

Airport Street, North Street, Mimosa Street & Bartondale Road, Temora



McMaster & Oths



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Planning Proposal – Minimum Lot Size Amendment

Airport Street, North Street, Mimosa Street & Bartondale Road, Temora

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TABLE OF ABBREVIATIONS

AHIMS	Aboriginal Heritage Information Management System
AHIP	Aboriginal Heritage Impact Permit
ANEC	Australian Noise Exposure Concept
ANEF	Australian Noise Exposure Forecast
APA	APA Group (Gas) – Australian Pipeline Trust
BC	Biodiversity Conservation Act 2016
BDAR	Biodiversity Development Assessment Report
BOS	Biodiversity Offsets Scheme
BV	Biodiversity Value
CSP	Community Strategic Plan 2030
DA	Development Application
DPIE	Department of Planning Industry & Environment
DSI	Detailed Site Investigation
EE	Essential Energy (Electricity)
EP&A Act	Environmental Planning & Assessment Act 1979
EPBC	Environment Protection and Biodiversity Conservation Act 1999
ha	Hectares
LALC	Local Aboriginal Land Council

LEP	Local Environmental Plan
LGA	Local Government Area
LSPS	Local Strategy Planning Statement
LSZ	Lot Size Map
LZN	Land Zoning Map
MLS	Minimum Lot Size
NBN	National Broadband Network
NIA	Noise Impact Assessment
NVR	Native Vegetation Regulatory Map
OLS	Obstacle Limitation Surfaces
PP	Planning Proposal
PSI	Preliminary Site Investigation
RLUS	Residential Land Use Strategy 2019
RMRP	Riverina Murray Regional Plan 2036
SEPP	State Environmental Planning Policy
SIXMaps	Spatial Information eXchange Maps
SP	Salvestro Planning
TEC	Threatened Ecological Community
TIA	Traffic Impact Assessment
TSC	Temora Shire Council

Planning Proposal – Minimum Lot Size Amendment

Airport Street, North Street, Mimosa Street & Bartondale Road, Temora

1 INTRODUCTION

The following planning report outlines a Planning Proposal (PP) to alter the minimum lot size (MLS) applying to approximately 17.94 hectares (ha) of land bounded by Airport Street, North Street, Mimosa Street & Bartondale Road, Temora, NSW. The subject land is identified in the figure and table below, and is also considered a planning precinct for the purposes of this PP.



Figure 1: Subject Land & Planning Precinct Boundary (Source: SIXMaps & SP 2021)

Table 1: Subject Land Details

Street Address	Lot	DP	Site Area (ha)
3 North Street, Temora	A	370772	0.46
3 North Street, Temora	B	370772	0.46
20 Mimosa Street, Temora	1	568298	0.27
28 Airport Street, Temora	2	568298	6.07
16 Mimosa Street, Temora	642	750587	1.82
22 Airport Street, Temora	643	750587	2.02
16 Airport Street, Temora	644	750587	2.04
14 Mimosa Street, Temora	645	750587	1.82
10 Airport Street, Temora	649	750587	2.07
5-7 North Street, Temora	648	1085093	0.91
Total Area:			17.94

The proposal involves an amendment to the minimum lot size (MLS) provisions under Temora Local Environmental Plan 2010 (the LEP) from 2.0 hectares (ha) to 1.0 ha. The MLS has been proposed to ensure rural residential character is retained, the land is adequately serviced by essential infrastructure and any potential land use conflicts are appropriately managed, whilst contributing to the variety of land supply for housing in the Temora township. All current landholders have been consulted in relation to this proposal and have provided initial support for the proposal to be made to Council. Landowner consent letters are attached.

The proposal is to be read in conjunction with accompanying support documents, reports and plans, as listed below.

Table 2: Plans and Support Documentation

Planning Proposal Accompanying Documents – Airport Street, Temora (McMaster & Oths)				
Ref:	Title	Rev	Date	Prepared By
1	Information Checklist	-	4/11/21	Salvestro Planning
2	Concept 1ha Precinct Plan	-	4/11/21	Salvestro Planning
3	Acoustic Assessment (NIA)	210203R1-2	8/10/21	Rodney Stevens Acoustics
4	Servicing Feasibility Assessment	210177-02	4/11/21	MJM Consulting Engineers
5	Demand-Supply Support Letters	-	23/11/21	Various
6	Consultation Landholder Proforma Letter	-	12/5/21	McMaster

There are 7 existing dwellings located in the precinct on lot sizes varying from 2635m² to 6 hectares with most lots ranging between 1.8 – 2.0 hectares. Under the existing LEP minimum lot size provisions the land currently has the potential for an additional 6 dwellings on available vacant land. The potential number of additional dwelling lots to be created by this amendment is approximately 6, depending on subdivision layout and infrastructure design, as determined in conjunction with each existing landholder. The precinct would then potentially accommodate a total of 19 dwellings on large residential lots, under existing and proposed LEP provisions. An indicative precinct layout plan is attached that illustrates the potential outcome of this proposal.

The land is located within the general urban precinct of the Temora township, nestled between the existing showground and future Air-Park residential subdivision.



Figure 2: Locality & Land Use Setting (Source: SIXMaps & SP2021)

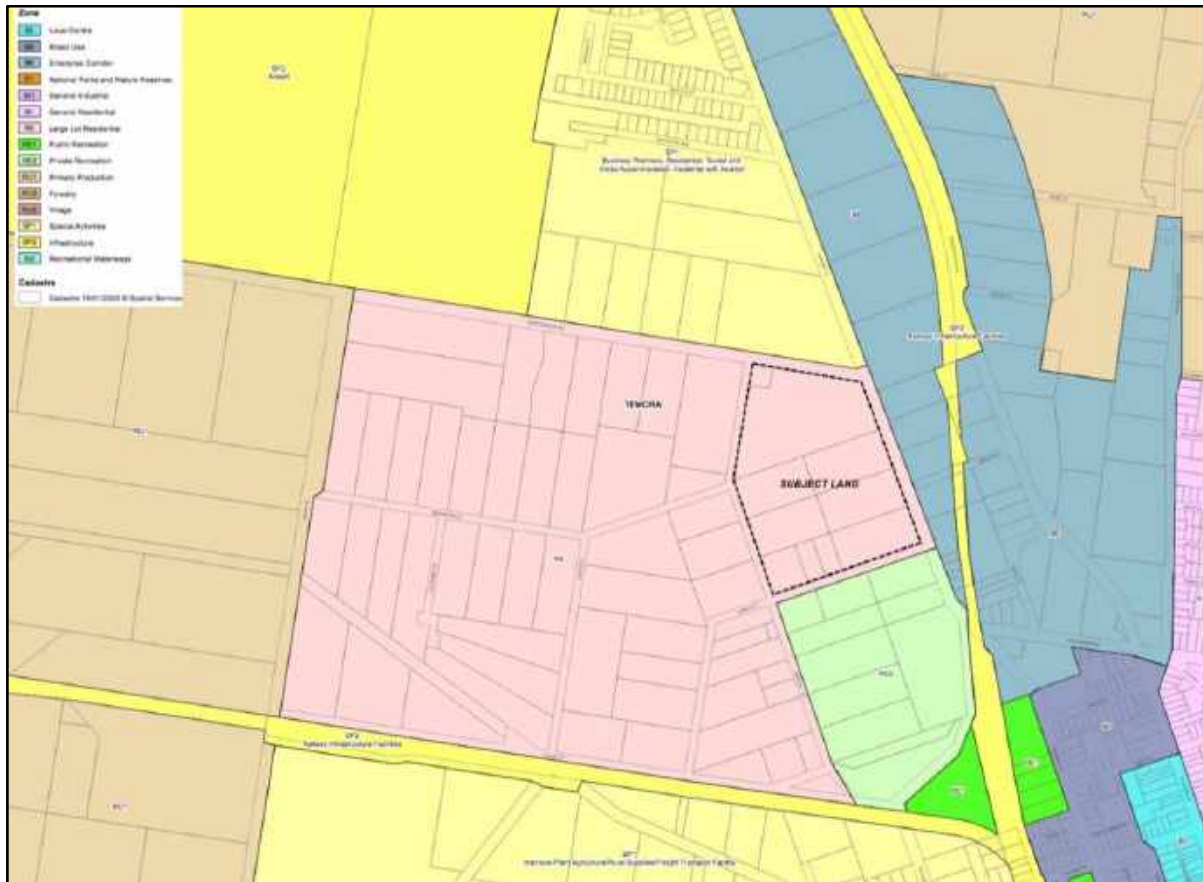


Figure 3: Existing Land Use Zone Context (Source: DPIE 2021)

The existing subdivision pattern in the general locality is not uniform, primarily as a result of earlier planning requirements. Overall, the area displays a large lot, semi rural character with a variety of lots sizes and frontage widths.

The current zoning of the land is *R5 Large Lot Residential* and this is proposed to remain under this proposal. Land to the west is also zoned *R5 Large Lot Residential*, land to the east is zoned *B6 Enterprise Corridor*, the Showground to the south is zoned *RE2 Private Recreation*, and the land to the north recently zoned *SP1 – Business Purposes, Residential, Tourist and Visitor Accommodation Incidental with Aviation*. Other surrounding noteworthy land uses include the rail corridor (zoned *SP2*), Grain Handling facility (zoned *SP1*) and Airport land (zoned *SP2*).

Preliminary consultation with Council indicated that there are potential concerns that will need to be addressed in the Planning Proposal relating to any impact from nearby aviation and grain handling activities, which are significant economic drivers for Temora. In addition, the proposal will need to satisfy key infrastructure requirements to adequately service additional residential land. The proposal is accompanied by relevant specialist reports to address these concerns.

The planning report will demonstrate that:

- there are minimal environmental and infrastructure constraints that would impact the achievement of this proposal in accordance with current strategic land use policy;
- the subject land is suitable for further subdivision and is conveniently located close to existing urban infrastructure and community networks;
- the proposal will support local economic growth directions and serve the needs for a growing population where there is strong demand for additional residential lots; and
- the proposal has strategic merit and will assist in achieving local and regional goals for Temora and surrounding area.

2 OBJECTIVES OR INTENDED OUTCOMES

(Part 1 of the Guide)

The objective of this planning proposal is to amend the minimum lot size provision that applies to the subject land from 2.0 ha to 1.0 ha to enable additional large residential lots to be created.

3 EXPLANATION OF PROVISIONS

(Part 2 of the Guide)

The proposed outcome of this planning proposal will be achieved by amending the lot size provision that applies to the subject land from 2.0 ha to 1.0 ha. This will involve preparing an amendment to Lot Size Map - Sheet LSZ_004C from the Temora Local Environmental Plan 2010. The proposed Lot Size map changes are shown below.

There are no other amendments required to the LEP 2010 to progress this Planning Proposal.



Figure 4: Minimum Lot Size Map (Source: SP & TLEP2010)

The proposed minimum lot size will provide large lots set in a semi rural landscape having access to existing urban infrastructure and service networks. The minimum lot size has been arrived at following a strategic analysis of the subject land and surrounding precinct, predominant subdivision pattern including supply and demand analysis, together with accessibility and land use compatibility considerations.

4 JUSTIFICATION

(Part 3 of the Guide)

The planning proposal seeks to reduce the minimum lot size currently applicable to the subject land in order to facilitate further subdivision of the land and the creation of additional large residential lots. Justification for the proposal, including its strategic relevance and merit, is outlined below.

4.1 Need for the planning proposal

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

The Temora Local Strategic Planning Statement (LSPS) and Temora Residential Land Use Strategy 2019 (RLUS) are relevant in respect of this proposal.

The planning proposal has been prepared in response to:

- *LSPS Planning Priority 6: Ensure sufficient land is available to enable a range of housing, business and community; and*
- *RLUS 4.1 Strategy Objective: To provide some flexibility to enable the consideration of proposals that are inconsistent with the Strategy, where justified on merit.*

Part of the subject land was investigated during the preparation of the RLUS (Area 7 – 10 Airport Street) following a submission by the landholder seeking consideration to further subdivide. The recommendation made within the RLUS was to exclude the land from the Strategy for the following reasons:

- *One-off land zoning not strategically supported*
- *Any rezoning should be considered in context of wider area and in terms of capacity to support services extensions*
- *Smaller lots in this area not supported*
- *Could set undesirable precedent in this locality*
- *High cost of service extension would inhibit development* (RLUS2019 pg27)

In response to the RLUS recommendation, this planning proposal has been prepared on the basis that it:

- Does not involve the rezoning of land;
- Involves a wider precinct approach in consideration of maintaining semi-rural character and addressing efficiencies in infrastructure provision;
- Proposes a minimum lot size aligned to the existing subdivision pattern and strategic direction of the locality, as well as continuing to achieve the objectives of the existing R5 Large Lot Residential Zone;
- Addresses the issues of precedence by focusing on the unique attributes of the precinct, including opportunities and constraints that will shape a desirable and acceptable large lot residential living environment;
- Is supported by specialist studies to ensure any potential impacts are identified, mitigated and quantified;
- Will provide additional housing lots to meet local demand and supply of a variety and range of living lifestyles suitable for the locality and needs of Temora; and
- Ensures the local environment is protected, maintained and, where possible, enhanced.

PROPOSAL BOUNDARY

The subject land forms part of a defined precinct bounded by Airport Street, North Street, Mimosa Street & Bartondale Road. The subdivision pattern is the result of earlier planning policy aimed at facilitating small holding development and lifestyle choice. Since that time, Temora has grown considerably and surrounding land has been progressively developed for urban purposes including expansion and development of the Temora Airport and Airpark Estate immediately to the north. This development activity has included the expansion of essential urban infrastructure and community services.

The precinct has been chosen primarily due to the opportunities offered by its unique semi rural character and opportunity to develop underutilised land that is connected to existing essential urban infrastructure networks.

NEED FOR THE PROPOSAL

The existing 2 ha minimum lot size is inappropriate as it does not respond to or achieve current land use demand and directions for this precinct of the urban area. The proposal will be complimentary to the expansion of the Airpark Estate and provide alternative lifestyle housing options within a defined development corridor between the existing Showground and Airport precinct.

Recent advice from local real estate agencies have provided insight into the growing demand and inherent shortages of serviced large lot residential land in the 1 ha size range, in particular land that is in close proximity to existing town services, business areas and community facilities. A copy of testimonies from these agencies are included in the attachments that accompany this proposal.

The proposal has taken into consideration the vision, themes, priorities and actions outlined in the Temora LSPS, the goals, directions and action items contained in the Riverina Murray Regional Plan 2036 (RMRP), as well as the strategy objectives included in the RLUS. Further discussion in relation to the proposal's response to these strategic documents and studies is provided in sections below.

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

The planning proposal is considered to be the best means of achieving the objectives and intended outcomes. There is no zoning change proposed as the scale and density of the proposed MLS change is consistent with the objectives of the existing R5 Large Lot Residential zoning that applies to the land. The additional dwellings and lots to be created by the proposal is minimal (6 in total above the current LEP MLS standards), however, will provide much needed variety and choice in rural lifestyle living opportunities for the local area.

Retaining the existing zoning will also assist in maintaining rural residential character and amenity in the local area. Any potential land use interface conflict issues can also be sustainably managed by retaining the existing zoning and aligning the proposal with the strategic land use directions of the local area. Supporting specialist studies also confirm that the subject land is appropriately located to avoid any detrimental land use conflicts.

4.2 Relationship to strategic planning framework

4.2.1 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 Riverina Murray Regional Plan 2036 (RMRP) is applicable to this proposal. The regional plan includes priorities that emphasise the need to increase the range of housing options in the existing urban area of Temora. Its primary goals are:

1. A growing and diverse economy
2. A healthy environment with pristine waterways
3. Efficient transport and infrastructure networks
4. Strong, connected and healthy communities

The proposal is generally consistent with relevant objectives and actions including those contained in Directions 1, 21, 22, 23, 25, 26, 27 and 28. These directives are aimed at promoting growth, building housing capacity, providing greater housing choice and delivering healthy built environments.

Table 3: Relevant goals and directions of Riverina Murray Regional Plan 2036

Goal / Direction	Comment
<i>Goal 1 - a growing and diverse economy</i>	The proposal is in response to continued growth and expansion of the local economy.
<i>Direction 1: Protect the region's diverse and productive agricultural land</i>	The proposal will make more efficient use of R5 zoned land in response to growth and demand for semi-rural lifestyle housing whilst protecting and avoiding the use of existing agricultural land on the fringes of the urban area.
<i>Goal 3: Efficient transport and infrastructure network</i>	The subject land is currently serviced by existing transport and essential infrastructure.
<i>Direction 21: Align and protect utility infrastructure investment</i>	Any future subdivision and development of this land will have access to existing urban infrastructure networks that have capacity, with

Goal / Direction	Comment
	appropriate design and augmentation, to accommodate additional residential development activity. Relevant Actions addressed: 21.1
<i>Goal 4: Strong, Connected and Healthy Communities</i>	The subject land is located within the existing urban footprint with strong connections to existing urban infrastructure and community networks.
<i>Direction 22: Promote the growth of regional cities and local centres</i>	The proposal will coordinate infrastructure delivery to future dwelling sites. Further development of this land will provide additional housing opportunities and help promote growth throughout the local area. Relevant Actions addressed: 22.1
<i>Direction 23: Build resilience in towns and villages</i>	The proposal will assist in helping the township and local area become more robust and dynamic, contributing to its growth and vibrancy. Relevant Actions addressed: 23.2
<i>Direction 25: Build housing capacity to meet demand</i>	There continues to be strong demand for housing and desires for greater housing and lifestyle choice. The proposal will provide additional opportunity for increasing housing capacity. Relevant Actions addressed: 25.2, 25.3
<i>Direction 26: Provide greater housing choice</i>	The proposal will provide additional housing choice. Relevant Actions addressed: 26.7
<i>Direction 27: Manage rural residential development</i>	The proposal will make more efficient use of existing R5 land and avoid the potential for further fragmentation of other rural land on the fringes of the urban area. Relevant Actions addressed: 27.2, 27.3
<i>Direction 28: Deliver healthy built environments and improved urban design</i>	The proposal will not impact any existing culturally significant areas, will be connected to existing road networks and other movement systems, whilst maintaining a semi-rural character as well as protecting the amenity of the local area. Relevant Actions addressed: 28.2-28.4
Local Government Narratives Temora Priorities: <ul style="list-style-type: none"> Support the ongoing growth opportunities presented by agriculture and value-add manufacturing. Take advantage of tourism opportunities, focusing on heritage, aviation, agriculture, sport and recreation. Provide facilities, services and housing options to support diverse community needs, including for seniors. Grow awareness, appreciation and enjoyment of the shire's natural environment. 	<p>The proposal is consistent and supportive of the key priorities for the Temora Government Area through both direct and indirect actions evolving from the implementation of the proposed MLS change.</p> <p>The subject land is located with the existing urban footprint of the township and has the benefit of being connected to all existing essential infrastructure and support services.</p> <p>The proposal will increase the range of potential housing options in the existing urban area and assist in making more efficient use of R5 zoned land, and thereby avoiding further fragmentation of prime agricultural land.</p>

The proposal has strategic merit in relation to its assessment against the RMRP. The proposal will give effect to certain goals and directions of the RMRP, as discussed in the table above.

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

There are several local strategic plans and studies prepared by Council that are relevant to this proposal. These include:

- Temora Local Strategic Planning Statement 2020
- Temora Residential Land Use Strategy 2019
- Temora Shire Community Strategic Plan 2030

Temora Local Strategic Planning Statement 2020

The Temora LSPS is the current local strategic plan that is guiding the growth and development of the township and surrounding rural area.

The 20 year Vision of the Temora Local Strategic Planning Statement is:

"Temora Shire has a population that is growing and thriving. Temora Shire offers the ideal place to enjoy a relaxed, connected and productive regional lifestyle, where residents have access to housing choice, business and employment opportunities, social connectivity and the widest possible range of services and facilities."

In relation to land use planning, the vision will be achieved through a review of Temora Local Environmental Plan and Development Control Plan (as required).

Table 4: Relevant Strategic Components of Temora LSPS

Temora Local Strategic Planning Statement		
Theme	Principles	Comment
Theme 1: A diverse and resilient economy	<i>Planning Priority 1: Support agriculture and grow the agribusiness sector</i>	Applicable & Relevant: The proposal will manage land use conflict by making more efficient use of existing R5 land. Relevant Actions addressed: 1.1
	<i>Planning Priority 2: Encourage a diverse local economy to meet local needs</i>	Applicable, not directly relevant.
	<i>Planning Priority 3: Support emerging specialist economic opportunities in aviation and tourism</i>	Applicable, not directly relevant.
Theme 2: Enhanced infrastructure to meet community needs	<i>Planning Priority 4: Support the improvement of road and rail infrastructure to respond to local and regional transport and freight need</i>	Not relevant.
	<i>Planning Priority 5: Support the provision of essential servicing infrastructure for future development</i>	Applicable & Relevant: The land is connected to existing urban infrastructure networks that have capacity, with appropriate design and minimal augmentation, to accommodate additional residential development activity. Relevant Actions addressed: 5.1 – 5.3
Theme 3: A thriving place to live	<i>Planning Priority 6: Ensure sufficient land is available to enable a range of housing, business and community needs</i>	Applicable & Relevant: The proposal creates the opportunity for further large lot residential and rural lifestyle lots in an appropriate location. Relevant Actions addressed: 6.2
	<i>Planning Priority 7: Support the future development of our urban areas</i>	Applicable & Relevant: The proposal enables the identified precinct to provide additional dwelling potential and lifestyle lot development. Relevant Actions addressed: 7.1
	<i>Planning Priority 8: Protect important heritage buildings and streetscapes that contribute to local character</i>	Not relevant.
	<i>Planning Priority 9: Plan, deliver and maintain a range of community, recreational and cultural facilities that support liveability within Temora Shire</i>	Not relevant.
	<i>Planning Priority 10: Deliver a range of community services to enable our population to enjoy a high quality of life</i>	Not relevant.
Theme 4: A natural environment that is valued and protected by the community	<i>Planning Priority 11: Protect important areas of biodiversity and Aboriginal cultural heritage</i>	Applicable, not directly relevant.
	<i>Planning Priority 12: Manage the impacts of natural hazards</i>	Applicable, not directly relevant.

The proposal has strategic merit in relation to its assessment against the LSPS. The proposal will give effect to certain goals and directions of the LSPS, as discussed in the table above.

Temora Residential Land Use Strategy 2019

The RLUS primary focus is on the adequate provision of residential land for Temora. It's preparation was underpinned by community consultation and reviewed the recommendations and delivery of the Temora Local Environmental Study 2007.

As outlined above in section 4.1.1, part of the subject land was investigated during the preparation of the RLUS (Area 7 – 10 Airport Street) following a submission by the landholder seeking consideration to further subdivide. The recommendation made within the RLUS was to exclude the land from the Strategy for various reasons. This PP has been prepared in response to the RLUS 4.1 Strategy Objective: *To provide some flexibility to enable the consideration of proposals that are inconsistent with the Strategy, where justified on merit.*

The proposal gives effect to this strategy by addressing key components and deliverables as outlined in section 4.1.1 above.

Temora Shire Community Strategic Plan 2030

The Temora Shire Community Strategic Plan (CSP) was adopted in 2017 and reflects the local community's strategic directions for the Shire and identifies the community's main priorities and aspirations for the future. The CSP is modelled around 6 themes including:

- 1 - Retaining our Quality of Life
- 2 - Engaging and Supporting the Community
- 3 - Building our Shire's Economy
- 4 - Preserving our Beautiful Surrounds
- 5 - Embracing and Developing Aviation
- 6 - Enhancing our Agricultural Wealth

The proposal is consistent with, and will assist in the delivery of, several strategic objectives contained in the CSP including:

- 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
- 5.3 Ensure land use plans are developed to protect the future use of the airport

4.2.3 Is the planning proposal consistent with the applicable State Environmental Planning Policies?

The proposal is consistent with the applicable State Environmental Planning Policies (SEPPs), as identified in the NSW Planning Portal and listed in the table below. The proposal does not introduce any policy changes that are inconsistent with the provisions of these SEPPs.

Table 5: Applicable SEPPs

SEPPs Relevant to the Planning Proposal	
SEPP Title	Consistency
<i>SEPP (Affordable Rental Housing) 2009</i>	Applicable. Not directly relevant to the proposal. Consistent, any future development will continue to be assessable against this policy.
<i>SEPP (Building Sustainability Index: BASIX) 2004</i>	Applicable & relevant. Consistent, any future development will continue to be assessable against this policy.
<i>SEPP (Concurrences and Consents) 2018</i>	Applicable. Not directly relevant to the proposal. Consistent, any future development will continue to be assessable against this policy.
<i>SEPP (Educational Establishments and Child Care Facilities) 2017</i>	Applicable. Not directly relevant to the proposal. Consistent, any future development will continue to be assessable against this policy.
<i>SEPP (Exempt and Complying Development Codes) 2008</i>	Applicable & relevant. Consistent, any future development will continue to be assessable against this policy.
<i>SEPP (Housing for Seniors or People with a Disability) 2004</i>	Applicable & relevant. Consistent, any future development will continue to be assessable against this policy.
<i>SEPP (Infrastructure) 2007</i>	Applicable & relevant. Consistent, any future development will continue to be assessable against this policy.
<i>SEPP (Mining, Petroleum Production & Extractive Industries) 2007</i>	Applicable. Not directly relevant to the proposal. Consistent, any future development will continue to be assessable against this policy.

<i>SEPP (Primary Production and Rural Development) 2019</i>	Applicable. Not directly relevant to the proposal. Consistent, any future development will continue to be assessable against this policy.
<i>SEPP (Vegetation in Non-Rural Areas) 2017</i>	Applicable & relevant. Consistent, any future development will continue to be assessable against this policy.
<i>SEPP21 – Caravan Parks</i>	Applicable. Not directly relevant to the proposal. Consistent, any future development will continue to be assessable against this policy.
<i>SEPP33 – Hazardous and Offensive Development</i>	Applicable. Not directly relevant to the proposal. Consistent, any future development will continue to be assessable against this policy.
<i>SEPP36 – Manufactured Home Estates</i>	Applicable. Not directly relevant to the proposal. Consistent, any future development will continue to be assessable against this policy.
<i>SEPP50 – Canal Estate Development</i>	Applicable. Not directly relevant to the proposal. Consistent, any future development will continue to be assessable against this policy.
<i>SEPP55 – Remediation of Land</i>	Applicable & relevant. Consistent, any future development will continue to be assessable against this policy. Further discussion on SEPP55 matters is included below.
<i>SEPP64 – Advertising and Signage</i>	Applicable. Not directly relevant to the proposal. Consistent, any future development will continue to be assessable against this policy.
<i>SEPP65 – Design Quality of Residential Apartment Development</i>	Applicable. Not directly relevant to the proposal. Consistent, any future development will continue to be assessable against this policy.

4.2.4 Is the planning proposal consistent with applicable Ministerial Directions (s9.1 directions)?

The following table outlines the relevant s9.1 directions and the level of consistency of this planning proposal. Directions 1.1, 1.2, 1.3, 1.4, 1.5, 2.2, 2.5, 3.6, 3.7, 4.1, 4.2, 4.3, 4.4, 5.2, 5.3, 5.4, 5.9, 5.11 and 7.3 to 7.13 are not applicable to the proposal.

Table 6: s9.1 Directions

Ministerial Directions applicable to the development	
Direction title	Consistency
<i>2.1 Environment Protection Zones</i>	Consistent. The direction applies as a Planning Proposal is being prepared by a relevant planning authority. The proposal is consistent with this direction and will avoid currently identified environmentally sensitive areas.
<i>2.3 Heritage Conservation</i>	Consistent. The direction applies as a Planning Proposal is being prepared by a relevant planning authority. The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. The proposal is consistent with this direction as existing heritage conservation policies and provisions over adjoining land will be maintained.
<i>2.4 Recreation Vehicle Areas</i>	Consistent. The direction applies as a Planning Proposal is being prepared by a relevant planning authority. The proposal is consistent with this direction as existing relevant planning provisions will be maintained.
<i>2.6 Remediation of Contaminated Land</i>	Consistent. The direction applies as a Planning Proposal is being prepared by a relevant planning authority and parts of the subject land are currently being used for agricultural type activities, although hobby in nature. The proposal satisfies the objectives of this direction by: <ul style="list-style-type: none"> • Considering any risk of harm to human health and the environment; and • Noting that residential use is already permitted on the subject land; and • The land is already zoned residential R5 and no other zoning changes are proposed.
<i>3.1 Residential Zones</i>	Consistent. The direction applies as a Planning Proposal is being prepared that will affect land within an existing residential zone.

Ministerial Directions applicable to the development	
Direction title	Consistency
	<p>The proposal is consistent with this direction by:</p> <ul style="list-style-type: none"> Increasing the choice and location of housing within the existing urban area of Temora; Making more efficient use of existing infrastructure and services that are connected to the site; Reducing the consumption of land for housing and associated urban development on the urban fringe by increasing the density of existing zoned residential land; Ensuring residential development will incorporate good urban design principles to maintain the large-lot residential character of the area; and Ensuring that development will only occur when adequate servicing infrastructure is available and commissioned.
<i>3.2 Caravan Parks and Manufactured Home Estates</i>	Consistent. The direction applies as a Planning Proposal is being prepared by a relevant planning authority. The proposal is consistent with this direction as existing relevant planning provisions will be maintained.
<i>3.4 Integrating Land Use and Transport</i>	<p>Consistent. The direction applies as a Planning Proposal is being prepared that involves the alteration of a provision relating to urban land zoned for residential purposes.</p> <p>The proposal is consistent with this direction by ensuring that the subject land continues to benefit from public road access and that additional dwellings are located closer to existing employment and recreation areas, reducing travel time and improving accessibility to existing alternative travel modes.</p>
<i>3.5 Development Near Regulated Airports and Defence Airfields</i>	<p>Consistent. The direction applies as a Planning Proposal is being prepared that involves the alteration of a provision relating to land near a regulated airfield.</p> <p>The proposal is consistent with this direction by:</p> <ul style="list-style-type: none"> Identifying that the subject land is located outside of applicable ANEF and OLS contours; Considering a site specific NIA that confirms that any potential impact from the operations of the Temora Airport can be adequately mitigated and that there will no detrimental impact on dwellings or detrimental impact to the future operation of the airport and associated activities.
<i>5.10 Implementation of Regional Plans</i>	<p>Consistent. The direction applies as a Planning Proposal is being prepared by a relevant planning authority and the subject land is within the boundaries of a Regional Plan released by the Minister for Planning.</p> <p>The proposal satisfies the objectives of this direction by demonstrating consistency with the overall vision, land use strategy and relevant goals, directions and actions contained in the Riverina Murray Regional Plan 2036. This includes strategic directions referring to efficient transport and infrastructure networks; strong, connected and healthy communities; and increasing the range of housing options in an existing urban area.</p>
<i>6.1 Approval and Referral Requirements</i>	Consistent. The direction applies as a Planning Proposal is being prepared by a relevant planning authority that may involve additional or altered planning provisions. The proposal is consistent with this direction as it does not introduce any unnecessary provisions to the development assessment process.
<i>6.2 Reserving Land for Public Purposes</i>	Consistent. The direction applies as a Planning Proposal is being prepared by a relevant planning authority. The proposal is consistent with this direction as the creation of any land for public purposes will only be actioned with approval of the relevant public authority.
<i>6.3 Site Specific Provisions</i>	<p>Consistent. The direction applies as a Planning Proposal is being prepared by a relevant planning authority that will allow a particular development (additional residential subdivision and development), to be carried out.</p> <p>The proposal is consistent with this direction as it:</p>

Ministerial Directions applicable to the development	
Direction title	Consistency
	<ul style="list-style-type: none"> Will involve altering a provision relating to a residential zone already applying in the LEP that allows residential development to be carried out without imposing any additional development standards or requirements; Will not refer to drawings that show details of the development proposal.

4.3 Environmental, Social and Economic Impact

4.3.1 *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?*

There is little likelihood that any critical habitat or threatened species, populations or ecological communities or their habitats would be adversely affected by the proposal. Part of the northwestern boundary of the site is mapped as biodiversity sensitive under the LEP mapping.



Figure 5: Biodiversity Map (Source: SP & TLEP2010)

The highlighted biodiversity area has several native trees located along the property boundary and within the road reserve area. Most trees within the identified precinct area will not require removal to facilitate further subdivision and dwelling development as the proposed 1 ha MLS will provide sufficient site area to accommodate a dwelling without the need to remove native trees.

OEH mapping indicates that there are no threatened species observations within the precinct or immediate surrounds that would be potentially impacted by the proposal. In applying the biodiversity test under section 7.3 of the Biodiversity Conservation (BC) Act 2016, the proposal will be not likely to significantly affect threatened species or ecological communities, or their habitats. Additional residential development, as a result of the proposal, will also be not likely to exceed the Biodiversity Offset Scheme (BOS) Entry Threshold, thereby not requiring a Biodiversity Development Assessment Report (BDAR). The precinct is also not

within a declared area of outstanding biodiversity value, as indicated by BOS Entry Threshold mapping (see figures below).

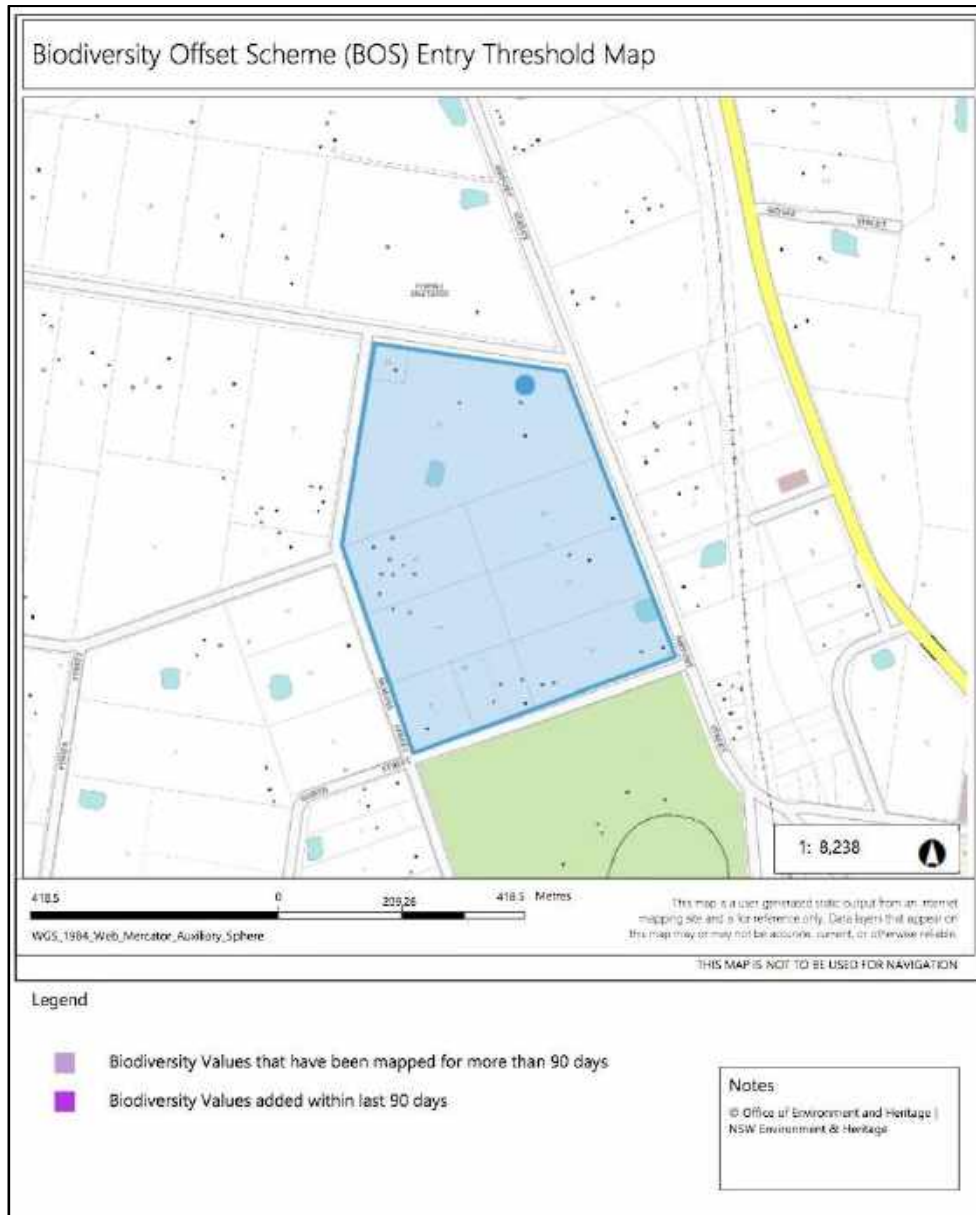


Figure 6: BOS Entry Threshold Map (Source: OEH BioNet 2021)

Biodiversity Values Map and Threshold Report			
Results Summary			
Date of Calculation	22/11/2021 12:16 AM	BDAR Required*	
Total Digitised Area	17.78 ha		
Minimum Lot Size Method	LEP		
Minimum Lot Size	2 ha		
Area Clearing Threshold	0.5 ha		
Area clearing trigger Area of native vegetation cleared	Unknown #	Unknown #	
Biodiversity values map trigger Impact on biodiversity values map(not including values added within the last 90 days)?	no	no	
Date of the 90 day Expiry	N/A		

Figure 7: BVM Threshold Report (Source: OEH BioNet 2021)



Figure 8: BioNet Wildlife Atlas (Source: SP & OEH BioNet 2021)

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

The proposal involves land that is currently zoned R5 Large Lot Residential with minimal environmental constraints. The base allotments were created around 1895 and have been occupied for semi-rural purposes since that time.



Figure 9: Historic Subdivision Map – DP750587 (Source: SP & DI 2021)

There are 7 existing dwellings in the precinct, with potential for an additional 6 dwelling sites under the current MLS. A further 6 potential dwelling lots would be created as a result of this proposal, providing a total of 19 potential dwelling sites within the subject area.

The LEP natural resources sensitivity mapping indicates only a small section of the subject land as potentially biodiversity sensitive. This has been discussed in greater detail in section 4.3.1 of this report. Other relevant areas of environmental impact considerations are discussed below.

FLOODING

The site is not subject to river flooding and is not identified as subject to overland flooding. Council's Flood Study (2019) indicated that the site is not impacted by peak overland flood depth at the 1% AEP Event (1:100yr flood planning level).

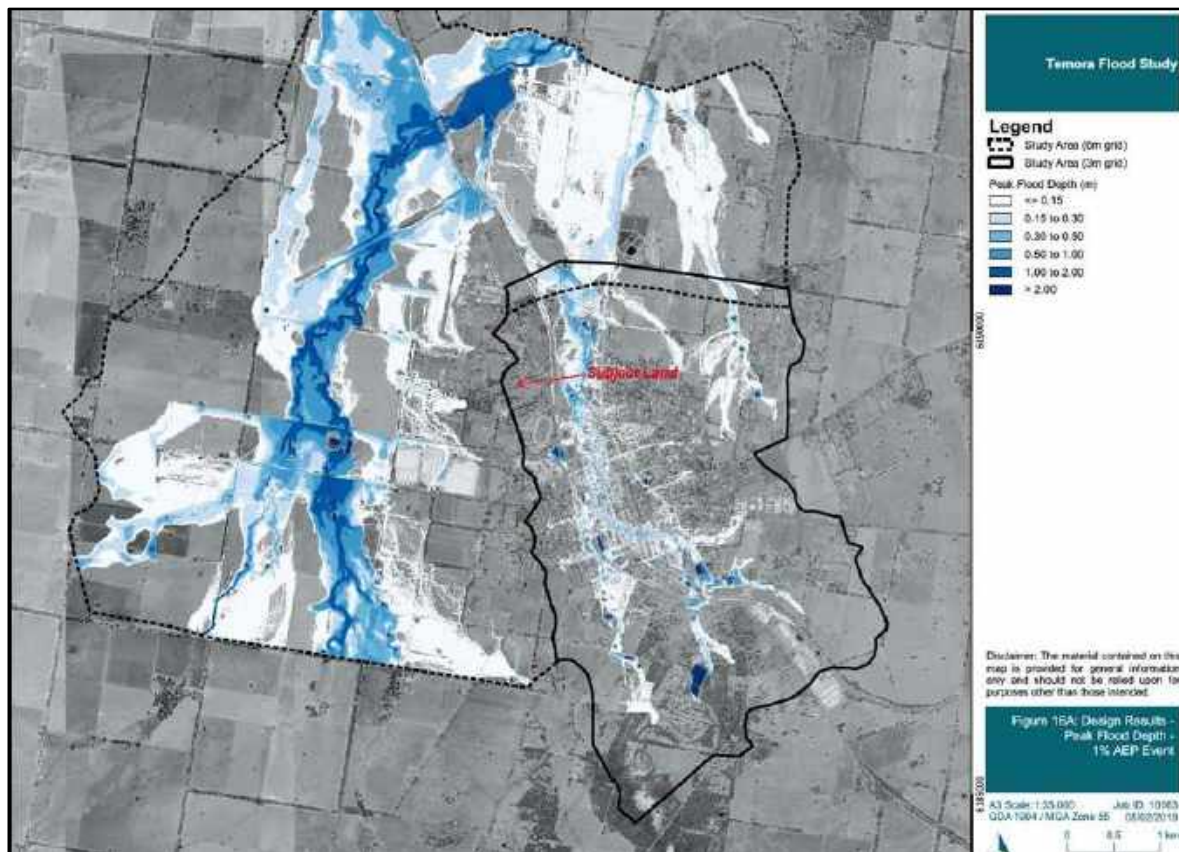


Figure 10: Flood Study Map – Peak Flood Depth – 1% AEP Event (Source: TSC 2021)

BUSHFIRE

The proposal precinct is not subject to bush fire hazard.

EUROPEAN HERITAGE

There are no known items or places of European heritage located on the land. The Showground to the south is a listed heritage item. The proposal will have negligible impact on the Showground heritage assets.

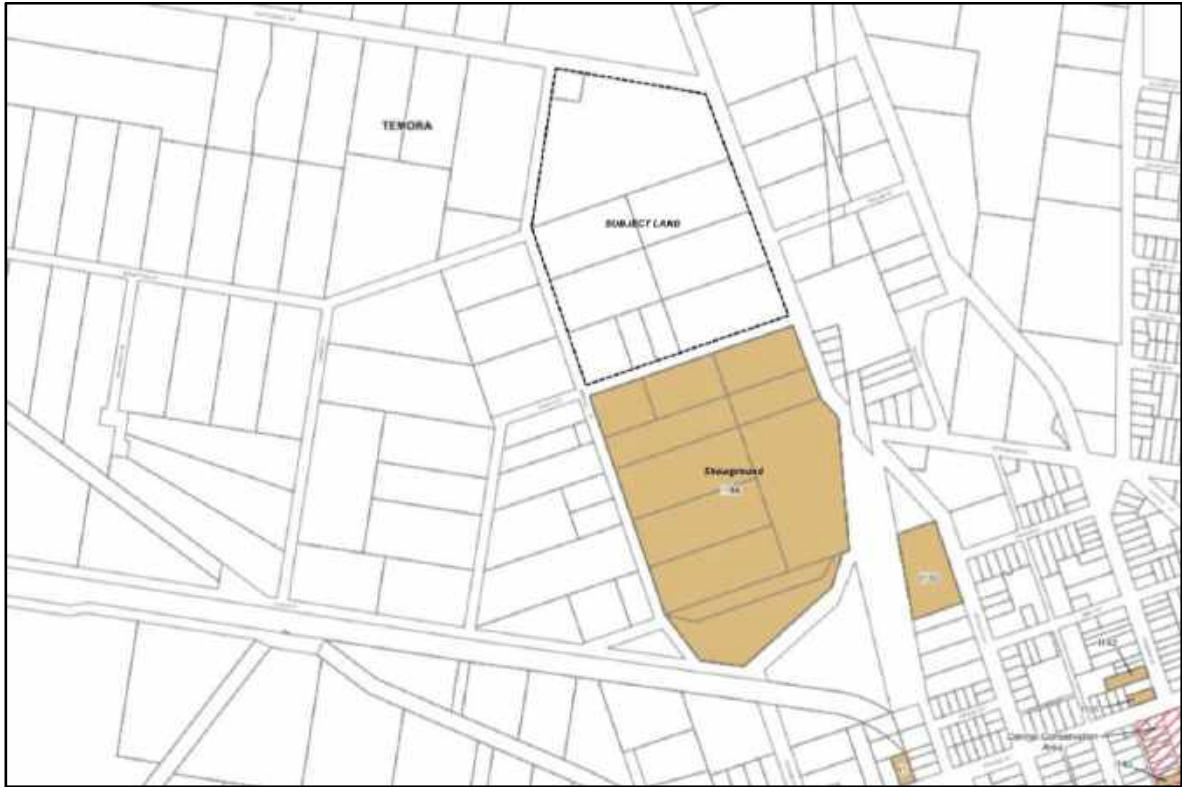


Figure 11: LEP Heritage Item Map (Source: TLEP2010)

ABORIGINAL CULTURAL HERITAGE

AHIMS mapping indicates that there are no records of aboriginal sites or declared places within 200m of the site. Therefore, the proposal and future development will rely on the generic due diligence process, as outlined in the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (DECCW 2010), to ensure that development will proceed with caution and if any Aboriginal objects are found, work will be stopped, and relevant authorities notified.



Figure 12: AHIMS Search (Source: OEH 2021)

CONTAMINATED LAND - INITIAL SITE INVESTIGATION

The following information is provided to assist in an initial evaluation of the proposal in relation to site contamination.

Table 7: Contaminated Land Consideration – Initial Evaluation Data

Initial Evaluation Data	
Consideration of readily available information:	Response
a) <i>current zoning</i>	R5 – Large Lot Residential
b) <i>permissible uses</i>	Dwellings and other compatible land uses – see LEP land use guide.
c) <i>records from previous rezonings or rezoning requests</i>	Noted
i. <i>history of land uses</i>	Rural dwellings, hobby farm activities
ii. <i>development applications & building applications</i>	Not available.
d) <i>aerial photo history</i>	See relevant photos included in this report.
e) <i>property file information & site owner information</i>	Historical information based on client and other available information.
f) <i>knowledge of council staff</i>	To be determined by Council during its initial evaluation of the proposal.
g) <i>adjoining property information</i>	Showground to south, former saleyards to north (now Airpark area), other adjoining & adjacent rural small holdings.
h) <i>site inspection information</i>	No evidence of contamination on site.
Checklist questions (from SEPP55 Guidelines)	Response
a) <i>Are there any previous contaminated land investigations available for the site? If so, what were the results?</i>	No
b) <i>Is there any history of activities, as listed in Table 1 of the Guidelines, on the land, past or present?</i>	Yes, potentially hobby farm agricultural activities.
c) <i>Was the land at any time zoned for industrial, agricultural or defence purposes?</i>	No
d) <i>Is there any history of licences, past or present, regulating the use of activities listed Table 1 of Guidelines over the land?</i>	No
e) <i>Are there any land use restrictions on the land relating to possible contamination (eg EPA or other authority)?</i>	No
f) <i>Does site inspection data suggest a history of any activities listed in Table 1 of Guidelines?</i>	Yes, potentially hobby farm agricultural activities.
g) <i>Is there any information concerning contamination impacts on land immediately adjacent the site that could affect the site?</i>	No, however, noted that the former saleyards were located on land to the north. This land has been the subject of a previous LEP Amendment (No.7) where SEPP55 matters were considered and accepted. The land has been rezoned for airport related activities including residential – Airpark proposal.

There are no significant areas of concern in relation to site contamination. The subject site is not listed in Council records as potentially contaminated due to the previous/current use as residential dwellings. No potentially contaminating activities have occurred on the site according to all available historical data. A site inspection did not reveal any potential contamination issues over the precinct area.

ONSITE SEWERAGE DISPOSAL

Any future residential dwellings that may be established within this precinct as a result of this proposal, will utilise onsite effluent treatment systems for the disposal of domestic sewerage.

An accompanying infrastructure capacity report, together with a detailed geotechnical study, confirm that the land is capable of accommodating onsite effluent systems. Council also has policy in place that will ensure that any onsite effluent systems are approved and established to acceptable standards, and also regularly maintained to minimise risk to the environment.

NOISE IMPACT

Preliminary discussion with Council highlighted the potential noise impact concerns of introducing additional dwellings into this precinct, particularly in relation to grain handling and

airport related activities. Both of these industries are major contributors to the local Temora economy. Noise impact from these land use activities may cause complaints to be raised from the occupiers of new residents in this precinct, which would then potentially limit the ongoing operations of the grain handling depot and airport.

A noise impact assessment (NIA) was commissioned and the resultant report accompanies this proposal. The NIA addresses noise impact from road traffic, nearby grain handling facility, Temora Showground and aircraft noise impacts on the amenity of the subject precinct. Noise criteria based on the measured background noise is established in accordance with the Noise Policy for Industry (NPI). Unattended noise monitoring was conducted between Tuesday 21st and Tuesday 31st July 2021 at the logging locations shown below.

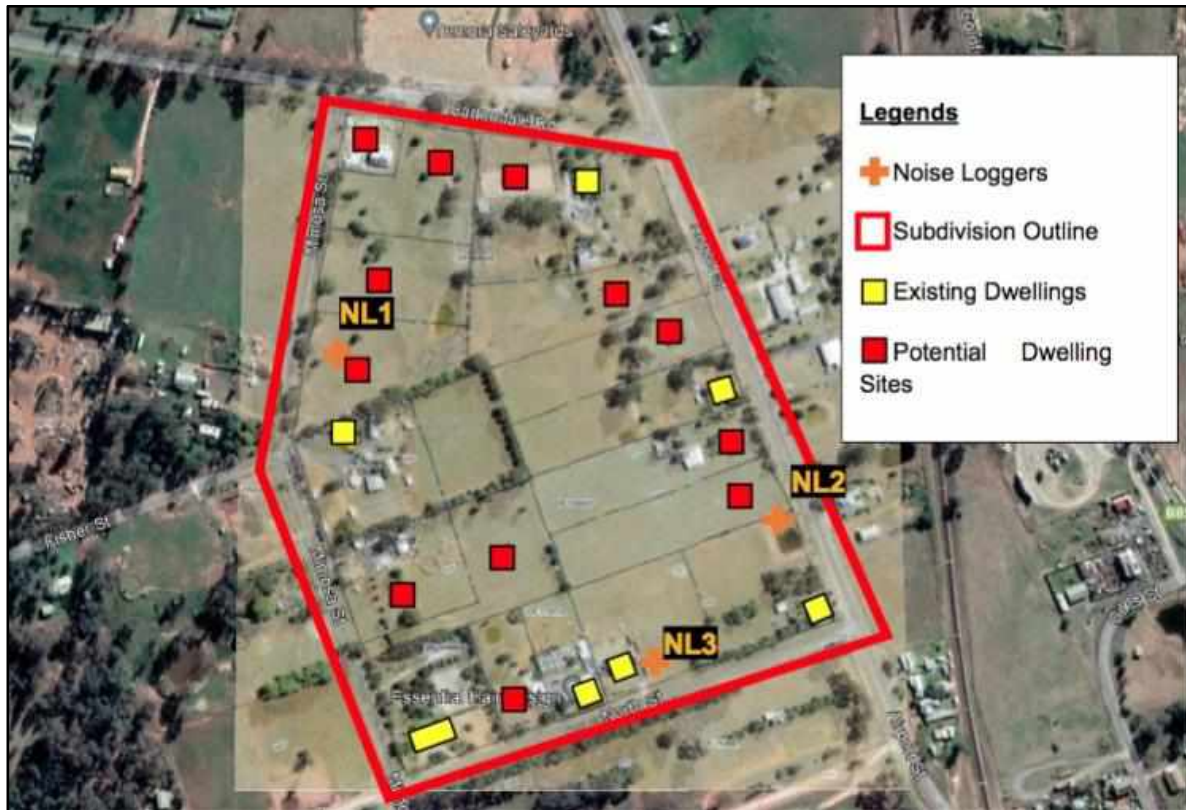


Figure 13: NIA Noise Logger Locations (Source: RSA 2021)

Based on the noise impact assessment, the NIA noted and concluded:

- Noise potential impact from the Grain Handling Operation and Temora Showground is negligible and would have no serious impact on the living amenity of existing or potentially new dwellings to be established within the subject precinct;
- Noise impact from road traffic has a negligible impact on the precinct;
- It was determined that the greatest noise impact on the precinct would be aircraft departing from Temora Airport. It should be noted; however, that aircraft noise impacting on the site would be considered to be a low-to-medium impact. This is determined based on the acoustic performance rating required to achieve the internal noise limit for a typical residential dwelling. The glazing required to achieve the internal noise limit would only involve a minor improvement to the standard glazing thickness (6mm) and minor acoustic improvement on the walls and ceilings.

As a result of the noise assessment, the NIA concluded that any additional dwellings introduced to the precinct would not generally result in additional noise complaints in relation to the grain handling facility, Temora Showground, road traffic noise or airport operation.

Overall, the NIA supports the planning proposal for an amendment to the current LEP minimum lot size.

4.3.3 *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal will have a positive social and economic effect for the local area and Temora Shire overall, by providing additional opportunities for a variety of residential housing and semi-rural lifestyle choice.

Additional residential development within this precinct will further stimulate the local construction industry through employment and supply of materials and essential services. Additional dwellings in the area will also make more economic use of valuable resources and public facilities, further contributing to ongoing income generation for local businesses and public agencies.

The proposal will contribute to building community and adding to social cohesion of the local area. Additional population will also assist in building stronger connections with established infrastructure and essential services including schools, neighbourhood centres, shops, medical centres, open space/recreation areas and transportation networks.

AIRPORT PRECINCT

In preparing this proposal, consideration was made of the proximity to the Temora Airport and also proposed AirPark residential area immediately to the north of the subject land. Aviation is a significant contributor to the local economy and major drawcard for local tourism.

A recent amendment to the Temora LEP (Amendment No.7) was adopted to support the extension of existing development associated with Temora Airport, including residential airpark estate, commercial and tourism uses. The objective is to enable more efficient use of the available land, encourage a diverse local economy, whilst managing potential land use conflict. Minimum lot size for lots to be developed in conjunction with airport activities is 750m².

Development of the airport precinct is underpinned by a masterplan and local DCP controls.

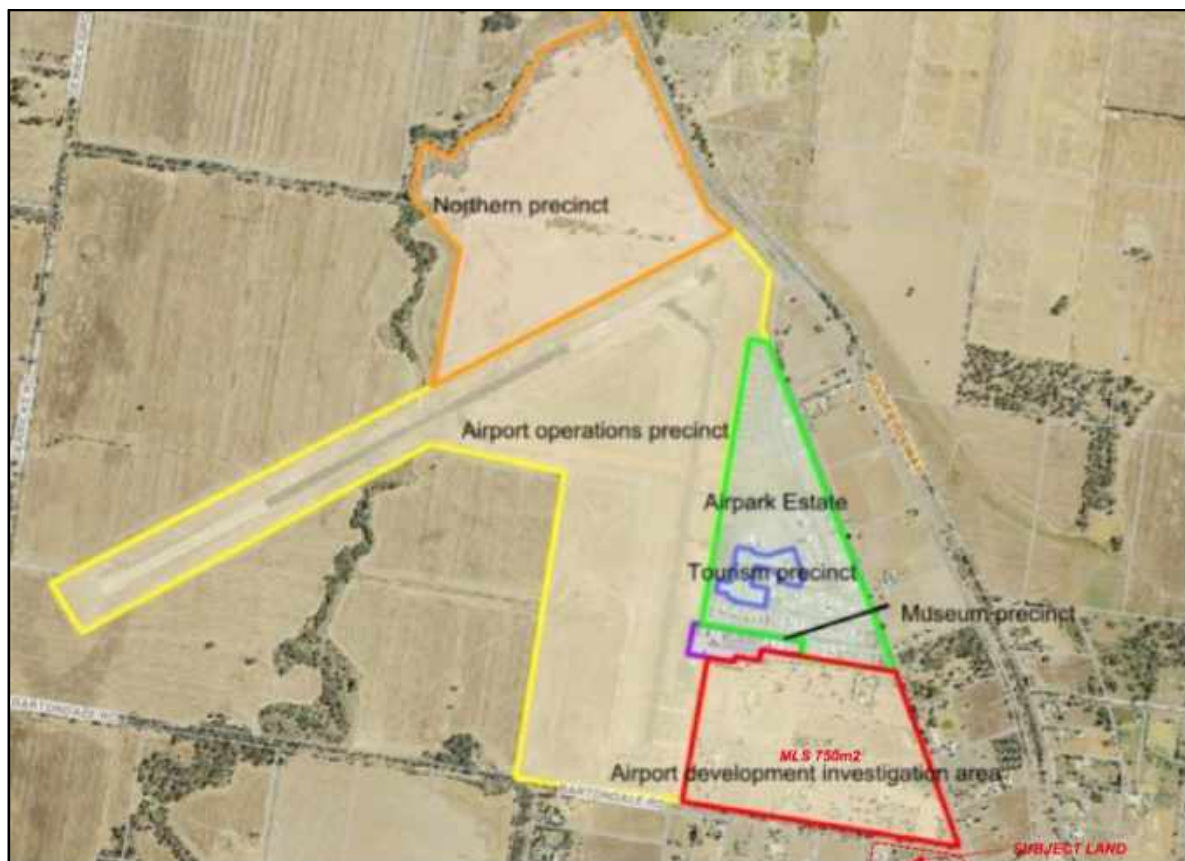


Figure 14: Airport Masterplan – Subject Land Highlighted (Source: TSC 2021 & SP)

Impact from aircraft noise has been investigated and reported through a NIA, as discussed in section 4.3.2 of this PP. The proposal is expected to not impact airport operations and will more than likely compliment the growth in airport activity and tourism by providing additional lifestyle housing choice. The subject land is also outside of OLS and ANEC contours to ensure minimal impact from airport operations.



Figure 15: OLS Mapping – Temora Airport (Source: TSC 2021 & SP)

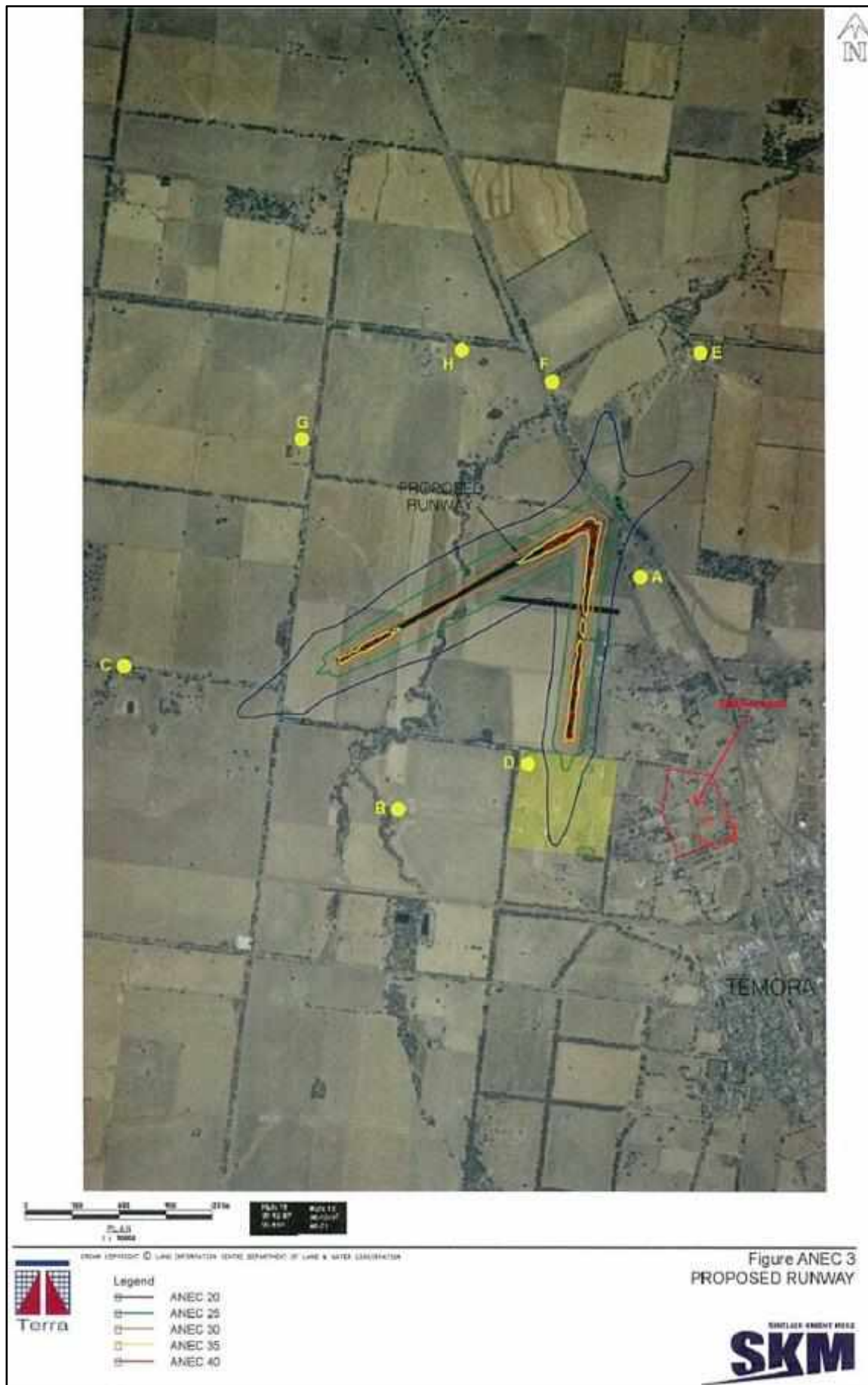


Figure 16: ANEC Mapping – Temora Airport (Source: TSC 2021 & SP)

GRAIN HANDLING FACILITY

In preparing this proposal, consideration was also made of the proximity to the Grain Handling Operations adjacent the rail line to the south of the existing R5 Large Lot Residential Zone. This is also a major contributor to the local Temora economy. Concerns were raised by Council that the introduction of additional dwellings in the subject precinct would raise the potential for noise complaints in relation to the Grain Handling Operation.

A NIA commissioned for the purposes of this proposal confirmed that the potential for noise impact from the Grain Handling Operation is negligible and would have no serious impact on the living amenity of existing or potentially new dwellings to be established within the subject precinct.

The proposal is expected to not impact the Grain Handling Operations and will more than likely compliment the growth in business activity by providing additional lifestyle housing choice.



Figure 17: Grain Handling Operations – Subject Land Highlighted (Source: Google Maps 2021 & SP)

4.4 State and Commonwealth Interests

4.4.1 *Is there adequate public infrastructure for the planning proposal?*

An infrastructure report (Servicing Feasibility Assessment – MJM 2021) has been prepared that investigates the current provision of essential infrastructure in the locality, the potential impact of the proposal and the adequacy for the existing networks to accommodate the proposal. A copy of the report is included as an annexure to this PP document.

Overall, the report confirmed:

- Capacity to accommodate onsite effluent management is acceptable, based on the accompanying geotechnical report;

- Adequate options exist to manage stormwater drainage across the precinct;
- There is sufficient capacity in the existing water supply network to service the proposed additional residential development;
- Existing electricity network services the precinct and may need augmentation or upgrade to accommodate the any additional residential development;
- There is sufficient capacity in the existing gas supply network to service the proposed additional residential development; and
- NBN and Telstra networks service the precinct area and are adequate to service the proposed additional residential development.

4.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

The views of State and Commonwealth public authorities will be sought following the issue of a Gateway determination on this matter.

5 MAPPING

(Part 4 of the Guide)

The planning proposal seeks to amend the following map:

- Lot Size Map - Sheet LSZ_004C

Other relevant mapping required to support the proposal is provided below (as per guidelines).

5.1 Subject Land



Figure 18: Subject Land (Source: SIXMaps & SP 2021)

5.2 Current MLS Map - LSZ_004C



Figure 19: Current MLS Map LSZ_004C – Temora LEP2010 (Source: DPIE & SP 2021)

5.3 Proposed MLS Map - LSZ_004C



Figure 20: Proposed MLS Map LSZ_004C – Temora LEP2010 (Source: DPIE & SP 2021)

5.4 Natural Resources Sensitivity



Figure 21: Natural Resources Sensitivity Map - Biodiversity (Source: TLEP2010)

5.5 Aerial Photograph



Figure 22: Aerial Photograph - 2021 (Source: Google Maps 2021)

5.6 Streetscape Photos



Figure 23: Streetscape Photos (Source: Google Streetview 2021)

Gateway consideration by DPIE may also request that additional mapping be prepared to support the exhibition of this Planning Proposal. Where this is the case, a requirement will be included in the Gateway determination list of conditions and actioned by Council.

6 COMMUNITY CONSULTATION DETAILS

(Part 5 of the Guide)

Community consultation will be undertaken in accordance with relevant sections of the Act and Regulations. In addition, DPIE Gateway determination will confirm the extent and nature of community consultation to be undertaken for the purposes of this proposal.

7 PROJECT TIMELINE

(Part 6 of the Guide)

Following lodgment of the planning proposal, Council will develop a project timeline including Council acceptance, Gateway determination, public exhibition, reporting, Ministerial (or delegated) approval and implementation.

A draft timeline would take the form of the following example with dates to be confirmed by Council:

Table 8: Draft Project Timeline

Project Step	Date
1. Lodgement of proposal to Council	
2. Consideration and acceptance by Council	
3. Lodgement by Council to NSW Planning for Gateway determination	
4. Gateway determination (formal commencement date)	
5. Completion of required technical information by Council (timeframe)	
6. Government agency consultation (timeframe pre and post exhibition as required by Gateway determination)	
7. Public exhibition period (timeframe, commencement & completion dates)	
8. Public hearing dates (if required)	
9. Consideration of submissions (timeframe)	
10. Consideration of proposal post exhibition (timeframe)	
11. Submission to the Department to finalise the LEP Amendment	
12. Local plan-making authority date to make the plan (if authorised)	
13. Local plan-making authority date to forward to the PCO for publication	
14. Publication (Gazettal)	
TOTAL (expected days)	

8 CONCLUSION

The primary objective of the Planning Proposal is to amend the Temora Local Environmental Plan 2010 Minimum Lot Size provisions applicable to the subject land by reducing the MLS from 2.0 ha to 1.0 ha. This will facilitate further residential development of the land, including other compatible land uses, and capitalise on the land's locational strengths within the Temora urban setting. It will also contribute to community growth, well-being and expansion of the local economy, thereby triggering further local investment, job creation and additional resources for community support services.

Specialist studies accompany this proposal to ensure that there will be minimal and manageable impact to the local area, including any potential impact on the Temora Airport and Grain Handling Operations that are important to the local economy.

The proposal is considered to have strategic merit as it:

- Supports and is consistent with relevant goals and directions of the Riverina Murray Regional Plan 2036;
- Is consistent with the strategic directions, themes, principles and relevant key action items of the Temora Local Strategic Planning Statement, in particular those relating to priorities of housing choice, economic development, employment activity and the environment;
- Contributes to achieving the strategic directions and recommendations of other relevant local strategies including the Community Strategic Plan & Residential Land Use Strategy;
- Satisfies the requirements of relevant State Planning Policies;
- Is consistent with applicable Ministerial Directions;
- Has identified and provided specialist response to key environmental issues to ensure ecologically sustainable development, in particular matters relating to noise impact;
- Confirmed that adequate public infrastructure is available, or able to be augmented, to the site to service any future residential development activity;
- Allows more efficient use of residential land that has distinctive site-specific locational advantages due to its proximity to existing urban services and infrastructure networks; and
- Is in the general public interest of the local and wider community.

The proposal is in the strategic interest of Temora Shire and is recommended for endorsement.

18063: Document History

Revision No.	Date	Authorised By		
		Name/Position	Signature	Notes
Rev 1.0 – Draft	10/12/20	Rhiana Turner Assistant Planner	RT	For internal review
Rev 1.1 – Draft	21/12/20	Garry Salvestro Director	GS	For preliminary discussion with Council.
Rev 1.2 – Edited Draft	4/10/21	Garry Salvestro Director	GS	For internal review
Rev 1.3 – Final Draft	12/11/21	Garry Salvestro Director	GS	Specialist reports review
Rev 2.0 – Final	23/11/21	Garry Salvestro Director	GS	Issued for lodgement & final client review.

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