Large Lot Residential Zone, B2 Local Centre Zone, B4 Mixed Use Zone, B6 Enterprise Corridor Zone and amend the label for the SP1 Special Activities Zone on the Land Zoning Map to permit a caravan park in the Temora airport residential precinct.

The planning proposal is also clear that it is making these changes to the LEP to create "greater options for future development" to strengthen and diversify the economy while protecting the core objectives of the relevant zones.

Explanation of provisions

The proposal clearly outlines Council intention to changes the land use table for RU1 Primary Production Zone, RU5 Village Zone, R1 General Residential Zone, R5 Large Lot Residential Zone, B2 Local Centre Zone, B4 Mixed Use Zone and B6 Enterprise Corridor Zone from a closed to open format.

A land use table that is 'closed' prohibits any use that is not specifically listed in the LEP as permissible with consent. By default, all innominate uses are prohibited.

The planning proposal also clearly indicates proposed changes to the permissibility of nominate uses. Supplementary information with the proposal provides clear information showing changes to the permissibility of defined land uses for each of these zones. In summary the planning proposal will permit a greater variety of land uses within the identified zones.

Council has also clearly indicated that it seeks to amend the label of the SP1 Special Activities Zone on the Land Zoning Map applied to the airport urban precinct to

permit *caravan park* in addition to *business premises, residential, tourist and visitor accommodation that are incidental with aviation* which are already permitted.

Council has checked the proposed changes to ensure they are consistent with directions with mandated permitted land uses of the standard instrument LEP.

Mapping

The planning proposal clearly indicates that it seeks to amend the Land Zoning Map sheets LZN_004B and LZN_004C to include *Caravan Parks* to the label applied to the existing SP1 Special Activities Zone on land in proximity to Temora airport.

The new map label applied to the SP1 Special Activities Zone on LZN_004C and LZN_004D maps sheets will be as following uses;

‘SP1 Special Activities (Business Premises, Residential, Tourist and visitor accommodation, Caravan Park, Incidental with aviation).’

NEED FOR THE PLANNING PROPOSAL

The planning proposal indicates that Council has identified problems with the ‘closed’ format and the limited flexibility of the land use table applied to the RU1 Primary Production Zone, RU5 Village Zone, R1 General Residential Zone, R5 Large Lot Residential Zone, B2 Local Centre Zone, B4 Mixed Use Zone and B6 Enterprise Corridor Zone.

For example, shooting ranges are not defined in the standard instrument LEP and under a ‘closed’ zone these types of innominate uses are prohibited in the RU1 Primary Production Zone. By amending the land use table to create an ‘open zone’ these types of innominate uses become permissible with Council consent without the need to amend the LEP on a site by site basis, a time consuming and expensive approach.

Council has also reviewed the permissibility of nominate or defined uses in the selected zones. The planning proposal seeks to increase the flexibility of the permissibility of appropriate land uses without compromising the core objectives of the zones.

The planning proposal and amendment to the LEP is the only way to revise the land use table and amend the Land Zoning Map to permit a caravan parks in the airport urban precinct.

STRATEGIC ASSESSMENT

State

Practice Note ‘PN11-002 Preparing LEPs using the Standard Instrument: standard zones’ (practice note) was developed by the Department in 2011 to assist Councils prepare standard instrument LEPs for their local government area.

The practice note provides Councils with the option of using either an open or closed land use table for specific zones. It recognises that the ‘open’ approach allows greater flexibility and minimises the need to undertake spot rezonings or other ad hoc LEP amendments to permit additional acceptable uses that were not anticipated during initial LEP preparation.

It recommends that the more restrictive 'closed approach' should be used for Environmental Protection, Special Purposes and Recreation Zones. The Planning Proposal is consistent with the practice note because it does not intend changing the closed approach used in environmental or recreation zones.

The practice note also states that it is important to maintain the integrity of the zone when preparing land use tables by only permitting uses that are consistent with the zone objectives.

The proposed changes to the land use table are consistent with the LEP zone objectives and the purpose of the zones outlines in the practice note.

RU1 Primary Production Zone

The RU1 Primary Production Zone is applied to most of the non-urban land in the Temora LGA.

Proposed new permitted uses such as *stock and sale yards, sawmill and log processing works, rural industries, restriction facilities and research stations* are clearly consistent with the zone objectives.

Other proposed permitted uses reflect council's desire for greater flexibility to consider development for non-rural uses that could potentially co-exist with primary production and rural industries, e.g. *tourist and visitor accommodation, eco-tourist facilities, caravan park, light industry, hardware and building supplies and highway service centre*.

Comment

The proposed changes to the land use table will continue to focus on permitting primary production and utilization of natural resources consistent with the core zone objectives and to limit development generally associated with residential development. The revised land use table will also continue to provide only limited opportunity for commercial and residential development in conjunction with an appropriate rural minimum lot size to control the density/number of rural dwellings.

RU5 Village Zone

The practice note recognises that the RU5 Village Zone is a rural zone that is typically a flexible zone that provides for a mix of uses. The zone objective also recognises that this zone provides for a range of land use, services and facilities associated with a rural village.

The RU5 Zone is applied to the villages of Arian Park and Springdale. The planning proposal intends to create greater flexibility in the RU5 Village Zone by permitting several new rural uses such as *extensive agriculture, dairy (pasture based), farm buildings, horticulture, restriction facilities and viticulture*.

Council has justified permitting the new non-urban uses as follows;

"The rural villages of Arian Park and Springdale both include reasonable sized parcels (1Ha+) of vacant land, adjacent to land zoned RU1 Primary Production. Until such time that the vacant RU5 zoned land is required for other development purposes, it is appropriate that other low impact agricultural land uses be permitted with consent and allow Council to manage the interactions between existing residential developments and low impact agricultural usage. This will support benefits of additional agricultural production, weed management and maintenance of rural amenity through land usage."

Comment

The justification by Council for the changes to the land use table to the RU5 Village Zone to permit various types of low impact agricultural uses appear to be reasonable. The land use table will continue to prohibit most heavy industries, intensive agriculture and offensive industries, generally consistent with the intent of the zone.

R5 Large Lot Residential Zone

The R5 Large Lot Residential Zone has been applied to areas on edge of the Temora township and to the east of Ariaiah Village.

The planning proposal intends to create greater flexibility in the R5 Large Lot Residential Zone land use table by permitting a variety of both urban and low impact non-urban uses. For example, *extensive agriculture, health service facilities, restaurant and cafes and function rooms* will now be permitted with Council consent. The revised land use table will continue to provide only limited opportunity for commercial and residential development and prohibit incompatible non-urban uses, e.g. *industries, medium density residential development, intensive livestock agriculture* and most commercial land uses.

Comment

The revised land use table is generally consistent with the intent of the zone to provide an opportunity for combining residential development with agricultural use without generating significant land use conflict.

The additional uses are generally consistent with the transitional nature of the R5 Large Lot Residential Zone, i.e. large residential lots on the edge of Temora and Ariaiah village. Further assessment can be undertaken at development application stage on suitability of proposed uses.

R1 General Residential Zone

The intent of the R1 General Residential Zone, applied to residential areas in Temora township, is to provide a broad variety of residential housing types and additional uses that provide facilities and services to residents.

Consistent with the zone objectives Council intend amending the land use table to permit additional services and facilities such as *health service facilities, home-based child care, medical centres, office premises, plant nurseries, recreation, and education establishments*.

Comment

Industrial, agricultural development and most types of commercial development will continue to be prohibited. The changes are consistent with the intent of the zone to focus permitting a wide variety of urban development.

IN General Industrial Zone

The IN1 General Industry Zone is intended to accommodate a wide range of industrial and warehouse uses as well as other land compatible uses. The IN1 zone has been applied to an industrial area located to the south east of Temora township.

The planning proposal will amend the land use table permit uses consistent with the zone objectives, i.e. encouraging industrial uses and a range of uses that provide specialist goods and services to the region's farmers and agricultural enterprises and to allow food and drink premises that provide a direct service to the industrial area. For example, the amended land use table will permit *wholesale supplies, vehicle body repair workshops, storage premises, resource recovery facilities, offensive and heavy industrial storage establishments, highway service centres and kiosks.*

Comment

Changes to the land use table are consistent with the intent of the zone. The land use table will continue to prohibit most types of commercial development, including *retail premises*, and all types of residential development that would potentially conflict with the industrial use of the land.

B6 Enterprise Corridor Zone

The intention of the B6 Enterprise Corridor Zone is to encourage commercial and light industrial development along main roads. The practice note suggests retail activity should be limited to maintain the commercial strength of retail centres.

The B6 Zone is located near Temora airport and along Goldfields Way, the main entrance road to Temora township.

The changes to the land use zone will permit development consistent with the intent of the zone such as *wholesale supplies, cellar door premises, exhibition homes and villages, food and drink premises, function centres, health service facilities, highway service centres, industrial retail outlet, office premises, timber yards, vehicle sales or hire, take away food and drink premises, self-storage units and storage premises, and tourist and visitor accommodation.*

Comment

Most types of industrial, residential and commercial development will continue to be prohibited consistent with the objectives of the zone and maintaining the commercial strength of the Temora CBD.

B4 Mixed Use Zone

The intent of the B4 zone is to provide for a greater variety of commercial, tourist, visitor, community and residential uses on land usually located close to the commercial core. In Temora land zoned B4 zone is located immediately to the west and north of Temora's CBD zoned B2 Local Centre.

The changes to the land use zone will permit development consistent with the intent of the zone such as *health services facilities, mixed use development, public administration buildings and vehicle body repair workshop.*

Comment

Industrial development and agriculture will continue to be prohibited consistent with the intent of the zone objectives to focus on encouraging a mix of commercial, tourist and retail development and community services.

B2 Local Centre Zone

The zone is intended for commercial centres for most towns and local centres that provide a wide range of commercial, civic, cultural and residential uses that service a large catchment. The zone is applied to Temora's CBD.

The proposed changes to the land use table are generally consistent with the intent of the zone by permitting *health service facilities, industry retail outlets, mixed use development, public administration buildings, attached and semi-detached dwellings*.

Comment

Industrial development and agriculture will continue to be prohibited consistent with the intent of the zone to focus on encouraging commercial, civic, cultural and tourist development.

Regional

The Riverina Murray Regional Plan (Regional Plan) incorporates the Temora local government area. The planning proposal states that it is consistent with the following Directions and Actions in the Regional Plan:

Direction 2 Promote and grow the agribusiness sector

Action 2.1 Encourage agribusiness and diversification by reviewing local plans and removing restrictive land use zonings and outdated land use definitions.

Action 2.2 Provide opportunities to improve support to agriculture through better guidance on protecting agricultural land and managing the interface with other land uses.

Direction 3 Expand advanced and value-added manufacturing

Action 3.1 Promote investment in advanced and value-added manufacturing by removing restrictive land use zonings and outdated land use definitions.

Direction 4 Promote business activities in industrial and commercial areas

Direction 6 Promote the expansion of education and training opportunities

Direction 7 Promote tourism opportunities

Action 7.2 Enable opportunities for tourism development and associated land uses in local plans.

Action 7.3 Target experimental tourism opportunities and tourist management frameworks to promote a variety of accommodation options

Direction 23 Build resilience in towns and villages

Comment

The proposed amendments to the land use table to create greater flexibility will enable Council to consider a greater variety of development on its merits within affected zones and is generally consistent with the Regional Plan and the above Directions.

Local

The planning proposal is the result of a review of land use planning outlined in the Temora Shire Council Land Use Discussion Paper 2017 that was publicly exhibited between November 2017 and January 2019. The discussion paper indicated that it was time Council reviewed potential constraints to development due to land use prohibitions.

Comment

The Department encourages councils to undertake regular and periodic review of their local environmental plans to ensure they reflect changing circumstances and respond to emerging planning issues.

The proposed LEP amendment has merit because it seeks to increase the flexibility for Council to approve a variety of land uses on appropriate sites without the need for spot rezonings.

It is recommended that the planning proposal proceed to community consultation.

Section 9.1 Ministerial Directions

Direction 1.1 Business and Industrial Zones

Direction 1.1 applies because the planning proposal affects land zoned IN1 General Industrial Zone, B2 Local Centre Zone, B4 Mixed Use Zone and B6 Enterprise Corridor Zone.

The planning proposal states that it is consistent with the Directions because it will encourage employment growth in suitable locations, protect employment land in business and industrial zones, support the viability of identified centres and retain areas and locations of existing business and industrial zones.

Comment

The proposed changes to the commercial and industrial land use tables are not inconsistent with the Objectives or clause (4) of the Direction. The proposed changes do not undermine the intent or objectives of the zone because the LEP will continue to prohibit significant incompatible land uses (see comments on the IN1 General Industrial Zone, B2 Local Centre Zone, B4 Mixed Use Zone and B6 Enterprise Corridor Zone under State policy assessment).

Direction 1.5 Rural Lands

Direction 1.5 applies because the planning proposal will affect land zoned RU1 Primary Production Zone.

The planning proposal states that it is consistent with the Direction because it is consistent with the Rural Planning Principles listed in SEPP (Rural Lands) 2008.

Comment

The planning proposal is consistent with Direction 1.5. The changes to the RU1 land use table will not undermine the rural planning principles that focus on promoting economic activities in rural areas, protecting natural resources and ensuring consistency with the Riverina Murray Regional Plan (see section on Regional assessment).

Direction 2.3 Heritage Conservation

Direction 2.3 applies because changes to the land use table will also affect land identified as heritage items in the Temora LEP 2010.

Comment

The planning proposal is consistent with the Direction 2.3 because there are no proposed changes to existing provisions for the protection of heritage items identified in schedule 5 of the Temora LEP 2010.

Direction 3.1 Residential Zones

Direction 3.1 applies because the planning proposal will amend LEP provisions affecting land zoned R1 General Residential Zone, R5 Large Lot Residential Zone and RU5 Village Zone.

The planning proposal states that it is consistent with Direction 3.1 because the changes to the land use table will make more efficient use of existing infrastructure and services and clause 6.5 Essential Services of the LEP will ensure adequate essential services are, or will be, available when required.

Comment

The planning proposal is consistent with Direction 3.1 because the proposed changes to the residential land use tables does not reduce housing choice, makes efficient use of existing infrastructure and services by increasing the permissibility of urban land uses in residential zones. The amendments do not remove the existing LEP provision that requires new housing is to have access to adequate infrastructure and services.

Direction 3.5 Development Near Licensed Aerodromes

Direction 3.5 applies because the planning proposal seeks to permit a caravan park in the SP1 Special Activities Zone located in proximity to Temora Airport.

The Direction requires that if the Direction applies to a planning proposal Council must consult with the Commonwealth Department responsible for aerodromes and the lessee of the aerodrome.

The planning proposal indicates that there is an existing caravan park on the land currently zoned SP1 Special Activities zone located in proximity to Temora Airport. The amendment will formalise the existing use of the caravan park to be used for short term tourist accommodation. Part of the caravan park is located between the ANEF 20 -25 noise contour and the use is not unacceptable within this noise.

Comment

The SP1 Special Activities (Business Premises, Residential, Tourist and visitor accommodation, Incidental with aviation) Zone that is in proximity to Temora Airport was created in 2010 to accommodate an airport urban precinct (Temora Airpark Estate). Small aircraft land at the airport and then taxi to a privately-owned aircraft hangar with an ancillary dwelling.

Temora Airport, owned by Temora Shire Council, also includes the Temora Aviation Museum displaying ex-military aircraft. Flying displays of the historic aircraft also occurs on event days throughout the year. The museum and flying displays are a major tourist attraction and economic benefit to Temora.

The Temora Airfield Tourist Park is an existing caravan park owned and operated by Temora Shore Council and provides short term accommodation for visitors and tourists that visit the aviation museum or attend the flying displays.

The planning proposal is therefore unlikely to create any inconsistencies with Direction 3.5 provided Council consults with the Commonwealth Department of Infrastructure, Regional Development and Cities (Aviation).

The Secretary can be satisfied that the planning proposal is consistent with Direction 3.5 subject to Council consulting with the Commonwealth Department of Infrastructure, Regional Development and Cities (Aviation).

Direction 4.3 Flood Prone Land

Direction 4.3 applies because the planning proposal will alter LEP provisions (land use table) that affects land identified in the Temora LEP 2010 as a flood planning area.

The planning proposal indicates that the planning proposal is consistent with Directions because it will not alter a requirement to consider flood impacts of development within a flooding planning area under clause 6.6 Flood Planning in the Temora LEP 2010.

Comment

The planning proposal is not seeking to rezone land within a flood planning area. The changes to the land use table are not related to the development of a specific site and land zoned SP1 Special Activities Zone in proximity to Temora Airport is not identified as within a flood planning area on the Temora LEP Flood Planning Map.

It is unlikely that the changes to the land use table will permit a significant increase of development within flood planning areas. The Temora LEP Flood Planning Map indicates that only small areas of land are identified on lots affected by flood planning areas in the RU1 Primary Production Zone (Temora), R1 General Residential Zone (Temora), RU5 Village Zone (Springdale), B6 Enterprise Corridor (Temora) and IN1 General Industrial Zone (Temora). No land is identified as a flood planning area in the R5 Large Lot Residential Zone, B4 Mixed Use Zone or B4 Local Centre Zone.

Clause 6.6 Flood Planning that applies to all land identified as a flood planning area, and which gives effect to the NSW Flood Prone Land Policy, will be retained the Temora LEP. The clause will continue to require Council to consider the flood impacts of development located within a flood planning area through the development assessment process.

The Secretary can therefore be satisfied that any likely inconsistencies between the provisions of the planning proposal and Direction 4.3 Flood Prone Land are of minor significance.

Direction 4.4 Planning for Bushfire Protection

Direction 4.4 applies because the amendments to the land use table will affect land identified as bush fire prone land in Temora local government area.

The planning proposal indicates that it is consistent with Direction 4.4 because any development in bush fire prone land will be required to have regard to the 'Planning for Bushfire Protection 2006'.

Comment

The planning proposal is not seeking to rezone land within a bush fire prone land, and the changes to the land use table are not related to the development on a specific site. Land zoned SP1 Special Activities Zone in proximity to Temora Airport is not identified as bush fire prone land.

Council is however required to consult with the NSW Rural Fire Service if a planning proposal amends LEP provisions on land identified as bushfire prone land.

The Secretary can be satisfied that the planning proposal is consistent with Direction 4.4 subject to Council consulting with the NSW Rural Fire Service.

Direction 5.10 Implementation of Regional Plans

The Direction applies because Temora is part of the Riverina region covered by the Riverina Murray Regional Plan.

The planning proposal indicates it is consistent with this Direction.

Comment

The Planning proposal is consistent with Direction 5.10 for the reasons outlined in the previous section on Regional assessment.

Direction 6.1 Approval and Referral Requirements

Direction 6.1 applies when a Council prepares a planning proposal and Council has indicated that the proposal is consistent with this Direction.

Comment

The planning proposal is consistent with Direction 6.1 because it does include any additional concurrence, consultation or referral requirements for development applications and does not propose to identify any type of development as 'designated development'.

State environmental planning policies (SEPPs)

SEPP 21 Caravan Parks

The planning proposal indicates that it is consistent with SEPP 21.

Comment

There are no requirements in the SEPP regarding the preparation of a planning proposal. Permitting a caravan park in the SP1 Special Activities Zone is not inconsistent with this SEPP.

SEPP 30 Intensive Agriculture

The planning proposal indicates that it is consistent with SEPP 30 because the Temora LEP will continue to permit intensive livestock agriculture with consent in the RU1 Primary Production Zone.

Comment

There are no inconsistencies with the SEPP because there are no requirements in the SEPP regarding the preparation of a planning proposal.

SEPP (Educational Establishments and Child Care Facilities) 2017

The planning proposal indicates that it is consistent with the SEPP because the changes to the land use table will not limit the effective delivery of educational establishments and childcare facilities within Temora Shire.

Comment

These proposed changes are not inconsistent with the aim of the SEPP to facilitate the effective delivery of educational establishments and early education and care facilities across the State.

SEPP (Rural Lands) 2008

The planning proposal states that it is consistent with the Rural Planning Principles listed in SEPP (Rural Lands) 2008.

Comment

The planning proposal is consistent with the SEPP because the changes to the RU1 land use table will not undermine the rural planning principles that focus on promoting economic activities in rural areas, protecting natural resources and ensuring consistency with the Riverina Murray Regional Plan (see section on Regional assessment).

SEPP (Vegetation in Non-Rural Areas) 2017

The planning proposal states that it is consistent with the SEPP because clearing of vegetation in non-rural areas will still be required to be considered against the requirements of the SEPP.

Comment

The SEPP outlines circumstances where consent is required from Council for the clearing of vegetation in non-rural areas. The proposed amendments to the land use table and the SP1 Special Activities Zone will not affect the operation of the SEPP.

SITE-SPECIFIC ASSESSMENT

Social and Economic

The planning proposal indicates that by providing additional opportunities for Council to permit a greater variety of appropriate developments will have a positive social and economic effect for Temora Shire.

Comment

The amendments to the land use table will enable Council to consider a greater variety of land uses on their merits within the rural and urban zones minimising the need for Council to undertake spot rezonings to permit additional acceptable uses.

The increased flexibility in the land use table will place a greater onus on Council to ensure the increased opportunity for development does not inadvertently create adverse economic and social impacts.

The planning proposal states that Council will update its Development Control Plan to provide additional guidance on types of development. Council is therefore aware for the need to control the risk of permitting development that may create adverse social and economic impacts if it wishes to increase the variety of permitted land uses in the rural and urban zones.

The amendment to the SP1 Special Activities Zone to permit a caravan park in proximity to Temora Airport is unlikely to have any adverse or economic impacts because the proposed amendment is intended to recognise the current use of the site for a caravan park (Temora Airfield Tourist Park) that provides short term accommodation for visitors and tourists.

Environmental

The planning proposal indicates that high priority environmental areas will continue to be controlled by the E1 National Parks and Nature Reserve Zone and there are no proposed changes to the Temora LEP environmental overlay provisions.

Comment

The LEP environmental overlay provisions will continue to require Council to consider environmental impacts of any proposed development on land identified on the biodiversity, land, water and flood maps.

The planning proposal also states that Council will update its Development Control Plan to provide additional guidance on types of development.

These provisions will assist in mitigating and managing the risk of creating adverse environmental impacts.

Infrastructure

The planning proposal states that any infrastructure required to support proposed developments will continue to be considered under section 6.5 Essential Services of the Temora LEP.

Comment

Council will continue to be required to consider the potential for increased demand for public infrastructure through the development assessment process under clause 6.5 Essential Services.

CONSULTATION

Community

Proposed changes to the land use table are not considered to be minor and, consistent with the recommendation in the planning proposal, community consultation should be undertaken for a minimum of 28 days.

Agencies

The planning proposal states that Council will consult with the Department of Primary Industries, Office of Environment and Heritage and the Department of Industry.

Comment

In addition to the agencies listed in the planning proposal it is recommended that the following additional agencies be consulted:

- Commonwealth Department of Infrastructure, Regional Development and Cities (Aviation) to ensure consistency with section 9.1 Direction 3.5 Development Near Licensed Aerodromes.
- NSW Rural Fire Service – To ensure consistency with Section 9.1 Direction 4.4 Planning for Bushfire Protection.

TIMEFRAME

The planning proposal indicates that the project timeline for submitting the proposal to the Department is between 6-9 months.

It is intended to authorise Council to use its delegation for plan making. It is therefore recommended that Council be given 12 months to complete the LEP. This will provide Council enough time to prepare amendments to the LEP Map, liaise with Parliamentary Counsel to obtain an Opinion and to approve the LEP in its capacity as the local plan-making authority.

LOCAL PLAN-MAKING AUTHORITY

Council has not requested an Authorisation to use its delegation for plan-making.

It is recommended that Council be the local plan making authority because the proposed amendments are a result of a housekeeping review of the Temora LEP 2010 and the proposed changes are not considered be of State or Regional significance.

CONCLUSION

The planning proposal is supported to proceed with conditions because it seeks to create greater flexibility in the range of appropriate uses to be permitted with Council consent within the RU1 Primary Production Zone, RU5 Village Zone, R1 General Residential Zone, R5 Large Lot Residential Zone, B2 Local Centre Zone, B4 Mixed Use Zone, B6 Enterprise Corridor Zone and the SP1 Special Activities Zone (Temora airport precinct) without compromising the intent and objectives of these zones.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions 4.3 Flood Prone Land are of minor significance

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

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with the following public authorities:
 - Department of Primary Industries - Agriculture
 - Office of Environment and Heritage
 - Department of Industry – Crown Land
 - Commonwealth Department of Infrastructure, Regional Development and Cities (Aviation) in accordance with s9.1 Direction 3.5 Development Near Licensed Aerodromes
 - NSW Rural Fire Service in accordance with s9.1 Direction 4.4 Planning for Bushfire Protection
3. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be the local plan-making authority.

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28/2/19

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