

PART 6 Current plans, controls, and legislation applying to development in Temora Shire

6.1 Temora Local Environmental Plan 1987 (See Figure 7)

Part 1 includes preliminary clauses covering aims and objectives, the land to which the plan applies the relationship of the plan to other instruments, interpretation of terms, model provisions, and the nomination of the Council as the consent authority for development proposals. The Plan had the effect of repealing the earlier Interim Development Orders which applied to the Municipality of Temora and the Shire of Narraburra before these two authorities were amalgamated in 1980.

Part 2 provides general restrictions on land development. Eight zones (Figure 7) are identified and shown on maps. They comprise 3 rural zones, one village zone, one residential zone, one business zone, one industrial zone, two special uses zones, two open space zones, and one parks and nature reserve zone.

Zone 1(a) - Rural "A" Zone - has as its first objective the protection of the agricultural potential of rural land and the prevention of fragmentation of viable rural holdings. Urban areas are to be "consolidated"; inappropriate premature and sporadic subdivision is to be prevented. On the urban fringe, subdivision which might be prejudicial to the achievement of proper planning for urban growth is to be prevented. With exception of intensive livestock enterprises, all agricultural activities are permissible without Council consent. Amongst 16 uses which are prohibited absolutely are hotels, refreshments rooms, roadside stalls, service stations and shops - uses which in some circumstances might be seen as helping to support the tourism component of the local economy.

Zone 1(b) - Rural "B" Main Road Frontages Zone - whose objective is to protect main roads and certain tributary roads from the adverse effects of traffic generating uses - presumably to ensure the free flow of trunk traffic.

Zone 1 (c) - Rural "C" small holdings zone - is designed to protect prime agricultural land whilst recognising the need to cater for rural residential development, part-time and leisure farming. Rural small holdings created under this zone must be 'integrated' with the landscape and compatible with the capacity of the soil to accommodate waste.

[Note: There is no 1(f) zone - Forests. Forests NSW has requested that the new LEP include such a zone].

Zone 2(a) Village or township zone is a flexible provision covering the establishment and proper planning of urban areas allowing for future residential expansion together with other urban facilities 'for the rural community'. Development in unsuitable areas (eg flood-prone land) is prevented. Dwelling houses are permissible without Council consent; most urban uses are permissible with consent.

Zone 2(b) - Residential B zone - provides for a range of residential accommodation together with ancillary uses such as community facilities and neighbourhood shops.

Zone 3 (a) - Business zone - provides land for shopping and business needs.

Zone 4(a) - Industrial zone - provides strategically located lands for business and industrial uses - excluding those of a hazardous or offensive nature.

Zone 5 (a) Special Uses - provides for lands to be set aside for designated public uses and essential services and utilities.

Zone 5 (b) Special Uses B - Railways - incorporates lands set aside for railway purposes.

Zone 6(a) - Open Space "A" - Recreation - identifies lands set aside for active or passive recreation.

Zone 6(b) - Open Space - Private Recreation - identifies lands for non-public recreation.

Zone 7- NOT INCLUDED IN THIS LEP

Zone 8 (a) - Existing National Parks and nature reserves - conserves scenery and environmental quality of certain lands, and facilitates management of lands dedicated under the National Parks and Wildlife Act.

Part 3 sets out special provisions relating to the public notification of certain development applications; subdivision and erection of dwelling houses in rural Zones 1(a), 1(b) and 1(c); a requirement certain applications to be referred to the Director General of NSW Agriculture; the control of residential flat buildings in Zones 2(a) and 2(b); floor space ratio in Zone 3(a); site coverage in Zone 4(a); development on flood-prone land; the use of school facilities and sites for general community purposes; items of the environmental heritage; conservation areas; public advertisement of heritage applications; development on environmentally sensitive land; development on Council-owned or controlled land in Zone 6(a); development on land subject to bushfires; and dual occupancy development.

Schedule 1 lists heritage items and conservation areas in Temora town.

Schedule 2 lists industries which are prohibited in Zone 3(a).

6.2 LEP Amendments since 1987

Amendment No 1: January 1989

Convert land fronting Stockinbingal Road from Rural 1(b) to Industrial 4(a)

Amendment No 2:

Rezones original industrial subdivision from Rural 1(b) to General Industry

Amendment No 3: June 1989

Introduces definition of "office premises" to the LEP, thereby permitting such premises to operate in Residential 2(b) or Village /2(a) zones.

Amendment No 4:

Rural residential zones introduced in Stockinbingal Road; Junee Road; Vesper Street areas

Amendment No 5:

Rural residential zones introduced in Bundawarra Road/Young Road - Back Mimosa Road areas

Amendment No 6

Minor rezoning of small Hosking Street parcel from Business to residential

Amendment No 7:

Small parcel in Crowley Street from Special uses 5(a) to Industrial 4(a)

Amendment No 8:

Rural land in Junee Road/ Thom Street area rezoned to Rural 1(c); further release in Austral/Twynam/Britannia Streets for residential

Amendment No 9:

Convert Res B land in Britannia Street to operational, and Special Use 5(a) zone for water reserve

Amendment No 10:

Permits erection of single house on certain rural small holdings on low value agricultural land in close proximity to Temora town.

Amendment No 11:

Introduces exempt and complying provisions into LEP.

Amendment 12 (draft):

Industrial rezoning - Burley Griffin Way - not proceeded with.

6.3 Current strategic planning in Temora Shire

Prior to the commencement of the present study, there was no explicit statement of long term planning strategy for the Shire or its towns. Given current demographic projections, the uncertainties of the local real estate market, ongoing drought conditions, and other factors, the Council has never been in a position to undertake detailed land supply -and -demand assessments. The current LEP cannot be seen as a robustly prepared statutory response to a long term strategic plan.

6.4 Comments on the LEP

Temora LEP 1987 with its ten amendments is unexceptional in that it is similar to many others which have been gazetted in NSW over the past 20 years or so and which are still in force. Whilst it has served its purpose reasonably well it displays in a limited way the deficiencies inherent in the 1979 statutory planning system - deficiencies which have led to the recent NSW planning reforms.

With regard to subdivision in the existing 1 (a) Rural Zone the 1987 LEP specifies a minimum lot size of 40ha. Whilst this lot size has recently been rejected as unacceptable by DPI, no evidence has been presented to Council to demonstrate its unsuitability. Council's records show that the general objectives of the 1987 LEP as well as the specific objectives of the 1 (a) Zone have been consistently applied as a yard stick.

Table 6.3.1 compares deficiencies in the current LEP with proposed improvements which have arisen from the present study and from helpful advice from DoP. As the new LEP is developed in accordance with DoP guidelines, these deficiencies will be rectified.

Table 6.4.1 Current Temora LEP: defects and proposed response

Defect	Response and comment
Absence of a strategic element based on a long-term vision for the future of the Shire, the town and the villages	Vision statement has been developed and adopted by Council; strategic planning principles, goals and objectives for town, villages and Shire are now on file and will underpin the new LEP
Absence of a policy component connecting local and regional plans	There is no comprehensive regional plan yet available; this study identifies linkages between Temora LEP, Catchment Action Plans for the Lachlan and Murrumbidgee, and the Riverina Tourism Strategy
Failure to recognise the distinctive attributes of the town and villages, and to establish 'place-focussed' controls and Development guidelines for each	Town and village attributes, characteristics and general amenity qualities are described; mechanisms for their protection and conservation will be incorporated into the new LEP
Absence of any references to sustainability	LEP will contain mandatory provisions
Failure to include mechanisms for linking social, economic and environmental objective and plans	Provision of such mechanisms goes beyond the scope of the new LEP, but the present study provides coverage and comment; it will be a matter for Council to ensure that synergies are reflected in its overall approach to social, economic and environmental planning
Lack of a link to Council's State of	Council's SoE reports have been a significant source of information for the

Environment reporting	present Study
Absence of mechanisms for monitoring progress in plan implementation, and for programming the various actions which ideally should underpin the strategic component	The LEP will contain relevant provisions for plan review; this Study offers a framework for Council's monitoring actions; program development will be matter for Council to consider after the LEP is gazetted.
The lack of linkages to Council's corporate management plan.	TSC corporate management plan has been a source of data for this Study; where relevant the study findings are consistent with the management plan
Poor mapping and data presentation.	Council's current mapping program is intended to provide quality electronic mapping and graphics designed to satisfy all reasonable demands by plan users.

6.5 Temora Development Control Plans (current)

Council has not yet made any decision regarding the future status of the existing DCPs. Once the new LEP is gazetted it is Council's general intention to proceed with review and revision of all existing DCPs, having regard to the government's advice that a single DCP for each site is the general requirement.

DCPs 1 (February 1993) and 2 (May 1995): Rural residential development

These plans applied to privately owned lands on the outskirts of Temora town which had earlier been identified by Consultant Kevin Brodie as being suited to rural residential development on allotments having a minimum area of 2 ha. They incorporated conditions relating to buildings materials and boundary buffer zones, and were supported by guidelines for sediment and erosion control.

DCP 3 (June 1997): Restriction on rural development

This plan imposed a 1 km radius buffer zone preventing further residential development around a site in west Temora which had an approval for use as a lime and gypsum stockpile.

DCP 4 (October 1998): Development and subdivision of land within Temora Shire

This plan provided additional information to complement LEP 1987. In particular it sought the orderly and economic layout of subdivisions plans; a variety of allotment sizes; the prevention (where possible) of direct access from individual allotments to main roads; and the adoption of certain design standards for associated infrastructure. It was seen as a supplement to Council's Code No 11 - Urban Subdivision Policy.

DCP 5 (September 1999): Exempt and complying development

This plan was a response to s. 72 of the Environmental Planning and Assessment Act and associated regulations. Its objectives were to allow for development with minimal environmental impact to proceed without the need for development consent; and to allow small scale and low impact development to proceed efficiently, and with a degree of certainty. It applies throughout the Shire.

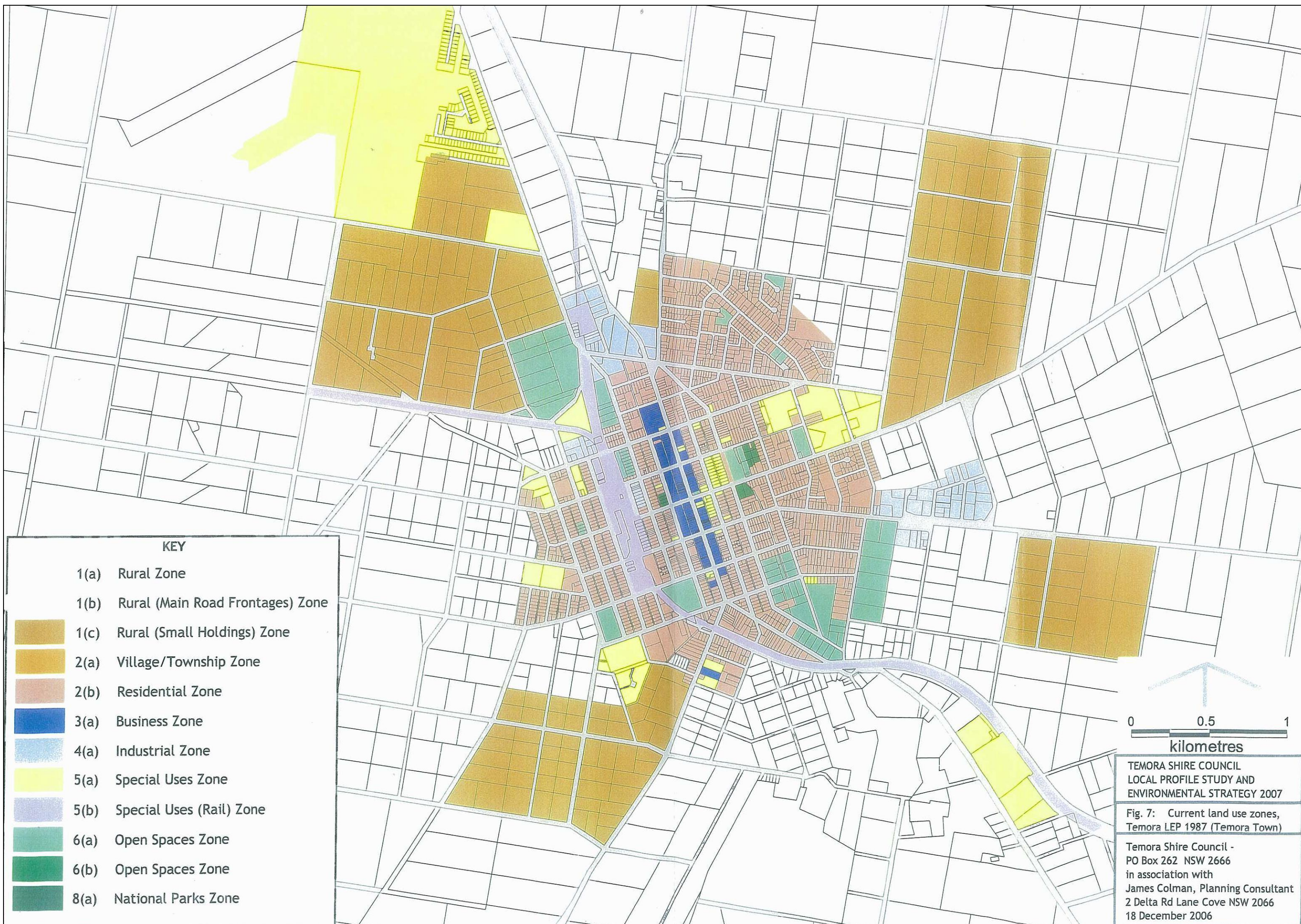
DCP 6 (September 2000): Restrictions to development and land use within aerodrome complex

This plan applies to land within the Temora Aerodrome complex. It has 4 objectives:

- to ensure that airport operations are not prejudiced by owners in the airport subdivision;
- to provide guidance on development standards;
- to provide advice on the preparation of development applications;
- To achieve an overall high level of amenity in landscaping, fencing and building design.

DCP 7 (October 2002): Guidelines for the erection of advertising structures on rural land

This plan applies to all lands within the Rural 1(a) and 1(b) zones. It seeks to control the design, construction, placing, illumination and overall visual character of outdoor advertising structures in the rural landscape.



6.6 Catchment Action Plans

Murrumbidgee Catchment

The Murrumbidgee catchment is bounded by Cooma in the east, Balranald in the west, Temora in the north and Henty in the south. It covers an area of some 84,000 sq kilometres and is home to about 520,000 people including the entire population of the Australian Capital Territory. The Action Plans (prepared with the assistance of the then Department of Land and Water Conservation) has been endorsed by the State Government and its implementation is in the hands of the new Catchment Management Authority. The Action Plan is a 'whole of government' plan which sets natural resource management priorities beneath which other NR management plans (such as those for regional vegetation and water) will sit. It is not a compulsory set of actions: it is advisory rather than regulatory.

For the Murrumbidgee catchment the Action Plan sets directions for managing native vegetation, biodiversity, water sources and soils, as well as providing investment guidance. It contains many targets and actions which are consistent with the Council's adopted planning strategy and which will be linked to the new LEP through its stated objectives. Temora Shire will be a partner in its implementation, with future development applications being assessed in the Action Plan context.

6.7 Lachlan Catchment

Of greater significance for Temora Shire is the Lachlan Catchment. The Action Plan for the Lachlan is similar in scope and content to the MCAP (see previous item) but contain material and recommendations of more direct relevance to the Shire. Temora town lies within the Narraburra Duck Creek sub-catchment of the wider Bland catchment. Management targets include ensuring the development and progressive implementation of stormwater management plans for all urban areas by 2005 (in hand); and reducing the adverse impacts on water quality associated with urban and residential development.

The Action Plans contains a number of management actions which have implications for the Temora local plan.

Generally: *Catchment Targets for Biodiversity and Native Vegetation*

1. By 2016 there is an increase of 145,000ha of terrestrial native vegetation that is being actively managed for biodiversity conservation.
2. By 2016 the highest priority terrestrial and aquatic threatened flora and fauna species, endangered populations and significant species will be managed for conservation.
3. By 2016, restrict the extent of priority pest animals and environmental weeds.

Targets for water and aquatic ecosystems

4. By 2016, riverine and aquifer ecosystem conditions and quality are maintained and improved.
5. By 2016, soil health has improved on 870,000ha of agricultural land.

Consistent with these targets are management priorities which were presented in the earlier 'blueprint' as follows:

- PA 25: develop LEP heads of consideration which address biodiversity, native vegetation management, soil health, water quality, fragile lands, salinity;
- PA 26: review current zoning and rural subdivision rules;
- PA 27: develop and implement where appropriate new zoning and subdivision heads of consideration;
- PA 28: incorporate locally refined model LEP heads of consideration into LEP's within the catchment;
- SA 53: integrate salinity management plans into LEP's and new development application assessments and consent conditions;
- SA 54: develop and implement water demand management strategies;
- SA 55: increase the adoption of better water use practices to reduce groundwater recharge;

- CH4: identify significant sites and aspects of indigenous landscapes, and document them in an appropriate way;
- CH5: identify and document significant aspects of indigenous landscape;
- CH6: integrate the management of these areas through the development of the identified significant sites and aspects of the catchment.

The Lachlan Catchment Management Authority has recently established, an offices in Forbes, NSW. The CMA has released the draft LCAP which provides more detail on actions and policies requiring a response from Temora Shire Council.

6.8 Native vegetation

The recent *Native Vegetation Act 2003*, administered by the Department of Natural Resources, will influence future development in Temora Shire. The Act promotes the abolition of broad-scale land clearing and provides funding for farmers and local groups to repair and restore damaged landscapes.

Under the 2003 Act and its related regulation, native vegetation must not be cleared where the vegetation type has already been cleared from more than 70% of its former range or where the landscape concerned has had more than 70% of its cover removed. These provisions are especially relevant to Temora Shire, which has seen more than 70% of its landscape suffer extensive clearing and loss of native vegetation. According to DEC, no further clearing should occur unless the land is in 'low condition' and the environmental condition can be maintained or improved.

Managing native vegetation on freehold land includes assisting in the development of vegetation management plans and property agreements to protect and maintain vegetation remnants. Regional vegetation management plans will clarify management goals for all stakeholders in the particular region. Compliance aspects will involve implementation of the Act and assessments under the earlier *Threatened Species Conservation Act 1995*.

In future, DNR will be taking the view that a condition of any permitted intensification of development on rural land (through rural sub-division in particular) will require that it lead to a net improvement in the condition of the land, in water quality, native vegetation cover, soil health - requiring strong policy development from the strategic level down to planning instruments and policies. The Council will be in a position to help implement these policies when dealing with proposals for subdivision or development in ironbark ridge country (for example) where retention of remnant habitats and native ecosystems is becoming increasingly important. This will be achieved through the inclusion within the new LEP of a clause or clauses requiring that certain matters be taken into consideration when development within environmentally sensitive land is proposed. Such clauses would be keyed to map overlays for biodiversity, land and water sensitive areas.

6.9 Soils

Sustainable management of soils includes the amelioration of degraded areas due to erosion, salinity and acidification. Property owners must be encouraged to play their part in this work. Action includes minimising the impact of development on soil erosion and sedimentation problems by preparing suitable soil and water management plans for all developments, and identifying the capability of the soil resource by land capability mapping and soil landscape maps. Compliance aspects of soil management involve parts of the *Soil Conservation Act 1938* and the *Rivers and Foreshores Improvement Act 1948*, both of which are administered by DEC.

6.10 Water, wetlands and watercourses

Temora Shire has no major river or permanent watercourse of any size. The recently created Lake Centenary on the northern outskirts of Temora town (See Figure 5) is the only major standing water storage, intended to be covered by a Recreational Waterway zone in the new LEP. There many lesser streams including the Bland, Narraburra, Duck, Trigalong, Gundibindyal, Combaning, Back, Campbells, Berry Jerry, Smoky and Mimosa Creeks. These provide habitat for aquatic flora and fauna and are likely to form part of the Aquatic ecological community in the natural drainage system of the Lower Murray River catchment - a listed EEC. Riparian vegetation along creeks constitute important wildlife habitats

from which development must be excluded; and wetlands and watercourses generally will be included in the appropriate overlay map. All these watercourses and related wetlands have been mapped and will be available to the Council through its GIS spatial data system. The imposition of a standard riparian buffer is an option here - possibly by way of a clause in the LEP.

On DoP advice, Council's planning approach will include relevant water management policies for farm dams and the regional policy for *Water Access for Rural Residential Development in the Murrumbidgee*. Controls will ensure the adoption of appropriate effluent management systems. Compliance will be required with certain provisions of the *Water Management Act 2000* and the *Rivers and Foreshores Improvement Act 1948*.

6.11 Heritage

Heritage provisions under the *Heritage Act 1977* are mandatory components in a local plan, and the NSW Heritage Office has prepared 'model provisions' have been incorporated into the new standard local planning instrument. They cover objectives, development consent requirements and exceptions, necessary documentation for development applications, demolition, and development which might be carried out in a conservation area. Of particular importance are the requirements governing developments which might affect places or sites of known or potential Aboriginal heritage significance.

Early in the preparation of the present report, informal advice received from the then Heritage NSW indicated that the future will see the bulk of responsibility for heritage management devolving to local government. The new controls will need to be backed up by suitable management procedures. Apart from its intrinsic value and cultural significance, the conservation of heritage is acknowledged as an important part of an area's tourism resources. This fact has been recognised and endorsed by the Shire Council and community and is reflected in the 2005 community-based heritage study and thematic history (London et al, 2005). A concern for heritage and cultural values is reflected in the TSC Social Plan (2001-2). The Main Street Strategy 2002 recommended the adoption of heritage themes and the implementation of heritage guidelines within the town centre. Heritage is also a key element in the regional tourism plan prepared for the Eastern Riverina in 2003.

With regard to Aboriginal heritage, respect for Wiradjuri country is a primary responsibility within any heritage policy (see earlier comments). Here it is acknowledged that in no way is a concern for Aboriginal heritage going to 'open the door' to a flood of land rights claims. Heritage is not a land rights issue: it is simply a matter of showing respect - of recognising what went before and accepting the obligation to conserve what little remains.

The National Parks and Wildlife Service (now part of DEC) maintains a register of recorded Indigenous heritage sites which is not generally available to the public. However, subject to DoP advice, it could be linked to the new integrated plan, together with a requirement that landowners must check with NPWS before undertaking any development on their land.

Aboriginal heritage is a major component of the Council's recent heritage study which provides support for the heritage provisions of the new plan.

6.12 Forests and reserves

Nature reserves in Temora Shire are managed by DECC (P and W Group) from Griffith. Forests are managed by Forests NSW under specific Management Plans pursuant to the Forestry Act.

In June 2004 The National Parks and Wildlife Service (now part of the Department of Environment and Conservation) released a draft plan of management for the Ingalba, Big Bush and Pucawan Nature Reserves - all three of which are located between Temora town and Arianah Park. The plan is a statutory document and after formal adoption by the Minister, any operations within these reserves must comply with the plan. The reserves are significant woodland fragments in an agricultural landscape dominated by sheep grazing and dry land cropping. They are linked by corridors of vegetation which might include (for example), and remnant vegetation on adjacent private land and along roads and travelling stock routes. Forests NSW has advised that remnant vegetation in TSRs is inadequate for dispersal and genetic migration of some species, thereby suggesting that there may be scope within a future LEP for measures

designed to improve this situation from a conservation perspective (See Table 4.6.1). Council acknowledges that most of the Shire's TSR's are managed by the Rural Lands Protection Board in Wagga Wagga. Environmental Management Plans have been completed for these routes and reserves. DECC seeks to ensure that further incremental habitat loss within these areas is minimised and that roadside clearing of native vegetation should be avoided (or offset).

The reserves will be managed (by Forests NSW) to protect plant and animal communities and to provide opportunities for research and educational use, including the evaluation and identification of features and values of Aboriginal heritage significance.

The National Parks and Wildlife Service (now a part of the Department of Environment and Conservation) works with people and communities throughout the State to protect and conserve natural and cultural heritage.

The National Parks and Wildlife Act, 1974 is administered by the DEC. It aims to conserve natural and cultural heritage items within the landscape, including the protection and management of conservation reserves, biodiversity, and Aboriginal Heritage sites and objects. In the new LEP, all areas gazetted under the Act will be zoned E1 - National Parks and Nature Reserves.

6.13 Fishing and fisheries

The Department of Primary Industries (Fisheries) supports actions and management arrangements which will improve the health of the riparian zone and local aquatic communities. These include the efforts to stock Lake Centenary for recreational fishing.

The *Fisheries Management Act 1994* assists in guiding future developments and land uses in the Murrumbidgee and Lachlan catchments. The Act aims to conserve fish stocks and aquatic habitats as well as to protect and conserve threatened species, populations and ecological communities. The Act applies to permanently or intermittently inundate water land including rivers, creeks, wetlands and floodplains. For the Temora local plan, the following applies:

- The plan should make specific reference to threatened aquatic species.
- Up-to-date lists of threatened species can be obtained from the department's website.
- The local plan should identify key threatening processes as listed under Part 7A of the FMA; these should be considered by any person or body undertaking works in the Murrumbidgee and Lachlan catchments. Both riparian and aquatic vegetation and habitats should be covered in the plan.

6.14 National parks and threatened species

See Section 6.12 above. Note that the DECC Griffith Office manages the following Nature Reserves, Ingalba, Big Bush, Boginderra and Pucawan.

Threatened Species Conservation Act 1995 is administered by DEC. It aims to prevent the extinction and promote the recovery of threatened species, populations and ecological communities. Recovery plans and threat abatement plans have been prepared for many listed species, and need to be considered by councils when assessing development proposals which may impact on threatened species, populations or communities. This Act has been integrated with the Environmental Planning and Assessment Act 1979, requiring a consent authority to assess impacts on threatened species. DEC has a concurrence role with a consent authority when a significant impact is likely.

6.15 Agricultural land

Relevant documents released by the former Agriculture NSW (part of the Department of Primary Industries) include the *Rural Lands Protection Act 1998* and its *Regulation (2001)*, and the *Policy for Sustainable Agriculture in NSW 1998*. Specific areas of departmental advice and research include salinity control, water management, managing contaminants, management of soils and vegetation, weed control, long term protection of farmland, managing organic waste, and developing organic and biodynamic farming practices

Temora Shire Council records its determination to support the retention of the Department's Agricultural Research Station in Temora - seen as a vital local resource which has served the farming community for decades.

With regard to rural subdivision standards the Department holds the view that they should be based on some cognitive process, rather than on what might be seen as a random choice of a minimum lot size. In principle, the Council understands and supports this view. However, Council has yet to see evidence of serious quantitative research designed to identify an appropriate regime for subdivision within the Shire's rural areas.

Council accepts that the use of farming land for primarily residential purposes is not supported by the Department, which is committed to actively discouraging the conversion of agricultural land for such a purpose. Generally the Department opposes the creation of rural residential lots, hobby farms and farm lets. Where proposals involve intensive agriculture, the department advises that there are successful 'community title' rural developments in NSW which might be seen as appropriate precedents. As stated elsewhere in this document, Council is seeking a degree of flexibility in the new LEP such that legitimate agricultural endeavours requiring small allotments could be approved, subject to appropriate conditions and controls.

This flexibility is sought to strengthen Council's prospects of attracting additional investment and employment opportunities in the primary production sector. This could result (for example) by way of an increase in the number of enterprises based on intensive agriculture (nuts, grapes, fruit crops, olives, other high value crops), or alternatively in agri-tourism. Such enterprises do not need the large land areas typically associated with traditional grain crops. They can add to agricultural diversification, create new jobs, and bring variety to the agricultural landscape. Providing that water and soil quality are commensurate with demand, Council sees considerable merit in pursuing this approach as a responsible policy line. For the new LEP this means that the Council sees considerable benefit in retaining the current 40ha minimum rural lot size.

NOTE: As this study was being finalised the NSW Government released the August 2007 report (to the Minister for Planning) of the Review of Land Use Planning in the Central West by an Independent Review Panel, The Panel found (inter alia):

- 'that the Department of Primary Industries' current methodology for determining minimum allotment sizes in rural zones - - - is inappropriate as a planning tool and should therefore be abandoned.
- 'that (in relation to minimum allotment size) - - - there is no substantial evidence to indicate that the current LEPs are causing any major land use planning threat to the ongoing viability of agriculture in the Central West, or that current minimum allotment sizes have resulted in the fragmentation of rural land.

The Panel also indicated its view 'that the issues identified in the Central West are likely to be the same in other rural areas of New South Wales - - - and that therefore its recommendations could legitimately be extended to a broader area of the State'.

For Temora Shire, these findings are encouraging, and lend support to the Council's adopted position in regard to retention of 40ha as the minimum lot size in the broad acre rural zone. That position is further supported by the circular letter to rural Councils from the Director/General DoP received in October, 2007.

6.16 Air and water quality; noise; waste; natural and cultural heritage; biodiversity

The Department of Environment and Conservation (DEC) combines the functions of the National Parks and Wildlife Service (NPWS), Environment Protection Authority (EPA), Resources NSW and Royal Botanic

Gardens. The Department provides input to local plans where they deal with air and water pollution, noise emission, waste management, and natural and cultural heritage issues.

The new department has taken over the responsibilities of the former EPA and is now the main environmental regulator, acting within programs targeting

- Air and noise: reduction of emissions to air, minimising their impacts - and those of urban noise - on the community
- Water and catchments: improving the health and sustainability of NSW waterways
- Hazardous substances: minimising the adverse impacts of chemical and hazardous substances on the environment and public health
- Waste: waste avoidance, maximising resource recovery and promoting waste management in an environmentally sound manner, and
- Environmental compliance: achieving a high level of compliance with statutory requirements and further environmental gains through cost-effective means.

For the Department, the main pieces of legislation of relevance to planning and environmental management in the Shire include the following: *Contaminated Land management Act 1997*; *Environmentally Hazardous Chemicals Act 1985*; *Pesticides Act 1999*; *Protection of the Environment Administration Act 1991*; *Protection of the Environment Operations Act 1997*; *Recreation Vehicles Act 1983*; *Road and Rail Transport (Dangerous Goods) Act 1997*; *Waste Avoidance and Resource Management Act 2001*; and the *Waste Minimisation and Management Act 1995 (repealed 2001)*. In addition to these enactments there are regulations administered and enforced by the Department.

6.17 Regional development

Within the region, the respective roles of the NSW Department of State and Regional Development and the Riverina Regional Development Board need to be distinguished. The Board is focussed on strategic developments in the Riverina (including Temora), and does not provide advice on individual business enterprises or community economic development programs. These latter are the province of the Department. For operational purposes the Board works at 'arm's length' from the Department. The Board initiates projects which are consistent with the well-established Regional Economic Development Strategy (REDS) and its stated objectives.

For the Shire, its partnership with the Board - based in Wagga Wagga - will continue to be of relevance to local planning. The Board is a key participant in relation to regional strategic initiatives, with advice being available on individual business enterprises and on community economic development.

The *Towns and Villages Futures Program* aims to foster economic growth and job creation in those small regional communities with a population less than 2,500 which are facing hardship. Communities are helped to take a strategic and proactive approach to economic development and community planning, with assistance going to business enterprises, marketing and promotion effort, events, and tourism development. During 2004 the Shire Council has been co-funding with DSRD a Strategic Plan for Aria Park, with the work being undertaken by a consultant guided by a coordinating committee chaired by the Council's economic development officer.

The *Developing Regional Resources Program* provides project funding for local or regional organisations investigating economic opportunities and pursuing innovative approaches to economic development. The program seeks to develop best practice, innovative methods, techniques and approaches which strengthen regional economies through value-adding to resources and diversifying from the existing economic base.

The *Country Lifestyles Program* aims to attract skilled labour to regional centres. The program works with business and the community to ensure regional enterprises have access to a supply of skilled labour that will help improve the potential for new investment or expansion of existing operations.

The *Country Change* initiative aims to attract new residents to non-metropolitan centres.

For Temora Shire, successful implementation of DSRD programs means good news if they bring new investment and new employment opportunities to this part of the region. In that sense such action is seen to be consistent with the recently-released draft *State Plan - a new direction for NSW*, which specifically targets the need to strengthen rural and regional economies. The Council strongly supports such an objective. At the same time, the Council looks to government to resolve possible policy inconsistencies at State agency level (e.g. DPI, DoP, DSRD, DOCS).

6.18 Fire management

The Rural Fire Service's responsibility in development assessment only applies to land identified as bush fire prone land on the relevant map pursuant to s.146 of the EPA Act 1979. The new LEP will include provisions relating to the Temora Bush Fire Prone Land map. In addition, to s.79 (b) (a) of the EPA Act; and s.100 (b) of the Rural Fires Act 1997 will apply. In this context it should be noted that Temora Shire has entered into a fire management zone with Bland Shire for the purpose of coordinating fire management procedures.

Currently the RFS assesses all development applications under s. 79BA against the provisions of the document *Planning for Bushfire Protection 2001*. A clause covering bushfire issues is included in the new standard LEP instrument and will be carried forward into the new Temora LEP, together with a possible cross-reference to the provisions of the s.117 Direction (DIPNR) - "Planning for Bushfire Protection - provisions 3(a) to (h).

The Service has statutory responsibility for fire protection in rural NSW under the *Rural Fires Act 1997*. *Circular 20/2002* and the guideline document *Planning for Bushfire Protection* cover planning requirements for developments within bush-fire prone areas.

6.19 Public works

The Department of Commerce (formerly the Department of Public Works and Services) does not have any policies, legislation, or regulations which would affect the Temora plan. Temora is covered by the regional office in Bathurst. This Department oversees the Community Technology Centre program in which Temora was a foundation participant.

The Department does not have a policy or regulatory role related to local planning. Its main expertise is in the areas of infrastructure procurement, asset management and project management. Services in these fields (such as asset purchase, planning, design and documentation, construction, etc) are available to the Council for a fee. The Department can assist the Council to prepare asset registers and asset maintenance plans. Voluntary environmental compliance audits can be executed for the Council to identify and manage non-compliances prior to breaches being discovered by EPA.

6.20 State Environmental Planning Policies

Appendix A is a list of State Environmental Planning Policies which are considered relevant to Temora Shire. These Policies bind Councils across the State; compliance is mandatory and their effect must be taken into account by the Council in all its development control activities. Table 6.19.1 summarises the SEPPs which are relevant to Temora. The extent to which they apply will depend on the circumstances surrounding the development proposal or matter under consideration. For example, *SEPP 45 - Permissibility of Mining* would only be invoked in the event of an application to establish a mining operation. The SEPPs comprise another layer of control, over and above the provisions of the new LEP.

Table 6.19.1 State Environmental Planning Policies applicable to Temora

No.	Name of policy	Applicability to Temora Shire
5	Housing for Older People or People with Disability; amended by Seniors Living SEPP 2004	Yes: applies to private/public developments for the subject group; permits such housing in any residential zone
6	No. of storeys in a building	Yes: but applicability is unlikely unless multi-storey developments on steep land are involved; sets out a method for determining the no. of storeys in a building

8	Surplus public land	Yes: promotes and coordinates the orderly and economic use of surplus public land; subject to Ministerial consent
11	Traffic generating developments (under review)	Yes: RTA named as the sole traffic management body to be consulted on traffic generating developments
15	Rural land-sharing communities	Yes but unlikely: for the purposes of collective rural living, makes the management and sharing of unsubdivided land, facilities and resources a consent use in rural zones.
16	Tertiary institutions	Yes: permits any kind of tertiary institution on land so zoned
21	Caravan parks	Yes: ensures that moveable dwellings are permissible with consent in caravan parks and camping grounds
22	Shops and commercial premises	Yes: permits changes of use in business zones, subject to consent and satisfactory environmental assessment
30	Intensive agriculture	Yes: consent required for cattle feedlots >50 animals and piggeries > 200 animals.
32	Urban consolidation	Yes: Council expected to include consolidation objectives in its local plan for urban areas.
33	Hazardous and Offensive Development	Yes: new definitions and requirements for Council in dealing with proposals involving such development
36	Manufactured home estates	Yes: MHEs permissible in caravan parks by way of community title subdivision or leasehold; assessment criteria defined; a separate s117 direction is cognate
37	Continued mines and extractive industries: This SEPP has recently been replaced (together with SEPP 45 below) by a new policy gazetted as Mining, Petroleum Production and Extractive Industries 2007.	Possible application: Sets out conditions under which certain mining operations can continue to operate
45	Permissibility of mining	Possible application: sets out clear planning controls to determine permissibility
48	Major putrescible landfill sites	Unlikely in Temora; Minister named as consent authority for certain types of landfill proposals
55	Remediation of land	Yes: sets out planning controls for remediation prior to development
64	Advertising and signage	Yes: comprehensive provisions governing the design and siting of outdoor advertising in urban and natural areas
65	Design quality of residential flat development	Yes: for certain flat proposals, design principles established; supplemented by a regulation
-	SEPP (Seniors Living)2004	Yes: replaces SEPP 5 (see above)
-	SEPP - Building Sustainability Index : BASIX - 2004	Ensures consistency in the implementation of BASIX
-	SEPP (Major Projects) 2005	Unlikely; Defines major projects of state significance and names the Minister as consent authority

6.21 Regional Environmental Plans

There are no REPs which affect Temora Shire.

6.22 Section 117 Ministerial Directions

The following Directions are considered to be inapplicable to Temora Shire.

- 1.3 Mining Petroleum Production and Extractive Industries
- 1.4 Oyster Aquaculture
- 2.2 Coastal Protection
- 2.3 Recreation Vehicles
- 3.2 Caravan Parks and Manufactured Home Estates
- 4.1 Mine Subsidence and Unstable Land
- 4.3 Flood Prone Land for further consideration
- 5.1 Implementation of Regional Strategies

- 5.2 Sydney Drinking Water Catchments
- 5.3 Farmland of State and Regional Significance
- 5.4 Commercial and Retail Development along the Pacific Highway
- 5.5 Development in the vicinity of Ellalong...
- 5.6 Sydney to Canberra Corridor
- 5.7 Central Coast
- 5.8 Second Sydney Airport
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions

Subject to further advice from DoP, Council's view is that the new LEP is consistent with the following Directions for the reasons stated.

Local Planning Direction 1.1: Business and industrial zones

The Objectives of this Direction are

- (a) to encourage employment growth in suitable locations
- (b) to protect employment land in business and industrial zones
- (c) to support the viability of identified strategic centres.

Objective (a) is to be achieved by the application of the general and specific objectives of the new LEP (Cl.2A) in the locations identified on the Land Zoning Maps, these being locations which have been and /or will be zoned for industrial, business and related uses consistent with the Council's adopted strategy for Temora town. The encouragement of employment growth is a key shire-wide objective underpinning the new plan.

Objective (b) is achieved by reason of the fact that the new plan retains and extends existing employment lands (both business and industrial). No such zones will be adversely affected by the new plan.

Objective (c) is achieved in that Temora town is identified as being the only 'strategic centre' in the Shire. The Plan recognizes that its continuing viability is vital to the long-term health of the Shire's economy.

Consistency with this Direction is claimed for the following reasons.

- The Draft LEP will give effect to the objectives of the direction.
- It retains existing business and industrial zones.
- There will be no reduction in industrial or business floor space.
- There will be an increase in the potential to create additional industrial floor space.
- The new LEP is consistent with Council's adopted strategy for Temora town.

Local Planning Direction 1.2: Rural zones

The Objective of this Direction is to protect the agricultural production value of rural land.

The new LEP will achieve this objective by the application of the General Objectives (Cl. 2A) and the objectives for the RU1 Primary Production Zone. Since the 1987 LEP was gazetted the Shire's economy has continued to rely on agriculture, with the 2002 value of seed and grain crops being \$35.98m and that of livestock production being \$18.8m. Today's figures reflect the continuing health of the local agricultural economy, notwithstanding the 40ha minimum rural lot size in the 1987 instrument.

Consistency with this Direction is claimed for the following reasons.

- No prime agricultural land will suffer a change of use or productivity under the new plan. A very small quantum (approximately 100ha out of a total Shire area of 2,800 sq km)) of 1(a) land will be converted to urban use; the conversion recognizes that this land currently comprises a number of parcels of unproductive peri-urban land which have no attraction for future agricultural use and which have already undergone a degree of change to urban or quasi-urban use.

- The proposed rezoning of Rural Residential 1(c) lands to R5 Large Lot residential is a change in name only. In Temora town no productive lands are affected. In Aria Park, some 20ha of farmland on the western edge of town will be affected, providing a reasonable response to local demand for a small degree of choice in the local housing market.
- There are no provisions in the new LEP which will increase the permissible density (?) of land within the rural zone.
- The draft LEP contains provisions to control access to classified roads in rural zones.

Local Planning Direction 2.1: Environmental Protection Zones

The new LEP does not contain any Environmental Protection Zones. Nature reserves are covered by the E1 National Parks and Nature reserves zone. Environmental protection is provided by Clauses 39, 40 and 41.

Clause 39 provides protection for environmentally sensitive biodiversity (flora and fauna); protection for ecological processes; and encouragement for the recovery of threatened species, communities, populations and habitats.

Clause 40 provides protection for the diversity and stability of landscapes.

Clause 41 provides protection for the vulnerable riparian areas; sensitive aquatic ecosystems; and areas with a generally high susceptibility to groundwater contamination.

The above provisions - together with supporting overlay mapping - are included in the new instrument at the request (and with the strong support) of the relevant state agencies. In Council's opinion they obviate the necessity for introducing environmental protection zones whilst at the same time complying with the spirit of LPG 2.1.

Local Planning Direction 2.3: Heritage Protection

The objective of this Direction is to conserve items of environmental heritage significance and indigenous heritage significance. The objectives of the new LEP as set out in Clause 2 (2) and 2A (2) (c) and supported by the relevant Maps and schedule are consistent with the Direction and will work to help achieve its objective. Consistency with the Direction is achieved.

Local Planning Direction 3.1: Residential Zones

The objectives of this Direction are to encourage variety in housing types; to make efficient use of and access to existing and future infrastructure; and to minimise residential impacts on environmental resources.

The new LEP will work to achieve these objectives through the application of its Aims (Clauses 2 and 2A) and the particular objectives of Zones RU5, R1, R5, B2, B4 and B6 in so far as they are relate to housing.

In particular:

- the LEP will broaden the choice of dwelling types and locations in Temora town and Aria Park;
- will make more efficient use of existing infrastructure and services by encouraging more intensive residential development in the central area of Temora town and in the southernmost of the erstwhile rural residential zones;
- will reduce the consumption of urban fringe land for housing by maintaining the existing 'rural residential' zones (subject only to a change in name to R5);
- the LEP will encourage good housing design through the inclusion of Cl. (yet to be numbered) *Environmental design of dwellings*.
- the LEP will ensure that development in all residential zones will have adequate access to utility services; and

- the LEP does not propose a reduction of permissible density in any residential zone.

Consistency with the Direction is achieved.

Local Planning Direction 3.3: Home Occupations

The draft LEP will work to achieve the objective of this Direction by the inclusion of appropriate provisions permitting home occupations to be carried out in dwelling houses throughout the Shire. Consistency with the Direction is achieved.

Local Planning Direction 3.4: Integrating Land Use and Transport

General note: Temora town is a compact urban area with the bulk of development located within a maximum of 2km from the centre of town. For the majority of residents, access to schools, jobs and services is already very convenient, with the typical journey to work being in the 5-10 minute range. The terrain encourages walking and cycling. Apart from a very small taxi service there is no public transport. Council strongly supports the objectives of the Direction. In Council's view the existing zoning pattern and distribution of land uses is such that (to the extent possible and feasible) the objectives of the LPD are already being achieved.

The new LEP introduces an 'urban consolidation' element in the town centre which will bring more people within easy reach of services. In addition, the instrument will include provisions which will give effect to and be consistent with DUAP publications *Improving Transport Choice and The Right Place for Business and Service*. In the light of these comments, consistency with the LPD is claimed.

Local Planning Direction 3.5 Development Near Licensed Aerodromes

Aerodromes (whether 'licensed' or not) are not defined in the Dictionary to the Standard Instrument. Nor is 'licensed aerodrome' defined in the Civil Aviation Safety Act or Regulations 1998.

In the case of Temora, the Shire Council owns the CASA-certified airport to the north of the town. Since World War 2 this facility has been in regular use for private aviation purposes and (more recently) for monthly 'fly-ins' by recreational aviators from around Australia. There are no scheduled passenger or freight services.

The day-to-day planning and management of airport operations at Temora are governed by a Master Plan and Development Control Plan. The Commonwealth was consulted in the preparation of the former. The airport receives annual accreditation from CASA by way of certification - covering all official requirements relating to OLS and ANEF. Council's Master Plan and new LEP are designed to ensure the continuing application of the mixed-use policy relating to airport land. They are consistent with and are already achieving the stated objectives of LPD 3.5. For several years the Master Plan and DCP have successfully governed the development of house -and- hangar allotments as well as the museum and related quasi -commercial facilities and activities within the airport campus.

The airport is covered by the SP 2 Infrastructure Zone and by a local provision in the draft LEP. LEP Objective 2A (2) (d) relates. In the light of these arrangements and the provisions of the Master Plan and DCP, it is considered that consistency with LPD 3.5 is achieved.

Local Planning Direction 4.3: Flood Prone Land

Temora LEP 1987 identified flood prone areas in Temora town and Springdale as follows:

- an area of approximately 12 ha in Temora town between Trungley Road and the Barmedman Road, in the vicinity of Dairy and Gidgee Streets; currently partly zoned rural and partly rural residential;
- an area of approximately 10 ha in the west, in the vicinity of Oak Street and Britannia Street, currently zoned rural;
- an area of approximately 15ha in the east in the vicinity of Delaven Street, Gardiner Street and Old Cootamundra Road, currently partly zoned public open space and partly rural;

- (d) an area in Springdale zoned Village and rural.

None of these have been covered by a flood study. All are small in extent. Council records show that they are subject to occasional shallow inundation during times of intensive rainfall, with rapid dispersal and run-off into the local stormwater drainage system. There are no records of damage to life or property due to these rare events.

In the case of area (a) above, the new LEP proposes to introduce a B6 Enterprise Corridor zone which will mean minor zone changes.

In the case of area (b) there will be no zone change: the area remains rural.

In the case of area (c) there will be no zoning change.

In Springdale village there will be no zoning changes.

In the case of area (a), inconsistency with LPD 4.3 is justified for the following reasons.

- i. The area of flood prone land within the proposed B6 zone is very small and as such a flood study cannot be justified.
- ii. A future DCP will ensure that new development is planned and designed to remove potential risks to life and property arising from occasional shallow and temporary inundation.
- iii. The area currently accommodates a natural stormwater drain which will remain and which will be an element in a future DCP.
- iv. Potential flood impacts on and off the land, and hazards associated therewith, will be minor and of short term duration.

Accordingly, the provisions of the draft LEP that are inconsistent with the LPD 4.3 are considered to be of minor significance. Hence the objectives and other provisions of the Direction are satisfied.

Local Planning Direction 4.4: Planning for Bushfire Protection

The objectives of this Direction are to protect life, property and the environment from bushfire threats and to encourage sound management in fire prone areas. The draft LEP is consistent with these objectives and with the Direction by way of Clauses 2A and 36. Council has consulted with the RFS pursuant to section 62 of the EPA Act and will in due course prepare a local policy/guideline in respect to bushfire protection measures as recommended by the Service in their letter to Council dated 7 June 2007.

Local Planning Direction 6.1: Approval and Referral Requirements

The objective of this Direction is to encourage efficient and appropriate development assessment processes.

The draft Temora LEP

- makes minimal reference to concurrence, consultation or reference action with or to any Minister or public authority;
- does not contain provisions requiring concurrence, consultation or reference unless so requested by an official party;
- does not identify any development as *designated*.

Consistency with this LPD is claimed.

6.23 Water; public utilities; roads

Council's Engineer has advised that the capacity of existing infrastructure facilities (water, energy, telecommunications and sewerage) is adequate to cater for the anticipated slow growth and moderate population expansion expected for the town and villages over the life of the plan.

For articulated mains supply the Shire relies on Goldenfields Water, based in Temora town. Goldenfields has the statutory role of providing potable water to towns, villages and farms (where practical). Irrigation is not part of its business - a point which has implications for enterprises such as olive production, orchards, and horticulture. Temora town's water supply is on a branch of the Gumly Gumly (aquifer) line. A second town reservoir has been approved and construction is shortly to commence (6/06).

Goldenfields provides the essential water requirements for about 40,000 people dispersed across its area of jurisdiction between the Lachlan and Murrumbidgee Rivers. The infrastructure relies on 5 separate sources, each supplying a separate area. The Jugiong and Oura sources supply Temora.

Jugiong: Supply is obtained from the Murrumbidgee River adjacent to the village of Jugiong. After treatment, water is pumped to the Cowangs Reservoirs before distribution to consumers in Cootamundra, Harden and Young shires as well as the eastern sector of Temora Shire, including Springdale.

Oura: This source comprises a bore field and treatment plant at Gumly Gumly Island on the northern side of the Murrumbidgee River east of Wagga Wagga. Water is pumped to storages at Junee before distribution to consumers throughout Temora Shire (including Temora town and Arian Park) and elsewhere.

With regard to the provision of water supply to industry, the County Council advises that there are wide variations in the demand for water between different types of industrial development. The Australian Reticulation Code now requires 150mm pipes as a minimum standard for industrial areas. This may not necessarily apply to "spot" light industrial projects. However there is a possibility that certain types of industrial development - even if they are serviced areas - might be required to make significant capital contributions (to water supply infrastructure).

It will be desirable for all future urban residential developments to incorporate on-site water storage. Advice from Goldenfields indicates that there is a need to clarify whether this is storage of mains water, rainwater, water sourced from elsewhere, or a combination. If a mixture is contemplated, there are potential health risks. It is understood that there are ongoing negotiation between local and State government on the issue of subsidies for rainwater tanks; Temora Shire will no doubt benefit from working with Goldenfields to ensure that an integrated risk management approach is applied by both Councils in a consistent manner. Goldenfields already requires on-site storage for all non-urban connections. This requirement is designed to ensure supply security where conventional reticulation is not available, and is not intended to encourage the use of mixed storages.

Energy: In Temora Shire, Country Energy supplies gas and electricity. The current proposed Cowal Gold Mine in Bland Shire has implications for electricity infrastructure in Temora. The project will require a significant amount of electricity, thereby giving rise to the need for a 132kV line from Temora to the Cowal site some 105km to the north. A new line will exit the existing Temora substation at Old Cootamundra Road and generally run north-east adjacent to the existing 66kV line to Barmedman, and thence to West Wyalong. It will share the existing 66kV easement for approximately 38km, within a 200m approved corridor.

Telecommunications: Telstra Corporation is the provider.

Any new infrastructure deployed will depend on the size and pace of each development stage, as well as proximity to the existing Telstra network. Telstra requires that early notification is provided to the preferred Telecommunication carrier to ensure services are provided to any new development with minimal disruption.

This can be done on line via the Telstra website.

Sewage and waste management: Temora Shire Council is the responsible authority. Current sewage treatment headworks serving Temora town have a capacity of 8000 EP - sufficient to cater for a doubling of the town's population. None of the other settlements in the Shire are sewered.

6.24 Tourism

The Department of Tourism, Sport and Recreation leads the promotion and development of New South Wales as a holiday destination, advancing the social, cultural, economic and environmental benefits of tourism for the people of the State. Tourism NSW analyses and distributes information which assists the State's tourism industry to respond to market demand, improve its competitiveness, stimulate growth and increase yield. Further to this end, the department coordinated the implementation of the NSW Tourism Master plan - the Action Plans for the profitable and sustainable development of the tourism industry to the year 2010.

Temora Shire falls within the scope of the recent Riverina Regional Tourism Action Plan 2003-2006. That plan advocated (amongst other things) the identification of tourist driving circuits, one of which embraced Gundagai, Wagga Wagga, Coolamon, Temora, Cootamundra and Junee. The importance of the Temora Aviation Museum as a tourism magnet was also recognised. Overall in Temora Shire, tourism remains a potential rather than a currently significant component of the local economy.

6.25 Public housing

The NSW Department of Housing provides housing to low-income households which are unable to meet their housing needs in the private sector. Changing community needs are recognised in the importance which the Department places on providing a range of housing types within its own portfolio as well within the private housing sector. The Department provides advice on affordable housing and is a source of data on the relevant housing market - especially through the Housing Market Framework which brings together demographic, economic and specific housing market data. From this database the Department is in a position to assist the Council in understanding housing needs and the type of housing needed to satisfy demand.

The Department can also assist the Council through its Centre for Affordable Housing business unit which has expertise in this field, providing advice and brokering partnerships with private developers, the Council and the not-for-profit sector.

In Temora, the Department owns 84 residential allotments. Sixty-six of these accommodate dwelling houses, located in Aurora Street (5), Austral Street (5), Beattie Street (6), Clarke - Deutcher Streets (1 each), Gallipoli Street (3), Hoskins Street (5), Jellicoe Street (11), Joffre - Redmond Streets (1 each), Kitchener Road (5), Polaris Street (3), Tonkin Street (9), Trungley Road (4), Vesper Street (8), and Victoria Street (2). In addition, the Department has developed an 18-lot cul-de-sac estate at Apollo Place, a short distance to the north of the town centre. These conveniently-located partly-serviced lots are currently (2005) undeveloped.

6.26 'Safer by Design'

Temora Shire Council has entered into a protocol with the NSW Police Service which covers the 'Safer by Design' principles for buildings and public spaces. Under this protocol, builders, architects and developers are encouraged to adopt project designs which respond to safety and security criteria in the site layout and building design. Where appropriate, the Police Service offers advice on proposed developments before final approvals are issued.

6.27 State, regional and local planning and policy linkages: summary

The following table lists in summary form the links between policies and programs of state and regional bodies on the one hand, and the implications for local planning in Temora on the other.

This information has been derived from direct consultation with the bodies concerned - most of which operate at a state level where policies tend to be 'broad-brush' in nature with widely dispersed spatial effects. Regional bodies have a more direct involvement in local planning. Whilst ideally it would be desirable to be able to identify direct links between state, regional, and local policy themes to ensure consistency across all three levels, in practice this has not been possible. As yet there is no regional plan for the Eastern Riverina; and what regional plans do exist are sectoral and advisory in nature.

At the strategic planning level the Shire Council is in a good position to ensure consistency between the long-term strategy for the Shire and the sectoral strategies (such as tourism and catchment management) which are currently available. There are no reasons presently evident which point to an inability on the part of the Shire to contribute to the implementation of those sectoral strategies. Indeed, it is a stated part of the Shire's strategic plan to work with relevant agencies in the development of partnerships designed to achieve mutually beneficial outcomes.

Even if it was desirable to do so, it is not possible to quantify the spatial implications of state policies on Shire lands and development patterns. None of the SEPPs referred to in Table 6.19.1 have self-evident spatial consequences for Temora. In any case, planning at the Shire level is more to do with handling change rather than rapid growth, given the historically low levels of population growth over recent decades. Under such a scenario, the actual on-ground consequences of state policies in the Shire context are likely to be gradual and largely imperceptible in the short term.

It is this realisation (i.e. that planning is focussed on gradual change rather than on rapid growth) which underpins Council policies in the key sectors of urban housing, industrial development and rural residential development. Council's overriding policy objective remains firm: to encourage and facilitate economic growth, investment and job creation and to present Temora as a desirable place to live and work. However, the reality is that in pursuing this objective, Temora is simultaneously competing with other centres in the region and there is no way of pre-determining how successful it will be in this competitive environment.

If success is difficult to forecast at the regional level, the same applies locally in this climate of incremental change and slow growth. The strategic basis for the draft Temora local plan cannot be evaluated in strictly numerical or empirical terms. Necessarily, it has been constructed by applying a common sense approach, utilising what limited data is available whilst at the same time recognising that there is a need for optimism - even courage - in setting strategic objectives and in sketching a path towards the achievement of those objectives. Specifically:

In the case of urban housing The assumptions underlying the strategy are that demand for large urban lots in green-field locations will continue to be steady, balanced to a limited degree by demand for smaller more compact dwellings and allotments close to town centre facilities.

In the case of industrial development The assumptions (based on recent market activity which has seen a 100% take-up of newly released industrial land on the east of town) are that there will be steady demand in two main sectors: the larger enterprises requiring generous sites, large-scale storage and operational facilities, proximity to arterial roads and possibly rail; and the secondary sector comprising service enterprises, smaller operators, specialised firms with connections (for example) to aviation, IT, communications and commerce. The strategy is realistically based on the promotion of sites which are already partially or entirely devoted to industrial activities, have suitable infrastructure, and do not involve the loss of prime agricultural land.

In the case of large lot residential development The assumptions are that future demand will continue to be steady; that there is a potential market demand for 1ha lots (compared to the 2ha minimum currently available); and that demand can be largely accommodated without any adverse consequences for broad-acre agriculture. Policy does not contemplate any rural residential development other than what can be accommodated in the existing 1(c) zones.

In the case of farming land generally Council accepts that the current 40ha minimum does not comply with official DPI policy, despite the fact that it has not led to fragmentation of productive farm units and has had no detrimental impact on the Shire's rural economy. Council also notes the DoP requirement (as set out in the letter from the Director General dated 27 September 2006) that councils should take into account predominant local agricultural industries - and plan for intensive agriculture. "The determination of the proposed standard(s) should be undertaken in consultation with the community and relevant government agencies, particularly DPI..." Council has consulted accordingly.

In Temora's case, community consultation and Council policy to date have consistently favoured the 40ha minimum. Council is not prepared to adopt a new larger minimum for subdivision within the

general rural zone. Council believes that the diverse characteristics of the rural landscape call for a rational merit assessment process based on evaluation of a proposal against a set of objective criteria rather than a process based on an arbitrary standard. For Temora, this preferred approach is also seen as one which will encourage new agricultural enterprises and agri-businesses to consider locating in the Shire, given a reasonable prospect of their being able to acquire a landholding more closely aligned to their business needs than would otherwise be the case.

With regard to Community Title, Council recognises that it offers an alternative to the traditional subdivision model. Council would be prepared to incorporate an appropriate clause in the new LEP to cover the Community Title option.

In the case of intensive animal industries the intention is for them to be permissible with consent anywhere in the general rural zone. However, applicants will be required to justify their choice of a particular location as well as providing evidence of thorough environmental impact assessment, proposed mitigation works, detailed site analysis, and willingness to accept stringent conditions relating to water supply, waste and effluent disposal, traffic management, fire management, odour management and the like. There will be no designated 'intensive animal production' zones as such in the new LEP.

6.28 Crown Lands

The NSW Lands Department owns some 78 parcels of land scattered throughout Temora town. In consultation with Department, the Council has given detailed consideration to these holdings, having regards to their current zoning, their current use and status, and their optimal future use. In doing so, the Council has been assisted by recent submissions from the Department.

Council's zonings for these holdings are incorporated in the draft LEP and reference should be made to that document for detailed information.

NOTE: The above also applies (where relevant) to the 28 Crown Land holdings in Arian Park and the 10 parcels in Springdale.

TABLE 6.1: Key state and regional agency policies: summary of implications for planning in Temora Shire (2006)

No.	Agency or organisation	Comment - policy implications for Temora
1	NSW Premier's Department	New draft State Plan (July 2006?) points to more intensive effort by State government to attract investment to the region and to strengthen the local economy.
2	Murrumbidgee Catchment Management Authority	TSC to work in partnership with MCMA on implementation of CM Action Plans - DAs to be assessed having regard to Action Plans directions on nat.veg; biodiversity; water sources; soils - c/m targets and actions to be incorporated in new LEP where appropriate;
3	Lachlan Catchment Management Authority	As for MCMA
4	DEC - management of native vegetation	TSC to encourage retention of remnant habitats, native plant communities, native ecosystems; objective is to achieve net improvement in land condition, water quality, nat.veg. cover, soil health; property owners and developers to be encouraged/required to prepare soil and water management plans; compliance with Riverina Native Veg Management plan is required.
5	DEC - water management	TSC strategic plan to incorporate water management policies for farm dams; compliance with regional policy for water access for rural resid. Development
6	Heritage NSW	TSC required to incorporate mandatory provisions covering both Aboriginal and non-indigenous heritage in the new LEP; NB heritage is a major element in reg. tourism plan for eastern Riverina (2003)
7	DECC (Parks & Wildlife)	TSC to comply with statutory plans of management for Ingalba, Big Bush and Pucawan Nature Reserves; TSC also to assist in conservation of remnant nat.veg. in TSRs
8	Fisheries (Dept. of Primary Industries) Nat. Parks and Wildlife Service (Department of Environment and Conservation)	New LEP to incorporate provisions covering threatened aquatic species and habitats, plus reference to key threatening processes as listed in the Fisheries Management Act TSC to have regard to any relevant recovery plans and threat abatement plans when assessing development proposals; possible impacts on threatened species must be considered by TSC as consent authority.
9	Dept. of Primary Industries - agriculture and mineral resources	DPI generally opposes the creation of rural resid. lots - conversion of prime agric. land to non-farm use is not supported; community title is seen as an appropriate vehicle for intensive agricultural enterprises but uncertainty remains regarding the application of C/T to specific proposals in Temora Shire. The Mineral Resources Division offers extensive GIS mapping/policy advice/general information in relation to mineral resources.
10	Dept. of Environment and Conservation (DEC)	DEC will provide appropriate input to TSC local plan on air and water pollution, noise emission, waste management, natural and cultural heritage, management of native vegetation and threatened species
11	Dept of State and Regional Development	Advice on local individual business enterprises, community economic development programs in Temora Shire; NB importance of Regional Economic Development Strategy
12	Rural Fire Service	New TSC LEP should incorporate references to Bush Fire Prone Land Map; DAs to comply with provisions of <i>Planning for Bushfire Protection Manual</i>
13	Goldenfields Water County Council	Policy is to encourage on-site water storage for all future urban residential developments
14	Tourism Sport and Recreation	TSC planning to incorporate relevant provisions of Riverina Regional Tourism Action Plan
15	Dept of Housing	Small (84 lot) public housing portfolio in Temora town - important strategic component of overall housing stock
16	Roads and Traffic Authority	New LEP to cover (as appropriate) zoning of classified roads and RTA lands; control over ribbon development; limitation on access to classified roads; acquisition of land for road purposes
17	BASIX (DoP)	TSC LEP to cover compliance with new building sustainability index
18	NSW Police Service - "Safer by Design"	Desirable for LEP to include cross-reference to the Safer By Design manual and protocol.
19	Dept of Planning	Opposed to continuation of 40 ha min for rural subdivision; requires all proposed land use changes to be 'justified'
20	Forests NSW	Manages all State Forests; TSC strategy recognises need for collaboration
21	Department of Lands	Development of Crown Land

NOTE: The government's position on rural land subdivision is under review following receipt of the report of the Central West Lands Inquiry (8/07).