

PLANNING PROPOSAL

Amendment to Temora Local Environmental Plan 2010 Rezoning RU1 Primary Production land to R1 General Residential - Temora West

Prepared by
Temora Shire Council

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CONTENTS

PART 1 – OBJECTIVES OR INTENDED OUTCOMES	2
PART 2 – EXPLANATION OF PROVISIONS	2
PART 3 – JUSTIFICATION.....	7
Section A - Need for the planning proposal.	7
Section B - Relationship to strategic planning framework	10
Section C - Environmental, social and economic impact	12
Section D - State and Commonwealth interests	13
PART 4 – MAPPING	13
PART 5 – COMMUNITY CONSULTATION	13
PART 6 – PROJECT TIMELINE	14
Table 1 – Project Timeline	14
APPENDIX A.....	16
APPENDIX B.....	16
APPENDIX C.....	17
Table 2 – Consideration of State Environmental Planning Policies.....	17
Table 3 – Consideration of Section 9.1 (Previously Section 117) Ministerial Directions	19

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 of the subject land from RU1 Primary Production to R1 General Residential. 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 750m² where the land is proposed to be zoned R1.

The intended outcome of the Planning Proposal is to support the extension of existing residential development located on the westerns fringe of Temora. The objective is to support efficient use of the available land, encourage new residential development, whilst managing potential land use conflict.

By enabling the selected zone to have greater options for future development, it is envisaged that this will boost the economic attractiveness of Temora, and support a diversified local economy.

Part 2 – Explanation of Provisions

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

Rezone Lots 1, 3, 4 DP 1119795, Lots 79, 89, 90, 93, 165, 194, 195, 208, 215, 224, Part Lot 94, Part Lot 179 DP 750587, Part Lot 1, Lot 2 DP 513497 from RU1 Primary Production to R1 General Residential. Amend the lot size map to change the minimum lot size from 40 hectares to 750m².

The subject land is shown by Figure 1.

The subject land is located on the south western fringe of the Temora urban area, and comprises generally cleared and flat farmland. The land is currently used for a mixture of grazing and cropping purposes, and rural lifestyle purposes.



Figure 2: Subject land, showing aerial image

The total area of land included within the Planning Proposal is approximately 20.9 hectares, which would be zoned R1 General Residential zone.

The proposal involves changes to relevant zoning maps and minimum lot size maps, specifically:
 Land Zoning Map - Sheet LZN_004D
 Lot Size Map – Sheet LSZ_004D

The existing zones and proposed new zone are shown by Figure 3.

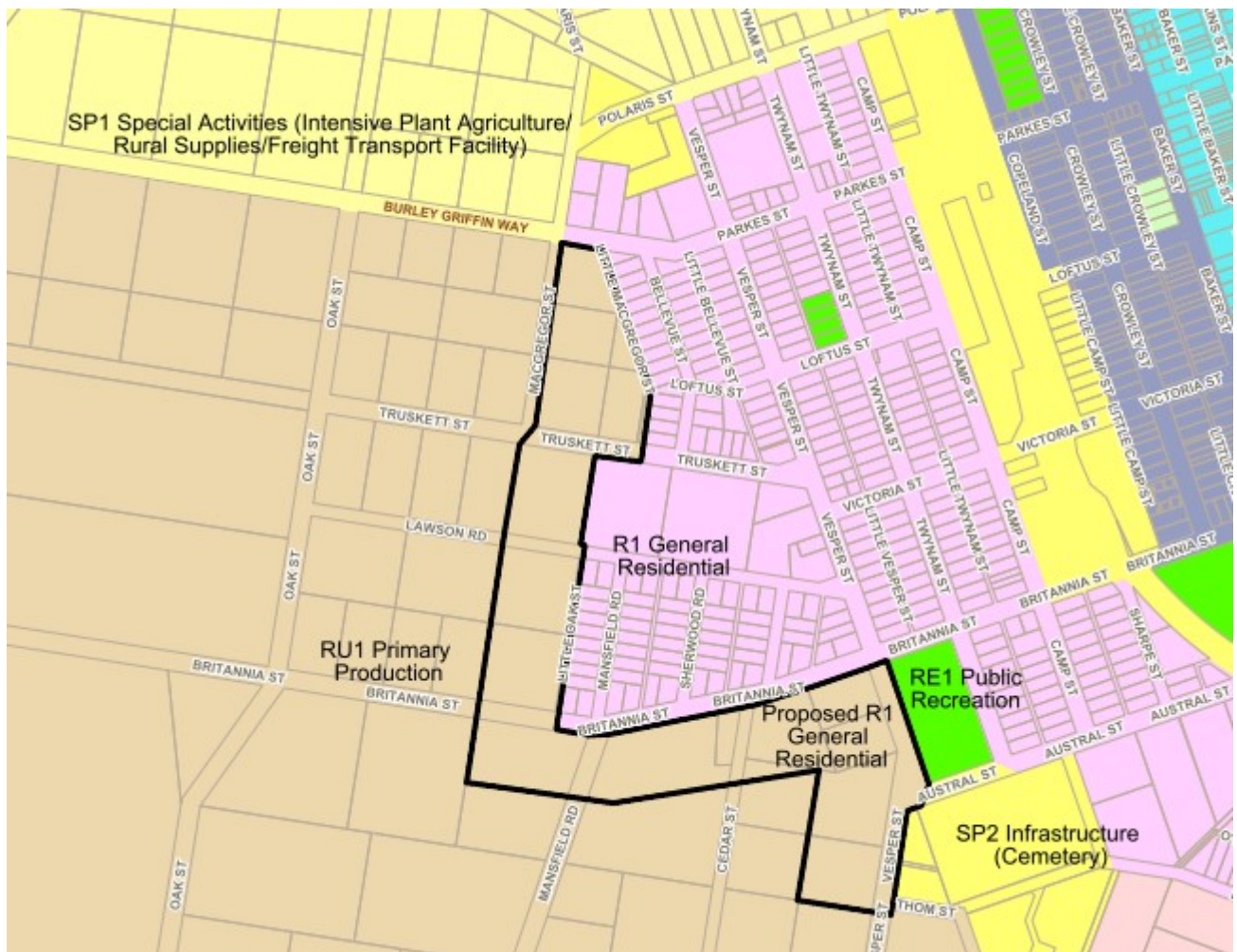


Figure 3: Proposed new zone boundaries

Figure 4 shows the proposed new minimum lot size boundaries.

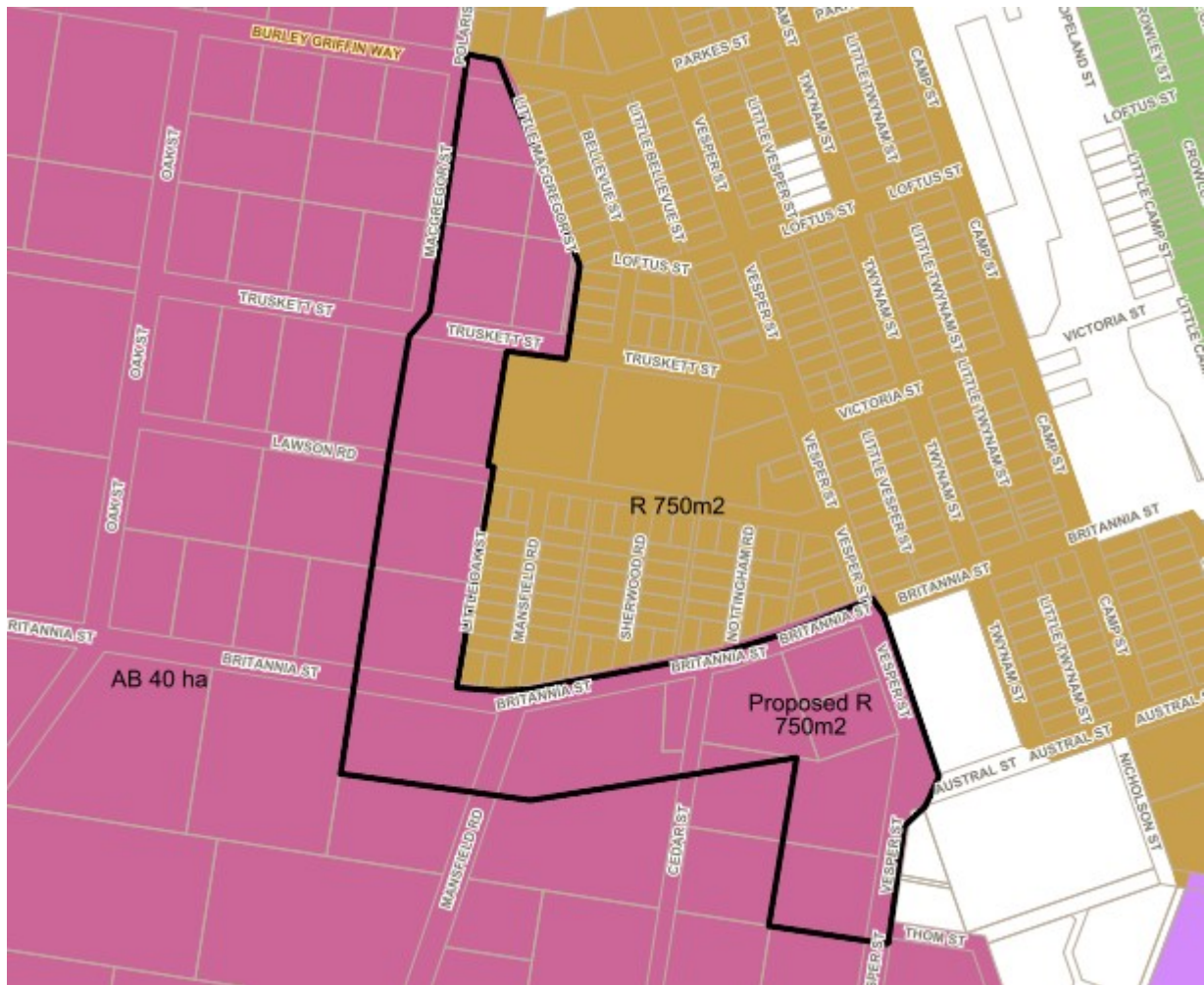


Figure 4: Proposed new minimum lot size boundaries

The location of the subject land on the western fringe of the town is shown by Figure 5.

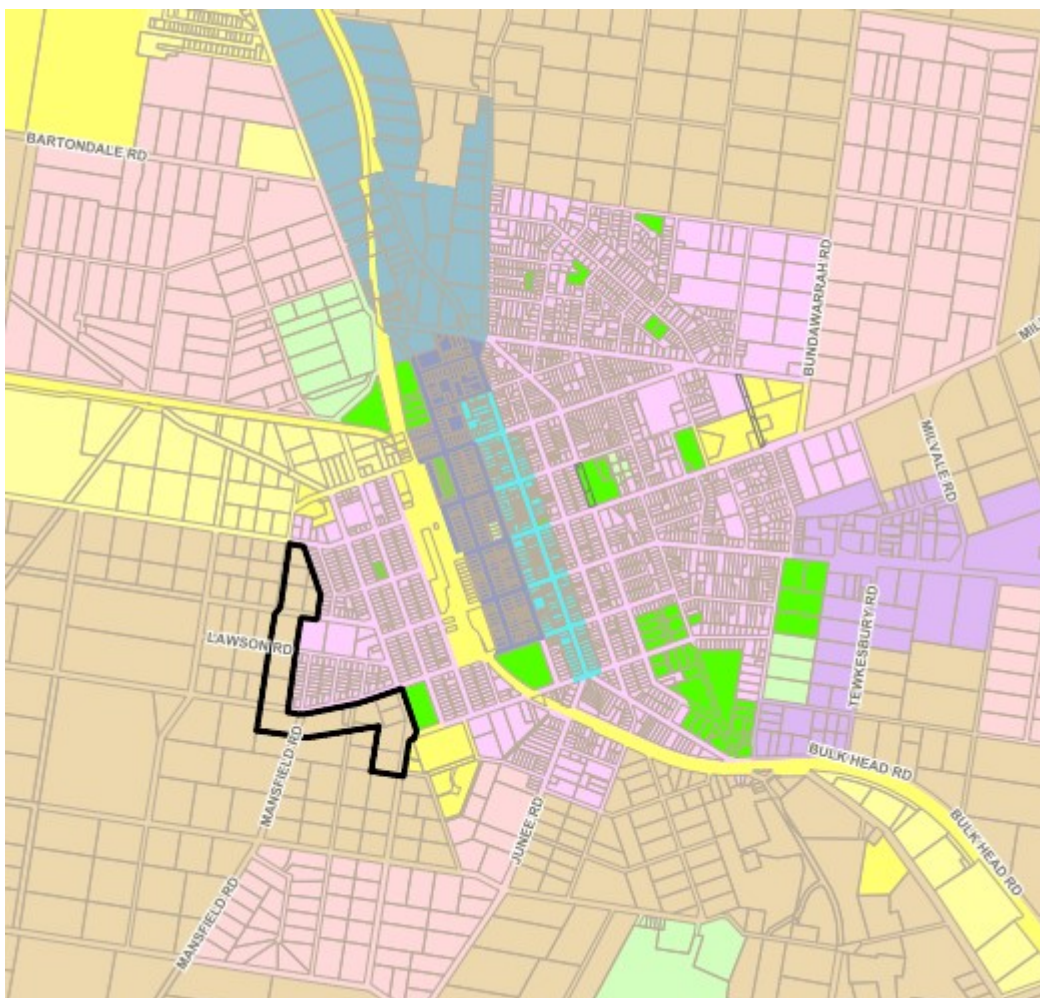


Figure 5: Site location map, indicating the location on the south western fringe of Temora

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 also the result of the outcomes of Temora Shire Council Land Use Discussion Paper 2017. The relevant Discussion Paper is also attached at **Appendix B**. This document was publicly exhibited between 24 November 2017 and Friday 19 January 2018.

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:

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.

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 is due to be considered by Council in February 2020 and commence public exhibition in March 2020.

The Residential Land Use Strategy identified that land located on the western fringe of Temora as the Strategy Investigation Area.

The LEP amendment process seeks the rezoning of the RU1 Primary Production zone land for urban purposes, specifically R1 General Residential purposes.

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

- It is apparent that there has been a change in direction for Temora Shire in the last five year period, with higher growth being experienced.
- New lots are also required in the following set of specific circumstances, such as:
 - New dwelling development for local people looking to upsize or improve their quality of dwelling;
 - New dwelling development for aged care purposes;
 - New dwelling development to address a growing demand for single and two person households (this may include people downsizing from rural properties or larger dwellings located town)
- Notwithstanding the above, the recent burgeoning forms of industry that have occurred in Temora over the last few years suggest that the low levels of population growth over the last two census periods suggest continued, low levels of growth in the LGA can be expected.
- Temora Shire Council continues to participate in the RDA Riverina Country Change program. This program targets metropolitan residents to consider relocating to the Riverina. Temora consistently attracts around four families per year through the program.

- Temora Shire Council in participating in a trial program coordinated by Multicultural NSW to relocate refugee and migrant workers to fill long term job vacancies in regional areas. There are at least 8 vacancies currently needing to be filled. One family of 4 has committed to relocating to Temora in July to fill a vacancy. The trial program only commenced in May 2019.
- Responding to an ageing population, there are several new unit developments catering to older residents. This is allowing people to remain in Temora for longer whilst also attracting new residents.

A summary of recent private sector initiatives that will increase the population of Temora over the coming months and years are:

1. LPC Pty Ltd is currently constructing a large free range egg farming facility that will employ 45 people after construction
2. The Whiddon Group will commence construction of a 50 bed extension to their existing Narraburra Lodge nursing home in Temora that will employ an additional 25 people after construction
3. Bright Beginnings Early Learning Centre opened in April 2019 with 72 places for children. This facility will create 12 new jobs once fully operational and allow many parents who were struggling to find childcare to be able to return to work.
4. BFB Pty Ltd, a grain receival, agriculture and logistics firm, is expanding operations to include additional facilities at their site in Temora which will employ up to 70 additional people in the next 3 years.
5. Hutcheon and Pearce Temora, a farm machinery dealership and maintenance firm, are expanding operations to employ an additional 11 people in the next 5 years.

In late 2108 Council commissioned a study to forecast the growth in new employment due to the unprecedented level of investment in Temora Shire. The study was conducted by RDA Riverina and involved interviewing seven developers who have upcoming expansion plans in the Shire. The study concluded that there will be approximately 400 new direct and indirect permanent jobs created in Temora over the next 5 years. Current unemployment rate in Temora is below full-employment, meaning many of the workers for these new positions will be new residents. With an average of 2.5 people per family, this could equate to up to 1,000 new residents in Temora over the next 5 years. The study took in to account Temora's ageing workforce. The Temora Workforce Futures Study is attached at **Appendix B**.

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 subdivision developments to be considered by Council officers and Council over the long term. Council officers will work with landowners to develop a residential masterplan for the subject land to support efficient sharing of

infrastructure and servicing, and addressing issues of easements, whilst still supporting staged future development by different landowners wherever possible.

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 reducing dwelling occupation rates, an aging population and sideways mobility is a priority of Council. 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 over the next 20 years.

Without a rezoning of this land, there are no opportunities for future residential development on the western fringe of Temora, due to the restrictions of the existing zone.

Section B - Relationship to strategic planning framework

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 2030 Community Strategic Plan* 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
- 1.8 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 purposes. This increases the potential to strengthen the economy of Temora Shire, which increases the resilience of the community.

The Temora Shire Development Control Plan 2012 will be reviewed and updated to provide additional guidance for future residential development of the subject land, including master planning, where required. By providing additional residential opportunities, the community will benefit through an increase in population and increased investment, which is desirable in a rural town. It is therefore in the community's interest to develop underutilised rural land for the purposes of enabling additional residential development.

Currently the residential development of Temora is unevenly spread, with the majority of residential development located towards the east and north of the central business district. The western residential area is well serviced with a primary school, large sporting field with new amenities used for soccer, cricket and informal recreation, and a large park with a playground barbecue and picnic facilities and new amenities building. Generally, residential housing located on the western side of Temora is more affordable than housing located in other areas of Temora.

The western fringe of Temora also includes the most recently developed large lot residential estate, which comprises 21 one-hectare lots, half of which have now been sold and are either developed or in the process of being developed.

This planning proposal intends to complement this large lot residential estate by offering new areas for conventional residential development, with future lot sizes of approximately 800m² to

1000m², which is common for Temora. The provision of additional residential opportunities located on the westerns fringe of Temora will support balanced of residential land uses for the town, and affordable options for new housing. This is essential in order to provide options for new residents, as well as opportunities for existing residents to build new, more appropriate housing, including large family homes or unit development, depending on stage of life needs. This in turn supports opportunities for existing homes to become available to other existing and future residents who have different needs.

The subject land is located on the urban fringe and is well serviced by existing roads, water, sewer, electricity and gas services, which can be extended to accommodate new demand. The range of land provides opportunities for steady growth over the next 20 years as individual landowners choose to develop their land.

It is important for Temora to have multiple opportunities for future development, as several landowners of residential zoned land located in the north of Temora have been reluctant to develop their land, despite several attempts by Council staff to assist with the cost of masterplanning this residential zoned land in order to assist with infrastructure investigation and sharing. With current residential estates now nearing completion and recent infill development completing vacant land, Council is now of the view that other opportunities on the western fringe need to be made available in order to accommodate future new residential demand.

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**.

7. 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

8. 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.

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

No

10. 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 developments to be considered by Council. The Temora Shire Development Control Plan 2012 will be updated as required to provide additional guidance about master planning of the area.

Section D - State and Commonwealth interests

11. 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, sewer, electricity and gas infrastructure.

12. 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 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, Office of Environment and Heritage and Department of Industry.

Part 4 – MAPPING

The proposal involves changes to relevant zoning maps and minimum lot size maps, specifically:

Land Zoning Map - Sheet LZN_004D

Lot Size Map – Sheet LSZ_004D

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)	November 2019	February 2020
2.	Public Exhibition 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.	March 2020	April 2020
3.	Consider Submissions & Document Finalisation	April 2020	May 2020

*Planning Proposal – Amendment to Temora Local Environmental Plan 2010
Rezoning RU1 Primary Production land to R1 General Residential - Temora West*

	<p>(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>		
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>	May 2020	July 2020

APPENDIX A

Relevant Council Resolution

Support for the preparation of this Planning Proposal is contained in the report presented to Council on 21 November 2019.

APPENDIX B

Relevant Studies & Strategies

Temora Land Use Discussion Paper 2017
Temora Residential Land Use Strategy 2019
Temora Workforce Futures Study 2019
Temora Flood Study Extract Maps
SEPP 55 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. 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 R1 General Residential or SP2 Infrastructure (Cemetery). However, the amount of land proposed to be rezoned is very small as

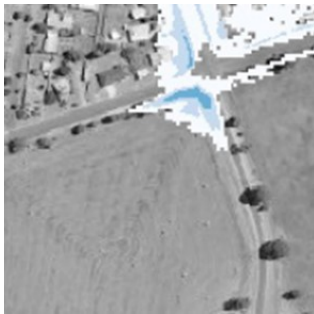
*Planning Proposal – Amendment to Temora Local Environmental Plan 2010
Rezoning RU1 Primary Production land to R1 General Residential - Temora West*

			a proportion of all rural land located within Temora Shire, being approximately 24.7 hectares. The land is currently only used for minor agricultural purposes, being low level cropping, grazing and rural residential purposes. Existing rural land uses can continue alongside residential purposes through master planning, development controls, future road infrastructure and landscape buffers.
	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 the 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

			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 road reserve within 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 750m².</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>
3.2	Caravan Parks & Manufactured Home	Not applicable	N/A

	Estates		
3.3	Home Occupations	Yes	Consistent as the Planning Proposal lists “Home occupation” to be Permitted without consent in the SP1 Special Activities zone.
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	Applicable	Consistent as Temora Shire Council is the operator of Temora Airport. The planning proposal will not allow development types that are incompatible with the current and future operation of Temora Airport. Future development must be considered against relevant controls within the DCP
3.6	Shooting Ranges	Not applicable	N/A
4. Hazard and Risk			
4.3	Flood Prone Land	Applicable	<p>Inconsistent, however developers will be required to consider and manage any identified flood risk associated with their proposed development, in accordance with Clause 6.6 of the Temora LEP and the Temora Flood Study 2019. The study area is only identified as being impacted by flooding, being flood fringe category, under the 1%AEP event within a road reserve located at the corner of Vesper and Britannia Streets. This is considered to be of minor significance, due to the small area</p> 

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