



IRF22/59

## Gateway determination report – PP-2021-7071

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Minimum Lot Size Amendment - Airport Street, North Street, Mimosa Street and Bartondale Road, Temora

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**Table 1 Reports and plans supporting the proposal**

Relevant reports and plans
Planning Report and Council Resolution_V1_PP-2021-7071
Planning Proposal - Minimum lot size amendment Airport St, North St, Mimosa St and Bartondale Rd_PP-2021-7071
5 - Demand-Supply Support Letters_PP-2021-7071
3 - Acoustic Assessment (NIA)_PP-2021-7071

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

LGA	Temora																																																
PPA	Temora Shire Council																																																
NAME	Temora Local Environmental Plan 2010 Minimum Lot Size Amendment – land at Airport Street, North Street, Mimosa Street and Bartondale Road, Temora																																																
NUMBER	PP-2021-7071																																																
LEP TO BE AMENDED	Temora Local Environmental Plan 2010																																																
ADDRESS	Airport Street, North Street, Mimosa Street & Bartondale Road, Temora																																																
DESCRIPTION	<div>Table 1: Subject Land Details</div> <table><tr><th>Street Address</th><th>Lot</th><th>DP</th><th>Site Area (ha)</th></tr><tr><td>3 North Street, Temora</td><td>A</td><td>370772</td><td>0.46</td></tr><tr><td>3 North Street, Temora</td><td>B</td><td>370772</td><td>0.46</td></tr><tr><td>20 Mimosa Street, Temora</td><td>1</td><td>568298</td><td>0.27</td></tr><tr><td>28 Airport Street, Temora</td><td>2</td><td>568298</td><td>6.07</td></tr><tr><td>16 Mimosa Street, Temora</td><td>642</td><td>750587</td><td>1.82</td></tr><tr><td>22 Airport Street, Temora</td><td>643</td><td>750587</td><td>2.02</td></tr><tr><td>16 Airport Street, Temora</td><td>644</td><td>750587</td><td>2.04</td></tr><tr><td>14 Mimosa Street, Temora</td><td>645</td><td>750587</td><td>1.82</td></tr><tr><td>10 Airport Street, Temora</td><td>649</td><td>750587</td><td>2.07</td></tr><tr><td>5-7 North Street, Temora</td><td>648</td><td>1085093</td><td>0.91</td></tr><tr><td>Total Area:</td><td></td><td></td><td>17.94</td></tr></table> <div>Subject Land Details (Source: Page 1 of the planning proposal prepared by Salvestro Planning)</div>	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
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RECEIVED	14/01/2022																																																
FILE NO.	IRF22/59																																																
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required																																																
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal																																																

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes in section 2 of page 4 of the planning proposal that adequately explains the intent of the proposal.

The objectives of the planning proposal are to:

- amend the minimum lot size provision in Temora Local Environmental Plan 2010 that applies to the subject land from 2.0 ha to 1.0 ha to enable additional large residential lots to be created.

The objectives of this planning proposal are clear and adequate.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Temora LEP 2010 per the changes below:

**Table 3 Current and proposed controls**

Control	Current	Proposed
Minimum lot size	2.0ha	1.0ha

There are currently seven (7) dwellings on the subject land. Under the current LEP provisions an additional six (6) lots can be created with an MLS of 2ha. With the proposed amendment an additional six (6) lots can be created resulting in a total additional 12 lots on the subject land depending on subdivision layout and infrastructure design.

The planning proposal contains an explanation of provisions on page 4 of the planning proposal that adequately explains how the objectives of the proposal will be achieved.

## 1.4 Site description and surrounding area

The subject land is currently zoned R5 Large Lot Residential and has an area of about 17.94ha.

The subject land is located north west of the town centre within the general urban precinct of the Temora township, between the existing showground and future Air-Park residential subdivision. The area displays a large lot, semi-rural character with a variety of lots sizes and frontage widths.

The land to the west is also zoned R5 Large Lot Residential and to the east the land is zoned B6 Enterprise Corridor. South of the site is Temora Showground (Local heritage Item I144) which is zoned RE2 Private Recreation and the land to the north has recently been zoned SP1 – Business Purposes, Residential, Tourist and Visitor Accommodation Incidental with Aviation.

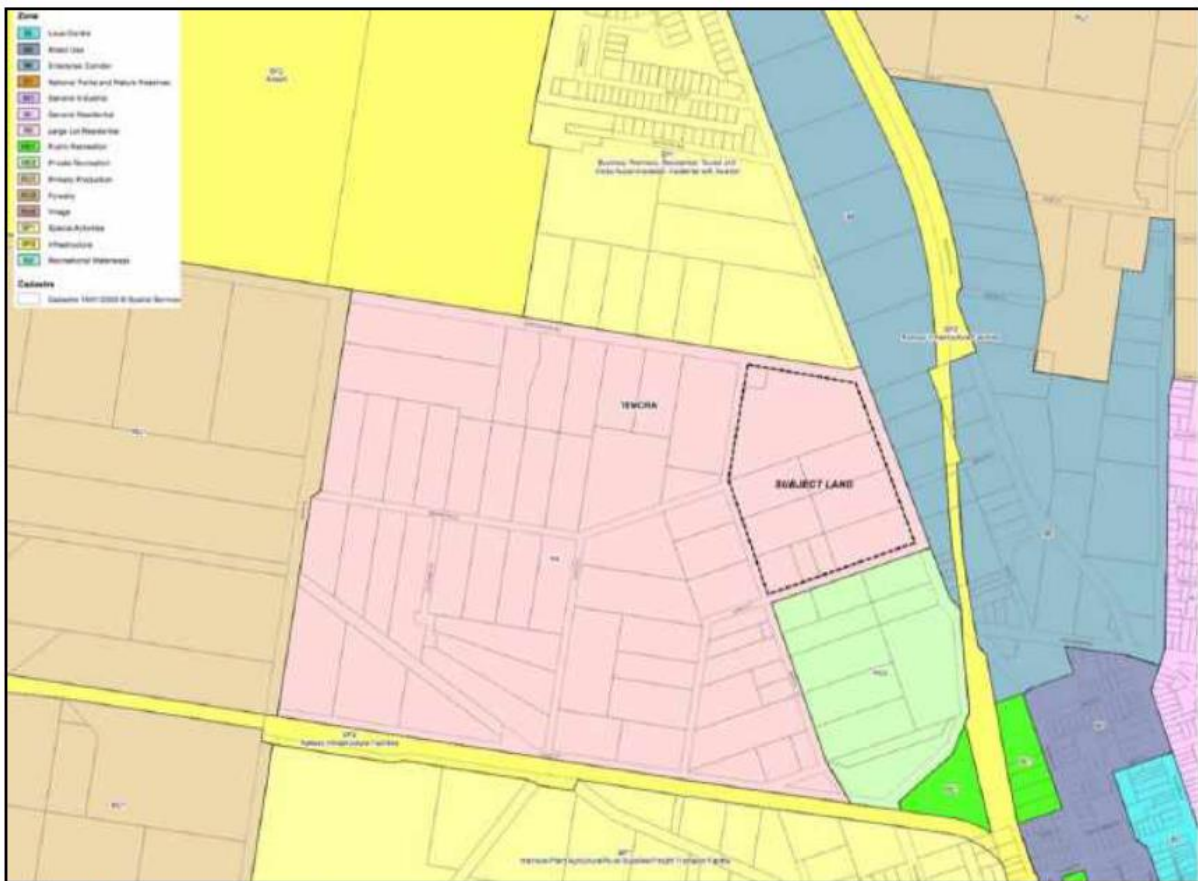


Figure 3: Existing Land Use Zone Context (Source: DPIE 2021)

Figure 1 Subject site (source: Page 3 of the planning proposal prepared by Salvestro Planning)



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

Figure 2 Site context (source: Page 2 of the planning proposal prepared by Salvestro Planning)

## 1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Minimum Lot Size maps, which are suitable for community consultation.



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

**Figure 3 Current MLS and proposed MLS (Source: Page 4 of the planning proposal prepared by Salvestro Planning)**

## 2 Need for the planning proposal

The proposal is not a direct result of any strategy or report. However, the planning proposal does hold relevance to the key recommendation of priority 6 in the Temora Local Strategic Planning Statement. This priority aims to ensure sufficient land is available to enable a range of housing, business and community developments. The proposed amendment to reduce the minimum lot size from 2.0ha to 1.0ha would potentially allow an additional 6 lots (total of 12 new lots), depending on subdivision layout and infrastructure design, as determined in conjunction with each existing landholder which would complement current land use supply and demand within Temora.

It is agreed that the planning proposal to amend the lot size is the best means for achieving the intended outcome. The land will retain the R5 large lot residential zone.

This will be a map only amendment to change the MLS only. All other LEP provisions will remain.

## 3 Strategic assessment

### 3.1 Regional Plan.

The following table provides an assessment of the planning proposal against relevant aspects of the Riverina Murray Regional Plan 2036.



**Table 4 Regional Plan assessment**

Regional Plan Objectives	Justification
Direction 1: Protect the region's diverse and productive agricultural land.	The proposal will potentially create more R5 Large Lot Residential lots in response to the growth and demand for semi-rural lifestyle housing while protecting and avoiding existing agricultural land.
Direction 21: Align and protect utility infrastructure investment	The subject land is currently serviced by existing transport and essential infrastructure. Future subdivision will have access to existing urban infrastructure networks that Council advise has the capacity to accommodate further residential development.
Direction 22: Promote the growth of regional cities and local centres	The proposal will potentially create more dwellings in an established rural residential area. Further development of this land will provide additional housing opportunities and help promote growth throughout the local area.
Direction 23: Build resilience in towns and villages	The proposal allows access to services and ability for sufficient maintenance to infrastructure. The proposal will potentially create more diverse housing opportunities within a rural residential setting, contributing to the growth of Temora.
Direction 25: Build housing capacity to meet demand	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 in a diverse rural residential area.
Direction 26: Provide greater housing choice	The planning proposal will provide additional housing choice for a rural residential lifestyle
Direction 27: Manage rural residential development	The planning proposal will enhance and utilise the existing R5 Large Lot Residential land on the site while avoiding potential conflicts of other rural land on the fringes of the urban area of Temora.
Direction 28: Deliver healthy built environments and improved urban design	The subject area is connected to existing road networks and other transport systems within a rural residential setting. The planning proposal will also not have an impact on any existing culturally significant areas.

## 3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies.

**Table 5 Local strategic planning assessment**

Local Strategies	Justification
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Temora Local Strategic Planning Statement	<p>The planning proposal is consistent with Planning Priorities 1, 5, 6 and 7 of the Temora Local Strategic Planning Statement.</p> <p>Planning Priority 1 aims to support agriculture and grow the agribusiness centre, which is consistent with the planning proposal as the proposed amendment will make more efficient use of existing R5 zoned land, protecting the agricultural areas on the fringes of the urban area of Temora from additional development pressure.</p> <p>Planning Priority 5 aims to support the provision of essential infrastructure. The subject land is connected to existing urban infrastructure networks that have capacity to support further residential development.</p> <p>Planning Priority 6 aims to ensure there is sufficient land available for a range of housing options. The planning proposal will allow for more residential lots on existing R5 zoned land that is already serviced by essential infrastructure.</p> <p>Planning Priority 7 aims to support the future development of urban areas. The planning proposal will provide additional dwelling potential in an existing residential area on the edge of Temora's urban area.</p>
Temora Residential Land Use Strategy 2019 (TRLUS)	<p>Part of the subject land was investigated during the preparation of the RRLUS (Area 7 – 10 Airport Street) following a submission by the landholder seeking consideration to further subdivide in 2007. The recommendation made within the TRLUS was to exclude the land from the Strategy for various reasons, primarily because it was a one-off land rezoning not being strategically supported rather than consideration of the broader precinct. This proposal has been prepared to minimise any potential complications by not involving an individual spot rezoning, but rather involving a wider precinct, proposing an MLS consistent with existing subdivision patterns, and being supported by specialist studies.</p>
Temora Shire Community Strategic Plan 2030	<p>The planning proposal is consistent with the following strategic objective within the Temora Shire Community Strategic Plan 2030: 4.4 Ensure Local Planning Instruments meet the needs of the community. The planning proposal will allow for more dwellings in a rural residential setting which will help address the supply and demand of this residential land use.</p>

### 3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 6 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Business and Industrial Zones	Yes	The planning proposal will not affect land within an existing or proposed business or industrial zone.
1.2 Rural Zones	Yes	The planning proposal will not affect land within an existing or proposed rural zone

1.3 Mining, Petroleum Production and Extractive Industries	Yes	The planning proposal will not restrict or prohibit the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials.
1.5 Rural Lands	Not applicable	
2.1 Environment Protection Zones	Yes	The LEP indicates small pockets of biodiversity in the north of the subject land. This matter can be investigated in detail at the DA stage. No further work is required
2.3 Heritage Conservation	Yes	The subject site is not identified in the LEP as a heritage item. The site is adjacent to local Heritage Item I144 – Temora Showground. There is adequate separation available to mitigate impact on the heritage item from the proposal. No further work is required.
2.6 Remediation of Contaminated Land	Yes	Residential land uses are already permitted on the subject land. The planning proposal provided an Initial Evaluation of the potential contamination. Council has accepted this in supporting the proposal. Any potential contamination can be addressed by Council at the development application stage for the subdivision and dwellings.
3.1 Residential Zones	Yes	The planning proposal will broaden the choice of dwellings available while being serviced by existing infrastructure.
3.4 Integrating Land Use and Transport	Yes	The subject land is adequately serviced by and will continue to benefit from public roads and additional dwellings close to existing employment and recreational areas.
3.5 Development Near Regulated Airports and Defence Airfields	Yes	The subject land is located outside ANEF and OLS contours. The planning proposal included an Acoustic Assessment Report (NIA). The NIA has also confirmed that potential impact from the operations of surrounding development and the Temora Airport. The NIA found that the potential noise impacts can be adequately mitigated by minor treatment to future dwellings.
4.1 Acid Sulphate Soils	Not Applicable	
4.2 Mine Subsidence and Unstable Land	Not applicable	

4.3 Flooding	Yes	The subject land is not indicated as being affected by flooding on the LEP maps.
4.4 Planning for Bushfire Protection	Yes	The subject land is not identified as being bushfire prone.
5.10 Implementation of Regional Plans	Yes	As discussed in section 3.1 above.
6.1 Approval and Referral Requirements	Yes	The proposal does not introduce any unnecessary provisions to the development assessment process.
6.2 Reserving Land for Public Purposes	Yes	The planning proposal will not create, alter or reduce existing zonings or reservations of land for public purposes.
6.3 Site Specific Provisions	Yes	The Direction is not relevant to the proposal as there are no site-specific provisions being proposed.

### 3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

**Table 7 Assessment of planning proposal against relevant SEPPs**

SEPPs	Requirement	Reasons for Consistency or Inconsistency	Complies
Koala Habitat Protection 2021	The Policy encourages the conservation and management of areas of natural vegetation that provide habitat to koalas in hopes to reduce current trend of koala population decline.	Temora Shire Council is not a council specified in schedule 1.	Yes
SEPP (Infrastructure) 2007	The aim of this Policy is to facilitate the effective delivery of infrastructure across the State.	The planning proposal does not conflict with or refer to any of the infrastructure items prescribed under the SEPP	Yes
SEPP No 55 – Remediation of Land	The aim of this Policy is to provide for a State-wide planning approach to the remediation of contaminated land.	As discussed in section 3.3 (Direction 2.6) the land is already zoned R5 and dwellings are permitted on the land. The potential contamination can be further considered at the development application stage.	Yes

## 4 Site-specific assessment

### 4.1 Environmental.

The following table provides an assessment of the potential environmental impacts associated with the proposal.

**Table 8 Environmental impact assessment**

Environmental Impact	Assessment
Bushfire Prone Land	The subject land is not currently mapped as bushfire prone land.
Flood Prone Land	The subject land is not currently mapped as flood prone land.
Contamination	As discussed in section 3.3 (Direction 2.6).
Heritage	As discussed in section 3.3 (Direction 2.3).
Terrestrial Biodiversity	As discussed in section 3.3 (Direction 2.1).

### 4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

**Table 10 Social and economic impact assessment**

Social and Economic Impact	Assessment
Housing Diversity and Availability	This proposal will add additional dwellings that will facilitate a diversity of housing choice and availability. Large lot residential development close to services and infrastructure will utilise existing infrastructure.
Noise Impact	Based on the noise impact assessment (NIA), the greatest noise impact on the precinct would be aircraft departing from Temora Airport. However, aircraft noise impacting on the site would be a low-to-medium impact. This can be mitigated by minor acoustic treatment to the windows, walls and ceilings for the proposed dwellings.

### 4.3 Infrastructure

The proposal contains a Servicing Feasibility Report that indicates that the subject land is and can be adequately serviced. It is noted that on site waste management will be required for the proposed dwellings and an indicative 250m<sup>2</sup> area is required for onsite disposal with the proposed MLS being 1ha (10000m<sup>2</sup>).

## 5 Consultation

### 5.1 Community

Council has not proposed a community consultation period.

The Department proposes a community consultation period of 20 working days as a condition of the Gateway determination for a standard category proposal.

### 5.2 Agencies

It is recommended that no agency consultation is required in this case.

## 6 Timeframe

The planning proposal and Council's report do not recommend a timeframe to complete the LEP.

The Department recommends a timeframe of six (6) months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the Gateway is supported council is to exhibit as soon as possible.

In a verbal conversation (verbal comm. 19 January 2022), Council agreed to a six (6) month timeframe to complete the LEP.

A condition to the above effect is recommended in the Gateway determination.

## 7 Local plan-making authority

As the planning proposal is categorised as a standard proposal, the Department recommends that Council be authorised to be the local plan-making authority.

## 8 Assessment summary

The planning proposal is supported to proceed. The proposal will make more efficient use of existing R5 Large Lot Residential land and complement the current supply and demand within Temora. The planning proposal is also consistent with planning priorities within the Riverina Murray Regional Plan, the Temora LSPS and other local strategies as discussed in section 3.1 and 3.2 of this report.

## 9 Recommendation

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

1. Prior to exhibition the planning proposal is to be updated to include an amended Project Timeframe to reflect the six (6) month plan making process.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal is categorised as standard as described in the Local Environmental Plan Making Guidelines (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of **20 working days**; and
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made

publicly available along with planning proposals as identified in Local Environmental Plan Making Guidelines (Department of Planning and Environment, 2021).

3. No agency consultation is required.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. Prior to submission of the planning proposal under section 3.36 of the Act, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2017. A Minimum Lot Size map will be required.
6. The time frame for completing the LEP is to be **6 months** following the date of the Gateway determination.
7. Council be authorised to be the local plan making authority



\_\_\_\_\_  
(Signature)

21 February 2022 (Date)

Wayne Garnsey

Manager, Western Region



\_\_\_\_\_  
(Signature)

22 February 2022 (Date)

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