

PLANNING PROPOSAL

**Amendment to Temora Local Environmental Plan 2010
Rezoning RU1 Primary Production land to R5 Large
Lot Residential land, RU1 Primary Production land to
RU5 Village and R5 Large Lot Residential land to RU1
Primary Production land – Ariaiah Park**

Prepared by
Temora Shire Council

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Temora Shire Council

AMENDMENT TO TEMORA LOCAL ENVIRONMENTAL PLAN 2010

Part 1 – Objectives or Intended Outcomes

Temora Shire Council has resolved to prepare a planning proposal under the provisions of Section 3.33 of the *Environmental Planning & Assessment Act 1979*. Refer to **Appendix A** for resolution.

The proposal seeks an amendment to the *Temora Local Environmental Plan 2010* (LEP 2010) that involves a rezoning part of the subject land from RU1 Primary Production to R5 Large Lot Residential, rezoning part of the subject land from RU1 Primary Production to RU5 Village and rezoning part of the subject land from R5 Large Lot Residential to RU1 Primary Production.

The proposal will also involve a change to the minimum lot size to part of the subject land currently zoned RU1, from 40 hectares to one hectare where the land is proposed to be zoned R5, from 40 hectares to 2000m² where land is proposed to be zoned RU5 and a change from 2 hectares to 40 hectares where the land is proposed to be zoned RU1.

The intended outcome of the Planning Proposal is to support existing land uses, where land within the study area is already used for village or large lot residential purposes, despite being zoned RU1 Primary Production zone, due to historic land subdivision. The proposal will also support the limited potential for additional subdivision adjacent to these existing village and rural lifestyle type developments. Further, the proposal will also change the zoning of land that was zoned R5 Large Lot Residential in 2010 to return to RU1 Primary Production, which is more consistent with the current and future land uses of this area. The objective is to support efficient use of the available land, encourage new residential and village development, support agricultural land uses and manage potential land use conflict.

By enabling the identified land to have greater options for future development, it is envisaged that this will boost the economic attractiveness of Ariah Park village into the long term, provide additional residential development options and support a diversified local economy.

Part 2 – Explanation of Provisions

This Planning Proposal seeks to amend LEP 2010 as outlined below:

Rezone Lots 134, 135, 136, 137, 138, 139, 141, 142, 143, 144, 145, 181, 182, 183, 184, 185 DP 750852, Lot 1 DP 870224 and Lots 1 and 2 DP 1206023 from RU1 Primary Production to RU5 Village zone. Amend the lot size map to change the minimum lot size from 40 hectares to 2000m².

Rezone Lots 117, 175, 176, 177, 178, 120 DP 750852 from RU1 Primary Production to R5 Large Lot Residential zone. Amend the lot size map to change the minimum lot size from 40 hectares to one hectare.



Figure 2: Subject land, showing aerial image and proposed new zoning

The total area of land included within the Planning Proposal is approximately 81.4 hectares, of which approximately 27.2 hectares would be zoned RU5 Village zone, 36.1 hectares would be zoned R5 Large Lot Residential zone, and 18.1 hectares would be zoned RU1 Primary Production zone

The proposal involves changes to relevant zoning maps and minimum lot size maps, specifically:
 Land Zoning Map - Sheet LZN_001A
 Lot Size Map – Sheet LSZ_001A

The proposed new zones are shown by Figure 3.



Figure 4: Proposed new minimum lot size boundaries

Part 3 – Justification

Section A - Need for the planning proposal.

1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

The Planning Proposal is in response to the Temora Shire Council Residential Land Use Strategy, which was prepared for Temora Shire Council by Premise and completed in August 2019. The Temora Shire Council Residential Land Use Strategy was adopted by Council on 19 September 2019 and is attached at **Appendix B**. The Temora Residential Strategy has been endorsed by Council but has not yet been approved by the Secretary.

The planning proposal is consistent with the **draft Temora Shire Local Strategic Planning Statement (LSPS) 2019**, which has been preliminarily reviewed by NSW Planning, Industry and Environment Regional Officers. In particular, the Planning Proposal is consistent with:

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Planning Priority 6: Ensure sufficient land is available to enable a range of housing, business and community needs

6.1 Progress the delivery of additional zoned residential land to meet future growth needs, in accordance with the adopted Temora Residential Land Use Strategy 2019 by the end of 2021.

6.2 Investigate opportunities for further large lot residential and rural lifestyle development, in identified locations, by the end of 2021.

Planning Priority 7: Support the future development of our urban areas

7.1 Support future development opportunities through master planning of key sites, in order to facilitate investment, by the end of 2020

The Draft Temora LSPS was considered by Council on 20 February 2020 and commenced public exhibition on 28 February 2020, until 27 March 2020.

The Residential Land Use Strategy identified that land located to the north and west of Rees Street and north of the railway lines was better suited for use for R5 purposes than the existing, undeveloped R5 zoned land west of the village and south of the railway line. Also that land between Rees, Coolamon and Mandamah Street was better suited for use for RU5 Village purposes.

The LEP amendment process seeks a rezoning part of the subject land from RU1 Primary Production to R5 Large Lot Residential, rezoning part of the subject land from RU1 Primary Production to RU5 Village and rezoning part of the subject land from R5 Large Lot Residential to RU1 Primary Production.

The circumstances that have led to the preparation of this Planning Proposal are:

- It has been brought to Council's attention that the existing zones located on the fringe of Aria Park village are inconsistent with current land uses
- The rezoning would regulate these existing land uses under an more appropriate zone, as well as providing the opportunity for additional land use development that is in accordance with the proposed new zones
- There is a need to alter the location of the R5 Large Lot Residential zone to a more appropriate location that offers greater potential to support rural lifestyle development, rather than the existing location which has low potential to support this type of land use due to existing agricultural uses
- There is a desire to support diversity in housing opportunities in a village setting, which are more affordable than in Temora, and offer a good level of services in a quiet and attractive village setting.

Ariah Park village has recently received considerable investment to improve facilities, including the completion of upgrades to the Ariah Park Recreation Ground amenities building and swimming pool, and improvements to the Heritage Conservation Area streetscape.

Projects that will be completed in Ariah Park village during 2020 include:

- Upgrades to the Ariah Park Recreation Ground kiosk
- Upgrades to the Ariah Park Memorial Hall
- Upgrades to Ariah Park swimming pool change rooms
- Upgrades to the main street centre island landscaping and parking bays
- New skate park and associated paths and landscaping
- Upgrades to Ariah Park showground
- Upgrades to Ariah Park Railway Station
- Upgrades to Ariah Park golf course

The construction of a new preschool will also commence in 2020.

Ariah Park village has many proactive community members and committees that are committed to improving opportunities for the village. The village benefits from a thriving local hotel and shops that support daily needs including a supermarket, pharmacy and other retail services, as well as a strong K-12 Central school.

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

Amending LEP 2010 to rezone the identified land is the best means of achieving the objectives of the planning proposal. The proposal will enable future residential and village developments to be considered by Council officers and Council over the long term.

Proper planning means the clear identification of suitable land for future residential development to ensure land use conflict is controlled and minimised. Ensuring that land is available to accommodate changes in population that generate demand for additional dwellings, including affordable options in a village setting, is a priority of Council. The provision of additional village zoned land will enable new commercial development opportunities to be considered. Also, providing diverse housing choices and opportunities to meet changing demographics and population needs, with housing growth in planned locations, supporting neighbourhood character, resident amenity, accessibility and affordability will support future growth and development of Temora Shire over the next 20 years.

Section B - Relationship to strategic planning framework

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3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

The proposal is consistent with the objectives and actions of the Riverina Murray Regional Plan 2036. The relevant goal, directions and actions are:

Goal 4: Strong, connected and healthy communities, including Direction 23: Build resilience in towns and villages, Direction 25: Build housing capacity to meet demand, Direction 26: Provide greater housing choice and Direction 28: Deliver healthy built environments and improved urban design.

The Planning Proposal aligns with the priority of the South West Slopes Regional Economic Development Strategy to enhance the liveability and grow the population of the South West Slopes Region. The South West Slopes Region has an ageing population that is expected to continue to grow into the future as a result of the lifestyle and amenity appeal of the Region.

The project is listed as a priority action in the South West Slopes Regional Economic Development Strategy (page 17) as:

Development of residential subdivisions targeting low cost housing to ensure there is fit-for-purpose housing in the Region.

The proposal is also consistent with the Premier's Priority of Creating Jobs, as the Planning Proposal will support a wider variety of opportunities for new development.

4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

The *Temora Shire Community Strategic Plan 2030* is Council's local community strategic planning document.

The plan includes the Strategic Actions of:

- 1.1 Ensure there is a continuum of housing and care facilities for the aged
- 1.5 Support village life
- 1.8 Provide a safe and supportive living environment for our residents
- 1.9 Provide services required for excellent liveability in a rural community
- 2.3 Encourage a welcoming, inclusive and tolerant community that welcomes new residents from all backgrounds
- 3.2 Seek affordable housing options for all residents
- 3.4 Ensure accommodation in Temora Shire meets standards in terms of quality and quantity
- 3.5 Strengthen the Temora Shire economy
- 4.4 Ensure local planning instruments meet the needs of the community

The planning proposal is consistent with these Strategic Actions, which seeks to support the Temora local economy and community.

There is a community benefit as a result of the proposal as the land has the potential to be used for future residential, commercial and industrial purposes. This increases the potential to strengthen the economy of Temora Shire, which increases the resilience of the community.

By providing additional residential opportunities, the community will benefit through an increase in population and increased investment, which is desirable in a rural village. It is therefore in the community's interest to develop underutilised rural land for the purposes of enabling additional residential development.

This planning proposal intends to complement existing large lot residential zoned land in Temora, which predominantly offers one hectare minimum size lots. Offering new areas for conventional village development, within a minimum lot size of 2000m² is consistent with the existing Ariah Park village. The change in the existing R5 Large Lot Residential zone to RU1 Primary Production zone removes a zone that is unlikely to be developed to its full potential due to existing agricultural uses, and relocates this type of rural lifestyle development opportunity to a more appropriate location, consistent with existing land uses.

The subject land is located on the urban fringe and is well serviced by existing roads, water, and electricity, which can be extended to accommodate new demand. Onsite sewer services as is consistent with the existing village can be accommodated, with detailed studies completed as part of future development applications. The range of land provides opportunities for steady growth over the next 20+ years as individual landowners choose to develop their land.

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 E**.

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

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

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 proposal is not identified as affecting threatened species, critical habitat, ecological communities or their habitat.

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

No

9. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal will have a positive social and economic effect for Temora Shire, by providing additional opportunities for a greater variety of residential, commercial and industrial developments to be considered by Council. The Temora Shire Development Control Plan 2012 provides additional guidance about village development, and can be updated as required.

Section D - State and Commonwealth interests

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

Relevant infrastructure to support proposed developments can be considered by Council as part of the assessment process. This is required under Section 6.5 of the Temora LEP. The subject site is already well serviced with road, water, and electricity infrastructure. Onsite sewer management can continue to be accommodated with individual assessment based upon the specifics of the relevant Development Application.

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

Preliminary consultation regarding the proposal has occurred with NSW Planning, Industry and Environment Regional Office (Queanbeyan), which received a supportive response to the concept.

It is proposed that Council will consult with Government Agencies as part of the public exhibition process, including the Department of Primary Industries, Department of Planning, Industry and Environment (Biodiversity and Conservation Division), and Environment Protection Authority.

Part 4 – MAPPING

The proposal involves changes to relevant zoning maps and minimum lot size maps, specifically:
Land Zoning Map - Sheet LZN_001A
Lot Size Map – Sheet LSZ_001A

Part 5 – COMMUNITY CONSULTATION

Council proposes that the planning proposal be exhibited in accordance with the requirements of section 3.33 of the *Environmental Planning & Assessment Act 1979*.

It is proposed that the planning proposal will be placed on public exhibition for a minimum of 28 days. Written notification of the community consultation will be provided in a local newspaper and Council's social media. The written notice will contain:

- A brief description of the intended outcomes of the planning proposal;
- An indication of the zones which are 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; and
- The closing date for submissions.

Notices will be mailed to all affected landowners, specifically all current landowners and all adjoining landowners.

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

- The planning proposal including relevant maps;
- The Gateway determination

The Temora Residential Land Use Strategy, prepared by Premise on behalf of Temora Shire Council.

The documents will be available for viewing in hard copy for at Council's offices, as well as electronically on Council's website.

Part 6 – PROJECT TIMELINE

Table 1 provides a project timeline for the proposed rezoning and change to minimum lot size:

Table 1 – Project Timeline

No.	Description of Tasks	Task Commencement	Task Completion
1.	Gateway Determination Anticipated Gateway Determination (including any delegated authority)	March 2020	April 2020

2.	<p>Public Exhibition</p> <p>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.</p>	May 2020	June 2020
3.	<p>Consider Submissions & Document Finalisation (only if any objections received)</p> <p>Post public exhibition, Temora Shire Council officers to consider, respond and report on any objections received and issues raised to Council and make any relevant changes to the Planning Proposal.</p>	July 2020	August 2020
4.	<p>Submission to the Department and/or Parliamentary Counsel</p> <p>Council to forward Planning Proposal to the department for finalisation following public exhibition (including any changes made).</p>	September 2020	October 2020

APPENDIX A

Relevant Council Resolution

Support for the preparation of this Planning Proposal is contained in the report presented to Council on 19 March 2020

APPENDIX B

Relevant Studies & Strategies

**Temora Residential Land Use Strategy 2019
SEPP55 Report**

APPENDIX C

Table 2 – Consideration of State Environmental Planning Policies

No.	SEPP Title	Applicable to Planning Proposal	Consistency
36	State Environmental Planning Policy – Manufactured Home Estate	Applicable	Consistent as Council would assess any relevant application against the provisions of this SEPP.
55	State Environmental Planning Policy – Remediation of Land	Applicable	Consistent as Council has no records or evidence to indicate that this land is potentially contaminated. Council's records indicate that this land has been used for low intensity agricultural purposes and rural lifestyle. Refer SEPP 55 report in Appendix B.
65	State Environmental Planning Policy – Design Quality of Residential Apartment Development	Not applicable	Consistent as Council would assess any relevant application against the provisions of this SEPP.
	State Environmental Planning Policy (Affordable Rental Housing) 2009	Applicable	Consistent as Council would assess any relevant application against the provisions of this SEPP.
	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Applicable	Consistent as Council would assess any relevant application against the provisions of this SEPP.
	State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Applicable	Consistent as Council would assess any relevant application against the provisions of this SEPP.
	State Environmental Planning Policy (Infrastructure) 2007	Applicable	Consistent as any development requiring the extension of infrastructure will be required to have regard to the requirements of the Infrastructure SEPP.
	State Environmental Planning Policy (Primary Production and Rural Development) 2019	Applicable	Inconsistent as the planning proposal involves the rezoning of RU1 Primary Production zoned land to either RU5 Village or R5 Large Lot Residential. However, the amount of land proposed to

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			<p>be rezoned, being 63.3 hectares, is very small as a proportion of all rural land located within Temora Shire. The land is currently only used for minor agricultural purposes, being low level cropping, grazing and rural residential purposes. This rezoning is partially offset by the proposed rezoning of 18.1 hectares of existing R5 Large Lot Residential zone land to RU1 Primary Production zone to better reflect existing and future land uses. This results in a total increase in the amount of urban zoned land to be 45.2 hectares. This land is already predominantly used for residential, commercial, industrial and rural lifestyle uses. Existing rural land uses can continue alongside residential purposes through development controls infrastructure and landscape buffers.</p>
	State Environmental Planning Policy (State and Regional Development) 2011	Applicable	Consistent as any relevant development application would require assessment against the provisions of this SEPP.
	State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	Applicable	Consistent as any proposals that involve the clearing of vegetation in non-rural areas will be required to be considered against the requirements of the SEPP.

Table 3 – Consideration of Section 9.1 (Previously Section 117) Ministerial Directions

No.	Direction Title	Applicable to Planning Proposal	Consistency
1. Employment and Resources			
1.1	Business & Industrial Zones	Yes	Consistent because the proposal will encourage employment growth in suitable locations, protect employment land in business and industrial zones and support the viability of identified centres. The proposal will retain the areas and location of existing business and industrial zones.
1.2	Rural Zones	Yes	Inconsistent, however the provisions of the planning proposal are justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction and is in accordance with the relevant Regional Plan. As the Strategy recommends the future rezoning of land from primary production to urban zones, Direction 1.2 is applicable. The Strategy Investigation Area is proximal to the urban areas of Temora and in fragmented ownership making it suitable for future subdivision without affecting the viability of neighbouring primary production land. It represents only a very small area of primary production land in the context of the Council area and is already constrained by its proximity to existing urban zones.
1.3	Mining, Petroleum Production & Extractive Industries	Not applicable	N/A
1.4	Oyster Aquaculture	Not applicable	N/A
1.5	Rural Lands	Yes	Inconsistent, however the planning proposal is consistent with the relevant Regional Plan. The proposal has considered the significance of agriculture and primary production to the State and rural communities. The land in the Planning Proposal is highly fragmented

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			and unlikely to be put to any viable primary production purpose. It is also very close to existing urban zoned areas including local schools and services, leading to a strong likelihood of conflict at the zone interface which would impinge on the right to farm of any operators. The planning proposal has considered the environmental values. The site has limited native vegetation and biodiversity, as the land is predominantly cleared rural land.
2. Environment and Heritage			
2.1	Environmental Protection Zones	Yes	Consistent as existing environmentally sensitive areas, located on one reserve adjacent to the northern fringe of the study area, are protected by an existing Sensitive Biodiversity layer within the Temora LEP.
2.3	Heritage Conservation	Yes	Consistent as there are no changes to existing Environmental Planning instruments that protect environmental or indigenous heritage.
2.4	Recreation Vehicle Areas	Not applicable	N/A
3. Housing, Infrastructure and Urban Development			
3.1	Residential Zones	Yes	<p>Consistent because the proposal makes more efficient use of existing infrastructure and services, as the minimum lot size for residential development will be 2000m² or one hectare for Large Lot Residential development</p> <p>Temora LEP 2010 Clause 6.5 Essential Services requires that Development consent must not be granted to development unless the consent authority is satisfied that those of the services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required.</p>

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3.2	Caravan Parks & Manufactured Home Estates	Not applicable	N/A
3.3	Home Occupations	Yes	Consistent as the Planning Proposal lists "Home occupation" to be Permitted without consent in the RU1 Primary Production, RU5 Village and R5 Large Lot Residential zones.
3.4	Integrating Land Use and Transport	Applicable as the planning proposal affects urban land zoned for residential and business purposes	Consistent because the planning proposal has regard for the two DUAP documents referenced in this Direction.
3.5	Development Near Regulated Airports and Defence Airfields	Not applicable	N/A
3.6	Shooting Ranges	Not applicable	N/A
4. Hazard and Risk			
4.3	Flood Prone Land	Not applicable	N/A
4.4	Planning for Bushfire Protection	Not applicable	N/A
5. Regional Planning			
5.10	Implementation of Regional Plans	Applicable	Consistent as the proposal is consistent with the Riverina Murray Regional Plan prepared by NSW Planning and Environment