

PLANNING PROPOSAL

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

Prepared by
Temora Shire Council

May 2024

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Temora Shire Council

AMENDMENT TO TEMORA LOCAL ENVIRONMENTAL PLAN 2010

Part 1 – Objectives or Intended Outcomes

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

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

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

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

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

Part 2 – Explanation of Provisions

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

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

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

Rezone Part Lot 7, Lots 47, 89, Part Lot 132 DP 750852, Part Lot 1, Lot 2 DP 709245 from R5 Large Lot Residential zone to RU1 Primary Production zone. Amend the minimum lot size from two hectares to 40 hectares.

The subject land is shown by Figure 1.

The subject land is located on the northern and western fringe of the Aria Park village urban area, and comprises a mixture of existing residential, commercial and industrial land uses, including agricultural uses.

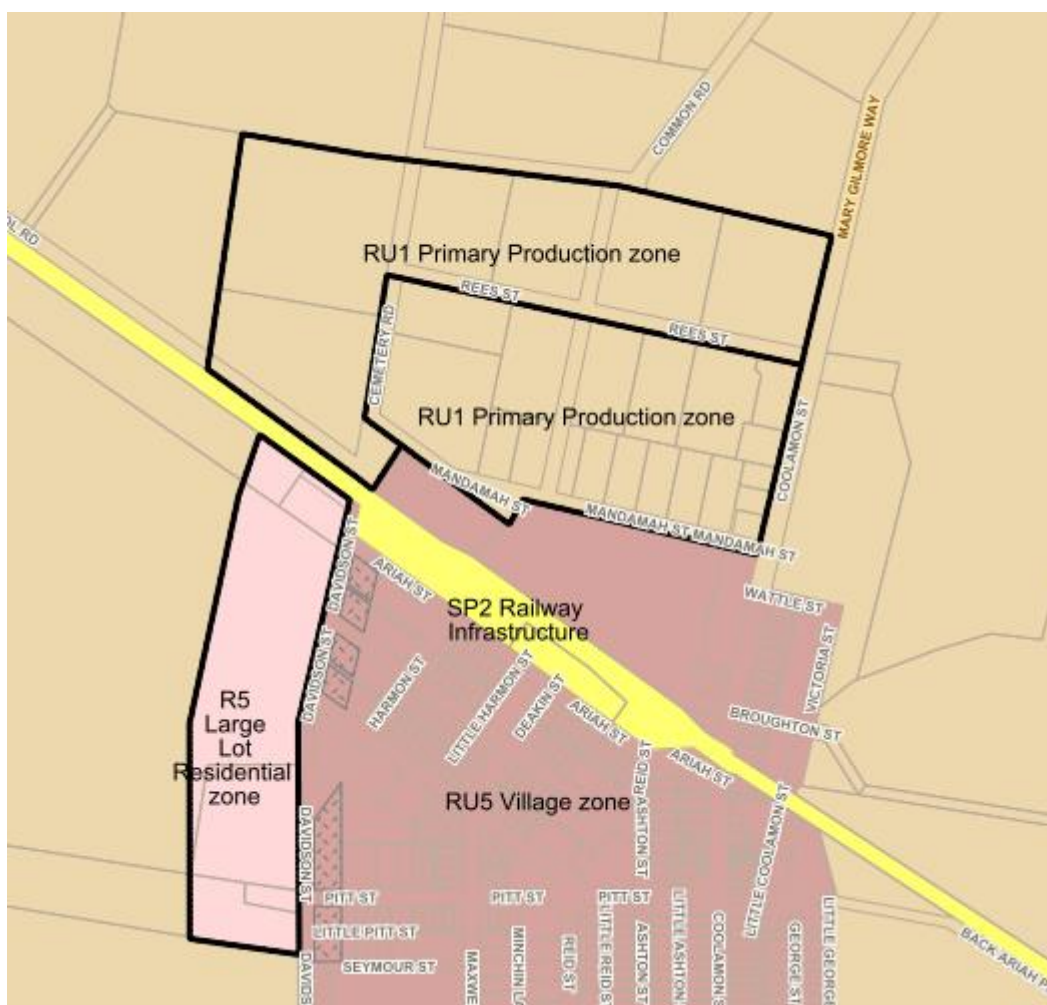


Figure 1: Subject land, edged heavy black, showing existing zoning

The subject land with aerial image and proposed new zoning is shown by Figure 2.



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

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

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

Land Zoning Map - Sheet LZN_001A

Lot Size Map – Sheet LSZ_001A

The proposed new zones are shown by Figure 3.

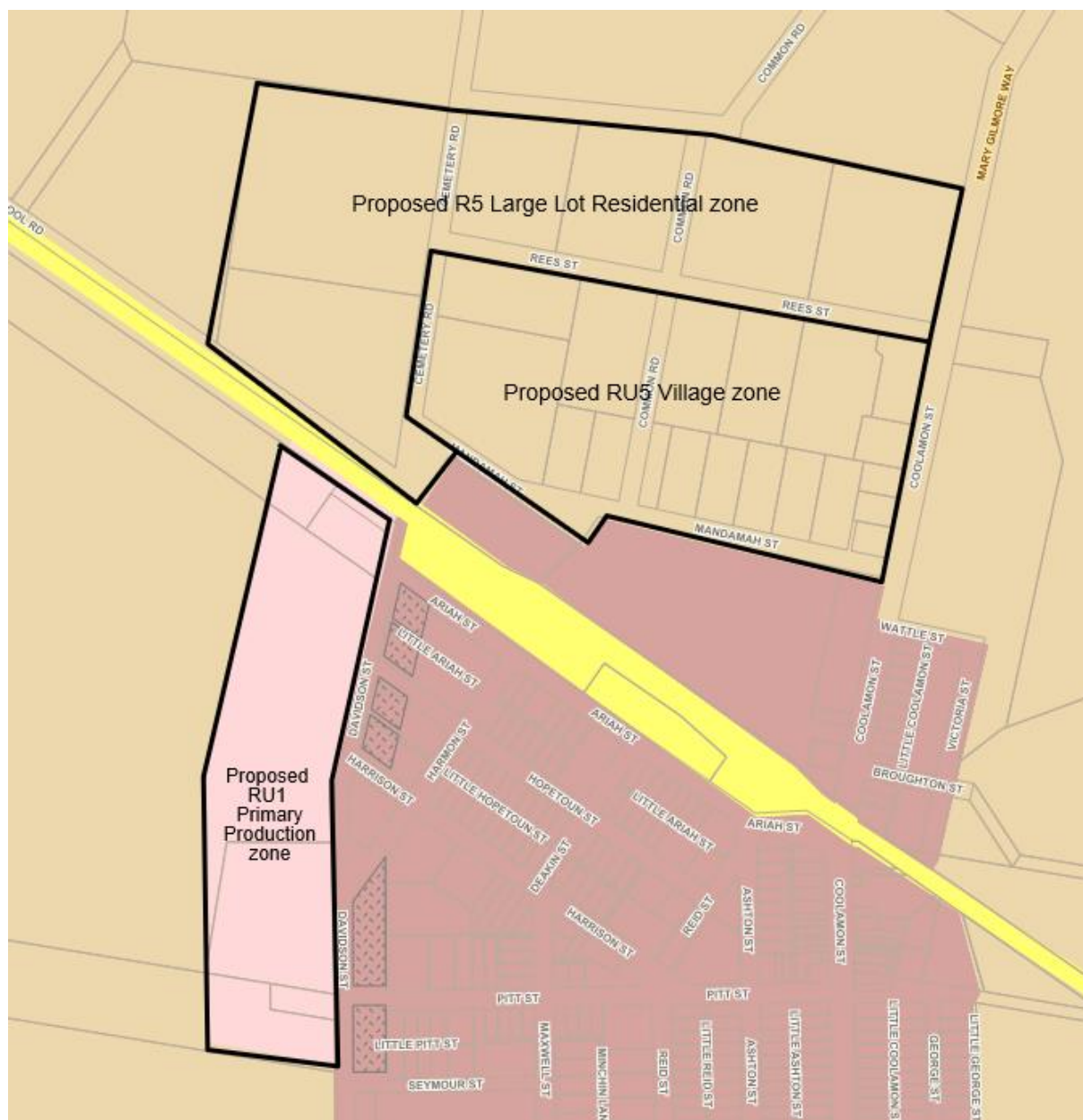


Figure 3: Proposed new zone boundaries

Figure 4 shows the proposed new minimum lot size boundaries.

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 Residential Land Use Strategy seeks to identify key land use planning objectives to guide the future development of residential and rural residential development over a 30-year timeframe (ie, to 2049) within the Temora Local Government Area (LGA). In relation to Aria Park village, the Strategy identifies that there is short term supply of RU5 Village zoned land. The Strategy identified that it is necessary to consider the identification of additional suitable land for residential purposes to enable proper planning for the future to occur.

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

The planning proposal is consistent with the **Temora Shire Local Strategic Planning Statement (LSPS) 2020**, which has been endorsed by the NSW Department of Planning and Environment. 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

6.2 Investigate opportunities for further large lot residential and rural lifestyle development, in identified locations.

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,

Planning Priority 12: Manage the impacts of natural hazards

12.2 Manage risks of flooding through the completion of the Temora Floodplain Risk Management Plan, and the Aria Park and Springdale Villages Floodplain Risk Management Plans and Studies,

The Draft Temora LSPS was considered by Council on 20 February 2020 and completed public exhibition between 28 February 2020 and 27 March 2020.

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

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

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

The potential numbers of additional lots that may be created as are result of the proposed rezoning is shown by Table 1.

Proposed zoning	Land area	Total potential no. lots	Land area already utilised (approx.)	Potential number of additional lots
R5 Large Lot Residential	36 hectares	37	3 hectares	33
RU5 Village	27 hectares	135	15 hectares	60

Table 1: Potential numbers of additional lots available through the Planning Proposal

However, although Table 1 shows the potential for 93 additional lots, it is likely that the actual number of lots developed will be far lower than this, due to the low demand, existing development constraints and the cost of servicing the land to its full potential, including roads, electricity and water infrastructure. This Planning Proposal will provide the opportunity for low level development of this land over the long term.

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

Projects that will be completed in Arianh Park village during 2020-2024 include:

- Upgrades to the Aria Park Recreation Ground kiosk, lighting upgrades, netball change room upgrades, netball court widening, outdoor gym, shade sail and seating
- Upgrades to the Aria Park Memorial Hall
- Upgrades to Aria Park swimming pool change rooms and repainting of pool
- Upgrades to the main street centre island landscaping and parking bays
- New skate park and associated paths and landscaping
- Upgrades to Aria Park showground and camping area
- Upgrades to Aria Park Railway Station
- Upgrades to Aria Park golf course
- Upgrades to Harper Park toilets
- Upgrades to Edis Park playground
- Completion of new preschool building

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

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

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

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

Section B - Relationship to strategic planning framework

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 2041. The relevant objectives and actions are:

Objective 3: Increase natural hazard resilience, Objective 5: Ensure housing supply, diversity, affordability and resilience and Objective 7: Provide for appropriate rural residential development

The planning proposal responds to the following strategies within the Riverina Murray Regional Plan:

Strategy 3.1

Strategic and statutory planning will:

- be consistent with applicable NSW policies or guidelines
- take a risk-based approach that uses best available evidence in consultation with the NSW Government, emergency service providers, local emergency management committees and bush fire risk management committees
- ensure new development is located in a way that is commensurate to the risks of unacceptable bushfire, salinity and flooding. The Planning Proposal considers the information provided by the Aria Park and Springdale Floodplain Risk Management Study and Plan.

Strategy 5.1

Local strategic planning statements will:

- overview demographic trends, major projects and industries, and other influences shaping housing demand
- identify high-level constraints and opportunities for growth, including hazards and biodiversity
- identify key infrastructure and servicing requirements for future populations
- identify next steps and commit to preparing or updating strategies for diverse and affordable housing in strategically appropriate locations.

Strategy 7.1

New rural residential development areas must be identified in a local housing or other strategy, approved by the department, prepared in accordance with Objective 5 and:

- be near existing urban areas to maximise the efficient use of existing infrastructure and services, such as roads, water, sewerage and waste services, public transport and social and community infrastructure, (including access to education facilities)
- not reduce future urban development options
- protect the economic use of rural land and be located away from significant agriculture, forestry, extractive resources or energy production or distribution areas or other air pollution emission sources (see Objective 12)
- not be located on areas of high environmental value or areas of cultural or heritage significance or not adversely affect nearby land with those values
- avoid fragmentation of waterfront areas, and not proliferate additional water rights to water bodies

- avoid areas that could pose a risk to public safety, including flood, landslip, bushfires, proximity to hazardous or offensive industry uses or contaminated land
- be suitable for on-site effluent disposal (if required), or ensure treatment systems that can avoid overflow during storms
- avoid locations that could adversely impact surface water or groundwater resources Note: where onsite sewer is being proposed, the cumulative impacts on groundwater must be considered.
- provide an adequate water supply for domestic purposes
- offer permanent and safe all-weather access, avoid ribbon development along main roads and minimise access off major roads
- provide a lot size and zone that ensures a dwelling is the primary use of the land.

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

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

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

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

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

The *Temora Shire Community Strategic Plan Temora Tomorrow Towards 2025* is Council's local community strategic planning document. This plan was completed in February 2022.

The plan includes the theme of:

3: Building a strong local economy

3.4 A community with good access to a range of appropriate and affordable housing

3.4.2 Provide land for residential development

The Planning Proposal responds directly to this theme, strategy and action by providing opportunities for additional residential and large lot residential development in Arianah Park village, which assists with supporting housing affordability and housing choice and will strengthen the existing village, both economically and socially, through additional population growth. There is an overall community benefit as a result of the proposal as the land has the potential to be used for future residential, commercial and industrial purposes. This increases the potential to strengthen the economy of Temora Shire, which increases the resilience of the community.

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

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

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

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

The Planning Proposal is consistent with *State Environmental Planning Policies*, as set out in **Table 2 of Appendix E**.

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

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

Section C - Environmental, social and economic impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

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

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

The proposal to rezone the existing RU1 Primary Production zone land to RU5 Village zone also involves a change in the minimum lot size from 40 hectares to a proposed minimum lot size of 2000m². As Arian Park village is unsewered, this raises the issue of onsite sewage disposal. Council's policy states that allotments 2 hectares or less in size require an aerated wastewater treatment system (AWTS) to be installed. This policy is enforced by Council and also requires servicing of the AWTS on a quarterly basis, with copies of relevant reports to be provided to Council. Council officers are vigilant in ensuring that required maintenance of AWTSs is completed, with letters sent to landowners who have not fulfilled their reporting requirements. Due to this approach, Council officers have not encountered any issues with unsatisfactory onsite sewer disposal using AWTSs. This Council policy and its enforcement will minimise the risk to landowners and other residents in relation to the disposal of sewage in relation to new development. Refer to the **Temora Shire Development Control Plan 2012 Sewage Management Chapter** in **Appendix B** for further information. Based on the soil types of the village and current policies of Council in relation to the existing onsite sewer management, it is anticipated that any future development requiring onsite sewer disposal can be accommodated.

The change is minimum lot size for land proposed to be zoned R5 Large Lot Residential with a minimum lot size of one hectare will also require the same level of onsite sewer management, in accordance with Council's policy.

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

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

Section D - State and Commonwealth interests

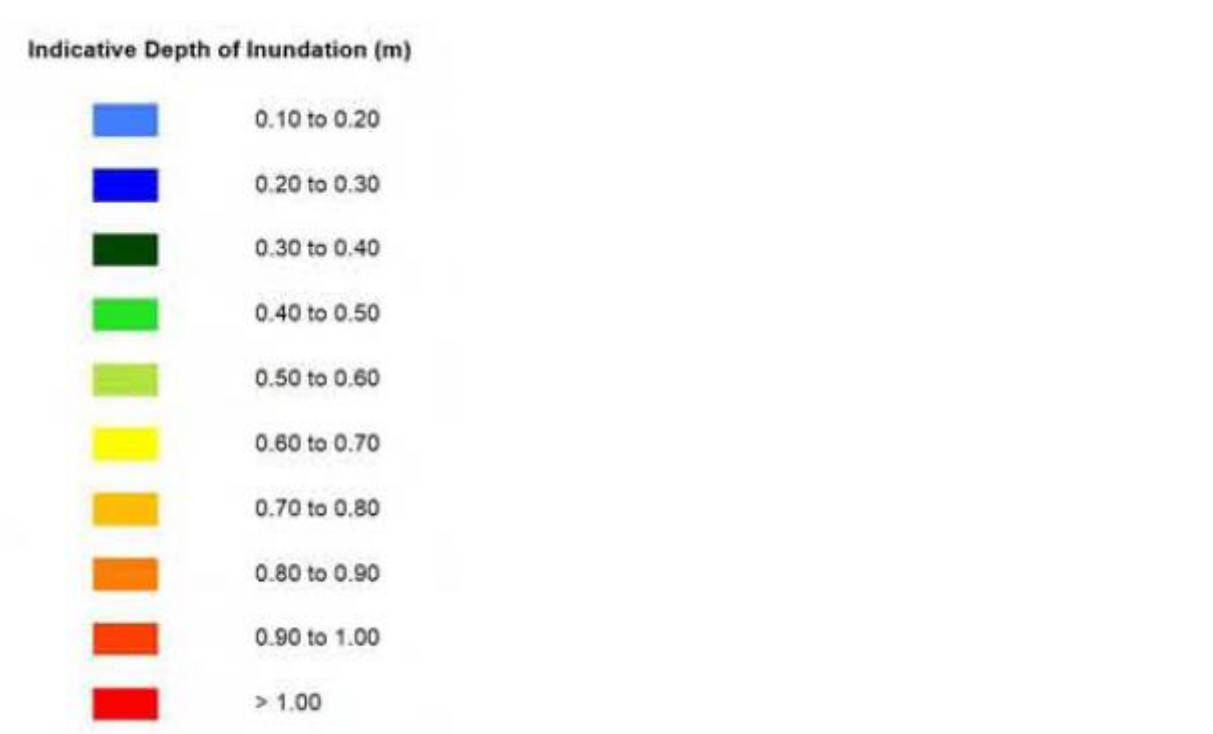
10. Is there adequate public infrastructure for the planning proposal?

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

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

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

Council officers have held extensive discussions with Flood Planning Officers from the Department of Climate Change, Energy, the Environment and Water regarding the proposed rezoning. Future development will be guided by the Ariah Park and Springdale Floodplain Risk Management Study and Plan, completed by Lyall and Associates in 2024. An extract of the 1% AEP map is shown by Figure 5 and the Study and Plan is a supporting document to the Planning Proposal. It is noted from Figure 5 that there are areas of the study area that are impacted by flooding during a 1% AEP event, however the flooding levels, which is overland flooding, not riverine flooding, are low to moderate and can be managed as part of the future assessment process. Council officers will refer to the Ariah Park and Springdale Floodplain Risk Management Study and Plan as part of the assessment process of future development applications for new development in Ariah Park.



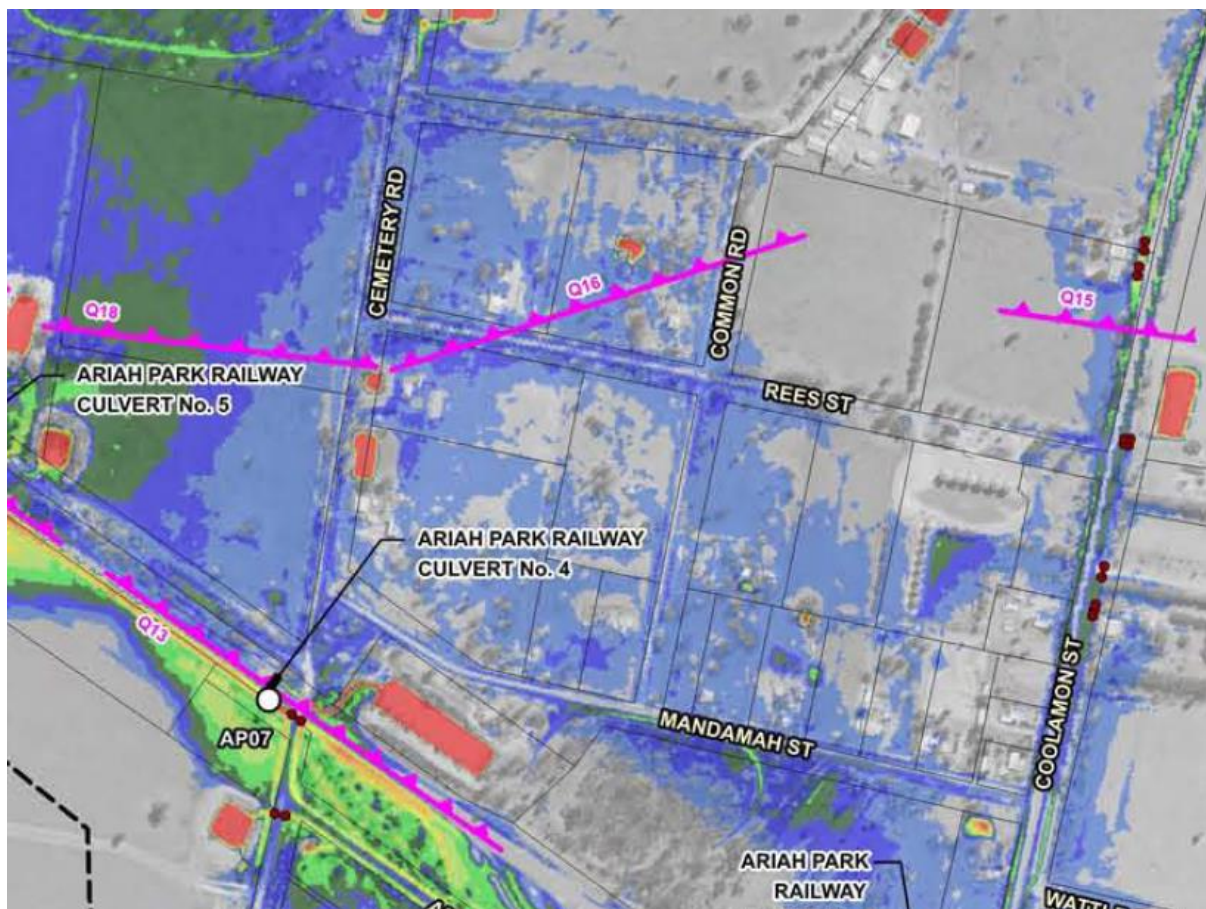


Figure 5: Extract of the 1% AEP Indicative extent and depths of inundation at Arian Park

It is proposed that Council will consult with Government Agencies as part of the public exhibition process, including the Department of Primary Industries, Department of Planning, Housing and Infrastructure (Western Region), Department of Climate Change, Energy, the Environment and Water and Environment Protection Authority.

Part 4 – MAPPING

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

Land Zoning Map - Sheet LZN_001A

Lot Size Map – Sheet LSZ_001A

Part 5 – COMMUNITY CONSULTATION

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

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

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- 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 Shire Council Residential Land Use Strategy 2019, 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 2 provides a project timeline for the proposed rezoning and change to minimum lot size:

Table 2 – Project Timeline

No.	Description of Tasks	Task Commencement	Task Completion
1.	Gateway Determination Anticipated Gateway Determination (including any delegated authority)	May 2024	June 2024
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.	July 2024	August 2024
3.	Consider Submissions & Document Finalisation (only if any objections received) Post public exhibition, Temora	August 2024	September 2024

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	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.		
4.	Submission to the Department and/or Parliamentary Counsel Council to forward Planning Proposal to the department for finalisation following public exhibition (including any changes made).	October 2024	November 2024

APPENDIX A

Relevant Council Resolution

Support for the preparation of this Planning Proposal is contained in the report presented to Council on 16 May 2024

APPENDIX B

Relevant Studies & Strategies

Temora Shire Council Residential Land Use Strategy 2019
Preliminary Site Investigation Report
Temora Shire Development Control Plan 2012 – Sewage Management Chapter
Ariah Park and Springdale Floodplain Risk Management Study and Plan 2024

APPENDIX C

Table 3 – Consideration of State Environmental Planning Policies

Policy	Applicable to Planning Proposal	Consistency
State Environmental Planning Policy (Biodiversity and Conservation) 2021		
Chapter 2 – Vegetation in non-rural areas	Applies to R1 General residential Land in the Temora Local Government Area.	Not applicable to the current Planning Proposal as there is no proposal to remove
Chapter 3 – Koala habitat protection 2020	Not applicable as the subject land is not identified as a prescribed zone.	Not applicable to the current Planning Proposal.
Chapter 4 – Koala habitat protection 2021	Not applicable to the Temora Local Government Area.	Not applicable to the current Planning Proposal.
Chapter 5 – River Murray lands	Not applicable to the Temora Local Government Area.	Not applicable to the subject land.
Chapter 6 – Water Catchments	Not applicable to the Temora Local Government Area.	Not applicable as the land is not in the catchments of interest.
Chapter 13 – Strategic Conservation Planning	Not applicable to the Temora Local Government Area.	Not applicable.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Applies to all land in the State.	The Planning Proposal does not conflict with the aims and functions of this SEPP with respect to exempt and complying development provisions
State Environmental Planning Policy (Housing) 2021		
Chapter 2 – Affordable housing	Applies to all land in the State.	Not applicable to the current Planning Proposal.
Chapter 3 – Diverse housing	Applies to all land in the State.	Not applicable to the current Planning Proposal.

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State Environmental Planning Policy (Industry and Employment) 2021		
Chapter 2 – Western Sydney employment area	Not applicable to the Temora Local Government Area.	Not applicable.
Chapter 3 – Advertising and signage	Applies to all land in the State.	Not applicable to the current Planning Proposal.
State Environmental Planning Policy No. 65 – Design Quality of Residential Apartments	Applies to all land in the State.	Not applicable to the current Planning Proposal.
State Environmental Planning Policy (Planning Systems) 2021		
Chapter 2 – State and Regional Development	Applies to all land in the State.	Not applicable to the current Planning Proposal.
Chapter 3 – Aboriginal land	Applies to land owned by an Aboriginal Land Council.	Not applicable as the land in the current Planning Proposal is not owned by an Aboriginal Land Council.
Chapter 4 – Concurrences and consents	Applies to all land in the State.	Not applicable to the current Planning Proposal.
State Environmental Planning Policy (Precincts – Central River City) 2021		
Chapter 2 – State significant precincts	Applies to all land in the State.	Not applicable to the current Planning Proposal.
Chapter 3 – Sydney region growth centres	Not applicable to the Temora Local Government Area.	Not applicable.
Chapter 4 – Homebush Bay area	Not applicable to the Temora Local Government Area.	Not applicable.
Chapter 5 – Kurnell Peninsula	Not applicable to the Temora Local Government Area.	Not applicable.
Chapter 6 – Urban renewal precincts	Not applicable to the Temora Local Government Area.	Not applicable.

State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021		
Chapter 2 – State significant precincts	Applies to all land in the State.	Not applicable to the current Planning Proposal.
Chapter 3 – Darling Harbour	Not applicable to the Temora Local Government Area.	Not applicable.
Chapter 4 – City West	Not applicable to the Temora Local Government Area.	Not applicable.
Chapter 5– Walsh Bay	Not applicable to the Temora Local Government Area.	Not applicable.
Chapter 6 – Cooks Cove	Not applicable to the Temora Local Government Area.	Not applicable.
Chapter 7 – Moore Park Showground	Not applicable to the Temora Local Government Area.	Not applicable.
State Environmental Planning Policy (Precincts – Regional) 2021		
Chapter 2 – State significant precincts	Applies to all land in the State.	Not applicable to the current Planning Proposal.
Chapter 3 – Activation Precinct	Not applicable to the Temora Local Government Area.	Not applicable.
Chapter 4 – Kosciuszko National Park and alpine resorts	Not applicable to the Temora Local Government Area.	Not applicable.
Chapter 5 – Gosford City Centre	Not applicable to the Temora Local Government Area.	Not applicable.
State Environmental Planning Policy (Precincts – Western Parkland City) 2021		
Chapter 2 – State significant precincts	Applies to all land in the State.	
Chapter 3 – Sydney	Not applicable to the	Not applicable.

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region growth centres	Temora Local Government Area.	
Chapter 4 – Western Sydney Aerotropolis	Not applicable to the Temora Local Government Area.	Not applicable.
Chapter 5 – Penrith Lakes Scheme	Not applicable to the Temora Local Government Area.	Not applicable.
Chapter 6 – St Mary's	Not applicable to the Temora Local Government Area.	Not applicable.
Chapter 7 – Western Sydney Parklands	Not applicable to the Temora Local Government Area.	Not applicable.
State Environmental Planning Policy (Primary Production) 2021		
Chapter 2 – Primary production and rural development	Applicable as there is RU1 Primary Production land affected in the Planning Proposal	<p>The aims of the SEPP in relation to this Planning Proposal is to facilitate orderly economic use and development of lands for primary production, reduce conflict and sterilisation of rural land balancing primary production and residential development.</p> <p>This proposal does include the rezoning of some Primary Production land to village and large lot residential zones and, however the parcels of land are small, fragmented and on the fringe of existing village areas thus are less likely to fulfill their intended purpose. The proposal does involve rezoning some existing Large Lot residential zoned land to primary production zone, consistent with its existing use.</p>
Chapter 3 – Central Coast plateau areas	Not applicable to the Temora Local Government Area.	Not applicable.

State Environmental Planning Policy (Resilience and Hazards) 2021		
Chapter 2 – Coastal management	Not applicable to the Temora Local Government Area.	Not applicable.
Chapter 3 – Hazardous and offensive development	Applies to all land in the State.	<p>This SEPP has been considered in this Planning Proposal and is deemed to comply. The land which is currently zoned RU1 Primary Production General Industrial and is proposed for RU5 Village or R5 Large Lot Residential zone has been the subject of a Preliminary Site Inspection. The preliminary assessment revealed that the land has been historically used for agricultural and low density residential uses purposes. There is an existing farm services business that is used for supply of farming chemicals, fertiliser and other farming supplies.</p> <p>There are no records on file where the inspections of the property have revealed any areas of concern for Council officers relating to potential land contamination, such as unauthorised waste disposal or unauthorised industrial uses.</p>
State Environmental Planning Policy (Resources and Energy) 2021		
Chapter 2 – Mining, petroleum production and extractive industries	Applies to all land in the State.	The Planning Proposal does not conflict with the aims, permissibility, development assessment requirements relating to mining, petroleum production and extractive industries as provided for in the SEPP.
Chapter 3 – Extractive industries in Sydney area	Not applicable to the Temora Local Government Area.	Not applicable.
State Environmental Planning Policy (Sustainable Buildings) 2022		
Chapter 2 – Standards for	Applies to all land in	Not applicable to the current Planning

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residential development - BASIX	the State	Proposal.
Chapter 3 – Standards for non-residential development	Applies to all land in the State as defined in the SEPP	Not applicable to the current Planning Proposal.
State Environmental Planning Policy (Transport and Infrastructure) 2021		
Chapter 2 – Infrastructure	Applies to all land in the State.	The Planning Proposal does not conflict with the aims, permissibility, development consent, assessment and consultation requirements, capacity to undertake additional uses, adjacent, exempt and complying development provisions as provided in the SEPP.
Chapter 3 – Educational establishments and child care facilities	Applies to all land in the State.	Not applicable to the current Planning Proposal.
Chapter 4 – Major infrastructure corridors	Not applicable to the Temora Local Government Area.	Not applicable.
Chapter 5 – Three ports – Port Botany, Port Kembla and Newcastle	Not applicable to the Temora Local Government Area.	Not applicable.

Table 4 – Consideration of Section 9.1 (Previously Section 117) Ministerial Directions

No.	Direction Title	Applicable to Planning Proposal	Consistency
1. Planning Systems			
1.1	Implementation of Regional Plans	Yes, as this Direction applies to all Planning Proposals that apply to land where a Regional Plan has been prepared.	The Planning Proposal is consistent with the goals, directions and actions as contained within the Riverina Murray Regional Plan 2041.
1.2	Development of Aboriginal Land Council Land	Not applicable, as the subject land is not identified on the Land Application Map of State Environmental Planning Policy (Aboriginal Land) 2019	Not applicable.
1.3	Approval and Referral Requirements	Yes, as this Direction applies to all Planning Proposals.	The Planning Proposal is consistent with this direction because it does not propose any referral or concurrence requirements or nominate any development as 'designated development'.
1.4	Site Specific Provisions	Yes, as this Direction applies to all Planning Proposals.	<p>The Planning Proposal is consistent with this Direction as it seeks to allow particular development to be carried out through rezoning the sites to existing zones already in the Temora LEP (the environmental planning instrument) and does not impose any development standards or requirements in addition to those already contained in the relevant zones.</p> <p>The Planning Proposal seeks to change several parcels of land from RU1 Primary Production zone to RU5 Village zone, from RU1 Primary Production zone to R5 Large Lot Residential zone, and from R5 Large Lot Residential zone to RU1 Primary Production zone.</p>
1.4A	Exclusion of	Not applicable as the	Not applicable.

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	Development Standards from Variation	Planning Proposal does not seek to amend development standards under clause 4.6 of the LEP.	
1. Planning Systems – Place-based			
1.5	Parramatta Road Corridor Urban Transformation Strategy	Not applicable, does not apply to the Temora Local Government Area.	Not applicable.
1.6	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable, does not apply to the Temora Local Government Area.	Not applicable.
1.7	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable, does not apply to the Temora Local Government Area.	Not applicable.
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable, does not apply to the Temora Local Government Area.	Not applicable.
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable, does not apply to the Temora Local Government Area.	Not applicable.
1.10	Implementation of Western Sydney Aerotropolis Plan	Not applicable, does not apply to the Temora Local Government Area.	Not applicable.
1.11	Implementation of Bayside West Precincts 2036 Plan	Not applicable, does not apply to the Temora Local Government Area.	Not applicable.
1.12	Implementation of	Not applicable, does	Not applicable.

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	Planning Principles for the Cooks Cove Precinct	not apply to the Temora Local Government Area.	
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable, does not apply to the Temora Local Government Area.	Not applicable.
1.14	Implementation of Greater Macarthur 2040	Not applicable, does not apply to the Temora Local Government Area.	Not applicable.
1.15	Implementation of the Pyrmont Peninsula Place Strategy	Not applicable, does not apply to the Temora Local Government Area.	Not applicable.
1.16	North West Rail Link Corridor Strategy	Not applicable, does not apply to the Temora Local Government Area.	Not applicable.
1.17	Implementation of the Bays West Place Strategy	Not applicable, does not apply to the Temora Local Government Area.	Not applicable.
1.18	Implementation of the Macquarie Park Innovation Precinct	Not applicable, does not apply to the Temora Local Government Area.	Not applicable.
1.19	Implementation of the Westmead Place Strategy	Not applicable, does not apply to the Temora Local Government Area.	Not applicable.
1.20	Implementation of the Camellia-Rosehill Place Strategy	Not applicable, does not apply to the Temora Local Government Area.	Not applicable.
1.21	Implementation of South West Growth Area Structure Plan	Not applicable, does not apply to the Temora Local Government Area.	Not applicable.
1.22	Implementation of the Cherrybrook Station	Not applicable, does not apply to the	Not applicable.

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	Place Strategy	Temora Local Government Area.	
2. Design and Place [This Focus Area was blank when the Directions were made]			
3. Biodiversity and Conservation			
3.1	Conservation Zones	Yes, as this Direction applies to all Planning Proposals.	The Planning Proposal is consistent with this Direction because it does not involve land identified as environmentally sensitive and does not seek to reduce the environmental protection standards that apply to the land.
3.2	Heritage Conservation	Not applicable	The Planning Proposal is consistent with this direction because it does not affect existing provisions within the LEP relating to the protection of known European and Aboriginal heritage.
3.3	Sydney Drinking Water Catchment	Not applicable, as the land is not located within the Sydney Drinking Water Catchment.	Not applicable.
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs.	Not applicable, does not apply to the Temora Local Government Area.	Consistent because the planning proposal has regard for the two DUAP documents referenced in this Direction.
3.5	Recreation Vehicle Areas	Yes, as this Direction applies to all Planning Proposals.	The Planning Proposal is consistent with this direction because it does not advocate the designation of the subject land as a recreation vehicle area pursuant to an order in force under section 11 (1) of the Recreation Vehicles Act 1983.
3.6	Strategic Conservation Planning	Not applicable, as the land is not identified as avoided land or a strategic conservation area under State Environmental Planning Policy (Biodiversity and	Not applicable.

		Conservation) 2021.	
3.7	Public Bushland	Not applicable, does not apply to the Temora Local Government Area.	Not applicable.
3.8	Willandra Lakes Region	Not applicable, does not apply to the Temora Local Government Area.	Not applicable.
3.9	Sydney Harbour Foreshores and Waterways Area	Not applicable, does not apply to the Temora Local Government Area.	Not applicable.
3.10	Water Catchment Protection	Not applicable, does not apply to the Temora Local Government Area.	Not applicable.
4. Resilience and Hazards			
4.1	Flooding	Yes	<p>The Planning Proposal seeks to rezone land from a rural zone to a village and large lot residential zones. The provisions of Direction 4.1 apply as the site is identified within the Arianah Park and Springdale Floodplain Risk Management Study and Plan 2024.</p> <p>Notwithstanding, the Planning Proposal is considered to be justifiably inconsistent with the aims and objectives of this Direction for the reasons outlined below: The proposal will not contain provisions that apply to the flood planning area which:</p> <ul style="list-style-type: none"> (a) permit development in floodway areas, (b) permit development that will result in significant flood impacts to other properties, (c) permit development for the purposes of residential accommodation in high hazard areas, (d) permit a significant increase in the

			<p>development and/or dwelling density of that land,</p> <p>(e) permit development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate,</p> <p>(f) permit development to be carried out without development consent except for the purposes of exempt development or agriculture. Dams, drainage canals, levees, still require development consent,</p> <p>(g) are likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities, or</p> <p>(h) permit hazardous industries or hazardous storage establishments where hazardous materials cannot be effectively contained during the occurrence of a flood event.</p> <p>The planning proposal is in accordance with a floodplain risk management study or plan adopted by the relevant council in accordance with the principles and guidelines of the Floodplain Development Manual 2005,</p>
4.2	Coastal Management	Not applicable as the subject land is not located in a coastal management area.	Not applicable.
4.3	Planning for Bushfire Protection	Not applicable as the subject land is not mapped as bushfire prone.	Not applicable.
4.4	Remediation of	Yes, as this Direction	The Planning Proposal is consistent with

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	Contaminated Land	applies to all Planning Proposals.	<p>the aims of this direction despite seeking to rezone land that is currently zoned RU1 Primary Production.</p> <p>In accordance with the requirements of this Direction, a Preliminary Site Investigation has been prepared.</p> <p>The PSI determined that the site does not pose an unacceptable risk to the proposed village zoning and future residential use.</p> <p>See PSI in Appendix B for further details.</p>
4.5	Acid Sulphate Soils	Not applicable, as the subject land is not identified as containing acid sulphate soils.	Not applicable.
4.6	Mine Subsidence & Unstable Land	Not applicable, as the subject land is not within a Mine Subsistence District.	Not applicable.
5. Transport and Infrastructure			
5.1	Integrating Land Use and Transport	Yes, as the Planning Proposal relates to urban land.	<p>The Planning Proposal is consistent with this Direction as it is seeking to rezone land for village and large lot residential purposes.</p> <p>The subsequent development of land is anticipated to improve access to housing and employment accessible by walking and cycling, given the location of these parcels being within 0.5 - 1 kilometre of the centre of the village of Arianah Park. The strategic location of this land will result in reduced car dependency to some degree, thereby increasing efficient movement of vehicles.</p>
5.2	Reserving Land for Public Purposes	Yes, as this Direction applies to all Planning Proposals.	The Planning Proposal is consistent with this Direction because it does not create, alter or reduce any provisions relating to land for public acquisition purposes.
5.3	Development Near Regulated Airports and	Not applicable, the planning proposal	Not applicable.

	Defence Airfields	does not seek to create, alter or remove a zone or a provision relating to land near a regulated airport which includes a defence airfield.	
5.4	Shooting Ranges	Not applicable, as the subject land is not located in the vicinity of a shooting range.	Not applicable.
6. Housing			
6.1	Residential Zones	Yes, as the Planning Proposal relates to land zoned RU5 Village zone, which permits residential accommodation with consent.	<p>The total area of land included within the Planning Proposal is approximately 81.4 hectares, of which approximately 27.2 hectares would be zoned RU5 Village zone, 36.1 hectares would be zoned R5 Large Lot Residential zone, and 18.1 hectares would be zoned RU1 Primary Production zone. The Planning Proposal is consistent with this Direction as it seeks to rezone 27.2 hectares of land to Village zone, which permits residential accommodation, with consent and rezone 36.1 hectares of land to Large Lot Residential zone. This will provide a variety of lot sizes to accommodate a variety of housing type providing for existing and future needs.</p> <p>The proposed zoning for the RU5 Village zone is consistent with existing land uses and will enable the potential of additional residential development as infill development. The provision of the R5 Large Lot Residential land is an improved location compared to the existing R5 zoned land, which has not progressed since being rezoned in 2010. The new proposed R5 zone will complement the existing village zone and will provide a natural boundary for village growth. The existing R5 zoned land is proposed to be</p>

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			zoned back to RU1 Primary Production, which is consistent with its existing use and lot boundaries.
6.2	Caravan Parks & Manufactured Home Estates	Yes, as this Direction applies to all Planning Proposals	The Planning Proposal is consistent with this Direction as it does not reduce the opportunities for caravan parks and manufactured homes estates on the subject land.
7. Industry and Employment			
7.1	Business and Industrial Zones	Yes, as the Planning Proposal seeks to facilitate commercial development.	The Planning Proposal is consistent with the objectives of this Direction as it will encourage employment growth and investment by rezoning additional land for village purposes, which includes businesses, commercial and light industrial developments, which are permitted with consent in this zone.
7.2	Reduction in non-hosted short term rental accommodation period	Not applicable, does not apply to the Temora Local Government Area.	Not applicable.
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable, as the subject land is not located within proximity to the Pacific Highway.	Not applicable.
8. Resources and Energy			
8.1	Mining, Petroleum Production and Extractive Industries	Not applicable as the Planning Proposal does not impact on mining, petroleum or extractive industries.	<p>The subject planning proposal will not</p> <p>(a) prohibit the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or</p> <p>(b) restrict the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.</p>

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9. Primary Production			
9.1	Rural Zones	Yes, as the Planning Proposal will affect land within an existing or proposed rural zone.	<p>The Planning Proposal seeks to rezone land from a rural zone to a village and large lot residential zones and therefore the provisions of Direction 9.1 apply.</p> <p>Notwithstanding, the Planning Proposal is considered to be justifiably inconsistent with the aims and objectives of this Direction for the reasons outlined below:</p> <ul style="list-style-type: none"> • The proposed rezonings sought by this Planning Proposal are justified and consistent with the recommendations of the Temora Shire Housing Strategy, which identified the need to rezone additional land in Arianah Park village • The rezoning of this land is consistent with the general land use pattern and zoning of adjoining land and will result in a more logical zoning layout whilst allowing for coordinate growth and development. • In some instances, such as Council's depot site, the proposed rezonings seek to reflect the actual use of the land, which is not currently being used for agricultural purposes. • The land is highly fragmented and undersized with land parcels ranging in size from 0.27ha up to 9ha. The relatively small size of these parcels make it very difficult to use the land for productive agricultural purposes. • The land is located immediately adjacent to the existing Arianah Park village • The inconsistency with this Direction is considered of minor significance as it seeks to rezone approximately 81.4 hectares, of which approximately 27.2 hectares would be zoned RU5 Village zone, 36.1 hectares would be zoned R5 Large Lot Residential zone, and 18.1 hectares would be zoned RU1 Primary Production zone. This provides an overall

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			<p>increase in urban zoned land of 63.3 hectares. However, the amendments to zoning are seeking to, in general, align zones with existing land uses and create modest levels of additional housing and business opportunities in Arianh Park village.</p> <p>See response to Direction 9.2 below for further details.</p>
9.2	Rural Lands	Yes, as the Planning Proposal will affect land within an existing or proposed rural zone.	<p>The Planning Proposal seeks to rezone land from a primary production zone to a village zone, which permits residential accommodation, business and light industries, and from a primary production zone to a large lot residential land. Therefore, the provisions of Direction 9.2 apply.</p> <p>Notwithstanding, the Planning Proposal is considered to be justifiably inconsistent with the aims and objectives of this Direction for the reasons outlined below:</p> <ul style="list-style-type: none"> • The proposed rezonings sought by this Planning Proposal are justified and consistent with the recommendations of the Temora Shire Council Residential Land Use Strategy 2019, prepared by Premise for Temora Shire Council, which seeks to rezone land, currently zoned primary production, to a village zone, which is more consistent with the existing use of this land on the northern and western fringe of Arianh Park village, which already includes 13 dwellings on lots ranging in size from 2500sqm to 4 hectares, and two agricultural services businesses. In addition, the proposed R5 Large Lot Residential zoned land already contains three existing dwellings on lots that range in size from 3.4 hectares to 8.9 hectares. • The proposal also seeks to rezone 18.1 hectares of land to RU1 Primary Production zone, as the current zoning of

			<p>R5 Large Lot Residential zone has not delivered any additional residential development in the 14 years since this land was rezoned to support this additional residential development.</p> <p>The Planning Proposal still retains consistency with the objectives of this Direction as follows:</p> <ul style="list-style-type: none"> • The proposed rezoning although reducing the amount of rural zoned land will continue to protect the agricultural production value of rural land. Specifically, the land to be rezoned is already urbanised and fragmented and separated from other surrounding rural land. • The land proposed to be rezoned is not considered to be state significance and will not adversely affect the social, economic and environmental welfare of the State. • The proposed land to be rezoned is already highly fragmented and adjoins other urban zoned land. Consequently, the rezoning of this land is not expected to create any land use conflicts with adjoining rural zoned land as it is well separated from this land by defined boundaries such as roadways. • The rezoning of this land is not expected to adversely affect the viability of adjoining rural zoned land as it largely adjoins rural lifestyle/hobby farms and/or urban land. • The proposal will not detract from the actions outlined in the NSW Right to Farm Policy. <p>The Planning Proposal also responds to the matters for consideration of this Direction as follows:</p> <ul style="list-style-type: none"> • The proposed outcomes sought by this Planning Proposal are generally consistent with relevant state, regional and local strategic plans that seek to encourage population and housing growth within
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			<p>defined areas.</p> <ul style="list-style-type: none"> • The subject land proposed to be rezoned is considered to be of low agricultural significance and has traditionally only been used for low-scale broadacre grazing and cropping. • The subject land proposed to be rezoned does not contain any environmental features such as biodiversity, heritage or water resources. Adjoining land to the north of Lot 117 DP 750852, identified as having biodiversity value in the Temora LEP 2010 will not be impacted by the proposed zoning change. Future development can be suitably sited away from the vegetation boundary. • The proposed rezoning of the land is considered appropriate given the natural and physical features of the land. • The proposed rezonings will not adversely affect the ability of adjoining landowners to continue undertaking agricultural activities. <p>The land will not result in the fragmentation of productive agricultural land, but rather seeks to rezoning land that is already highly fragmented and surrounded by urban development.</p> <ul style="list-style-type: none"> • The proposed rezonings will have an overall positive social, economic and environmental impact on the local community. <p>See response to Direction 9.1 for further details.</p>
9.3	Oyster Aquaculture	Not applicable as the subject site is not identified as a 'Priority Oyster Aquaculture Area' and is not identified in the NSW Oyster Industry Sustainable	Not applicable.

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		Aquaculture Strategy (2006)	
9.4	Farmland of State & Regional Significance on the NSW Far North Coast	Not applicable, does not apply to the Temora Local Government Area.	Not applicable.