

PART 8 The new local plan for Temora

8.1 Introduction

Community submissions on the 2003 Discussion Paper were analysed and a number of draft planning objectives have been identified. Other objectives have emerged from research, previous community surveys, discussion and survey activity undertaken by the consultant in the course of preparing this LES. Community endorsement of these and other objectives will be necessary before the final LEP is completed.

In addition to community-based objectives there are those promoted by State and Federal government agencies. Where possible these will be addressed in the various sectoral components of the plan which arise out of agency legislative responsibilities and roles.

Council is determined to ensure that as far as possible the objectives to be included in the final LEP will reflect the aspirations of the Temora community and its Council. The new plan will be in force for several years - perhaps for a decade or more. Things can change during such a period, requiring some flexibility in any planning instrument. Thus there has been an intentional emphasis on identifying objectives and policy directions which address longer term issues

There is a firm commitment to moving into Development Control Plan review immediately the new LEP is gazetted, having regard to the Government's latest policy on the matter (i.e. under planning reforms).

8.2 The new planning system

In March 2006 the Department of Planning released the new standard environmental planning instrument for use by Councils throughout NSW. The new Temora LEP is based on this standard.

8.3 General planning objectives for the new local plan (draft)

Through its various aims, objectives and provisions the new LEP will seek to

- reinforce the strong "country town" character of urban Temora whilst moving towards a more sustainable environment involving greater emphasis on tree planting, public gardens, increased use of solar energy, on-site water storage, energy-efficient building design, and heritage conservation;
- direct future urban expansion of Temora town towards the north in the vicinity of Chifley Street (and further in the longer term) but within the catchment of the sewage treatment works;
- in Temora town, provide for large-lot residential opportunities in the existing 1 (c) zones in the north-east, north-west, south-west; and east beyond Eucalypt Street;
- protect the Shire's crop and pasture lands from adverse environmental impacts whilst allowing for planned urban expansion on the edge of town, and for new agricultural enterprises which require sites which are smaller than the general Shire-wide minimum;
- protect environmentally sensitive land and conserve native vegetation, habitats and threatened species including remnant ironbark ecosystems;
- encourage, and where possible undertake, measures to prevent land degradation caused by loss of native vegetation, salinity, erosion or acidity;

- give priority to the protection, conservation and enhancement of Aboriginal and post-colonial cultural heritage of the Shire;
- assist in the promotion and development of Temora town as an important multi-functional urban centre in the eastern Riverina region;
- strengthen and support local industries and commercial establishments including those which depend on or support the farming sector (including intensive agriculture), whilst encouraging non-agricultural enterprises by allowing for a wide range of urban land uses, activities and opportunities in Temora town consistent with the imperative to support economic growth, job creation, and cultural diversity: new business investors (and their families) to be attracted by a combination of opportunity and lifestyle; support the Temora Agricultural Research Station and its operations on its present site;
- encourage further urban growth at Aria Park and Springdale, such to include a small release of land for large-lot residential use on the western side of Aria Park; ✓
- create and develop opportunities for strengthening the role of Temora Airport as the location of the nation's premier aviation museum, centre for recreational aviation, and associated supporting industries, commercial enterprises and aviation-related housing; ✓
- identify the major entry points to the Shire and the towns, and to ensure that development at those points contributes to and enhances the overall image of the Shire as a centre for quality in environmental design and management;
- maintain Hoskins Street and adjoining streets as the primary zone for business, civic, cultural and tourism activities whilst working towards the eventual exclusion of heavy long-distance freight vehicles from the town centre ; ✓
- incorporate provisions designed to encourage the renewal and upgrade of older residential precincts in Temora town where there is spare infrastructure capacity, where services are close by, and where many properties are approaching the end of their useful life; ✓
- subject to further study, establish a realistic strategy for saving the hamlet of Reefton from further environmental decay and social collapse;
- continue the program of staged improvements to Lake Centenary, to include a perimeter walking trail and cycleway.

8.4 Specific planning aims, objectives, provisions

As with the general objectives quoted above, community consultation and debate within the Council have identified the following matters which could be covered by provisions in the new plan.

8.4.1 Residential allotment sizes: Within the town and villages, the minimum size of 750 sq m has worked well to date but there is a need for some flexibility to encourage renewal of obsolescent properties and under-utilised or vacant properties in the older parts of Temora town. It is proposed to reduce the minimum to 500 sq m in certain areas (taking into account such matters as proximity to urban services, parkland, shopping and transport). Plans will provide for expected increase in demand for well-designed compact housing for retirees, the elderly and small households as well as providing an alternative for those preferring a location close to the town centre. In conjunction with the proposed Medium Density zone (see below) a Development Control Plan will be introduced to cover these proposals, the hope being that they will offer an incentive for redevelopment of older properties subject to compliance with the relevant zone objectives.

8.4.2 Medium density housing: Town houses and villas will be permissible within all urban areas to cater for people wanting a compact dwelling within a country town environment. In Temora town, a new medium density residential zone located generally around the town centre will provide opportunities for a wide range of small-scale urban uses including residential, home industries, consulting rooms, commercial offices, and the like.

8.4.3 Large lot residential development: Council accepts that good cropping land should not be lost to hobby farmers. However, so-called "life-style" developments can be highly productive, if small scale operations; they cannot lightly be dismissed as a negligent use of good land; and they can bring economic and social benefits to the town by way of building activity, property investment opportunities, jobs, new family units, and additional rate income. These are tangible and predictable benefits - to be compared with the uncertainties associated with farming on fragmented holdings of second class land immediately adjoining an urban area.

The new plan includes a provision which reduces to 1ha the current minimum size of 2ha in what was formerly known as rural residential zones. Following advice from DoP, it is proposed that initially this new provision will apply only in the south-western quadrant of the town. Subsequent stages will be dealt with by way of future amendments to the new plan. Recent field inspection of the relevant areas confirms that there are no habitats at risk, nor will prime farmland suffer.

Future applicants will be required to provide factual and statistical justification together with statements of environmental effects for subdivisions of sites which exceed 2ha. An area adjoining Arianah Park on its western boundary (Davidson Street) has been identified as suitable for 2 ha allotments in response to community wishes. Such development would help to sustain the township and bring additional investment over time. Approvals for subdivisions in this category may include conditions relating to public road access, fencing, fire management, water supply, drainage, weed control, domestic animals, landscaping, protection of native vegetation and ecosystems. Conditions requiring conservation of remnant ironbark communities will apply where appropriate. Community title tenure will be an option.

8.4.4 Environmental protection: The new standard LEP includes provisions relating to environmental protection zones. However, the Council is not proposing to include any such zones in the new LEP other than an E1 *National Parks and Nature Reserves zone*. The provisions of s5A of the EPA Act will apply in any case.

8.4.5 Development in the general rural zone: Council recognises that the current 40ha minimum lot size for subdivision in the general rural zone is not supported by DPI. At the same time, Council seeks to ensure that the new LEP is flexible enough to attract and cater for greater crop diversity and the generally smaller land needs of intensive agricultural pursuits such as the growing of olives, nut varieties, dried fruits and grapes. Council's position on this matter can be summarized as follows:

- The 40ha minimum has been in place for many years and has not led to any undesirable fragmentation or loss of prime farmland. There have been no adverse environmental, social or economic impacts. There has been no loss of prime land to urban use, nor have there been any significant moves to create rural residential lots, hobby farms or farm lets in the general rural zone. On the contrary: there has been a push in the other direction towards amalgamation and aggregation of properties. Generally the policy has worked well, with no abuse; and has been supported by the farming community.
- With farm aggregation comes the need for accommodating 'dis-possessed' farm families on smaller rural residential properties close to town where they can continue to enjoy familiar surroundings, services, and social networks. Action of this kind could, in time, help the survival strategies of small settlements such as Arianah Park and Springdale.
- Council's position regarding the preference for maintaining the 40ha minimum lot size in the general rural zone finds support in the August, 2007 report of the Central West Rural Lands Inquiry. The subsequent letter from the Director/General DoP confirms Council's right to retain the 40ha minimum.

Council seeks to include in the new LEP provisions which allow Council to approve small subdivisions in the rural zone, subject to the following conditions which have been designed to discourage frivolous applications and put the onus squarely on proponents to undertake all necessary site analyses, surveys and environmental management tasks related to their proposals. The creation of 'concessional allotments' will not be possible under these new provisions.

The proposal must be supported by a project management plan and statement of environmental effects which must demonstrate that there will be no loss of prime land and that threatened species will not be adversely affected. Expert evidence that adequate water can be provided for irrigation of the proposed crop must be provided; together with a statement that there is sufficient land area for on-site disposal of solid and liquid waste. A land and soil capability assessment must be provided - endorsed by DPI.

There will be no automatic dwelling entitlement for such subdivisions in the general rural zone. Council seeks the right to approve a dwelling house at such time as the applicant can demonstrate that the enterprise has in fact been established, that water is available, that crops have been planted, and that the project management plan is being implemented.

8.4.6 Biodiversity: Protection of habitats and biodiversity, including remnant native vegetation, paddock trees and roadside vegetation, is largely covered by existing federal and state legislation and regulation. Apart from new clauses covering environmentally sensitive land, water and biodiversity (as recommended by DECC) it is not proposed to incorporate any local provisions in the new instrument. By way of future development control plans and conditions on approvals, new planting programs designed to restore and /or replace existing plant communities or create green corridors will be encouraged. A future DCP will require applications for subdivision or development to be accompanied by plans which (amongst other things)

- * identify areas of native vegetation within and adjoining the site in question;
- * incorporate provisions for the protection of such areas;
- * provide fenced buffers (min.20m) along vegetated road reserves, within which replanting and regeneration will be encouraged;
- * minimise the number of crossings across vegetated road reserves; and
- * require disturbance to native vegetation by way of road works, service trenching and overhead cabling to be minimised.

Within the LEP itself, it is proposed to place a clause requiring certain matters relating to areas of environmental sensitivity to be considered when development proposals are being assessed. This clause is currently (2006) being drafted by DEC and will be linked to spatial data in overlay map format applying to such areas.

With regard to the protection of linear reserves such as TSRs, a further line of action for the Council will be the preparation of Roadside Management Plans in collaboration with the Lachlan and Murrumbidgee Catchment Management Authorities and the Department of Lands (Crown Lands).

Endangered Ecological Communities are likely to be found throughout the Shire (eg Box-Gum Woodland in the east). The larger remnants of EECs will be covered in the DEC native vegetation mapping; but smaller patches may not be so identified. On advice from DEC the LEP will include a provision requiring development in these latter areas to be assessed for their impact on EECs.

Council recognises that protection against weed infestation is a major responsibility in the context of biodiversity conservation. In this regard, Temora Shire Council will continue to be pro-active in programs to eradicate noxious and environmental weeds, seen as bringing significant costs to agricultural productivity as well as threats to flora and fauna populations and ecological communities throughout the Shire.

8.4.7 Industry: Industrial development will be encouraged, but not at the expense of land which has desirable attributes for residential use (eg elevated, north-facing, distant views) - provided that adverse environmental impacts are minimised or eliminated by conditional approvals and

landscaping. In Temora, light industry enjoying a dwelling entitlement will be directed to a B6 Enterprise Corridor zone north of Kitchener Road, between the Barmedman Road and Airport Road. General industry will be concentrated to the east (to the north and south of the Stockinbingal road, east of Nixon-Greyhound Parks). Infrastructure-related industry such as bulk grain handling will be directed mainly to a SP1 Special Activities zone in the area bounded by the railway, Briar Street and the Mirrool Road. This area already accommodates a substantial local enterprise under single ownership and a master plan for its longer term development is in place. To the southeast, adjoining the railway, the existing grain storage and handling facility will also be covered by a SP1 zone. All these areas are serviced and no development problems are anticipated.

Development control plans and standards for industrial sites will ensure that they are buffered from any nearby residential areas; and controls will ensure adverse environmental impacts such as traffic movements, noise, dust, waste disposal and poor design are minimised or eliminated. Future industrial development will also be required to comply with requirements and standards relating to energy and on-site water conservation, vegetation, building alignment, and appearance from public roads.

8.4.8 Jobs: If job creation is seen as vital for the future of the Shire, industry and agriculture are not the only avenues available. Other options will be encouraged. According to recent census figures, the biggest employment sectors after agriculture are those of retailing, health and community services, and education. The strength of these sectors together point to potential growth opportunities outside the traditional manufacturing and service industry fields. Growth in home-based employment - particularly in the "creative" service and IT sectors - is also evident. These trends may have implications for land-use decisions in these tertiary sectors, and for policies which encourage light home-based industry on 'life-style' blocks. The proposed mixed use zone in central Temora will help to cater for this sector of the market.

8.4.9 Hoskins Street: Past improvements (e.g. roundabouts and the recent sidewalk up-grade) have been desirable and worthwhile. However, Temora's town centre has additional potential for the gradual transformation of one or more sectors into pedestrian-friendly meeting places - part of what should become a truly memorable heart to the Shire, comparable in design quality to places like Yass, Goulburn, Armidale, Maitland and Tamworth. For this to happen an alternative route for the ever-increasing volume of heavy north-south truck traffic must be created. If this does not occur, the pedestrian/traffic conflicts in Hoskins Street will continue - despite the commendable improvements recently undertaken - leaving Temora as one of the very few towns on the State's north-south trunk freight route which still allows heavy vehicles to penetrate the town centre. The need for a by-pass will increase in proportion to increases in both the number and size of heavy vehicles.

Consistent with expert heritage advice, the central sector of Hoskins Street and certain adjoining streets will be mapped and identified in the LEP as a heritage precinct or conservation area and its heritage character protected and enhanced by appropriate provisions.

8.4.10 Outdoor advertising: The Plan may incorporate provisions on outdoor advertising in both urban and rural locations to augment SEPP 64. [The current Development Control Plan No. 7 relates only to rural land]. At the same time, the Plan will encourage and facilitate the provision of legitimate information and promotional signage associated with the needs of tourists and the creation of town image and identity.

8.4.11 Heritage: With regard to heritage structures in the main streets of Temora and Aria Park, controls will not preclude modernisation, adaptation, alterations or additions designed to improve the efficiency or commercial viability of the structure provided that such works do not degrade the heritage integrity of the main street façade or the heritage fabric behind.

The new plan will incorporate the latest clauses as specified in the standard instrument, designed to safeguard known heritage items including items and places of Aboriginal heritage significance. The Temora Railway Station Group (the sole State-significant item in the Shire to date) will be scheduled. The recent (2005) Shire-wide heritage survey identified some 335 sites, from which list a selection will be made for incorporation in an up-dated schedule of listed items in the new LEP. Council's map of historic sites identifies 9 villages or village locations; 11 community centres, public halls and churches; 20 hotels and station homesteads; 5 mining sites; and 68 school sites. In addition there are numerous

other items of heritage value or significance including government buildings, rural properties, cemeteries and memorials. Information on Aboriginal heritage is filed by DEC.

8.4.12 Conservation of farmlands: The plan will ensure that loss of crop and pasture land is limited to those few areas in immediate proximity to Temora and Aria Park which are suited to urban development. In the case of Temora town, most of the land involved has been either zoned for 'rural residential' for some time or has been in quasi urban use. An estimate of farmland likely to be lost as a result of future urban development under the new LES is presented below. It should be stressed that in productivity terms the value of the lands listed here varies widely, with much of the total currently lying fallow or in non-agricultural use.

TEMORA TOWN (excluding airport, sewage treatment works and Lake Centenary)

Land currently zoned 1(a) Rural

Area proposed to be rezoned for urban residential	32 ha
Area proposed to be rezoned for industry	11.9
Area proposed to be re-zoned for Enterprise Corridor	37.19
Area proposed to be rezoned for Special Activities	14.38
<u>Total:</u>	95.47 ha

Land currently zoned 1(b) Rural

Area proposed to be rezoned for urban residential	8.37 ha
Area proposed to be rezoned for industry	12.93
Area proposed to be re-zoned for Enterprise Corridor	5.8
Area proposed to be rezoned for Special Activities	55.48
<u>Total:</u>	82.58 ha

The total area proposed for conversion from rural zones to urban will in the order of 178 ha.

8.4.13 Water, energy, sewage disposal: All future approvals for residential development in both rural and urban areas will incorporate requirements for adequate on-site water storage and solar collectors. In non-urban areas an additional requirement covering the need for adequate land for on-site sewage disposal will apply. In Temora town, the recent up-grade of the sewage treatment works has provided more than adequate capacity for future growth into the medium term.

Where sewerage is not available, Council will set lot sizes generally greater than 1ha to facilitate on-site disposal of effluent by way of aerated waste-water treatment devices in accordance with the requirements of DECC and the Department of Health.

Energy-efficient design and siting in conformity with new State-wide standards under the BASIX index have become legal requirements (since July 2005). The concept of water-sensitive urban design, whilst not mandatory, has application potential within the urban areas in particular. Goldenfields Water County Council has indicated its willingness to discuss with the Shire Council procedures and protocols relating to integrated water management by both organisations. In Temora town, work is shortly to commence on a new water storage reservoir.

8.4.14 Animals in town: The breeding of farm animals and domestic pets in urban living areas can be a source of environmental nuisance and is an issue which requires addressing by way of a development control plan

8.4.15 Zoning flexibility: Permissible uses within the town centre and in residential areas in the town will offer encouragement to small businesses, home industries and the

like, and medium density housing, subject to compliance with relevant environmental standards and controls. In Temora town, the primary vehicle for achieving this result will be the new B4 Mixed Use zone, whilst in Aria Park and Springdale the flexible Village zone will be retained. Overall, the LEP will incorporate flexible provisions designed to encourage the development of tourist accommodation in the Shire - both in the two towns and in the rural areas (eg by way of 'farm stay' provisions and the like).

8.4.16 Residential redevelopment and renewal: There are many vacant, derelict or under-utilised sites in the town. These include the under-developed land-locked areas in the interior of a number of street blocks, where a relaxation of the long-standing but unsustainable embargo on battle-axe subdivision will encourage more productive use of such land. There will be no constraints on 2-storey residential development anywhere in the Shire. The property market, along with the decisions of individual owners, will determine when and if these sites are brought into more productive use. Nevertheless, the new plan will encourage and promote (perhaps by way of incentives) the development or re-development of these existing fully-serviced sites - to be undertaken in parallel with peripheral expansion into green-field areas. [There may be opportunities for the Council to take a lead role in this work - e.g. by acquiring obsolete properties and undertaking their redevelopment - perhaps in partnership with the private sector].

8.4.17 Main street plans: The distinct identity and character of the main streets in Temora and Aria Park will be strengthened and enhanced by requiring new development to comply with plans and design standards specific to each place. The recent heritage façade upgrades exemplify the proposed approach. Existing plans will be up-dated and reviewed on a regular basis. In the case of Temora, the future of Hoskins Street is inextricably linked to the proposed alternative heavy traffic route [see comments elsewhere].

8.4.18 Landscaping; urban design: The use of indigenous species in both public and private landscaped gardens will be encouraged in the interests of water conservation and lower maintenance costs. Development control plans will in due course establish policies and guidelines on signage, lighting, main street character, and the retention and promotion of 'rural character'.

8.4.19 Temora Airport: The airport is perhaps the 'flagship' asset of the Shire and its future development must reflect a commitment to high standards in subdivision, building design, landscaping, safety, security, and management. These matters are already under consideration in current plans (Master Plan and DCP 6) and the airport estate is designated as a SP2 Infrastructure zone. As it grows the airport will generate a demand for support facilities both on and off 'campus' - perhaps including a shop-front in town. The plan will facilitate growth in the current provision of permanent on-site housing. Motel and other types of accommodation for visitors will be permitted with Council consent under the new plan, given the current limited supply of conveniently located tourist beds elsewhere in the Shire.

The erstwhile 1 (c) Rural Residential Zone to the immediate south of the airport will be converted to R5 with a continuation of the 2ha minimum lot size. Adverse environmental impacts associated with the airport (e.g. noise, traffic) have been minimal to date and are not expected to worsen over the life of the plan.

8.4.20 Health: Whilst not necessarily a matter for inclusion in a LEP, it is clear that all developments for human occupation or use should have guaranteed access to adequate supplies of potable water, as well as to adequate and acceptable methods of disposing of sewage and waste water. Control of water bodies susceptible to mosquito breeding should also be part of the local health planning regime. Under the new LEP, the SP2 Zone will cover sites assigned to sewage treatment, water supply, and health care (i.e. hospital and related facilities).

8.4.21 Roads and traffic: The Roads and Traffic Authority requires that classified roads in the Shire be part of a planned hierarchy of arterial and other roads. The Authority has also advised that it would have concerns if 'farm gate' selling proceeded without due regard for road safety. To minimise vehicle conflict significant and costly road infrastructure may be required to support what might be relatively low value produce. Such developments would require appropriate assessment.

The RTA has indicated that it expects the new Temora LEP to cover the following matters where possible appropriate:-

- accurate mapping and zoning of classified roads
- safety and efficiency of classified roads including road hierarchy, ribbon development, expansion of urban fringes or village areas, limitation of access to classified roads,
- RTA's interests in road safety, traffic efficiency, integration of land use and transport planning, security of the road network, and security of property assets.
- Zoning - permissibility of roads
- Zoning - land in which the RTA has an interest
- Acquisition of land zoned for proposed classified roads or widening of classified roads
- Acquiring authority (to be named in the LEP).

[Note: The RTA has provided copies of relevant legislative material to be taken into account when the new plan is being drafted. DoP will be consulted in this regard].

As referred to elsewhere in this LES, Council has taken steps to identify a number of alternative routes for heavy through traffic in Temora town. One of these has been given detailed study and has been the subject of a Council inspection tour. Consultation with the RTA and RailCorp will be undertaken as part of the ongoing program of work on this proposal.

8.4.22 Lake Centenary: The lake and environs will be covered by a new W2 Recreational Waterway zone.

8.5 Sustainable development

Through its aims and objectives the new plan will encourage an ongoing commitment to sustainability by way of energy and water conservation, passive solar design, sustainable landscape design, and energy-saving practices in the design and furnishing of dwellings and other structures.

Integral to the sustainability concept is the notion that finite natural resources must be conserved and that future generations should not have to pay for the failings of the present. Clearly, society in general has failed in this sector of its responsibilities although individuals may have taken a different and perhaps more responsible line in the management of their particular enterprises.

Henceforward, in accordance with relevant statutes including the Local Government Act 1993, the principles of Ecologically Sustainable Development (ESD) will be integral to the planning and development process in Temora. ESD principles are far reaching and influence every aspect of design and development. The concept requires new development to meet the needs of the present without compromising the ability of future generations to meet their own needs.

In Temora the new plan will see the concept applied to the assessment of natural resource use, land-use decisions, and approval processes. By minimising adverse impacts on the natural, social, physical and cultural environments, the quality of life for the people of the Shire can be maintained - if not enhanced - both now and in the future.

Translated into specifics, this points to a planning and development control process which (for example):

- encourages efficient use of water and energy
- requires new houses and subdivisions to be oriented to capture the sun and be designed according to passive solar design principles
- encourages the use of recycled materials and plantation timbers
- requires development to incorporate water sensitive urban design and responsible stormwater management techniques wherever possible and appropriate
- encourages reduction and reuse of waste materials
- commits to the protection of native vegetation in accordance with principles
- laid down under the Native Vegetation Act 2003 and its Regulation 2005.

Throughout New South Wales, attention to many of the above sustainability elements is now a mandatory part of the residential development approval process through BASIX - the building

sustainability index developed by DoP. BASIX will be linked to the new Temora LEP: in due course it will cover water and stormwater management; energy; indoor amenity; landscape diversity; recyclables and waste; materials; transport; and social issues relevant to a particular area.

8.6 Natural resource management

As already noted, water and natural resource management will be major components of Temora's new planning regime. Key agencies active in this area of official concern and whose requirements would appear to demand a degree of rationalisation include DEC (flora and fauna, threatened species, native vegetation management, water and soils quality); the Department of Primary Industry (land productivity, cropping and grazing practices, etc); and the former EPA (now incorporated into the Department of Environment and Conservation; and the LCMA).

Where small farm lots might be allowed under the new plan, development controls will ensure that environmental values (as well as neighbourhood amenity values) are not adversely affected. This would include the requirement for protecting native vegetation.

Native vegetation remnants: The DEC is concerned at the loss of native vegetation in western NSW. Because the Shire has been largely disturbed by various land uses, any remnants of native vegetation are likely to be of significant natural heritage value. NPWS considers the findings of a study by Gibbons and Boak to be relevant to the development of environmental protection in Temora Shire.

As indicated earlier in this document, this will be achieved by inserting an appropriate clause in the instrument and supporting that clause with map layers covering land, biodiversity and water elements.

Threatened species and habitats: Subject to further agency advice, the new plan will provide protection of habitat for those threatened species recorded in the Shire. (See previous discussion)

Environmentally sensitive land: The protection of habitats and biodiversity, including remnant native vegetation, paddock trees and roadside vegetation, will become a mandatory requirement for all development in the Shire. DECC suggests that in principle, land with certain characteristics as listed below should be marked as suitable for classification. [DEC suggests reference to the *Biodiversity Planning Guide for NSW* for further advice on this matter]. In practice, however, the extent to which such land can be identified and mapped at an appropriate scale - with the data so assembled being used in development control work - will depend very much on the resources available to the Council at the time as well as on Council's judgement as to the likely extent of any perceived threat; and the LCMA.

Sensitivity characteristics may be associated with

- * public land, particularly Crown land with existing native vegetation;
- * threatened species habitat and endangered ecological communities;
- * all wetlands and creek lines;
- * all potential archaeological sites and Aboriginal objects and places;
- * all wildlife corridors, roads and reserves containing vegetation;
- * all native vegetation remnants 10ha or greater;
- * all significant scenic landforms;
- * flood-prone lands.

Council notes the recent agreement between DEC, DNR and DPI (Fisheries) on a definition for 'environmentally sensitive land'. The definition incorporates the concept of sub-layers for land, water and biodiversity, thereby achieving consistency with the targets proposed under the Lachlan and Murrumbidgee Catchment Action Plans by the two CMAs. These spatial layers will be incorporated into the LEP as map overlays for 'environmentally sensitive lands' and linked to an appropriate clause within the instrument itself. This clause will oblige the Council as consent authority to take certain matters into account when considering development proposals within areas covered by the overlay. A special DCP will be prepared to provide detailed guidance to developers on this matter. The Department of Lands (Crown Lands) will be consulted in this exercise (it is recognised that the Department is the body responsible for negotiations and decisions on Crown Lands).

Environmental impact assessment: Procedures for assessment of development proposals are in place under the EPA Act, including coverage of issues within the Department's jurisdiction (air and water pollution, noise, waste management, and natural and cultural heritage). DEC has prepared generic guidelines designed to assist in dealing with issues which were the responsibility of the former NPWS

Environmental Assessment Guidelines. These issues include flora, fauna, cultural heritage, threatened species, populations and ecological communities and their habitats.

8.7 Other local government functions

A number of the functions conferred on the Council under the Local Government Act 1993 have implications for its role as a planning authority. Foremost amongst these is the discharge of the environmental planning responsibilities set out in the Environmental Planning and Assessment Act 1979. Others include

- * The classification and management of public land, and the discharge of planning functions as a consent authority;
- * Approval of strata and leasehold strata plans;
- * Setting of rates based on heritage valuations;
- * Provision of information on bush fire risks and issues;
- * Environment conservation;
- * Sewerage and drainage works;
- * Land and property, industry and tourism development and assistance.
- * Preparation and distribution of guidelines for best practice (eg native vegetation conservation)
- * Replacing the 'enforcement and regulatory' attitude with one involving creative consultation and encouragement of new ideas and initiatives.

8.8 Local environmental plan support documents

Some of the LEP provisions outlined in the preceding sections will in due course be supported by Development Control Plans which will provide more detailed guidance for owners and developers. DOP advice on new protocols for the preparation of DCPs as set out in Circular PS 06-012 will be followed. Existing DCPs will be progressively reviewed and either revised, replaced or discarded to ensure consistency with the new parent LEP.

Consistency with the catchment management 'Action Plans' and action plans described in 6.5 will be achieved either by including specific clauses in the LEP itself or possibly by preparing a Temora-based catchment management DCP which would identify and promote good practice at the local rather than the wider catchment level. In this regard it should be recognised that there are no major permanent streams anywhere in the Shire.

Other support documents which may influence planning policy and development control from time to time include the Council's adopted strategic planning statement, the corporate management plan and the regular State of Environment Reports.

8.9 Zoning and Lot Size

In Temora's case (and with the exception of the Rural State Forest zone) the LEP currently in force embodies a number of zones and sub-zones covering urban and rural areas, with a Village zone applying to Ariaiah Park and Springdale. The Village zone has proven itself as a valuable and flexible all-purpose zone covering all urban activities, with no sub-zones or separate zones for business or industrial uses.

In line with DoP policy the number of zonings in the current LEP will be reduced; numerous small spot zonings will be removed completely. The existing Special Use zone over airport land will be replaced by the new Special Activities zone with expanded boundaries and controls designed to encourage and support the growth of a mixed-use aviation precinct. LEP zoning provisions would be augmented by

appropriate development control and EIS mechanisms which are already in place or yet to be developed.

In Temora town (Figure 11), new zones selected from the list in the new standard instrument have been adopted. These zones (provisional at this stage) are shown on the draft zoning map. Table 8.9.1 provides some relevant statistics and explanatory information.

- The area between the railway and the town centre will be covered by the proposed *Mixed Use* zone.
- All railway lands will be zoned *Special Purpose Infrastructure*.
- North of the town centre, the strip of land between the railway and the Airport Road - currently zoned Rural 1(a) but unsuited to such a use - is proposed to be zoned *B6 ENTERPRISE CORRIDOR* with a *dwelling entitlement* to cater for a variety of small scale local service enterprises whose owners may wish to live on the premises.
- The four existing Rural Residential zones are to be retained and re-zoned as *Large Lot Residential* - one in the south, one in the north and two on the east. No loss of 1(a) productive rural land is involved. There are no servicing problems with any of these areas. Under the new plan it is proposed to reduce the current 2ha minimum lot size to 1ha in the southernmost large lot zone as a first stage release - to be followed by the introduction of the 1ha minimum in the other three R5 zones by way of future amendments to the LEP.
- *General Industrial* zones are proposed for the primary industrial areas on the eastern side of town in which there has been significant recent development and continuing demand for further land releases. On the western side of town, near the Shire Depot, the existing *General Industry* zone will be enlarged to become a new *SP1 Special Activities Zone* covering existing enterprises together with a generous component for future expansion in accordance with a long-term master plan prepared by the current management. A similar zone is proposed for the existing grain storage and handling enterprise located in the south-east adjoining the railway and the old Cootamundra road.
- The bulk of the existing urban area, being largely residential in use, will be zoned R1 *General Residential*. New *General Residential* zones are proposed in 3 locations: off Bundawarra Road, bounded by Chifley Street and Kitchener Road; a smaller area nearby to the south-east bounded by Gallipoli Street and the Young Road; and a third adjoining the Wagga Wagga Road immediately south of the railway crossing. Compliance with s.117 *Direction No.21 - Residential Zones* - is achieved in that all residential land is or can be serviced (water and sewerage); permissible residential densities are not being reduced; a variety of housing forms is being encouraged; and an increase in density is proposed in certain areas. In this latter regard the plan recognises the contemporary trend towards smaller households.

In the area bounded by Polaris, Britannia, Crowley and Aurora streets it is proposed to allow re-subdivision to lots having a minimum area of 500sq m instead of the prevailing 750 sq m minimum. This change is designed to encourage redevelopment and a gradual increase in density in an area which is very convenient to shops, community facilities, parklands and schools.

Two areas in the north-eastern sector of town are designated as future urban - for investigation - in order to allow the assessment of their potential for urban development in the long term. The same applies to certain areas on the east where industrial potential may be proven. Pending such future study, current zonings will prevail. Major parklands and playing fields will be zoned RE1 - *Public Recreation*. Local corner parks and facilities such as tennis courts and playgrounds will generally be covered by the *General Residential* zone.

- In Arian Park and Springdale the *Village* zone will be retained. In Arian Park the *Village* zone will be augmented by a small *Large Lot residential* zone on the western edge of town and a

proposed extension of the Village zone to the north to embrace Council owned lands adjoining the railway.

- Lake Centenary and its environs will be zoned W2 - *Recreational Waterway*.
- The hamlet of Reefton will be covered by the proposed RU 1 Primary Production zone.

Minimum lot sizes for new subdivisions throughout the Shire will be shown on the lot size map which will form part of the new LEP. In summary, the lot sizes proposed for both rural and urban zones will be as follows:

- Broad acre rural (zone RU1) - 40ha
- Village (zone Ru5) - 750sq.m
- General residential/urban (R1) - 750sq.m
- Large lot residential (R5) - 2ha
(except in Temora town - South West sector - min 1ha)

SITE - see sketch maps at Appendix E	Area affected	Comments
Site No. 1 - EASTERN RESIDENTIAL	8.37 ha	Contiguous to existing residential; easily serviced; no conservation values at risk; excellent aspect; 50-70 lot yield;
Site No. 2 - EASTERN INDUSTRIAL	38.63 ha	To be released in 4 stages; first stage 12.93 ha for immediate rezoning; balance remains under existing zoning until demand warrants further rezoning
Site No. 3 - SOUTH EASTERN SPECIAL ACTIVITIES	26.42 ha	Site almost fully in use for grain handling and related activities; change of zoning will recognise this reality
Site No.4 - WESTERN SPECIAL ACTIVITIES	68.71 ha	As for site no 3, much of the site is already in use for grain handling, storage, etc; current zonings do not reflect the actual use and change is needed to allow planned expansion of the existing enterprises.
Site No.5 - NORTHERN ENTERPRISE CORRIDOR	74.86 ha	Ideal area for small scale agri-business, start-up enterprises, home based service industry; current rural zonings are obsolete and ineffective
Site No. 6 - NORTHERN RESIDENTIAL	32. ha	Principal residential growth sector for Temora town over next 10-15 years; potential yield 150-200 lots
Site No.7 - EASTERN INDUSTRIAL (Extension to existing)	12.93 ha	This area is currently zoned Rural 1 (b) Main Road frontage; sites identified for future staged release for industry (endorsed by DoP in 2005)
<ul style="list-style-type: none"> • Temora town centre - designated areas - 500sq.m • Enterprise corridor (B6) - 2ha 		

Table 8.9.1 Temora urban: selected major zoning proposals - new Temora Shire LEP

8.10 Detailed description of significant new zoning proposals

8.10.1 Temora town

[See Appendix E for a detailed description of the sites discussed below].

The figures for land areas discussed below provide an indication of the scale of proposed zoning changes as the old LEP is replaced by the new, and as new land use zones are introduced. The data covers all the major sites where land use and/or zoning changes are proposed. The existing rural residential zones are not dealt with because they are being retained - the only change being to the southern zone in which a new minimum lot size of 1 ha is proposed. No additional large lot zones are proposed.

Overall, the total area of land currently zoned 1(a) which will be converted to urban uses is approximately 95.5 ha (representing in the order of 7% of the total area of Temora town). This total comprises numerous small holdings, the majority of which are either completely unproductive or are used only sporadically for productive purposes. Several are already in quasi-urban use despite their rural zoning. As far as can be ascertained from field inspection and local advice, none of this land is "prime". In effect, the 1(a) Rural zone is a misnomer when it comes to assigning an accurate description of current land use to the bulk of the sites so zoned.

Areas marked A, B, C and D on Figure 11 have been zoned 1 (c) Rural Residential since 1987. They do not include any significant production farmland and 'down zoning' to RV1 (Primary Production) is neither feasible nor appropriate given their current condition and ownership. The proposed conversion to R5 Large Lot Residential is a response to market demands and the realities of current uses in these areas. The 2ha minimum lot size which is the current standard will be reduced to 1ha in the southern most R5 Zone (Area C - Figure 11) to satisfy what Council sees as a growing demand for smaller 'life-style' lots without involving any loss of prime farmland.

In effect, the proposal involved a change of zone name rather than use. Council recognises that this change to areas currently zoned 1 (c) must be justified pursuant to Section 117 Direction 1.2 - Rural Zones. Council's strongly held position regarding justification can be summarised as follows:

- the lands in question are not (and have not been for many years) prime rural production areas;
- the areas have been inspected by agency experts who have raised no objection to the change of zone;
- all four areas are on the immediate edge of town and have lost (or are losing) and distinctive agricultural attributes;
- sporadic development for large lot 'life-style' residential use has already occurred;
- the change of zone will not result in any net loss of prime agricultural land, and therefore the objective of Direction 1.2 is not threatened.

In summary, Council's view is that these changes, whilst being area extensive, are of minor land use or environmental significance in the context of Direction 1.2 and should be endorsed by DoP.

In addition to the conversion of 1(a) land to urban uses, a number of sites totalling 82.6 ha and currently zoned 1(b) Rural - Main Road frontage - will also be rezoned for urban purposes. As with the 1(a) zone, these sites are currently either underutilised as farms, or are in use for a variety of purposes which serve the urban rather than the rural economy. The new LEP will remove these inconsistencies and anomalies through the introduction of more appropriate zone categories across the Temora urban area.

It should be noted that all the sites subject to proposed zone changes have recently been inspected by personnel from relevant state agencies and no conservation issues or problems have been identified for any of the areas concerned. Sustainability criteria will be implemented through BASIX and other controls at the time of any future development control work by Council. There are no metropolitan or regional strategies of relevance; and consistency with the adopted Temora strategic planning objectives is self evident. Natural, social and economic information of relevance to the proposed zone changes is presented at various points throughout this document.

SITE No. 1 EASTERN RESIDENTIAL

Location On eastern side of town bounded by the Young Road, Melaleuca Street and Gallipoli Street cottages on west.

Total area 8.37 ha

Existing zoning under Temora LEP 1987: 1(b) Rural - Main road frontage

Proposed zoning under new Temora LEP: R1 General Residential

Area subject to change of zone: 8.37 ha

Area of agricultural land proposed to be converted to urban use: 7 ha (after excluding the homestead block)

SITES No. 2 and 7 EASTERN INDUSTRIAL

Location: Accessed from Stockinbingal Road; Site No. 7 comprises the land proposed for the first new industrial release under the new LEP. Site No.2 comprises lands proposed for subsequent staged releases (Stages 2, 3 and 4) under future amendments to the LEP.

<u>Total area:</u>	Site 7- Stage 1	12.93 ha
	Site 2 - Stage 2	12.28 ha
	Stage 3	8.19
	Stage 4	18.16

<u>Existing zonings</u> under Temora LEP 1987:	Site 7	1(b)	12.93 ha
	Site 2	Stage 2	4(a) 2.06 ha
			1(b) 10.22
		Stage 3	1(a) 8.19
		Stage 4	1(b) 18.16

Proposed zoning under the new LEP: IN 1 General Industrial

<u>Area subject to change</u>	Site 7	12.93 ha
	Site 2 (total)	38.63 ha

Area of zoned agricultural land proposed to be converted to urban industry:

	Site 7	12.93 ha
	Site 2	36.56 ha

SITE No. 3 SOUTH-EASTERN SPECIAL ACTIVITIES

Location: Between old Cootamundra Road and railway

Total area: (including internal roads) 26.413 ha

Existing zonings under the current Temora LEP:

	1(a) Rural	10.3 ha
	5(a) Special uses	16.12

Proposed zoning under the new Temora LEP: SP 1 Special Activities

Area subject to change: 26.413 ha

Area zoned rural but proposed to be covered by the new zone: 10.29 HA

SITE No 4: WESTERN SPECIAL ACTIVITIES ZONE

Location: On western side of town, bounded by the Griffith railway on the north, Briar Road on the west, and Mirrool Road on the south.

Total area (incl. internal roads): 68.72 ha

Existing zonings under the current Tempora LEP 1987:

1(a)	Rural		11.9 ha
1(b)	Rural B (main road frontage)	55.48	
4(a)	Industrial		3.0
5(a)	Special uses		0.5

Total zoned area (excl. internal roads) 68.72 ha

Proposed zoning under the new Temora LEP: SP 1 - Special Activities

Area subject to change: 67.88

Area of land zoned rural which is proposed for rezoning to urban use 67.88 ha

SITE No. 5: NORTHERN ENTERPRISE CORRIDOR

Location: Two segments are covered. The first is bounded by Barmedman Road and Airport Road; second is bounded by Barmedman Road and Trungley Road, Kitchener Road and Gidgee Street.

Total area: 74.86 ha

Existing zonings under the Temora LEP 1987:

1(a)	Rural		37.19 ha
1(b)	Rural B - Main road frontage	19.67	
1(c)	Rural C - Small holdings	5.8	
4(a)	Industrial		12.2

Proposed zone under the new Temora LEP: B6 Enterprise Corridor

Area subject to change: 62.66 ha

Area of land zone rural which is proposed for conversion to urban use: 62.66 ha

SITE No. 6: NORTHERN RESIDENTIAL

Location: Bounded by Kitchener Road, Bundawarra Road, Chifley Street and existing residential

Total area: 32.02 ha

Existing zonings under current Temora LEP:

1(a) Rural	28 ha
2(b) Residential	4.0

Proposed zoning under new Temora LEP:

R1 General Residential

Area subject to change: 28 ha

Area of land zoned rural proposed to be converted to urban use: 28 ha

SITE No. 7: EASTERN INDUSTRIAL (extension to EXISTING)

Location: Bounded by Stockinbingal Road on south, Waratah on east, Gallipoli on west.

Total area: 12.93 ha

Existing zonings under the current Temora LEP:

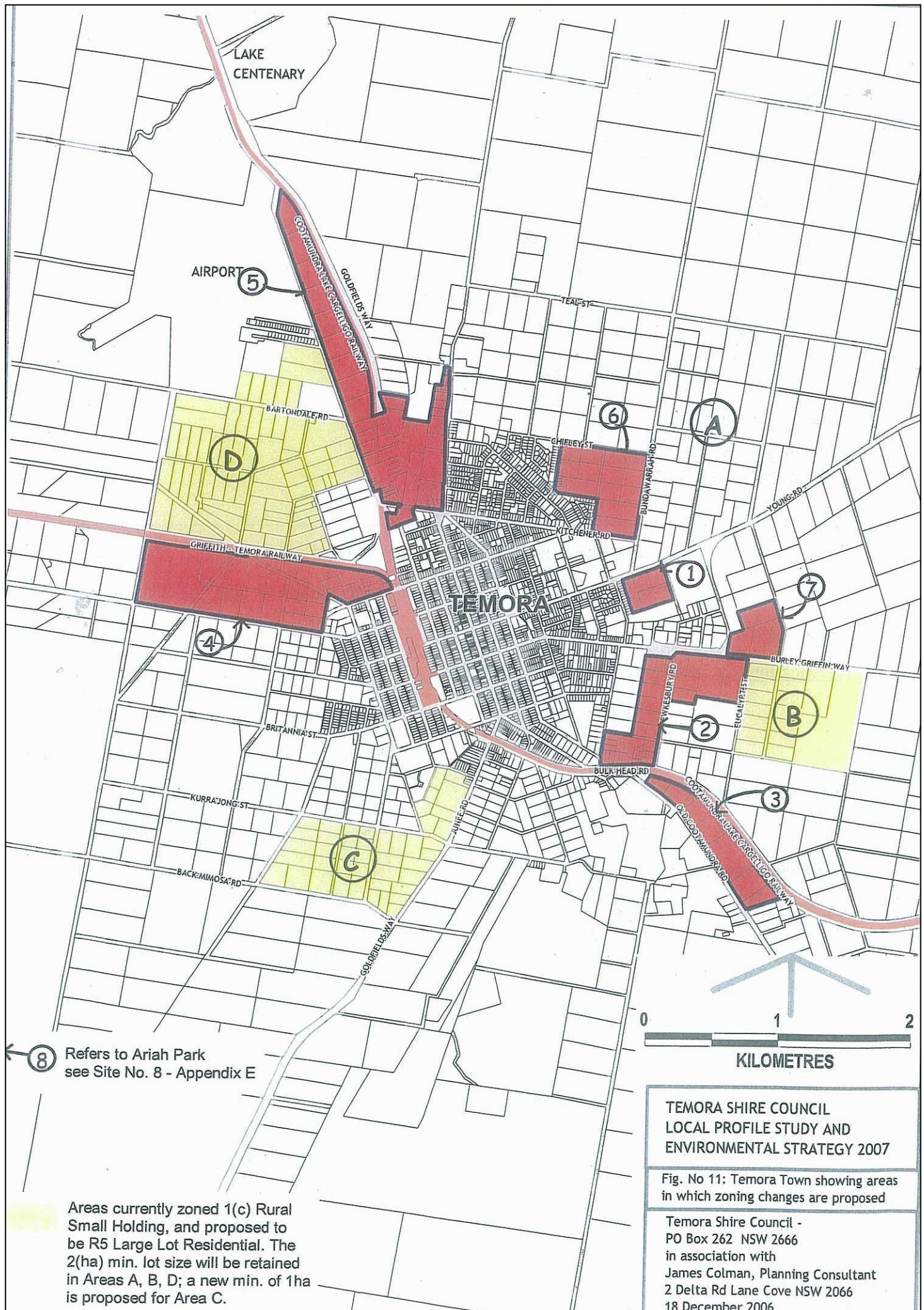
4(a) Industrial	11.8 ha
2(b) Residential	1 ha

Proposed zoning under the new Temora LEP

IN 1 General Industrial 12.8 ha

Area subject to change: 1 ha

Area of land zoned rural proposed to be converted nil



8.10.2 Arianh Park

The existing Village zone will be retained but augmented as follows:

- On the western side of the township a new Large Lot Residential zone is proposed to provide for 10-15 2ha lots over the life of the plan. The justification for this new zone lies in the community consultation process and the fact that currently there is no scope for rural residential development in Arianh Park. Some 20-30 ha of rural land will slowly be taken out of production as the Large Lot Residential zoning is implemented.
- The northern boundary of the Village zone will be extended to the north to include the Council-owned land immediately north of the railway. The proposal is justified to give Council a degree of flexibility in dealing with future applications for this area (Site No 8 - Appendix E).

8.11 Non-statutory village action plans

In due course, and following the gazettal of the new local plan, non-statutory action plans or Development Control Plans for Arianh Park and possibly Springdale will establish broad planning and landscape targets together with a schedule of desired improvements as identified in the community consultation phase.

8.12 Plan implementation, monitoring and review

Generally The Council recognises that the pace of future growth and change is a function of numerous variables and cannot be predicted with any degree of reliability. These variables include climatic factors (eg drought), the discovery of new resources, the advent of a town by-pass or alternative heavy traffic route, and the adoption of new cropping options and agri-technology. It follows that implementation of the new plan is likely to be gradual and subject to the influence of unexpected factors including changes of policy at the State and regional levels.

Plan review Overall, the Council sees the new plan as having a life of between 10 and 15 years with a detailed review being undertaken at the end of Year 5.

Indicators of the need for plan review would include the regular State of Environment reports and the Council's own corporate management plan. Other indicators would be revealed by way of occasional community consultations, agency comments and policy shifts, and the success or otherwise of Council's efforts in implementing the various strategic actions and development control plans described elsewhere in this document.

Monitoring At the time of the gazettal of the new LEP the Council will commit to a program for monitoring the progress of plan implementation. This would probably consist of an obligatory annual report from the responsible staff officer and would cover (for example)

- development control statistics
- progress on implementation of the various action plans, CMA Action Plans
- compliance with State agency policies and requirements (eg native vegetation protection)
- market responses to innovative elements in the LEP (such as those designed to encourage intensive agriculture and agri-tourism)
- infrastructure provisions
- the level of progress being achieved through the application of adopted development control plans.

In all this it should be recognised that planning in Temora is more a matter of managing change rather than rapid growth as such. If statistics are any guide, the Shire is unlikely to experience sudden demographic or economic fluctuations. Rather will the future see gradual if not steady forward movement, guided by the overall strategic planning objectives set out in this Study.

8.13 NSW Government agency input

A number of official agencies have already contributed to the material in this study and their assistance is gratefully acknowledged. Such input was the result of an informal consultation program which the Council organised when its local planning review was launched in 2003-4.

A formal round of official consultations (pursuant to s.62 of the Environmental Planning and Assessment Act) has yet to be undertaken. Agencies to be approached in this regard will include DEC, RTA, DPI, Housing, RailCorp and the Premier's Department. The two newly established Catchment Management Authorities (Lachlan and Murrumbidgee) will also be included in this second round to ensure that information on the respective Action Plans - as presented herein - is up to date and relevant to the needs of the Shire Council as it moves to finalise its new LEP.

8.14 Tree preservation

The new LEP may contain a clause covering tree preservation.

8.15 Justification for certain proposed zoning changes

As pointed out elsewhere in this document, there are difficulties associated with the task of trying to ensure that each and every change in the area zoned for a particular land use can be justified on the basis of a quantitative assessment of supply and demand. Council's response to this difficulty has been to adopt a positive position based on its confidence that the Shire has a healthy future despite certain negative demographic signals.

This confidence is based on the following indicators.

- In the 5-year period 1999-2005, development approvals increased from 89 to 173 - an increase of 94%; this increase took place whilst total Shire population was undergoing a slight decline. (See Table 3.3.1)
- In the same period, the total number of development applications jumped from 122 to 176 - an increase of 44%. (See Table 3.3.2)
- Agricultural productivity remained reasonably steady despite the ravages of a sustained drought. (See Table 3.4.1)
- Demand for industrial land has remained healthy.
- The airport subdivision has been very successful, with a second stage planned.
- Enrolments at schools and the TAFE have remained healthy and are increasing.
- Registered businesses in the Shire rose from 276 to 329 during the decade 1995 - 2005 - an increase of almost 20%.
- The proposed expansion of the Moore Park piggery, together with evidence of expansion proposals from a major grain handling enterprise in town.

IN addition to these indicators are those referred to in s.3.15. Overall, it is considered that the Shire's economy is in good shape and that the Council's optimistic view on the future is well justified.

Further to the above, Council's intentions regarding increases in the areas of land zoned for various urban purposes are based on Council's conviction that overall, the changes can be judged as being environmentally benign. In Temora town, a comparison of the current LEP and the proposed draft zoning map reveals that apart from a few hectares there will be no loss of prime agricultural land.

None of the proposed zoning changes involve serious adverse environmental impacts such as loss of native vegetation or threatened species. Some 46ha of land is zoned for urban residential - sufficient to allow for the creation of between 250 and 300 lots after allowing for necessary roadworks, parks and other local facilities. This equates to about 30 green-field lots per annum over the life of the plan, a figure which is quite realistic in the light of recent take-up figures. Council recognises that this provision will not lead to a resolution of the problem associated with the current spare capacity within the existing stock of residential properties. Council is responding to that particular issue by introducing incentives for redevelopment and density increases in the older inner areas of the town.

The business zoning over the town centre remains largely unchanged. Density controls over certain older inner blocks have been eased to encourage more dwellings per ha in areas where services and infrastructure are adequate.

Industry is catered for with new zonings on the east and west - two of which are covering existing broad acre enterprises requiring extensive sites. On the east, industrial growth is catered for by a new General Industrial zone north of the Stockinbingal road and east of Waratah Street. Staged release for industry will satisfy anticipated demand for industrial land over the life of the plan and will provide a degree of choice when new enterprises are searching for suitable sites in the future. On the north, the proposed B6 Enterprise Corridor Zone (with dwelling entitlement) covers an area which is already largely developed but which has hitherto been covered by an obsolete rural zone and two small industrial zones.

With regard to sewerage, all the proposed urban zones can be serviced either by connection to existing lines or are capable of accommodating on-site treatment. The provision of other utility services is unlikely to present any major problems.

The new plan provides for large-lot residential development within immediate proximity of the town. In the longer term the bulk of this provision will be in the 130 ha site in the north-eastern sector which has been zoned for 1(c) 2ha lots for some time. The only future change in this area will be a reduction in the minimum lot size to the proposed 1ha standard as being a more realistic and environmentally appropriate figure. The first release of the new 1ha large-lot residential sites is proposed in the area to the south adjoining the Wagga road.

To summarise, Council's position on the justification issue is based on the following propositions:-

- None of the proposed zoning changes bring any adverse economic, environmental or social consequences. On the contrary, positive impacts are foreshadowed in terms of presenting the Shire and Temora town in particular as suitable places for business, agricultural pursuits of various kinds, and housing at various densities.
 - Taken overall, the area of land hitherto zoned rural will suffer only a very small reduction in favour of urban uses. No prime production land will be lost.
 - Precise statistical quantification of demand for increases in the areas of land proposed for urban uses is not possible. Council is taking the view that such areas are realistic in the light of historical take-up figures and the generally pro-active approach which Council is taking in regard to promoting the Shire and enhancing its economy. This includes being a partner in REROC's 2006-08 regional marketing campaign.
 - Despite demographic evidence pointing to population decline, there are many indicators showing a robust and growing economy.
 - Over the years, Council's planning for the provision of reticulated sewage disposal in Temora town has resulted in the present headworks which have a capacity of 8000 EP, roughly twice the present town population. In other words, the existing capacity is more than adequate to cater for the anticipated growth of around 30 new dwellings per annum over the life of the plan, plus incremental growth in the commercial and industrial sectors.
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