

Amendment to Greater Hume Local
Environmental Plan 2012

197 Urana Street, Jindera

MAY 2025

Submitted to Albury City Council
Prepared on behalf of Holy Spirit Church

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Executive Summary

This Planning Proposal has been prepared by Habitat Planning on behalf of Holy Spirit Church and is submitted to Greater Hume Council in support of a Planning Proposal to amend the *Greater Hume Local Environmental Plan 2012* (LEP).

Specifically, the Planning Proposal seeks to rezone 1.197ha of land in the north western corner of Part Lot 2, DP801591 and addressed as 197 Urana Street, Jindera from RU4 Primary Production Small Lots to RU5 Village. The Planning Proposal also seeks to undertake a consequential amendment to the Minimum Lot Size map by reducing the minimum lot size of this land from 8 hectares down to 600m².

Plans showing the proposed changes sought by the Planning Proposal are provided below.

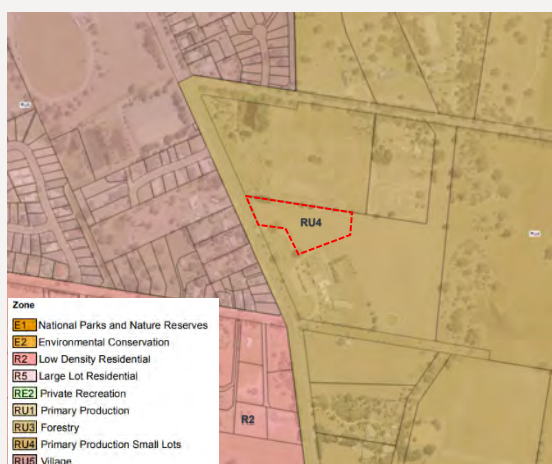


Figure 1 | Land Zoning Map (Existing)

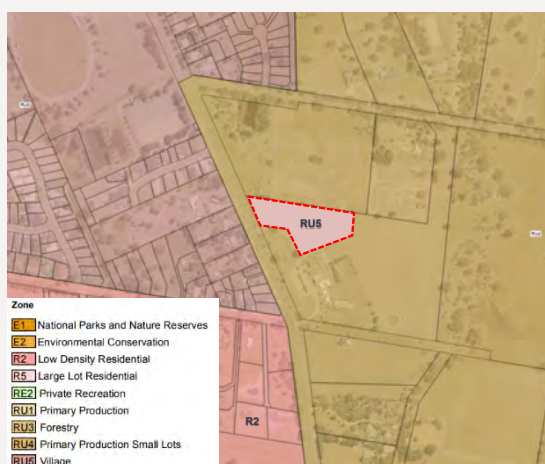


Figure 2 | Land Zoning Map (Proposed)

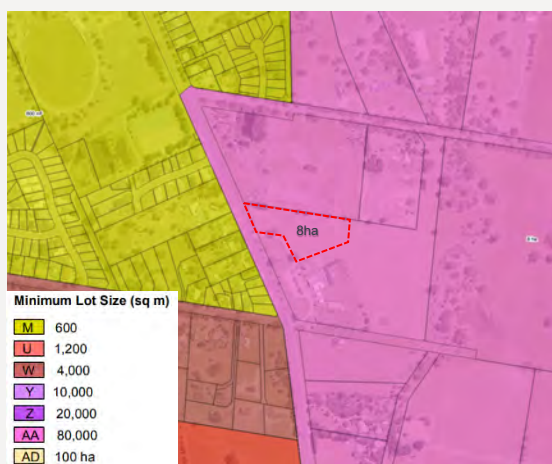


Figure 3 | Lot Size Map (Existing)

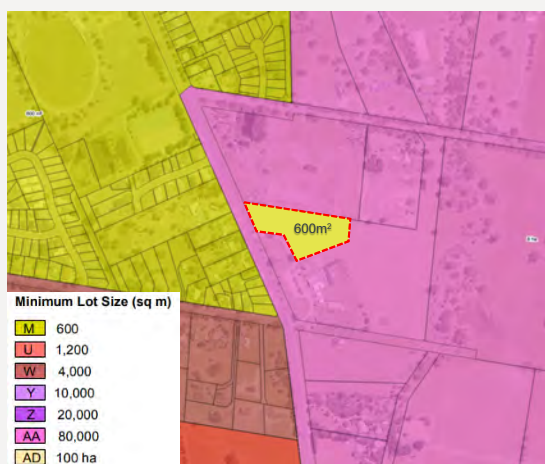


Figure 4 | Lot Size Map (Proposed)

The report has been prepared to address the requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act), as well as satisfying the requirements of the NSW Department of Planning, Housing & Infrastructure's guideline titled: *Local Environmental Plan Making Guideline* (August 2023).

For the purposes of the Guideline, the application is classified as a 'Standard' Planning Proposal as it seeks to "change the land use zone where the proposal is consistent with the objectives identified in the LEP for that proposed zone."

This Planning Proposal provides an analysis of the physical and strategic planning constraints and opportunities of the site and considers the relevant environmental, social and economic impacts of the proposal and its strategic merit.

The Planning Proposal has strategic merit and is in the public interest for the following reasons:

- The proposal is generally consistent with the strategic planning framework including State, Regional and local planning strategies for Jindera and the broader Greater Hume.
- The resultant development of the land will not create any unacceptable environmental or social impacts as it seeks to facilitate seniors housing within a central portion of Jindera.
- The outcomes sought by the Planning Proposal seek to reflect the natural hazards and constraints of the land.
- Development of the land as sought by this Planning Proposal can be integrated with adjoining residential and educational development to the north, south and west.
- The development is proposed in response to increasing demands for seniors housing and small lot housing in close proximity to infrastructure and services.
- There will be a net benefit for the Jindera community through additional seniors housing.
- The subject land can be provided with all urban services.

The Planning Proposal received Gateway Determination on 09 April 2025 with the Department of Planning, House and Infrastructure endorsing its progression to public exhibition, subject to an amended Planning Proposal addressing the following requirements:

- Reference a split zone clause that allows flexibility in applying the minimum lot size provisions.*
- Demonstrate the site can safely accommodate seniors housing up to the PMF including mitigation measures.*

This amended Planning Proposal has been prepared in response to the Gateway conditions.

It is recommended that Greater Hume Council resolve to support the changes to the LEP as detailed in this Planning Proposal to undertake the following:

- Rezone the north western corner of land described as Part Lot 2, DP801591 and addressed as 197 Urana Street, Jindera from RU4 Primary Production Small Lots to RU5 Village.
- Reduce the minimum lot size for the north western corner of land described as Part Lot 2, DP801591 and addressed as 197 Urana Street, Jindera from 8 hectares down to 600m².
- Introduce a split zone clause within the LEP to provide flexibility in the application of Clause 4.1 and allow the subdivision of a lot where more than one zone applies.

Table 1 Executive Summary Table

Item	Description
Site Address	197 Urana Street, Jindera
Property Descriptor	Part Lot 2, DP801591
Existing Planning Controls	Land Zoning: RU4 Primary Production Small Lots Minimum Lot Size: 40 hectares

	<p>Terrestrial Biodiversity: Yes - eastern portion of the land</p> <p>Heritage: None</p> <p>Bushfire Prone: Yes – Vegetation Buffer</p> <p>Flooding: Yes – Low Hazard Flooding</p>
Proposed Amendment	<p>Rezone the north west portion of the land from RU4 Primary Production Small Lots to RU5 Village and reduce the minimum lot size of this land from 40ha to 600m².</p> <p>Introduce a split zone clause to allow flexibility in applying minimum lot size controls across the LGA.</p>
Supporting Technical Studies	Flood Impact Assessment
Type of Amendment	Standard

1. Introduction

1.1. Overview

This Planning Proposal has been prepared by Habitat Planning on behalf of Holy Spirit Church and is submitted to Greater Hume Council in support of a Planning Proposal to amend the *Greater Hume Local Environmental Plan 2012* (LEP).

Specifically, the Planning Proposal seeks to rezone 1.197ha of land in the north western corner of Part Lot 2, DP801591 and addressed as 197 Urana Street, Jindera from RU4 Primary Production Small Lots to RU5 Village. The Planning Proposal also seeks to undertake a consequential amendment to the Minimum Lot Size map by reducing the minimum lot size of this land from 8 hectares down to 600m².

The subject Planning Proposal also seeks to introduce a split zones clause within the LEP to allow for the subdivision of land with multiple zonings, such as that sought by this Planning Proposal. Such a clause is commonly applied in regional council Local Environmental Plans (LEPs) to facilitate the subdivision of land where multiple zones apply to a single lot.

It provides flexibility in the application of Clause 4.1, which relates to minimum lot size requirements. The specific zones to which this clause will apply is to be determined in consultation with Council and DPHI with the final wording of the clause to be prepared by Parliamentary Counsel at the finalisation stage of the Planning Proposal.

This report has been prepared to address the requirements of Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), as well as satisfying the requirements of the NSW Department of Planning, Housing & Infrastructure's guideline titled: *Local Environmental Plan Making Guideline* (August 2023).

For the purposes of the Guideline, the application is classified as a 'Standard' Planning Proposal as it seeks to "*change the land use zone where the proposal is consistent with the objectives identified in the LEP for that proposed zone.*"

This report will demonstrate that the proposed rezoning of a portion of the subject land to RU5 Village is consistent with the intent and objectives of the planning framework and strategic plans and policies. Consequently, this will provide both Council and the NSW Department of Planning, Housing and Infrastructure (DPHI) with the confidence to endorse the proposed amendment as sought by this Planning Proposal.

1.2. Background & Pre-Lodgement Advice

As required by the Department's guideline titled: *Local Environmental Plan Making Guideline* (August 2023), applicants are encouraged to undertake pre-lodgement discussions with Council (if proponent initiated) and/ or the Department (where Council initiated). The purpose of this stage is to provide early feedback and identify and resolve key planning issues upfront to enable a streamlined LEP making process.

The purpose of these pre-lodgement discussions is to identify key information requirements, infrastructure needs and consultation requirements with key government agencies.

Following the completion of the initial Stage 1 Pre-Lodgement phase, a Planning Proposal (this document) is subsequently prepared and submitted to Council.

A flowchart depicting this process is reproduced below:

Figure 3. Pre-lodgement stage overview

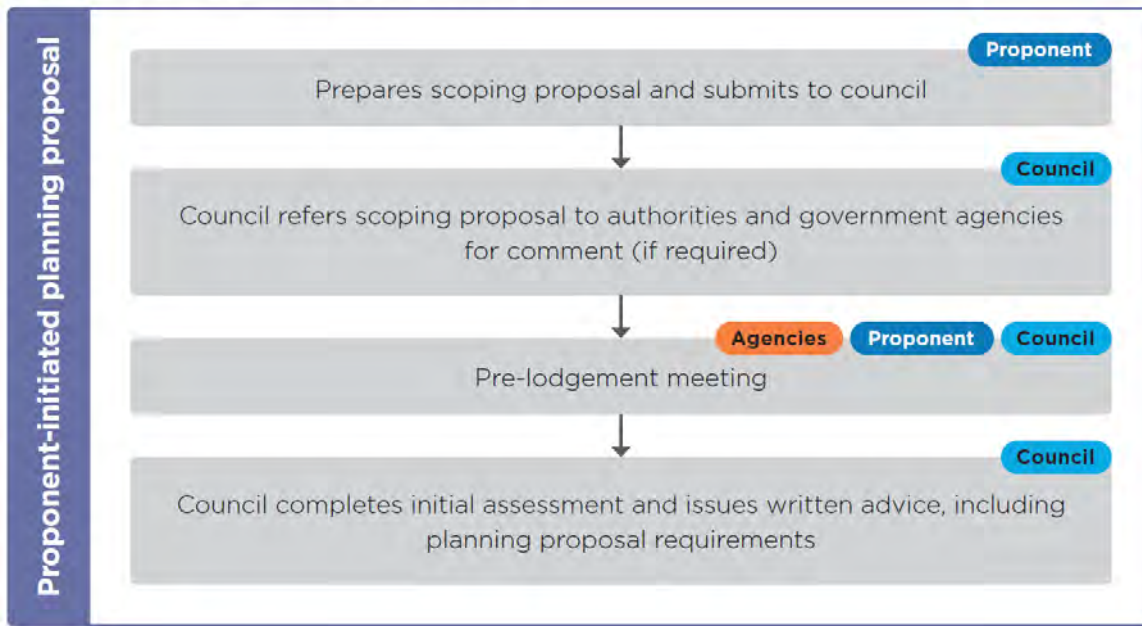


Figure 5 | Flowchart – Pre-Lodgement Stage Overview

In accordance with these requirements, extensive consultation has been ongoing with both Council and the NSW Biodiversity Conservation and Science – Floodplain Management team in relation to the proposed rezoning, and in particular with regards to matters regarding flooding.

Consultation has also been undertaken with Crown Lands regarding the potential acquisition and upgrade of an adjoining Crown Road Reserve located to the south to achieve relevant flood mitigation improvements as per the recommendations of the enclosed Flood Impact Assessment.

Below is a brief summary of the items previously discussed.

Greater Hume Council

Following initial pre-lodgement discussions, Council were generally supportive of the proposed rezoning subject to the resolution of matters regarding flooding. At present, the site operates under 'Existing Use Rights' and is restricted due to the zoning of the land. The rezoning of this land may resolve this restriction and would allow for the construction of detached residential dwellings to be used for seniors.

Discussions with Council have been ongoing regarding proposed flood mitigation works. More specifically, Council provided input and advice into the Flood Impact Assessment. In addition, Council also agreed to acquire a section of unused Crown Road Reserve located to the south, which could be upgraded to achieve relevant flood mitigation outcomes for the property.

Crown Lands

Following the completion of the Flood Impact Assessment and as a means of reducing the flood impacts on the subject land and adjoining lands, it was recommended that the adjoining unused Crown Road Reserve to the south be upgraded.

In order to undertake these works, the land will first need to be acquired and transferred to Council. Discussions with relevant Crown Lands Officers were undertaken and formal advice was received via email dated 26 February 2024 confirming that this authority did not have any objections to the proposed flood mitigation works subject to the land being transferred to Council.

NSW Biodiversity Conservation and Science – Floodplain Management

In recognition of the fact that the land is flood prone, consultation was undertaken with NSW Biodiversity Conservation and Science – Floodplain Management as part of the preparation and finalisation of the Flood Impact Assessment.

Further consultation was undertaken with this authority and formal advice was received via email dated 27 August 2024. In summary the key consideration for the Planning Proposal (this document) will be to address Ministerial Direction 4.1.

Specifically, the Planning Proposal has to outline how the site specific Flood Study and proposed rezoning do not derogate from the recommendations of the Jindera Floodplain Risk Management Study and Plan.

In addition, any response will need to address the following criteria of this Direction:

- 3(b) impacts on other residents – discuss the outcomes of the upgraded channel, which results in only a 6mm afflux increase for the property to the north east.
- 3(d) increasing the density – discuss development outcomes of the site, including limiting extent of rezoning to the north west corner of the site.
- 3(e) sensitive uses – address this clause as the rezoning is to facilitate senior housing or residential care facilities. Specifically address evacuation procedures, which includes Urana Street being higher than the site and provides good access away from the hazard – 1% AEP.

Furthermore, any future dwellings will need to have a minimum finished floor level above the 1 in 100 Year AEP. The Department acknowledged that if the adjoining channel within the Crown Road Reserve is upgraded beyond what was recommended, this may further reduce flooding across the site.

It is confirmed that the intention of the proposal is to focus on the rezoning of the land directly surrounding the development only at this time and not the wider site. This is due primarily to the need for a total review of the flood assessment to include the cumulative impacts of a “worst case scenario” of developing out the entire area which would conceivably result in significantly increased flood impacts and risks based on the current modelling.

Consequently, an option may exist to further reconsider the zoning of the remainder of the land following the preparation of an updated flood study for Jindera factoring in current day conditions.

Lastly, consideration will also need to be given to potential biodiversity impacts, namely as a result of the channel upgrade works.

Gateway Determination

As outlined above, this Planning Proposal has been amended to reflect the conditions of the Gateway Determination dated 9 April 2025.

It is confirmed that the subject Planning Proposal has been prepared based on this pre-lodgement advice and the conditions of the Gateway Determination.

1.3. Scope and Format of Planning Proposal

The Planning Proposal details the merits of the proposed changes to the LEP and has been structured in the following manner:

- Section 1.0 provides an introduction to the Planning Proposal.
- Section 2.0 provides a description of the site, its context and existing development, including identification of the land to which the changes are proposed.
- Section 3.0 contains the Planning Proposal, prepared in accordance with the matters to be considered in the Department of Planning’s document titled: *Local Environmental Plan Making Guideline*; and

- Section 4.0 provides the conclusions and recommendations to proceed with the Planning Proposal to Gateway Determination to amend the LEP.
- Appendices contains supporting plans and documentation.

1.4. Planning Proposal Process

Following the completion of the initial Stage 1 Pre-Lodgement phase, the Planning Proposal (this document) has been prepared and will be submitted to Council.

A flowchart depicting this process is reproduced below:

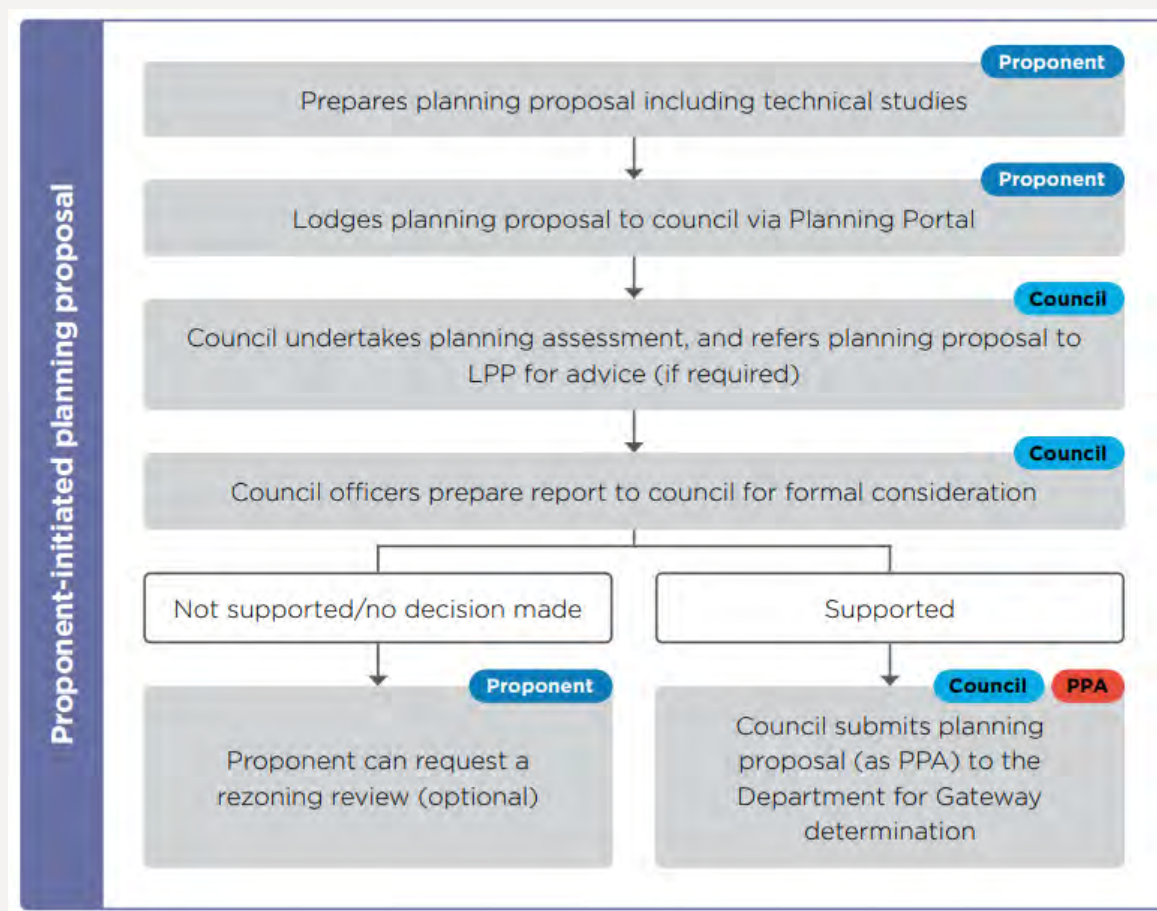


Figure 6 | Flowchart – Planning Proposal Stage Overview

1.5. Supporting Plans and Documentation

The Planning Proposal has been prepared with input from a number of technical and design documents which have been prepared to accompany the application. These documents are included as attachments to this report and are identified in **Table 2**.

Table 2 | Attachments to Planning Proposal

No.	Document Name	Prepared by
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ANNEXURE 1

A	Pre-Lodgement Advice	Relevant Public Authorities
B	Consistency with Riverina-Murray Regional Plan 2041	Habitat Planning
C	Consistency with State Environmental Planning Policies	Habitat Planning
D	Consistency with Section 9.1 Ministerial Directions	Habitat Planning
E	Flood Risk Assessment	GHD

2. Site Analysis

2.1. Site Details & Locality

The subject site comprises a single parcel of land described as Part Lot 2, DP801591 and addressed as 197 Urana Street, Jindera ("the subject site"), which is contained within the Greater Hume Local Government Area (LGA).

The site is centrally located and is approximately 1 kilometre south east of the main commercial centre of Jindera and forms part of the broader site commonly known as the St Mary MacKillop College.

The location of the site is shown at **Figure 2**.



Figure 7 | Location of the subject site (outlined) in context to Jindera
(Source: Open Street Map, 2024)

2.2. Site Description

The subject site is irregular in shape with access to both Urana Street to the west and Mulkentin Road to the north via an approximate 40m wide access handle. The property has a total area of 8.05 hectares.

The site is improved and has been developed for the St Mary MacKillop College (K-12) inclusive of a main reception/administration building, as well as associated classroom buildings, amenities buildings and associated outdoor recreation facilities such as basketball courts and football oval. An associated church and cemetery also adjoin the school and form part of the overall site.

The topography of the land is gently undulating and slopes downwards towards Dog Trap Creek to the rear of the site. Vegetation on-site consists largely of non-native grasses/lawned areas, as well as

planted landscaping inclusive of planted garden beds and ornamental trees. Several scattered paddock trees also exist across the property.

Given the site's central location, the property has access to all reticulated infrastructure and services including gas, electricity, reticulated water, sewerage and telecommunications. It is noted that an overhead electricity line currently bisects the subject land in a general east-west direction. Vehicular access to the site is currently available from the adjoining Urana Street, which is accessed via two existing concrete driveway crossovers.

As outlined above, the subject Planning Proposal relates to the north western portion of the site on largely cleared land adjacent to Urana Street.

An aerial image of the property and infrastructure servicing plans are provided in **Figures 3 and 4**. Photographs of the subject land and surrounds are also provided below.



Figure 8 | Aerial view of the entire site (red outline) and the area subject to the Planning Proposal (blue outline)(Source: Nearmap, October 2024).



Figure 9 | Aerial photograph of the proposed rezoning site Zoomed In (Source: Nearmap, October 2024).

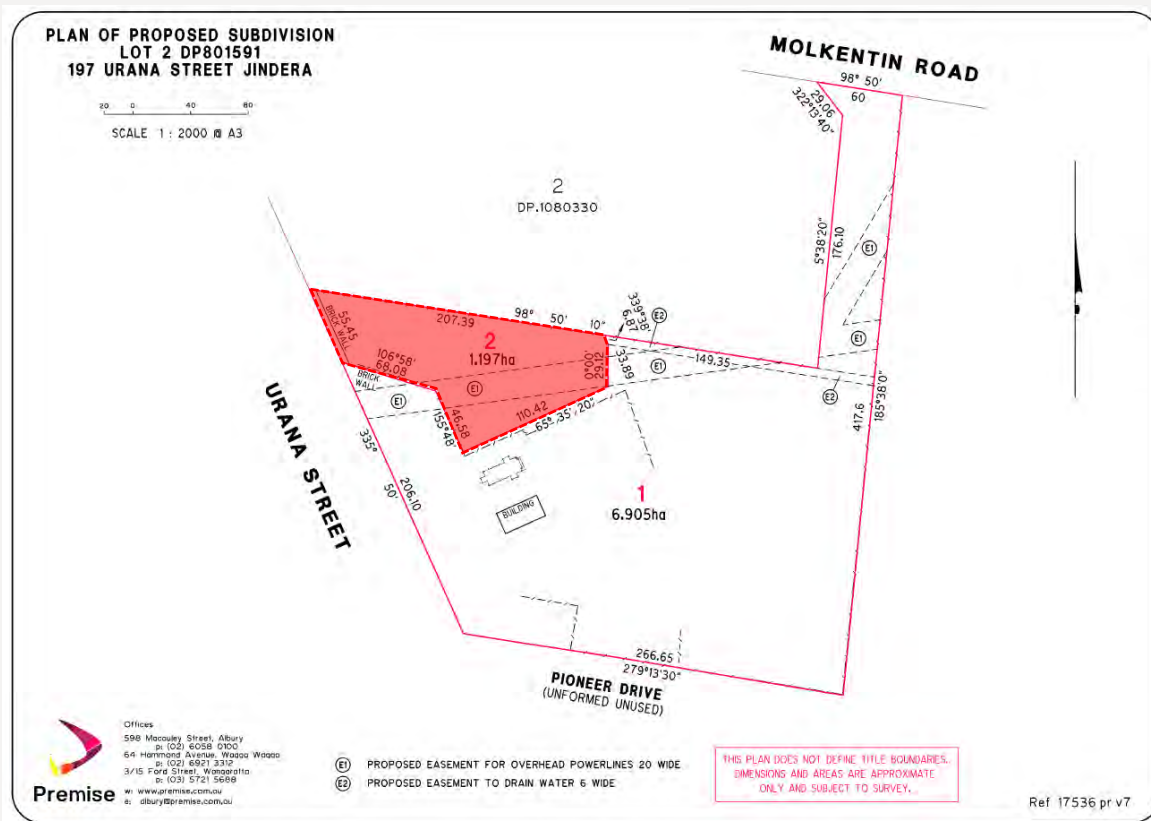


Figure 10 | Area of proposed rezoning limited to Proposed Lot 2 (Source: Premises, 2024).



Figure 11 | View of subject land to be rezoned looking north east



Figure 12 | View of subject land to be rezoned looking north west towards Urana Street



Figure 13 | View of subject land to be rezoned looking north



Figure 14 | Existing Crown Land Road Reserve to be transferred to Council and upgraded for flood mitigation works



Figure 15 | Adjoining St Mary MacKillop School contained on-site



Figure 16 | Adjoining Church contained on-site



Figure 17 | Existing St Mary's Cemetery contained on-site

3. Planning Proposal

This section of the report addresses the Department of Planning's document titled *Local Environmental Plan Making Guideline* and Section 3.33 of the EP&A Act. Specifically, this section provides:

- Objectives and intended outcomes;
- Explanation of provisions;
- Justification;
- Mapping
- Community consultation; and
- Project timeline.

3.1. Objectives and Intended Outcomes

The objective of this Planning Proposal is to amend the *Greater Hume Local Environmental Plan 2012* by rezoning 1.197ha of land in the north western corner of Part Lot 2, DP801591 and addressed as 197 Urana Street, Jindera from RU4 Primary Production Small Lots to RU5 Village. The Planning Proposal also seeks to undertake a consequential amendment to the Minimum Lot Size map by reducing the minimum lot size of this land from 8 hectares down to 600m².

As part of the Gateway Determination, DPHI recommended the LEP also be amended to include a reference to a proposed split zone clause.

A split zone clause is commonly applied in regional Council LEPs to allow flexibility in the subdivision of a lot where more than one zone applies. Examples of such a clause are available within the *Albury Local Environmental Plan 2010* (Clause 4.1B) and *Wagga Wagga Local Environmental Plan 2010* (Clause 4.1A).

The objectives of this clause are the same within both of these example LEP's as follows:

- to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,*
- to ensure that the subdivision occurs in a manner that promotes suitable land use and development.*

This will allow flexibility in applying the minimum lot size provision to the residual lot when subdividing a lot with a split zone and provides a long-term solution for similar situations in the future across the broader LGA.

The purpose of the rezoning is to allow for the development of this land for the purposes of seniors housing in response to ongoing and predicted demand for aged care housing. This will involve the construction of a number of freestanding dwellings, which will be accessed via a centralised access road.

A concept plan showing the proposed development outcomes sought on-site are identified in the following figure. It is noted that these works will be subject to a separate Development Application.

ANNEXURE 1



Figure 18 | Proposed Site Plan

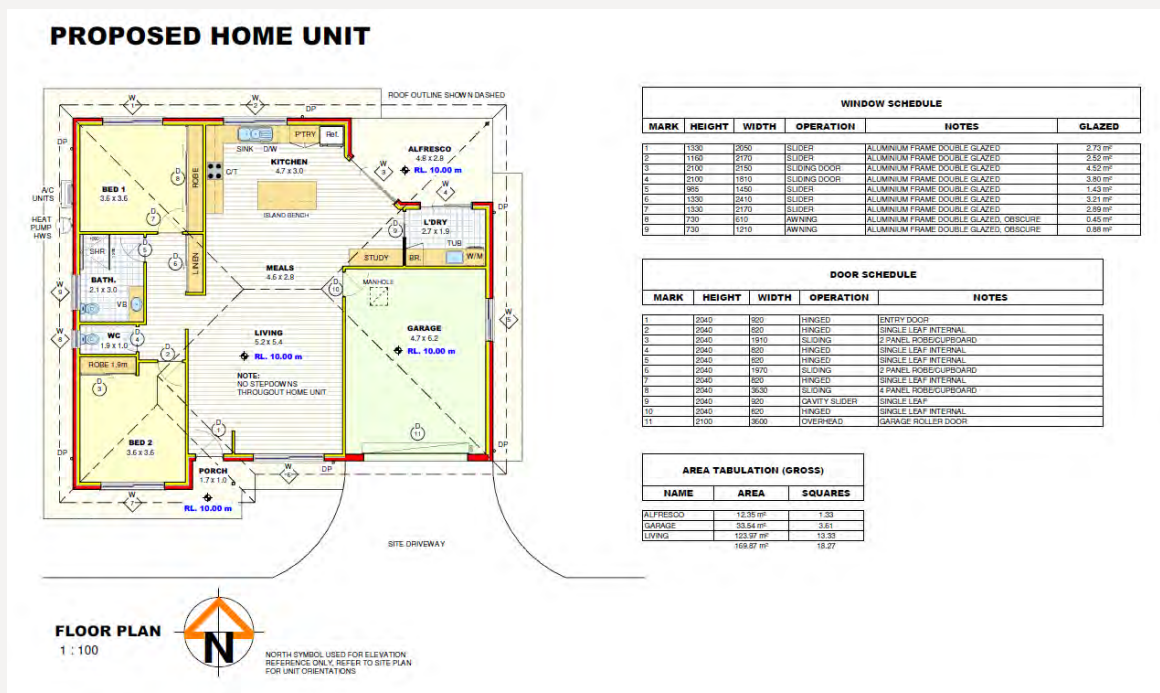


Figure 19 | Conceptual Floor Plan

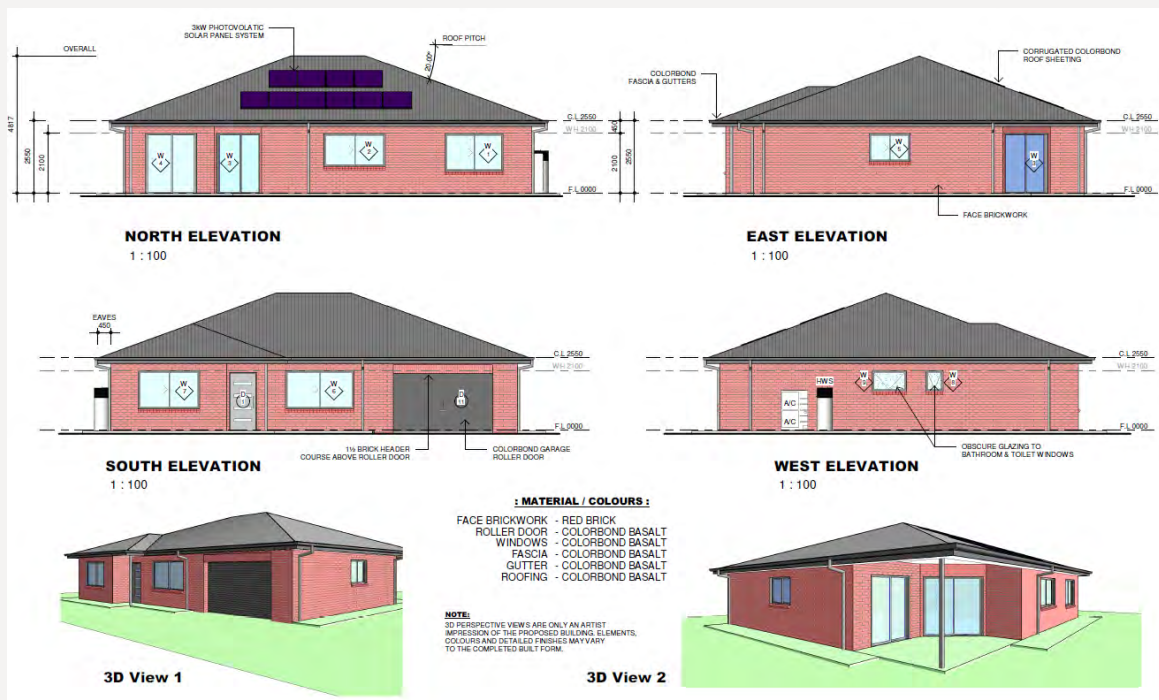


Figure 20 | Conceptual Building Elevations

3.2. Explanation of Provisions

The intended outcomes discussed above and within this report will be achieved by amending the LEP as follows.

- Rezone the north western corner of land described as Part Lot 2, DP801591 and addressed as 197 Urana Street, Jindera from RU4 Primary Production Small Lots to RU5 Village.
- Reduce the minimum lot size for the north western corner of land described as Part Lot 2, DP801591 and addressed as 197 Urana Street, Jindera from 8 hectares down to 600m².
- Introduce a split zone clause to provide flexibility in the application of Clause 4.1 and allow the subdivision of a lot where more than one zone applies. The final wording of the clause is to be determined by Parliamentary Counsel during the finalisation of the planning proposal.

However, the following draft wording is suggested to apply to each lot that contains:

- (a) Land in an employment, mixed use, recreation, residential or special purpose zone, or land in Zone RU1 Primary Production, Zone RU4 Primary Production Small Lots or Zone RU5 Village, that has an area not less than the minimum size shown on the Lot Size Map in relation to that land, and
- (b) all of the Land in Zone C1 National Parks and Nature Reserves, Zone C2 Environmental Conservation, Zone W1 Natural Waterways, or Zone W2 Recreational Waterways.

Plans showing the proposed mapping changes sought by the Planning Proposal are provided below.

ANNEXURE 1

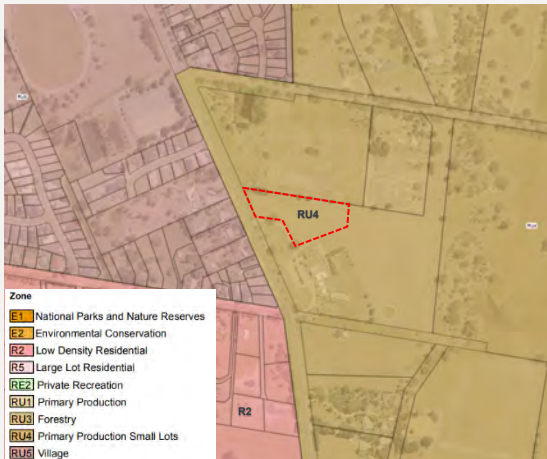


Figure 21 | Land Zoning Map (Existing)

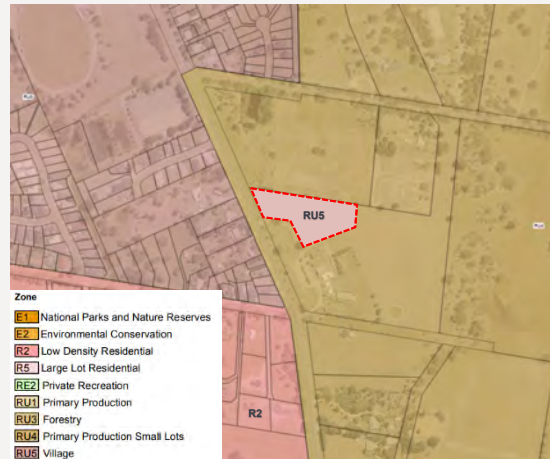


Figure 22 | Land Zoning Map (Proposed)

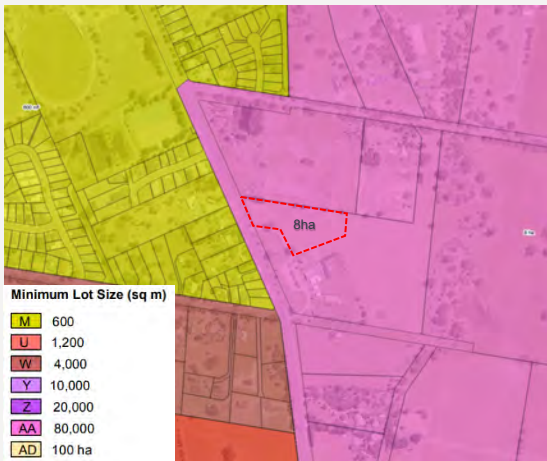


Figure 23 | Lot Size Map (Existing)

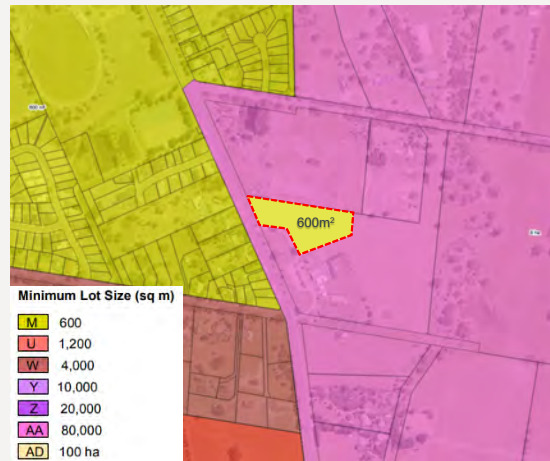


Figure 24 | Lot Size Map (Proposed)

As outlined in Section 3.1 above, the purpose of the proposed rezoning is to allow for the development of this land for the purposes of seniors housing in response to ongoing and predicted demand for aged care housing.

3.3. Justification

This section of the Planning Proposal sets out the justification for the intended outcomes and provisions, identifies the strategic planning context and outlines what the community benefit will be.

3.3.1 Section A - Need for the Planning Proposal

Q1. Is the planning proposal a result of an endorsed Local Strategic Planning Statement (LSPS), strategic study or report?

The Planning Proposal is not the result of any specific strategy or report, but is however generally consistent with the *Greater Hume Local Strategic Planning Statement*.

Further details regarding both of these strategic plans are provided below.

Greater Hume Local Strategic Planning Statement

The *Greater Hume Local Strategic Planning Statement* (LSPS) sets the land use framework on a local scale for Greater Hume Council's economic, social and environmental land use needs over the next 20 years. It addresses the planning and development issues of strategic significance to the Council through planning priorities and actions, spatial land use direction and guidance.

The LSPS gives effect to the *Riverina Murray Regional Plan 2041* implementing the directions and actions at a local level. It is also informed by other State-wide and regional policies including *Future Transport Plan 2056* and the *NSW State Infrastructure Strategy 2018 – 2038*.

The vision statement the LSPS outlines the following:

Greater Hume will continue to recognize the importance of the regional cities of Albury, Wodonga and Wagga Wagga and our community's ability to access higher level services, such as higher education, health services and employment. Recognising and enhancing this connection will be a key driver to the success of Greater Hume.

Our towns and villages will capitalise on growth opportunities so that they continue to service our rural communities. Our towns will offer a variety of housing choice to retain the ageing population but will also provide an alternate rural lifestyle that will attract people to the area. As our towns continue to support new growth, our economic base will diversify. Our townships will be vibrant active places to visit and live providing a variety of basic economic and community services, within a rural heritage town setting, resilient to effects of climate change.

To achieve this 20-year vision for Greater Hume, Council has identified nine planning priorities to focus future strategic planning consistent with the recommendations of the RMRP and Council's Community Strategic Plan 2017-2030.

The Planning Proposal is consistent with the following relevant planning priorities outlined in **Table 3**.

Table 3 | Consideration of Greater Hume Local Strategic Planning Statement

Planning Priorities	Consistency
Planning Priority One – Housing and Land Supply	
<u>Recommendations:</u> <ul style="list-style-type: none"> Monitor the uptake of residential land in the towns and villages and investigate future residential areas (as identified on the town maps). These areas will: 	<p>The Planning Proposal has been prepared in response to demand for new aged care seniors housing and seeks to further develop currently</p>

Planning Priorities	Consistency
<ul style="list-style-type: none"> <i>Be located to avoid areas that are identified as important agricultural land or areas that create potential for land use conflict;</i> <i>Align with the utility infrastructure network and its capabilities;</i> <i>Avoid or mitigate the impacts of hazards, including the implications of climate change;</i> <i>Protect areas with high environmental value and/ or cultural heritage value and important biodiversity corridors;</i> <i>Not hinder development or urban expansion and will contribute to the function of existing townships;</i> <i>Create new neighbourhoods that are environmentally sustainable, socially inclusive, easy to get to, healthy and safe.</i> <p><u>Actions:</u></p> <ol style="list-style-type: none"> <i>For the RU4 zoning in Jindera and other townships investigate the feasibility of increasing the density within the RU4 zoning</i> 	<p>under-utilised land for more intensive development purposes.</p> <p>The land is centrally located and can be appropriately serviced with all infrastructure and utilities.</p> <p>The land is also largely unconstrained from an environmental and natural hazard perspective, with the exception of a flooding, which has been addressed via the preparation of a site-specific flood impact assessment.</p> <p>In summary, the development directly responds to Action Item 4 by rezoning this land from RU4 to residential (RU5 Village). This will add additional residential land supply to Jindera, which is currently experiencing high demands for residential land.</p>

Planning Priority Three – Utility Infrastructure

<p><u>Recommendations:</u></p> <ul style="list-style-type: none"> <i>Align residential and commercial growth with water and waste water capabilities.;</i> <p><u>Actions:</u></p> <ol style="list-style-type: none"> <i>Complete an Integrated Water Management Plan to ensure future water and sewer aligns with future growth.</i> 	<p>The subject land is centrally located and adjoins urban development immediately to the west, which has been developed for general residential purposes.</p> <p>Therefore, the subject land can be readily serviced with all relevant infrastructure and services including water, sewerage, stormwater, roads, electricity, gas and telecommunications.</p> <p>It is also noted that Council in consultation with the NSW Public Works are currently preparing an Integrated Water Cycle Management Plan for Jindera.</p>
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Planning Priority Four – Agricultural Lands

<p><u>Recommendations:</u></p>	<p>Whilst it is acknowledged that the subject land is zoned RU4 Primary Production Small Lots, the subject</p>
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Planning Priorities	Consistency
<ul style="list-style-type: none"> Protect important agricultural lands in local planning controls. To avoid agricultural land fragmentation and maintain the existing rural lands minimum lot size provisions in the Greater Hume Local Environmental Plan. Manage land use conflict on agricultural land by: <ul style="list-style-type: none"> In the case of nuisance complaints supporting pre-existing, lawfully operating agricultural land uses Avoid locating incompatible land uses in and adjacent to agricultural production areas Restrict the encroachment of incompatible land uses; Ensure that land use standards for minimum subdivision sizes in the LEP reflect trends and enable a productive agricultural sector <p><u>Actions:</u></p> <ol style="list-style-type: none"> On review of the Greater Hume Local Environment Plan investigate the appropriateness of minimum lots sizes rural zones through undertaking a strategic analysis of agricultural land and practices 	<p>land is not used for any productive agricultural activity, and has been developed as a school.</p> <p>The subject land is already fragmented, small in size and is surrounded by urban development.</p> <p>Consequently, the rezoning of this land for urban purposes will be consistent with adjoining development to the west.</p> <p>The rezoning and development of this land for residential purposes will also not adversely affect any nearby or surrounding agricultural activities given that none exist.</p>

Planning Priority Nine – Climate Change and Natural Hazards

<p><u>Rationale:</u></p> <p>Council have already undertaken extensive flood planning work through the preparation of the Culcairn, Henty, Holbrook, Jindera and Walla Walla flood studies, to understand the extent of these major rain and flooding events. These studies identify the high and low flooding hazard areas, these areas indicate whether land is or is not suitable for more intensive development. Ensuring the findings of these studies are replicated in local planning controls will be necessary to manage community expectations and development on land subject to inundation.</p> <p><u>Actions:</u></p> <ol style="list-style-type: none"> Undertake LEP and DCP amendments to implement recommendations from existing Floodplain Risk Management Studies and Plans identified above 	<p>The Planning Proposal is generally consistent with the rationale and Actions of this Planning Priority.</p> <p>As will be demonstrated in the enclosed site specific flood assessment, the proposed rezoning of this portion of land is consistent with the broad principles of the Jindera Floodplain Risk Management Study and Plan.</p> <p>This will ensure that the future development of the land appropriately responds to climate change impacts, namely flooding.</p>
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Jindera Residential Land Use Strategy

Greater Hume Council in conjunction with the NSW DPIE recently finalised the *Jindera Residential Land Use Strategy*, which will guide the future growth and development of the Jindera Township for the next 20-30 years.

The preparation of this Strategy was in response to Jindera's sustained and ongoing population growth, which has seen Jindera grow at an average annual rate of 4.46% since 2010. Based on current growth rates and population projections, Jindera is estimated to grow from 2,222 people in 2016 to 8,000 people by 2050.

Residential demand since 2018 has seen an average of 35 new dwellings constructed in Jindera per annum in response to ongoing and sustained growth. This demand has occurred across all sectors of the residential land market.

As part of the preparation of the Strategy, a constraints and opportunities analysis was undertaken, as well as an assessment of existing residential supply and demand and infrastructure servicing capacities and constraints.

Following the completion of this, the Strategy identified recommended zoning changes to accommodate future development. It is acknowledged that the subject land was not identified as part of these recommendations, due primarily to the fact that the land is flood prone.

Notwithstanding, following the preparation of a site-specific flood assessment, a number of flood mitigation works can be undertaken to allow a portion of the land to now be developed for residential purposes. Given the relatively small amount of development proposed (10 dwellings) and the strong demand for residential housing within the Jindera, the rezoning of this land will not be inconsistent with the broader objective of this Strategy to achieve residential outcomes.

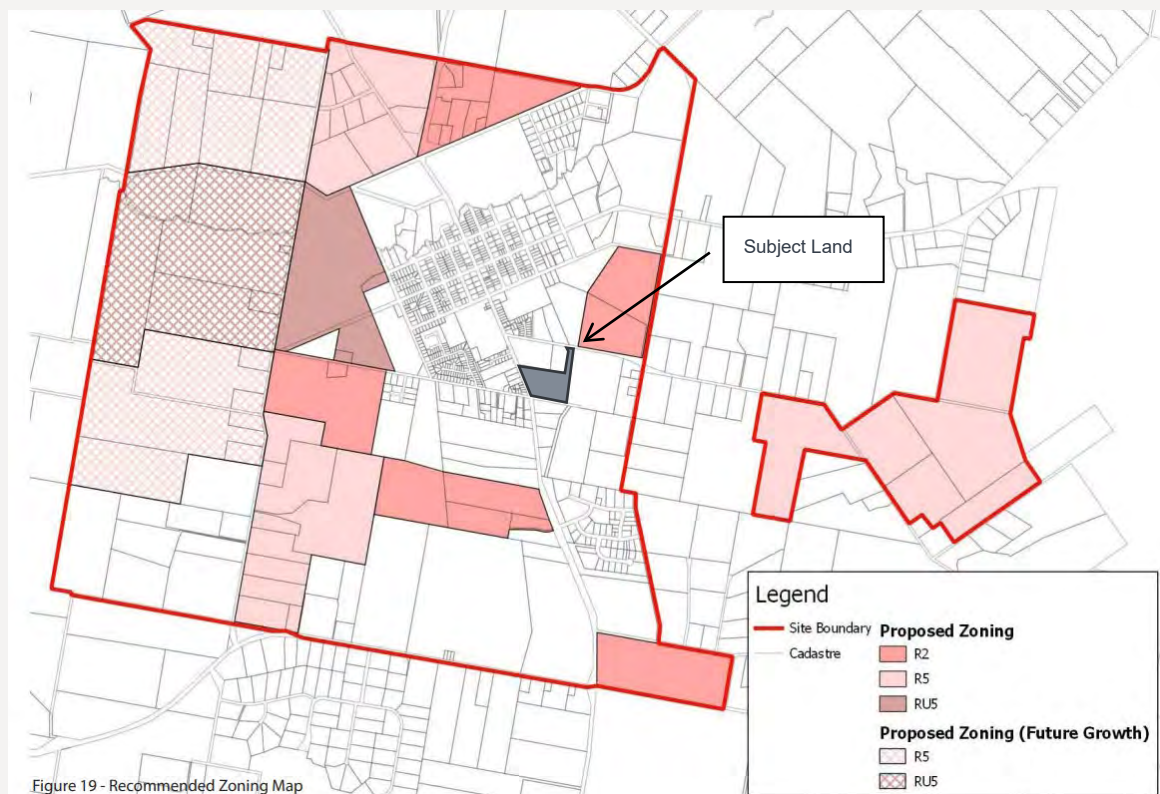


Figure 25 | Jindera Residential Land Use Strategy – Recommended Zoning Map

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is considered the best means of achieving the objectives or intended outcomes as it will allow for the development of the land for seniors housing purposes, which is generally compatible with the surrounding area.

As outlined above, the subject land is zoned RU4 Primary Production Small Lots despite being centrally located within Jindera. It is understood that the zoning of this land as RU4 is in recognition of the flood constraints of the land.

The range of permitted land uses within the RU4 zone is limited and primarily aimed at achieving rural/small scale agricultural outcomes. Consequently, development for the purposes of seniors housing/aged care housing is prohibited in this zone.

The proposed option of rezoning this portion of land is considered to be the best means of achieving the objectives or intended outcomes of the Planning Proposal as it is the simplest and neatest method as it only relates to the subject land.

Nonetheless, a number of other alternative options have been investigated and these are outlined below.

The first option includes listing the land, or a portion of the land as an Additional Permitted Use within Schedule 1 of the LEP. Specifically, this would involve the identification of 'Seniors Housing' as a permitted use for this land, despite the RU4 zoning. This option will achieve a similar outcome to rezoning the land and may be an option should Council and/or the Department seek to retain the RU4 zoning for the eastern side of Urana Street.

The downside of this option is that the land could not be subdivided off from the remainder of the site as it would still retain an 8 hectare minimum lot size. Similarly, following a review of the LEP, it is noted that there is currently only 1 other item listed within Schedule 1. This indicates a general preference by Council to not use this Schedule and instead rely on the zoning of the land to achieve development outcomes.

The second option involves a general amendment to the Land Use Table of the RU4 zone to allow for seniors housing to be permitted with consent under Item 3. This option is not preferred as the implications of this change would be far reaching and would apply to all RU4 zoned land across the entire Council area. Potentially this could result in similar requests for other seniors housing developments in isolated or remote locations, which is considered to be inappropriate.

Similarly, the inclusion of seniors housing within the Land Use Table is not considered appropriate as it would be inconsistent with the objectives of this zone, which large aim to achieve sustainable primary industry and other compatible land uses. A seniors housing development is not considered compatible to agricultural activities. Therefore, this option is not preferred and not considered a good planning outcome.

The last option is the 'do nothing approach', which would retain the status quo and mean that the land retains an existing RU4 zoning, thereby prohibiting the use of the land for seniors housing. This option is not preferred as it would not allow development and would require the landowner to acquire land elsewhere, which may not be as strategically well positioned and would add additional costs to any subsequent development.

Therefore, the rezoning of the land via a site-specific Planning Proposal is considered the best option as it will allow for the further development of the site consistent with the surrounding context and setting of the area, whilst not conflicting with the general aims and objectives of the RU4 zone.

Similarly, the inclusion of the proposed split zone has been included in accordance with the condition of the Gateway Determination. In the absence of this clause, any land that contains a split zone will not be able to be subdivided unless it achieves the relevant minimum lot size requirements of the zone.

3.3.2 Section B – Relationship to Strategic Planning Framework

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

The *Riverina Murray Regional Plan 2041* was adopted by the NSW government in 2022 and is the relevant regional strategy that provides the strategic planning framework to guide decision-making and development in the Riverina Murray region for the next 20 years.

The Regional Plan is structured into by three (3) key parts, with 18 underlying objectives including:

- Part 1 – Environment.
- Part 2 – Communities and Places
- Part 3 – Economy

Each of these parts and objectives is supported by a number of different strategies and actions, which seek to achieve the objectives of the goal.

An assessment of the Planning Proposal against the relevant goals, directions and actions of the Regional Plan is undertaken in **Attachment C**.

In summary the Planning Proposal is consistent, or where applicable, justifiably inconsistent with relevant goals, directions and actions of the Regional Plan as detailed in **Attachment C**.

Q4. Is the planning proposal consistent with a Council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Consideration of the *Greater Hume Local Strategic Planning Statement* has been addressed in Section 3.3.1 of the Planning Proposal.

The *Greater Hume Community Strategic Plan 2017-2030* (CSP) is Council's local community strategic planning document. The CSP is based on four Strategic Directions and Themes:

- Theme 1 - Leadership and Communication.
- Theme 2 - Healthy Lifestyle.
- Theme 3 - Growth and Sustainability.
- Theme 4 - Good Infrastructure and facilities.

The subject Planning Proposal is consistent with the following outcomes and strategies under Theme 3 - Growth and Sustainability:

Our Outcome is that towns and villages in the shire are revitalised:

Strategy: Development a new Strategic Land Use Plan for the shire.

Measuring our progress:

- New Strategic Land Use Plan.

Strategy: Develop a new Resident Attraction Strategy for GHS and expand new residential estates.

Measuring our progress:

- Population growth.
- Increased number of new housing approvals.

Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

The Planning Proposal is consistent with other relevant State or Regional studies and strategic including *A 20 Year Economic Vision for Regional NSW*, which was refreshed in 2021.

The foreword to the Strategy states: *The 20 Year Economic Vision for Regional NSW is the NSW Government's plan to drive sustainable, long-term economic growth in regional NSW. It is the roadmap to unlock significant economic potential in regional NSW.*

For the purposes of this Strategy, the Greater Hume Local Government Area is located within the 'Growth Centre'. The overarching objective for Growth Centres is outlined as follows: *"The future focus for Growth Centres includes opportunities to improve connectivity, ensure water and energy security, and support both engine and emerging industries with the right regulatory settings, research and development and investment attraction."*

Accordingly, the proposal will achieve the Priority Actions and underlying principles of *A 20 Year Economic Vision for Regional NSW* as it will support residential development and economic growth.

Q6. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Attachment D provides an assessment of the Planning Proposal against all State Environmental Planning Policies (SEPP's). In summary, many of the SEPP's are not applicable to the Greater Hume Local Government Area and even less are applicable to the circumstances of the Planning Proposal.

Notwithstanding, an assessment has been provided in **Attachment D** outlining whether the Planning Proposal is consistent, or where applicable, justifiably inconsistent with relevant SEPP's.

Q7. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 Directions)?

Section 9.1 (formerly s. 117) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) provides for the Minister for Planning and Homes to give directions to Councils' regarding the principles, aims, objectives or policies to be achieved or given effect to in the preparation of LEP's. A Planning Proposal needs to be consistent with the requirements of the Direction but in some instances can be inconsistent if justified using the criteria stipulated such as a Local Environmental Study or the proposal is of "minor significance".

An assessment of all s.9.1 Directions is undertaken in **Attachment E**. In summary, the Planning Proposal is either consistent, or justifiably inconsistent with the relevant Directions. Where there is an inconsistency, it has been justified utilising the provisions within each of the Directions.

3.3.3 Section C – Environmental, Social and Economic Impact

Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The proposed rezoning and subsequent development of the land will not result in any disturbance of habitat areas or natural features of the area because it relates to a single parcel of land that comprises non-native vegetation (both groundcovers and overstorey vegetation) as identified in the State Vegetation Mapping (Figure 26). Similarly, the subject land is not located on Council's Terrestrial Biodiversity Map (Figure 27).

It is acknowledged however that as part of the future development of this land, approximately 6 trees (River Red Gums and Holy Oaks) within the adjoining Crown Road Reserve to the south will need to be removed to achieve relevant flood mitigation works.

ANNEXURE 1

Their future removal is considered appropriate in this instance as approximately half of the trees are non-native and appear to have germinated from the adjoining school site, whilst the remaining native trees are relatively juvenile in age and are in relatively poor condition. Specifically, the western most tree (Figure 14) is bifurcated and has a large split in its base. Whilst this vegetation will provide occasional foraging habitat for woodland birds, there is more high quality habitat located to the east of the site, which is protected by Council's Terrestrial Biodiversity Mapping.



Figure 26 | State Vegetation Map

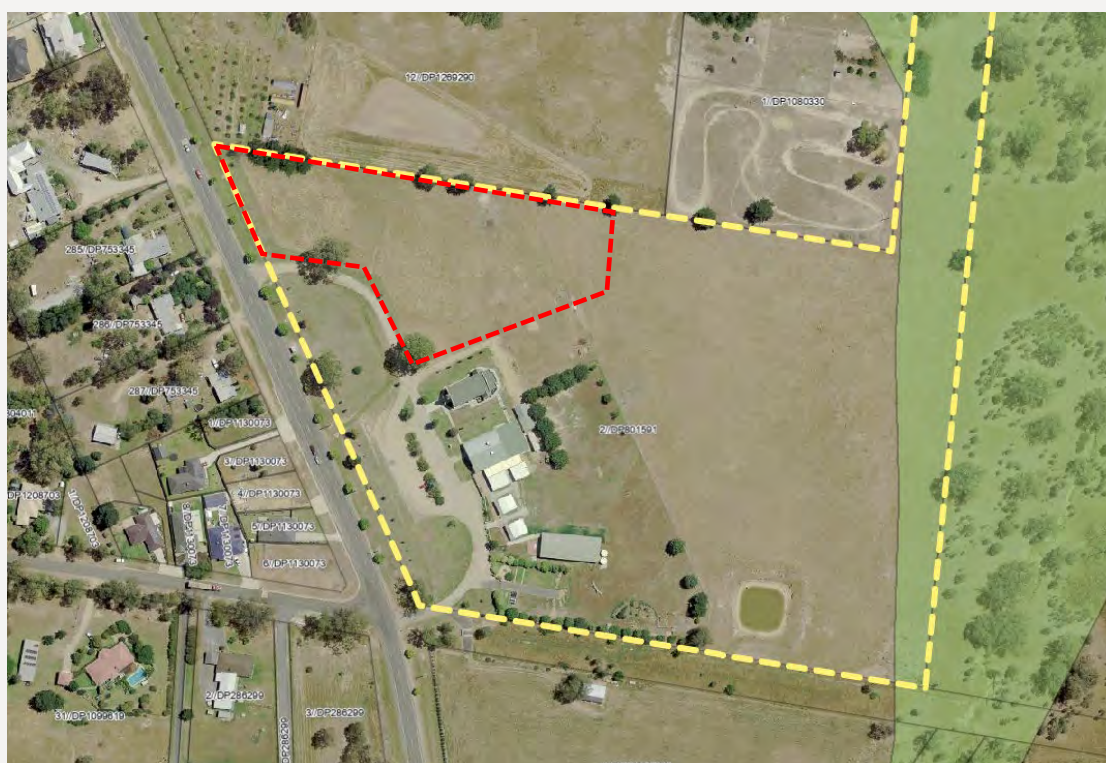


Figure 27 | Terrestrial Biodiversity Map

Q9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Land Contamination

The subject land is not expected to be contaminated in accordance with the provisions of Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021. This has included a review of historical aerial photographs.

As demonstrated below, the site has been historically used for broadacre grazing purposes inclusive of no buildings or structures, until the site was initially developed for the purposes of a school in circa 1996, being nearly 30 years ago.

Consequently, matters regarding land contamination have been considered as part of previous Development Applications submitted for the site. Similarly, following an inspection of the property, the land shows no signs of contamination and is not currently used for a potential contaminating activity.

Lastly, the subject land is not identified on either Council's or the NSW EPA's contaminated land register. Consequently, further assessment of matters regarding contamination is not considered necessary in this instance.



Figure 28 | Aerial Photograph dated 3 October 1961 indicating area to be rezoned



Figure 29 | Aerial Photograph dated 25 April 1975 indicating area to be rezoned

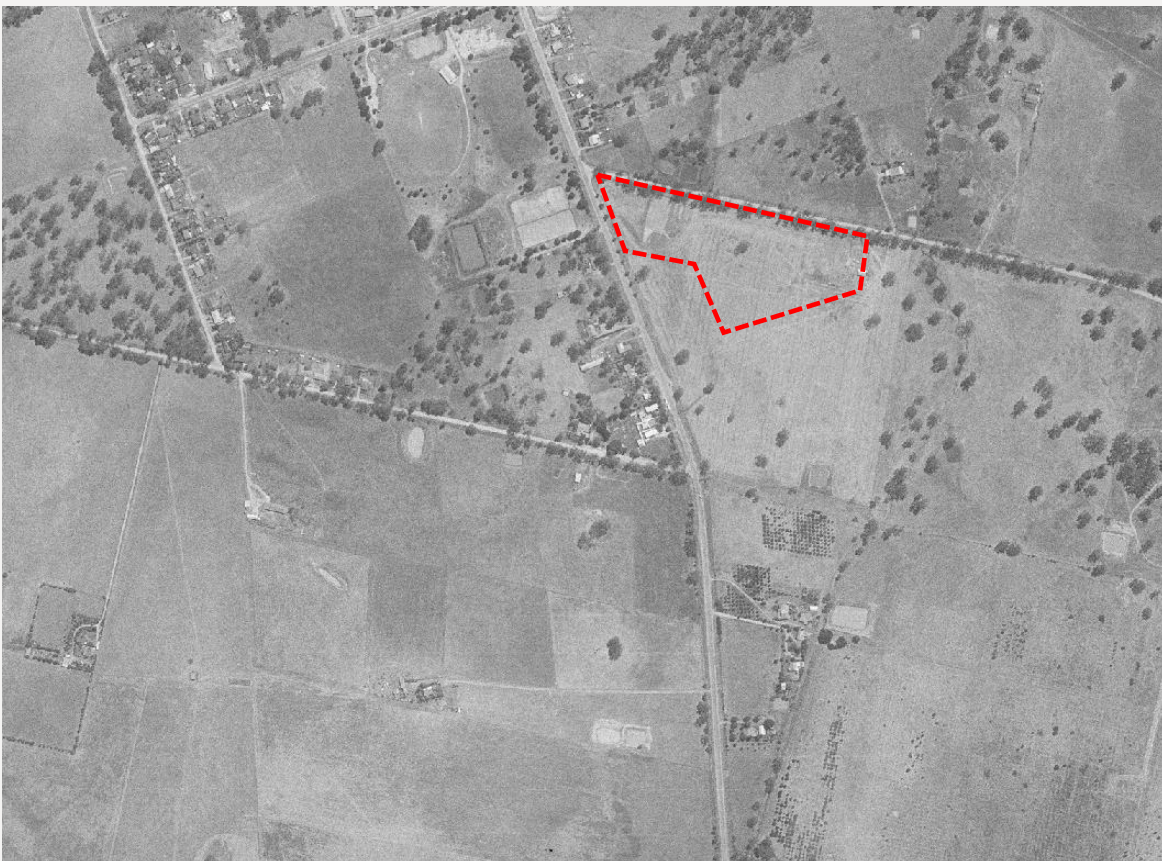


Figure 30 | Aerial Photograph dated 16 February 1987 indicating area to be rezoned



Figure 31 | Aerial Photograph dated 14 February 1996 indicating area to be rezoned

Flooding

The primary environmental constraint affecting the site is flooding as the property is subject to the 1 in 100 Year Flood event as outlined within the *Jindera Floodplain Risk Management Study and Plan*.

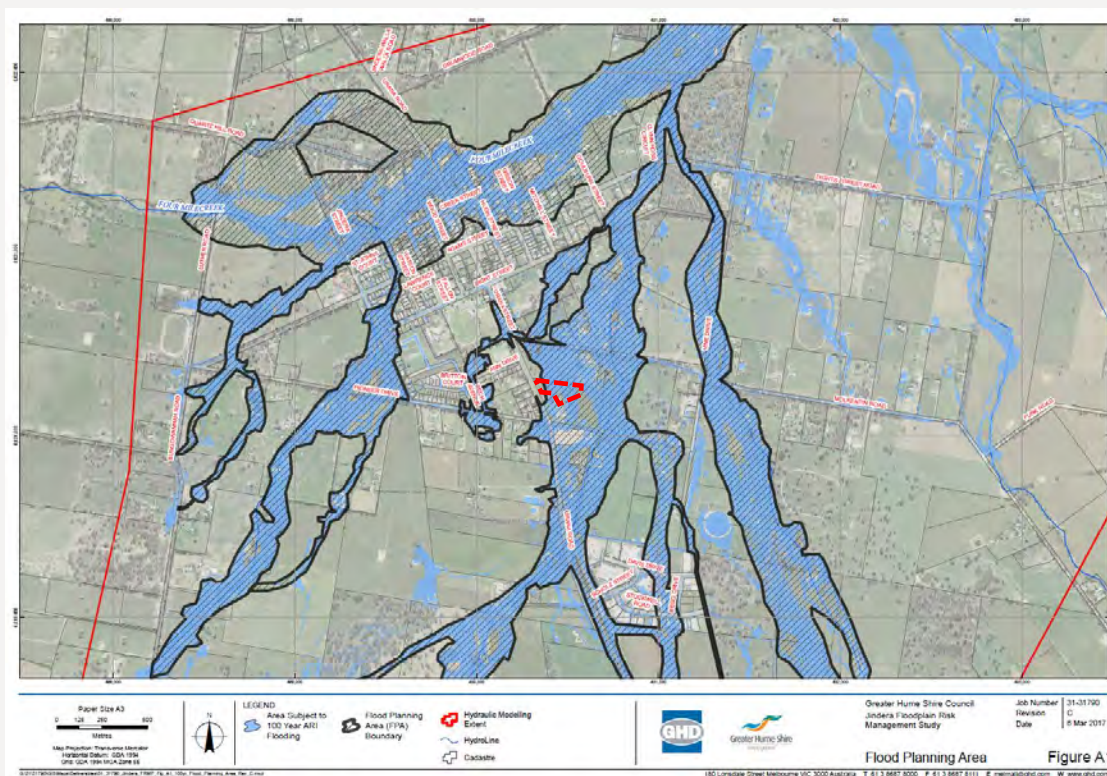


Figure 32 | Flood Planning Area indicating the area to be rezoned

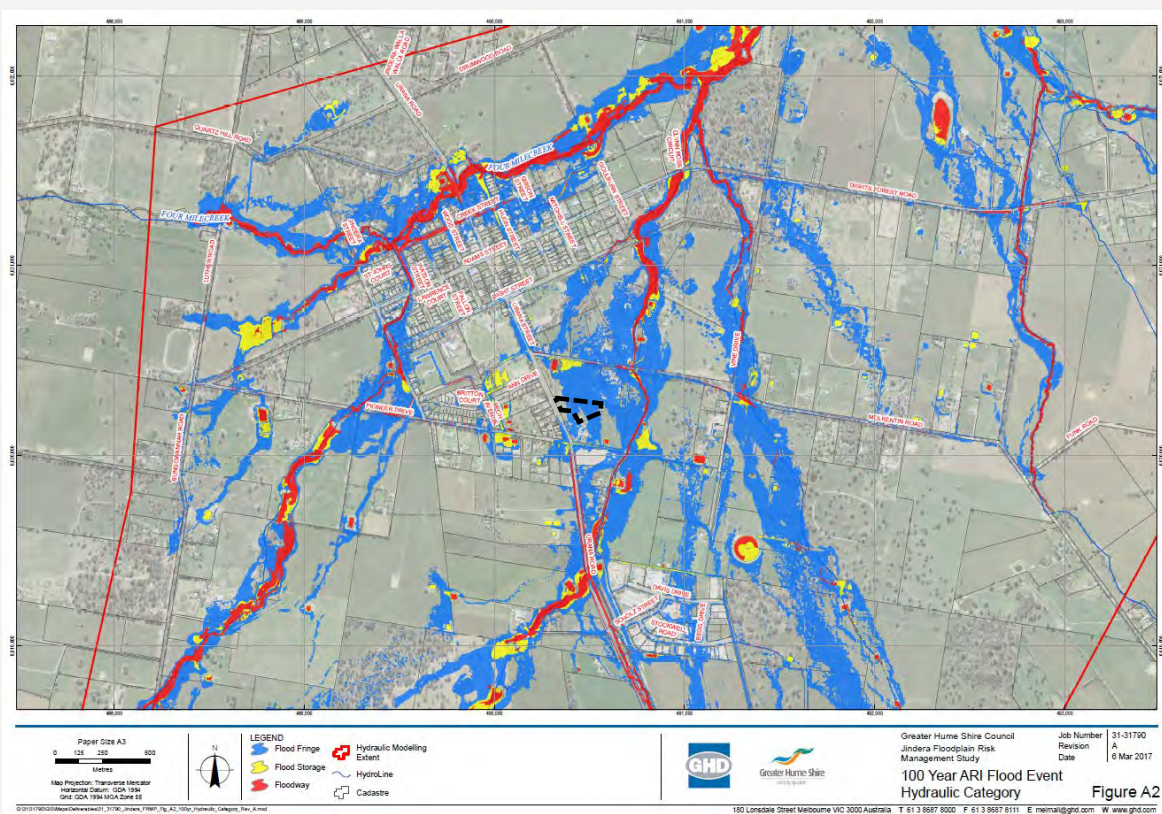


Figure 33 | 100 Year ARI – Hydraulic Categories

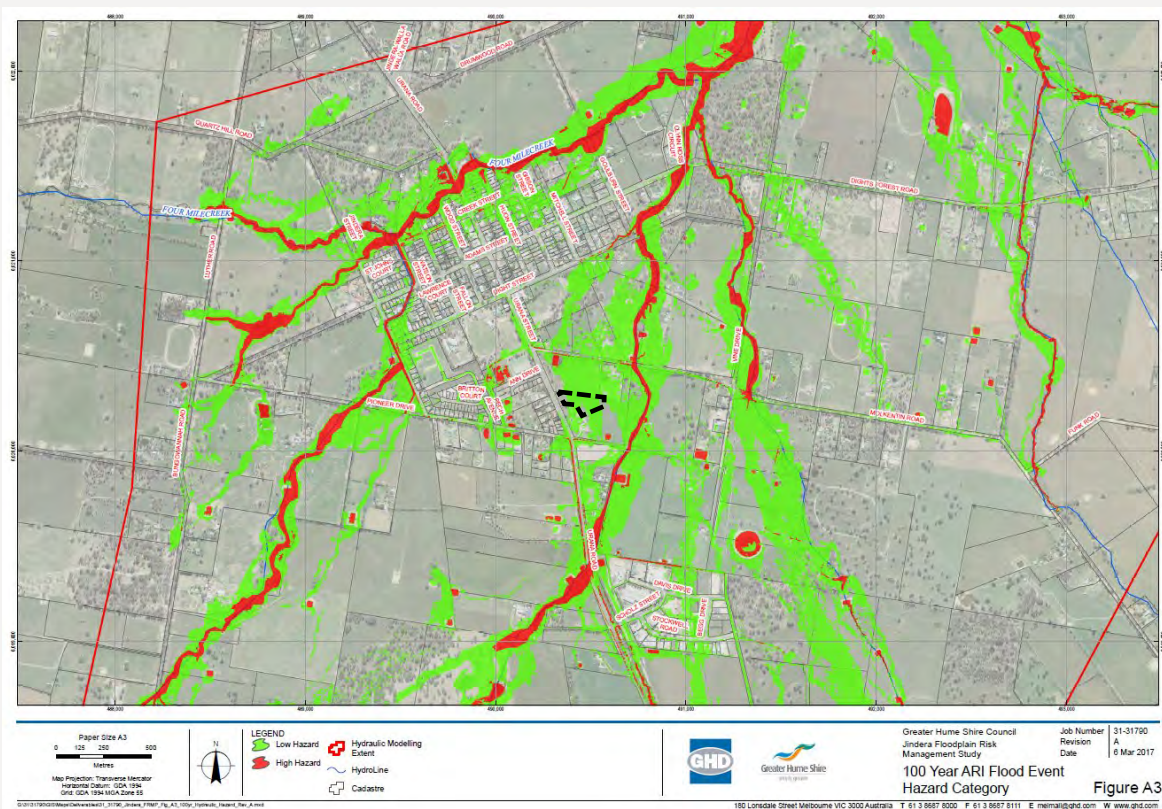


Figure 34 | 100 Year ARI – Hazard Categories

In response, a site-specific Flood Impact Assessment has been prepared by GHD and is included in **Appendix D**. As part of the preparation of this Assessment, consultation was undertaken with NSW Biodiversity Conservation and Science – Floodplain Management.

Specifically, the site specific Flood Study and proposed rezoning do not derogate from the recommendations of the Jindera Floodplain Risk Management Study and Plan.

The report and additional addendum have confirmed that subject to the completion of flood mitigation works within the adjoining Crown Road Reserve to the south, the area of proposed works is now located outside of the area of flood affectation, subject to the imposition of minimum finished floor levels of on each of the future dwellings.

Furthermore, the enclosed flood modelling incorporating upgrades to the adjoining road reserve, will provide some benefit on existing conditions as it reduces the potential flood impact on 44 Molkentin Road by approximately 6mm.

See enclosed Flood Study and responses to Section 9.1 Ministerial Direction 4.1 in **Appendix C** for further information regarding flooding.

It is confirmed that there are no other environmental effects associated with the proposed development.

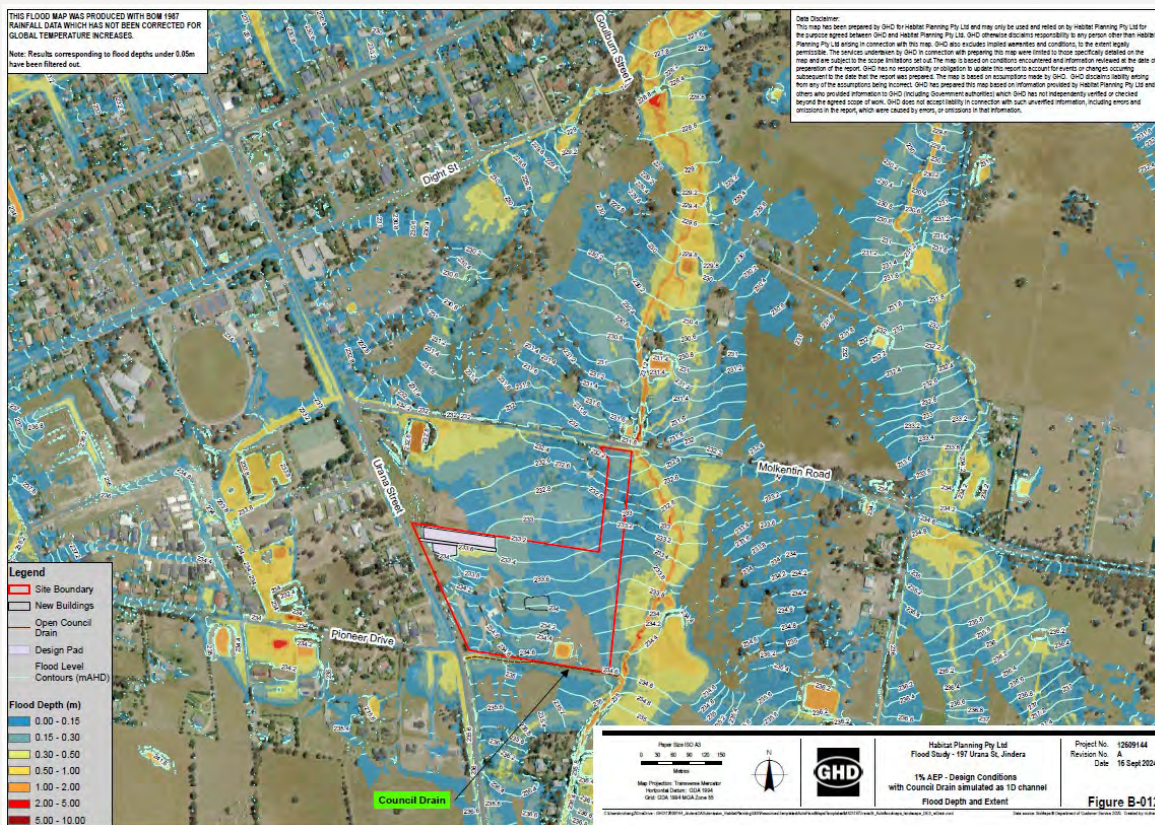


Figure 35 | 100 Year ARI – Modelled Flood Depth and Extent following flood mitigation works

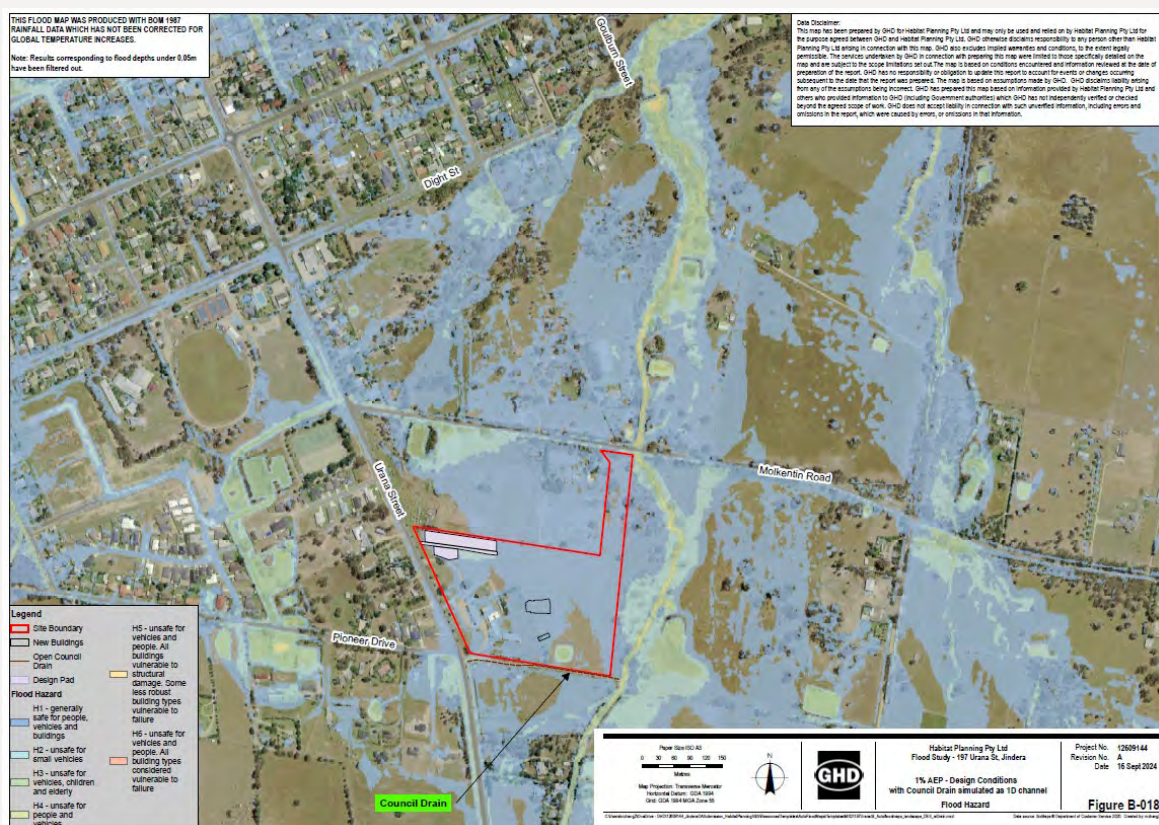


Figure 36 | 100 Year ARI – Modelled Flood Hazard following flood mitigation works

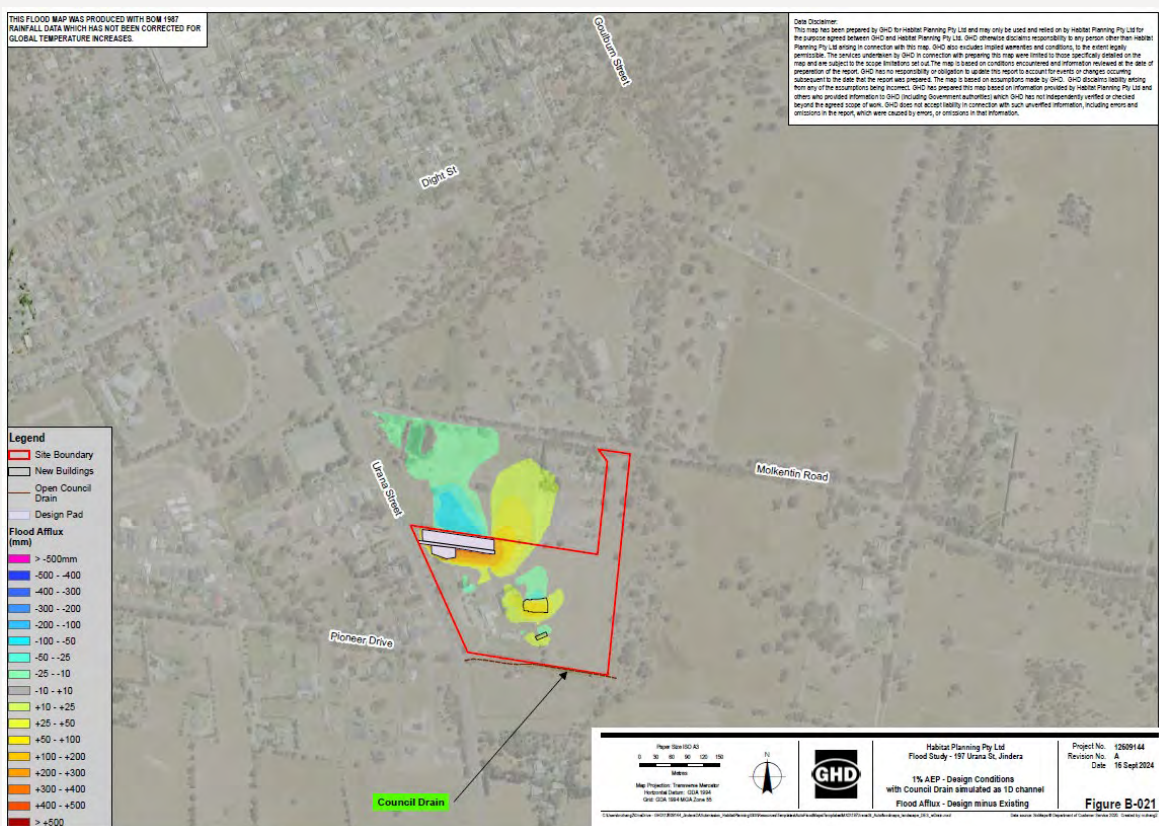


Figure 37 | 100 Year ARI – Modelled Flood Afflux – Design Minus Existing following flood mitigation works

Bushfire

A portion of the subject land is identified as being bushfire prone of the Greater Hume Bushfire Prone Land Map ("Vegetation Buffer"). Therefore, consideration of matters regarding bushfire have been assessed as part of this proposal and are considered appropriate in this instance.

Whilst it is acknowledged that part of the site is identified as being bushfire prone, the area of proposed rezoning as identified within Figure 37 below is located outside of this hazard on cleared land adjacent to urban development to the south and west.

The land is serviced with all urban infrastructure and utilities and access to and from the site is located away from the hazard. Further consideration of bushfire will be undertaken as part of a future Development Application.

Whilst it is noted that Seniors housing within the meaning of former *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* is classified as Designated Development, the applicant is not seeking approval under this SEPP.



Figure 38 | Extract of Greater Hume Bushfire Prone Land Map

Q10. Has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal will have a generally positive social and economic impact as it seeks to facilitate the development of an unused portion of land.

Specifically, the proposed rezoning seeks to facilitate the construction of a seniors housing development within a central location of Jindera. The site is strategically located and adjoins an existing school and church, as well as residential development on the opposite side of Urana Street.

The provision of additional housing will have the dual benefit of providing additional housing within Jindera, as well as providing housing for seniors, with demand for this type of housing expected to increase into the future.

More broadly, the development will support economic growth and jobs during the construction phase by employing local trades, builders and suppliers.

Similarly, following the completion of a site-specific flood assessment, it has been demonstrated that the proposed rezoning and development of this land will not create any issues in terms of flooding and will actually slightly improve flooding conditions for the adjoining land to the north at 44 Molkenin Road following the completion of flood mitigation works within an adjoining Crown Road Reserve located to the south of the site.

It is expected that further consideration of social and environmental impacts will be assessed as part of any subsequent Development Application submitted for the site.

3.3.5 Section D – State and Commonwealth Interests

Q11. Is there adequate public infrastructure for the planning proposal?

The subject land is centrally located and already partially developed for a church and a school. Consequently, the subject land can be adequately serviced with relevant infrastructure including reticulated water, sewerage, drainage, gas, electricity and telecommunications.

These services will be augmented and extended as part of the subject works and Council have confirmed that there is ample capacity within this infrastructure to service the development.

As outlined above, the proposed rezoning will require the upgrading of an existing drainage channel located on the southern side of the subject land. Council have confirmed that the upgrade of this channel will not only benefit the subject development, but other urban development located further up the catchment.

Q12. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

Pre-lodgement discussions have been undertaken with relevant and affected agencies, who have confirmed that the proposed rezoning has strategic merit. Similarly, both Crown Lands and the NSW Biodiversity Conservation and Science – Floodplain Management are generally supportive of the enclosed flood risk assessment subject to further detailed consideration as part of the Planning Proposal process.

It is expected that further consultation will be undertaken with these agencies, as well as other agencies as part of the Planning Proposal process.

See Section 3.5 of this proposal for further details regarding consultation.

3.4. Mapping

The Planning Proposal seeks to achieve the following:

- Rezone the north western corner of land described as Part Lot 2, DP801591 and addressed as 197 Urana Street, Jindera from RU4 Primary Production Small Lots to RU5 Village.
- Reduce the minimum lot size for the north western corner of land described as Part Lot 2, DP801591 and addressed as 197 Urana Street, Jindera from 8 hectares down to 600m².

This will require an amendment to the following LEP maps:

- Land Zoning Map – Sheet LZN_002C
- Lot Size Map – Sheet LSZ_002C

Plans showing the proposed changes sought by the Planning Proposal are provided in Figures 1-4.

All mapping will be undertaken in accordance with the NSW Department of Planning & Environment's Guideline titled: *Standard Technical Requirements for Spatial Datasets and Maps*, Version 2, August 2017.

3.5. Community Consultation

The Planning Proposal will be exhibited in accordance with the requirements of Part 1, Division 1, Clause 4 of Schedule 1 of the EP&A Act, the NSW Department of Planning and Environment's: *A Guide to Preparing Local Environmental Plans* and any conditions of the Gateway Determination (to be issued).

As the Planning Proposal is categorised as a 'standard' proposal, it expected to be placed on public exhibition for 20 days or as otherwise outlined in Council's Community Participation Plan.

Written notification of the community consultation will be provided in a local newspaper and on Councils' website. In addition to this, any affected landowner/s adjoining the subject land will be notified in writing, as well as any Public Authorities, Government Agencies and other key stakeholders as determined by the Gateway Determination.

The future consultation process is expected to include:

- written notification to landowners adjoining the subject land.
- public notices to be provided in local media, including in a local newspaper and on Councils' website.
- static displays of the Planning Proposal and supporting material in Council public buildings; and
- electronic copies of all documentation being made available to the community free of charge (preferably via downloads from Council's website).

The written notice will contain:

- a brief description of the intended outcomes of the Planning Proposal.
- an indication of the land which is affected by the proposal.
- information on where and when the Planning Proposal can be inspected.
- the name and address of Council for the receipt of submissions.
- the closing date for submissions; and
- confirmation whether the Minister has chosen to delegate Plan Making powers to Council.

During the public exhibition period the following documents will be placed on public exhibition:

- the Planning Proposal.
- the Gateway Determination.
- any technical information relied upon by the Planning Proposal.
- relevant council reports.

An electronic copy of all of the above information to be placed on public exhibition will be made available to the public free of charge.

At the conclusion of the public exhibition period Council staff will consider submissions made with respect to the Planning Proposal and will prepare a report to Council.

3.6. Project Timeline

The project timeline for the Planning Proposal is outlined in **Table 4**.

It is noted however, that there are many factors that can influence compliance with the timeframe including Council staffing resources, the cycle of Council meetings and submissions received, and issues raised. Consequently, the timeframe should be regarded as indicative only.

Table 4 | Project Timeline (indicative)

Project Milestone	Anticipated Timeframe
Lodgement Lodge Planning Proposal with council and make any necessary adjustments or changes prior to council accepting the plan	8 weeks for council to review and provide any comments regarding the submitted Planning Proposal and for the report to be updated. End of October 2024 – Start of January 2025
Council Report (seeking Gateway Determination) Council planning officers to prepare a report to council seeking council endorsement of the Planning Proposal and referral to the NSW DPHI seeking the issuing of a Gateway Determination.	2 weeks to prepare council report and include on council agenda. End of February – Mid March 2025
Request Gateway Determination Council to request a Gateway Determination from the NSW DPHI to proceed to Planning Proposal to public exhibition (including any delegation of plan-making powers to council)	2 weeks following Council resolution and request for a Gateway determination. Late April 2025
Public Exhibition Undertake public exhibition of Planning Proposal in accordance with the conditions of the Gateway Determination.	Place a public notice in the paper and 4 weeks to publicly exhibit the Planning Proposal. June 2025
Consider Submissions & Finalise Document Council planning officers to consider, respond and report on submissions received and issues raised (if any) and where necessary, recommended relevant changes to the Planning Proposal.	4 weeks to collate, consider and respond to submissions received (if any). July – August 2025
Council Report (consideration of submissions) Council planning officers to prepare a report to council post public exhibition that considers any submissions received.	4 weeks to prepare council report and include on council agenda. August 2025

Submission to NSW DPHI/Parliamentary Counsel Forward Planning Proposal to NSW DPHI/Parliamentary Counsel (if delegated) for finalisation following public exhibition.	4 weeks September 2025
Notification Finalisation/gazettal of Planning Proposal	2 weeks October 2025

4. Conclusion

The Planning Proposal seeks to amend the *Greater Hume Local Environmental Plan 2012* by rezoning 1.197ha of land in the north western corner of land described as Part Lot 2, DP801591 and addressed as 197 Urana Street, Jindera from RU4 Primary Production Small Lots to RU5 Village. The Planning Proposal also seeks to undertake a consequential amendment to the Minimum Lot Size map by reducing the minimum lot size from 8 hectares down to 600m².

As part of the Gateway Determination, DPHI recommended the LEP also be amended to include a reference to a proposed split zone clause.

The report has been prepared to address the requirements of the Environmental Planning and Assessment Act 1979 (EP&A Act), as well as satisfying the requirements of the NSW Department of Planning & Environment's guideline titled: *Local Environmental Plan Making Guideline* (August 2023).

This Planning Proposal (and accompanying Development Application) provides an analysis of the physical and strategic planning constraints and opportunities of the site and considers the relevant environmental, social and economic impacts of the proposal and its strategic merit.

The Planning Proposal has strategic merit and is in the public interest for the following reasons:

- The proposal is generally consistent with the strategic planning framework including State, Regional and local planning strategies for Jindera and the broader Greater Hume.
- The resultant development of the land will not create any unacceptable environmental or social impacts as it seeks to facilitate seniors housing within a central portion of Jindera.
- The outcomes sought by the Planning Proposal seek to reflect the natural hazards and constraints of the land.
- Development of the land as sought by this Planning Proposal can be integrated with adjoining residential and educational development to the north, south and west.
- The development is proposed in response to increasing demands for seniors housing and small lot housing in close proximity to infrastructure and services.
- There will be a net benefit for the Jindera community through additional seniors housing.
- The subject land can be provided with all urban services.

Therefore, the proposed amendment to the LEP is appropriate and well-considered and warrants the support of Council before proceeding to a Gateway Determination.

Attachment A: Pre-Lodgement Advice

Attachment B: Consistency with Riverina-Murray Regional Plan 2041

Table 5 | Consistency with Riverina-Murray Regional Plan 2041

Part, Objective and Actions	Relevance to Planning Proposal	Consistency
Part 1 – Environment		
Objective 1 – Protect, connect and enhance biodiversity throughout the region.	The subject land is developed and semi-urban in nature and not considered to contain any significant biodiversity values.	<p>The area of proposed rezoning is cleared and comprises non-native paddock grasses that provide no environmental value.</p> <p>Whilst it is acknowledged that the adjoining Crown Road Reserve located to the south which is to be upgraded does contain several trees, their removal is considered appropriate in this instance.</p> <p>Of the six (6) trees to be removed, approximately half of the trees are non-native and appear to have germinated from the adjoining school site, whilst the remaining native trees are relatively juvenile in age and are in relatively poor condition. Specifically, the western most tree (Figure 13) is bifurcated and has a large split in its base. Whilst this vegetation will provide occasional foraging habitat for woodland birds, there is more high quality habitat located to the east of the site, which is protected by Council's Terrestrial Biodiversity Mapping.</p>
Objective 2 – Manage development impacts within riverine environments	The subject land does not adjoin any riverine environments.	N/A

Part, Objective and Actions	Relevance to Planning Proposal	Consistency
Objective 3 – Increase natural hazard resilience	Yes, as the subject land is identified as being flood prone in the Jindera Flood Study.	<p>The subject land is not bushfire prone, nor is it expected to be contaminated.</p> <p>The property is however identified as being flood prone on the Jindera Flood Study and therefore consideration of this Objective is required.</p> <p>Although the Planning Proposal seeks to rezone a portion of flood prone land, the works are proposed in accordance with the recommendations of a site-specific Flood Risk Assessment, which is contained in Appendix E.</p> <p>More specifically, the land is only located in an area of flood fringe and low hazard and the enclosed Flood Risk Assessment outlines a number of mitigation measures and works that will not only ensure that the future development of the proposed area to be rezoned is flood free, but that the development of this land will not adversely affect any adjoining land. In this instance, the flood impacts on adjoining land to the north east will actually be improved.</p> <p>In addition, any future dwellings constructed on-site will be required to achieve a minimum finished floor level.</p> <p>See response to Section 9.1 Direction 4.1 and the enclosed Flood Risk Assessment for further details.</p>

Part, Objective and Actions	Relevance to Planning Proposal	Consistency
Part 2 – Communities and places		
Objective 4 – Support Aboriginal aspirations through land use planning.	Not yet applicable, as the subject land is not known to contain any culturally significant land.	The subject land is centrally located and highly disturbed following previous and historic agricultural activities, which included significance ground disturbance. Furthermore, there are no trees in the area of proposed rezoning and the likelihood of items of cultural significance being found on-site is considered to be low.
Objective 5 – Ensure housing supply, diversity, affordability and resilience.	Applicable as the proposal seeks to achieve residential outcomes.	<p>The Planning Proposal seeks to rezone land currently zoned RU4 Primary Production Small Lots to RU5 Village to allow for its development for seniors housing purposes.</p> <p>The township of Jindera has been recently experiencing ongoing and sustained population growth of approximately 4% per annum given its proximity to the larger regional centres of Albury and Wodonga.</p> <p>In response, Council has prepared a Residential Land Use Strategy to encourage and provide additional housing supply within Jindera to keep up with demand.</p> <p>Furthermore, consistent with both local and nation-wide trends, the broader population of Greater Hume is experiencing an ageing population. The rezoning and future development of this land will therefore increase the</p>

Part, Objective and Actions	Relevance to Planning Proposal	Consistency
		amount of residential zoned land, as well as the supply and diversity of housing available for residents.
Objective 6 – Support housing in regional cities and their sub-regions	The subject land is located within the sub-region of Jindera, which adjoins the regional city of Albury.	<p>As outlined above, the township of Jindera has been experiencing ongoing and sustained residential growth over the last 10 years and has become a satellite suburb of the adjoining larger regional centre of Albury.</p> <p>The provision of additional housing supply will not only support housing demand within Greater Hume, but to a lesser extent will also reduce pressures on housing within the larger centre of Albury as it will provide a seniors housing option within a smaller township, which will avoid older residents having to relocate to Albury.</p>
Objective 7 – Provide for appropriate rural residential development.	Not applicable, the proposal does not relate to rural residential development	N/A
Objective 8 – Provide for short-term accommodation	Not applicable, the land is intended for permanent accommodation.	N/A
Objective 9 – Plan for resilient places that respect local character	The subject land is not heritage listed nor does it adjoin any heritage listed items.	Although the subject land is not heritage listed nor does it adjoin any heritage items, the proposed seniors housing development has been designed to ensure consistency with the surrounding built for in terms of building heights,

Part, Objective and Actions	Relevance to Planning Proposal	Consistency
		setbacks, materials and landscaping. The buildings will integrate with its surrounds, whilst not detracting the existing values of the area.
Objective 10 – Improve connections between Murray River communities	Not relevant, as the proposal does not relate to connections between Murray River Communities	N/A
Objective 11 – Plan for integrated and resilient utility infrastructure	Not relevant, as the proposal does not relate to utility infrastructure.	N/A
Part 3 - Economy		
Objective 12 – Strategically plan for rural industries	Not relevant, as the proposal does not relate to rural industries	N/A
Objective 13 – Support the transition to net zero by 2050	Not relevant, as the proposal does not relate to energy use.	N/A
Objective 14 – Protecting and promoting industrial and manufacturing land	The proposal does not seek to achieve industrial or manufacturing outcomes and the site does not adjoin land zoned for these purposes.	N/A

Part, Objective and Actions	Relevance to Planning Proposal	Consistency
Objective 15 – Support the economic vitality of CBDs and main streets	The subject land is located within the main street of Jindera.	<p>Although the subject land is located within the main street of Jindera, it is located outside of the main commercial centre.</p> <p>Notwithstanding, the provision of seniors housing within a highly accessible location within walking distance of key infrastructure and services such as shopping, health care and community facilities is considered to support the economic vitality of the main commercial area of Jindera.</p> <p>The provision of additional housing in this location will also broadly support the provision of trades, jobs and employment, which will have a positive economic benefit.</p>
Objective 16 – Support the visitor economy	Not relevant, as the proposal does not relate to tourism.	N/A
Objective 17 – Strategically plan for health and education precincts	Not relevant as the proposal does not relate to health and education precincts	N/A
Objective 18 – Integrate transport and land use planning	Access to and from the subject site will need to be considered.	While of a small development scale, the subject site does derive access from the adjoining Urana Street, which is designated as a Regional Road.

Part, Objective and Actions	Relevance to Planning Proposal	Consistency
		The future development of this land will require the construction of a new driveway crossover, which will be constructed in accordance with relevant Transport for NSW requirements.

Attachment C: Consistency with State Environmental Planning Policies

Table 6 I Consistency with State Environmental Planning Policies

Policy	Applicable to Planning Proposal	Consistency
State Environmental Planning Policy (Biodiversity and Conservation) 2021		
Chapter 2 – Vegetation in non-rural areas	Applies to part of the Greater Hume Local Government Area	Yes, the proposed upgrade of the adjoining Crown Road Reserve will require the removal of up to six (6) trees. Further discussion regarding this is previously addressed within this report and will be subject to a future Development Application.
Chapter 3 – Koala habitat protection 2020	Not applicable as the subject land is not identified as a prescribed zone.	Not applicable to the current Planning Proposal.
Chapter 4 – Koala habitat protection 2021	Not applicable as the subject land is not identified as a prescribed zone within the 2021 SEPP.	Not applicable to the current Planning Proposal.
Chapter 5 – River Murray lands	Applies to part of the Greater Hume Local Government Area	Not applicable to the subject land.
Chapter 6 – Bushland in urban areas	Not applicable to the Greater Hume Local Government Area.	Not applicable.

Policy	Applicable to Planning Proposal	Consistency
Chapter 7 – Canal estate development	Not applicable to the Greater Hume Local Government Area.	Not applicable.
Chapter 8 – Sydney drinking water catchment	Not applicable to the Greater Hume Local Government Area.	Not applicable.
Chapter 9 – Hawkesbury-Nepean River	Not applicable to the Greater Hume Local Government Area.	Not applicable.
Chapter 10 – Sydney Harbour Catchment	Not applicable to the Greater Hume Local Government Area.	Not applicable.
Chapter 11 – Georges River Catchment	Not applicable to the Greater Hume Local Government Area.	Not applicable.
Chapter 12 – Willandra Lakes Region World Heritage Property	Not applicable to the Greater Hume Local Government Area.	Not applicable.
State Environmental Planning Policy (Sustainable Buildings) 2022	Applies to all land in the State.	Not applicable to the current Planning Proposal.

Policy	Applicable to Planning Proposal	Consistency
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Applies to all land in the State.	The Planning Proposal does not conflict with the aims and functions of this SEPP with respect to exempt and complying development provisions.
State Environmental Planning Policy (Housing) 2021		
Chapter 2 – Affordable housing	Applies to all land in the State.	Not applicable to the current Planning Proposal.
Chapter 3 – Diverse housing	Applies to all land in the State.	Whilst it is acknowledged that Housing or Seniors or Persons with a Disability is outlined in Part 5 of Chapter 3 of this SEPP, the applicant is not applying under the provisions of this SEPP.
Chapter 4 – Design of Residential Apartment Development	Applies to all land in the State.	Not applicable to the current Planning Proposal.
State Environmental Planning Policy (Industry and Employment) 2021		
Chapter 2 – Western Sydney employment area	Not applicable to the Greater Hume Local Government Area.	Not applicable.
Chapter 3 – Advertising and signage	Applies to all land in the State.	Not applicable to the current Planning Proposal.

Policy	Applicable to Planning Proposal	Consistency
State Environmental Planning Policy (Planning Systems) 2021		
Chapter 2 – State and Regional Development	Applies to all land in the State.	Not applicable to the current Planning Proposal.
Chapter 3 – Aboriginal land	Not applicable to the Greater Hume Local Government Area.	Not applicable.
Chapter 4 – Concurrences and consents	Applies to all land in the State.	Not applicable to the current Planning Proposal.
State Environmental Planning Policy (Precincts – Central River City) 2021		
Chapter 2 – State significant precincts	Applies to all land in the State.	Not applicable to the current Planning Proposal.
Chapter 3 – Sydney region growth centres	Not applicable to the Greater Hume Local Government Area.	Not applicable.
Chapter 4 – Homebush Bay area	Not applicable to the Greater Hume Local Government Area.	Not applicable.

Policy	Applicable to Planning Proposal	Consistency
Chapter 5 – Kurnell Peninsula	Not applicable to the Greater Hume Local Government Area.	Not applicable.
Chapter 6 – Urban renewal precincts	Not applicable to the Greater Hume Local Government Area.	Not applicable.
State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021		
Chapter 2 – State significant precincts	Applies to all land in the State.	Not applicable to the current Planning Proposal.
Chapter 3 – Darling Harbour	Not applicable to the Greater Hume Local Government Area.	Not applicable.
Chapter 4 – City West	Not applicable to the Greater Hume Local Government Area.	Not applicable.
Chapter 5 – Walsh Bay	Not applicable to the Greater Hume Local Government Area.	Not applicable.

Policy	Applicable to Planning Proposal	Consistency
Chapter 6 – Cooks Cove	Not applicable to the Greater Hume Local Government Area.	Not applicable.
Chapter 7 – Moore Park Showground	Not applicable to the Greater Hume Local Government Area.	Not applicable.
State Environmental Planning Policy (Precincts – Regional) 2021		
Chapter 2 – State significant precincts	Applies to all land in the State.	Not applicable to the current Planning Proposal.
Chapter 3 – Activation precincts	Not applicable to the Greater Hume Local Government Area.	Not applicable.
Chapter 4 – Kosciuszko National Park and alpine resorts	Not applicable to the Greater Hume Local Government Area.	Not applicable.
Chapter 5 – Gosford city centre	Not applicable to the Greater Hume Local Government Area.	Not applicable.
State Environmental Planning Policy (Precincts – Western Parkland City) 2021		

Policy	Applicable to Planning Proposal	Consistency
Chapter 2 – State significant precincts	Applies to all land in the State.	Not applicable to the current Planning Proposal.
Chapter 3 – Sydney region growth centres	Not applicable to the Greater Hume Local Government Area.	Not applicable.
Chapter 4 – Western Sydney Aerotropolis	Not applicable to the Greater Hume Local Government Area.	Not applicable.
Chapter 5 – Penrith Lakes Scheme	Not applicable to the Greater Hume Local Government Area.	Not applicable.
Chapter 6 – St Mary's	Not applicable to the Greater Hume Local Government Area.	Not applicable.
Chapter 7 – Western Sydney Parklands	Not applicable to the Greater Hume Local Government Area.	Not applicable.
State Environmental Planning Policy (Primary Production) 2021		

Policy	Applicable to Planning Proposal	Consistency
Chapter 2 – Primary production and rural development	Yes, as the subject land is identified as being State Significant Agricultural Land (SSAL) on the draft SSAL Map.	<p>Whilst it is acknowledged that the subject land is identified on the draft SSAL Map, for the purposes of Section 2.8 of this Clause, no land has been identified within Schedule 1 of this SEPP.</p> <p>Specifically, the SSAL mapping is still in draft format and is yet to be finalised despite being publicly exhibited in January 2022. Furthermore, a portion of the subject land is already developed for the purposes of a school, church and cemetery with the remainder of the site not used for any productive agricultural purposes given its small size and central location surrounded by urban development.</p> <p>Consequently, the subject Planning Proposal is generally consistent with this SEPP as it will not adversely affect productive agricultural land.</p>
Chapter 3 – Central Coast plateau areas	Not applicable to the Greater Hume Local Government Area.	Not applicable.
State Environmental Planning Policy (Resilience and Hazards) 2021		
Chapter 2 – Coastal management	Not applicable to the Albury Local Government Area.	Not applicable.
Chapter 3 – Hazardous and offensive development	Applies to all land in the State.	Not applicable to the current Planning Proposal.

Policy	Applicable to Planning Proposal	Consistency
Chapter 4 – Remediation of land	Applies to all land in the State.	Not applicable as clause 6 Contamination and remediation to be considered in zoning or rezoning proposal was repealed on 17 April 2020.
State Environmental Planning Policy (Resources and Energy) 2021		
Chapter 2 – Mining, petroleum production and extractive industries	Applies to all land in the State.	The Planning Proposal does not conflict with the aims, permissibility, development assessment requirements relating to mining, petroleum production and extractive industries as provided for in the SEPP.
Chapter 3 – Extractive industries in Sydney area	Not applicable to the Greater Hume Local Government Area.	Not applicable.
State Environmental Planning Policy (Transport and Infrastructure) 2021		
Chapter 2 – Infrastructure	Applies to all land in the State.	The Planning Proposal does not conflict with the aims, permissibility, development consent, assessment and consultation requirements, capacity to undertake additional uses, adjacent, exempt and complying development provisions as provided in the SEPP.
Chapter 3 – Educational establishments and child care facilities	Applies to all land in the State.	Not applicable to the current Planning Proposal.

Policy	Applicable to Planning Proposal	Consistency
Chapter 4 – Major infrastructure corridors	Not applicable to the Greater Hume Local Government Area.	Not applicable.
Chapter 5 – Three ports – Port Botany, Port Kembla and Newcastle	Not applicable to the Greater Hume Local Government Area.	Not applicable.
Chapter 6 – Moorebank Freight Intermodal Precinct	Not applicable to the Greater Hume Local Government Area.	Not applicable.
Draft State Environmental Planning Policies		
Environment SEPP	Not applicable to the Greater Hume Local Government Area.	Not applicable.
Corridor Protection SEPP	Not applicable to the Greater Hume Local Government Area.	Not applicable.

Attachment D: Consistency with Section 9.1 Ministerial Directions

Table 7 | Consistency with Ministerial Directions

No.	Title	Applicable to Planning Proposal	Consistency
1. Planning Systems			
1.1	Implementation of Regional Plans	Yes, as this Direction applies to all Planning Proposals that apply to land where a Regional Plan has been prepared.	The Planning Proposal is consistent with the goals, directions and actions as contained within the <i>Riverina Murray Regional Plan 2041</i> . A full response in relation to this Regional Plan has been provided as Attachment B .
1.2	Development of Aboriginal Land Council Land	Not applicable, as the subject land is not identified on the Land Application Map of State Environmental Planning Policy (Aboriginal Land) 2019	Not applicable.
1.3	Approval and Referral Requirements	Yes, as this Direction applies to all Planning Proposals.	The Planning Proposal is consistent with this direction because it does not propose any referral or concurrence requirements or nominate any development as 'designated development'.
1.4	Site Specific Provisions	Not applicable, as the subject Planning Proposal does not seek to introduce any site specific provisions.	Not applicable.

No.	Title	Applicable to Planning Proposal	Consistency
1.4A	Exclusion of Development Standards for Variation	Not applicable, as the Planning proposal does not seek to introduce or alter an existing exclusion to clause 4.6 of a Standard Instrument LEP	Not applicable.
1. Planning Systems – Place Based			
1.5	Parramatta Road Corridor Urban Transformation Strategy	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.
1.6	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.
1.7	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.

No.	Title	Applicable to Planning Proposal	Consistency
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.
1.10	Implementation of Western Sydney Aerotropolis Plan	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.
1.11	Implementation of Bayside West Precincts 2036 Plan	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.

No.	Title	Applicable to Planning Proposal	Consistency
1.14	Implementation of Greater Macarthur 2040	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.
1.15	Implementation of the Pyrmont Peninsula Place Strategy	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.
1.16	North West Rail Link Corridor Strategy	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.
1.17	Implementation of Bays West Place Strategy	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.
1.18	Implementation of the Macquarie Park Innovation Precinct	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.
1.19	Implementation of the Westmead Place Strategy	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.

No.	Title	Applicable to Planning Proposal	Consistency
1.20	Implementation of the Camellia-Rosehill Place Strategy	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.
1.21	Implementation of South West Growth Area Structure Plan	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.
1.22	Implementation of the Cherrybrook Station Place Strategy	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.
Design and Place			
Nil	N/A	This Focus Area was blank when the Directions were made	N/A
Biodiversity and Conservation			
3.1	Conservation Zones	Yes, as this Direction applies to all Planning Proposals.	The Planning Proposal is consistent with this Direction because it does not involve land identified as environmentally sensitive and does not seek to reduce the environmental protection standards that apply to the land.

No.	Title	Applicable to Planning Proposal	Consistency
3.2	Heritage Conservation	Yes, as this Direction applies to all Planning Proposals.	The Planning Proposal is consistent with this direction because it does not affect existing provisions within LEP relating to the protection of known European and Aboriginal heritage.
3.3	Sydney Drinking Water Catchment	Not applicable, as the land is not located within the Sydney Drinking Water Catchment.	Not applicable.
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs.	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.
3.5	Recreation Vehicle Areas	Yes, as this Direction applies to all Planning Proposals.	The Planning Proposal is consistent with this direction because it does not advocate the designation of the subject land as a recreation vehicle area pursuant to an order in force under section 11 (1) of the <i>Recreation Vehicles Act 1983</i> .
3.6	Strategic Conservation Planning	Not applicable, as the Planning Proposal does not relate to land under State Environmental Planning Policy (Biodiversity and Conservation) 2021 identified as 'avoided land' or a 'strategic conservation area'.	Not applicable.

No.	Title	Applicable to Planning Proposal	Consistency
3.7	Public Bushland	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.
3.8	Willandra Lakes Region	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.
3.9	Sydney Harbour Foreshores and Waterways Area	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.
3.10	Water Catchment Protection	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.
Resilience and Hazards			
4.1	Flooding	Yes, as a portion of the subject land is identified as being flood prone.	<p>The Planning Proposal is generally consistent with the objectives of this Direction despite seeking to rezone flood prone land.</p> <p>The general objectives of this Direction are to:</p> <p><i>(a) ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</i></p>

No.	Title	Applicable to Planning Proposal	Consistency
			<p><i>(b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land.</i></p> <p>The subject Planning Proposal is consistent with these objectives as a site-specific Flood Risk Assessment has been prepared, which has addressed the requirements of the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005. Furthermore, the site specific flood assessment has considered and addressed potential flood concerns for both development on-site, as well as considering potential off-site flooding impacts.</p> <p>In summary, a number of mitigations measures were recommended that ensures that future development on-site will be located above the relevant flood height. Similarly, the proposed flood mitigation works will also actually improve flooding impacts for adjoining neighbours to the north.</p> <p>The Planning Proposal is also consistent with the requirements of subclause (1)(a)-(d) of this Direction as follows:</p> <ul style="list-style-type: none"> • The NSW Flood Prone Land Policy has been appropriately considered as part of the enclosed Flood Risk Assessment. • The principles of the NSW Floodplain Development Manual 2005 have been appropriately considered as part of the enclosed Flood Risk Assessment. • Consideration has been given to the Land Use Planning Guideline 2021 as part of the enclosed Flood Risk Assessment. • The enclosed site-specific Flood Risk Assessment is consistent with and does not derogate from the aims and objectives of the Jindera Floodplain Risk Management Study and Plan.

No.	Title	Applicable to Planning Proposal	Consistency
			<p>The Planning Proposal is also consistent with the requirements of subclause (3)(a)-(h) of this Direction as follows:</p> <ul style="list-style-type: none"> • The Planning Proposal does not seek to rezone land classified as being within a Floodway. • The rezoning and subsequent development of this land will not result in an increase in flood risk for adjoining properties located off-site and in fact will be improved following the completion of flood mitigation works to the adjoining drainage channel located to the south within a Crown Road Reserve. <p>Specifically, these works will result in a reduction of the impact on 44 Molkentin Road (from previously approx. 35 mm to approx. 10 mm in the 1% AEP event) in the design case, without any upgrade of the drainage channel. An upgrade of the channel as recommended will provide additional benefit by reducing the impact on this property to approximately 6 mm.</p> <ul style="list-style-type: none"> • The subject land to be rezoned is not identified as a high hazard area and is only classified as low hazard. • Whilst it is acknowledged that the Planning Proposal seeks to increase residential development density, the area of proposed rezoning has been limited to only the north western corner of the property, being the area of land that is least constrained from flooding. The remainder of the land will remain rurally zoned and the proposal only seeks to develop this land for 10 freestanding dwellings plus a small community centre. • Similar to the item above, although the proposal seeks to rezone land, which will be developed for the purposes of seniors housing, this is considered satisfactory in this instance. As outlined above, the Planning Proposal only seeks to rezone a small portion of the site with the remainder to be retained within a rural zone.

No.	Title	Applicable to Planning Proposal	Consistency
			<p>A site specific Flood Risk Assessment has been prepared for the site, which has confirmed that the area of works will be flood free following the completion of recommended flood mitigation works. Furthermore, the area of land proposed to be rezoned has been chosen as it immediately adjoins the sealed and flood free Urana Street, which provide direct access away from the flooding hazard. This road is higher than the surrounding environment and will provide readily available access during times of a flood event.</p> <p>Furthermore, any future dwellings to be constructed on-site will have a dedicated minimum Finished Floor Level above the 1 in 100 Year flood event and the buildings will be constructed of flood compatible materials. Lastly, it is noted that should the adjoining drainage channel to the south be upgraded beyond what is recommended in the enclosed Flood Risk Assessment, then the flooding risks across the broader site will be even further reduced.</p> <ul style="list-style-type: none"> Any future works on the land to be rezoned will be the subject a separate Development Application to Council. The proposed rezoning and subsequent development of this land for seniors housing purposes is not expected to increase government spending on emergency management services, flood mitigation and emergency responses measures as the land will become flood free and is highly accessible during times of a flood. The application does not seek approval to use the site for hazardous industries or hazardous storage establishments. <p>No special flood considerations apply to the land as per the requirements of Clause 5.22 of the LEP.</p>

No.	Title	Applicable to Planning Proposal	Consistency
			<p>Lastly, the Planning Proposal is generally consistent with the principles of the adopted Jindera Floodplain Risk Management Study and Plan, which seek to allow the development of land on flood free land, or where relevant flood mitigation measures have been adopted.</p> <p>The broad principles of this Study align with NSW flood policies to reduce impacts on future development, as well as avoiding impacts on adjoining land by changing the flood behaviour.</p> <p>As outlined above, the intention of the rezoning of the land is to just directly focus on the proposed development site rather the entire wider site. Further consideration of the broader flood impacts of the entire site will be considered as part of a separate total township wide review of the Jindera Floodplain Risk Management Study and Plan.</p> <p>For these reasons, the Planning Proposal is considered justifiably inconsistent with this Direction. See enclosed site-specific Flood Risk Assessment for further details.</p>
4.2	Coastal Management	Not applicable as the subject land is not located in a coastal management area.	Not applicable.
4.3	Planning for Bushfire Protection	Yes, as a portion of the subject land is identified as being bushfire prone.	The Planning Proposal is generally consistent with the objectives of this Direction. Whilst it is acknowledged that a portion of the subject land is identified as being bushfire prone on the Greater Hume Bushfire Prone Land Map (Vegetation Buffer), the area of proposed rezoning is located outside of this area and is surrounded by urban development to the south and west.

No.	Title	Applicable to Planning Proposal	Consistency
			<p>Similarly, although the ultimate objective of the Planning Proposal is to develop the land to be rezoned for seniors housing purposes, the land immediately adjoins urban development to the south (school/church) and west (residential housing). The site also adjoins the sealed Urana Street, which leads away from the hazard and the property is connected to urban infrastructure and services.</p> <p>Lastly, the development can achieve the relevant requirements of Planning for Bushfire Protection Guidelines 2019 in terms of Asset Protection Zones, access and water supply.</p>
4.4	Remediation of Contaminated Land	Yes, as the subject land has historically been used for broadacre agriculture (grazing)	<p>The proposed development is generally consistent with this Direction as the subject land has been used as a school since circa 1996, being nearly 30 years ago.</p> <p>Similarly, following an inspection of the property, the land shows no signs of contamination and is not currently used for a potential contaminating activity.</p> <p>Lastly, the subject land is not identified on either Council's or the NSW EPA's contaminated land register.</p>
4.5	Acid Sulphate Soils	Not applicable, as the subject land is not identified as containing acid sulphate soils.	Not applicable.
4.6	Mine Subsidence & Unstable Land	Not applicable, as the subject land is not within a Mine Subsistence District.	Not applicable.

No.	Title	Applicable to Planning Proposal	Consistency
Transport and Infrastructure			
5.1	Integrating Land Use and Transport	Yes, as the Planning Proposal seeks to alter or remove a zone relating to urban land	<p>The Planning Proposal is generally consistent with this Direction despite seeking to rezone land for residential purposes.</p> <p>The Planning Proposal does not conflict with the aims or objectives of the two reference Transport studies outlined in this Direction and the level of traffic is not expected to create any adverse impacts as it will directly connect to the adjoining Urana Street, which is well sealed and has excellent site lines.</p> <p>Whilst an opportunity exists to connect the seniors housing to the existing internal driveway servicing the school and church, it is recommended that a separate driveway be constructed instead to avoid potential minimising or conflicts internally within the site.</p> <p>Further details regarding traffic and access will be addressed as part of any subsequent Development Application submitted for the site.</p>
5.2	Reserving Land for Public Purposes	Yes, as this Direction applies to all Planning Proposals.	The Planning Proposal is consistent with this Direction because it does not create, alter or reduce any provisions relating to land for public acquisition purposes.
5.3	Development Near Regulated Airports and Defence Airfields	Not applicable, the planning proposal does not seek to create, alter or remove a zone or	Not applicable.

No.	Title	Applicable to Planning Proposal	Consistency
		a provision relating to land near a regulated airport which includes a defence airfield.	
5.4	Shooting Ranges	Not applicable, as the subject land is not located in the vicinity of a shooting range.	Not applicable.
5.5	High pressure dangerous goods pipelines	Not applicable, the subject land does not contain a relevant pipeline.	Not applicable.

Housing

6.1	Residential Zones	Yes, as the Planning Proposal seeks to rezone land RU5 Village for residential purposes.	<p>The Planning Proposal is consistent with this Direction as it seeks to rezone approximately 1.197 hectares of land to RU5 Village, which will be developed for the purposes of seniors housing.</p> <p>The proposal will achieve the following broad objectives:</p> <ul style="list-style-type: none"> • The development will support a variety and diversity of housing within the residential housing market; • The proposal will make more efficient use of utilities and infrastructure • The subject land is centrally located and will encourage infill development, thereby reducing pressures on the urban fringe; and • The proposed seniors housing dwellings are of a generally high quality design and will be subject to a future development application.
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No.	Title	Applicable to Planning Proposal	Consistency
6.2	Caravan Parks & Manufactured Home Estates	Yes, as this Direction applies to all Planning Proposals.	The Planning Proposal is consistent with this Direction as it does not reduce the opportunities for caravan parks and manufactured homes estates on the subject land.

Industry and Employment

7.1	Business and Industrial Zones	Not applicable, as the Planning Proposal does not seek to achieve business or industrial outcomes.	Not applicable.
7.2	Reduction in non-hosted short term rental accommodation period	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable, as the subject land is not located within proximity to the Pacific Highway.	Not applicable.

Resources and Energy

No.	Title	Applicable to Planning Proposal	Consistency
8.1	Mining, Petroleum Production and Extractive Industries	Not applicable as the Planning Proposal does not impact on mining, petroleum or extractive industries.	<p>The subject planning proposal will not:</p> <p>(a) prohibit the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or</p> <p>(b) restrict the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.</p>

Primary Production

9.1	Rural Zones	Yes, as the Planning Proposal will affect land within an existing or proposed rural zone.	<p>The Planning Proposal seeks to rezone land from a rural zone (RU4) to a residential zone (RU5) and therefore the provisions of Direction 9.1 apply.</p> <p>Notwithstanding, the Planning Proposal is considered to be justifiably inconsistent with the aims and objectives of this Direction for the reasons outlined below:</p> <ul style="list-style-type: none"> The proposed rezonings sought by this Planning Proposal are justified and generally consistent with the recommendations of the Jindera Residential Land Use Strategy, which seeks to increase the supply of residential zoned land. <p>Whilst this land is not expressly identified in this plan, the Land Use Strategy does seek to facilitate the development of land for residential purposes that is centrally located and unconstrained from hazards. Following the completion of a site-specific flood assessment, the land is now considered flood free and the site has readily available access to services.</p>
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No.	Title	Applicable to Planning Proposal	Consistency
			<ul style="list-style-type: none"> • The land is not used for any kind of agricultural activities and is already partly developed for the purposes of a school, church and cemetery. Consequently, the rezoning will not result in the loss of agricultural land. • The land is highly fragmented and small in size and is surrounded by urban development to the south and west. • The rezoning and development of this land will not create any potential land use conflicts with adjoining land given the central location of the site and the use of surrounding land. • rezoning of this land is consistent with the general land use pattern and zoning of adjoining land and will result in a more logical zoning layout whilst allowing for coordinated growth and development. • The inconsistency with this Direction is considered of minor significance as it only seeks to rezone 1.3ha of rural zoned land. <p>See response to Direction 9.2 below for further details.</p>
9.2	Rural Lands	Yes, as the Planning Proposal will affect land within an existing or proposed rural zone.	<p>The Planning Proposal seeks to rezone land from a rural zone (RU4) to a residential zone (RU5) and therefore the provisions of Direction 9.2 apply.</p> <p>Notwithstanding, the Planning Proposal is considered to be justifiably inconsistent with the aims and objectives of this Direction for the reasons outlined below:</p> <ul style="list-style-type: none"> • The proposed rezoning sought by this Planning Proposal is generally justified and consistent with the broad objectives of the Jindera Residential Land Use Strategy.

No.	Title	Applicable to Planning Proposal	Consistency
			<ul style="list-style-type: none"> • The inconsistency with this Direction is considered of minor significance as it only seeks to rezone 1.3ha of rural zoned land. • The subject land does not comprise agricultural land as it has already been partially developed for a school, church and cemetery. <p>The Planning Proposal still retains consistency with the objectives of this Direction as follows:</p> <ul style="list-style-type: none"> • The proposed rezoning although reducing the amount of rural zoned land will continue to protect the agricultural production value of rural land elsewhere in Greater Hume. Specifically, the land to be rezoned is highly urbanised and fragmented and separated from other surrounding rural land. • The land proposed to be rezoned is not considered to be state significance and will not adversely affect the social, economic and environmental welfare of the State. Whilst it is acknowledged that this land is identified on the Draft SSAL Map, it is noted that this mapping has remained in draft since 2021 and represents land that is already developed for urban purposes. • The proposed land to be rezoned is already highly fragmented and adjoins other urban development to the south and west. Consequently, the rezoning of this land is not expected to create any land use conflicts with adjoining rural zoned land as it does not immediately adjoin any productive agricultural land. • The rezoning of this land is not expected to adversely affect the viability of adjoining rural zoned land as it largely adjoins rural lifestyle and/or urban land. • The proposal will not derogate from the actions outlined in the NSW Right to Farm Policy. <p>The Planning Proposal also responds to the matters for consideration of this Direction as follows:</p>

No.	Title	Applicable to Planning Proposal	Consistency
			<ul style="list-style-type: none"> • The proposed outcomes sought by this Planning Proposal are generally consistent with relevant state, regional and local strategic plans that seek to encourage population and housing growth within defined areas. • The subject land proposed to be rezoned is considered to be of low agricultural significance and has traditionally only been used for low-scale broadacre grazing. • The subject land proposed to be rezoned does not contain any environmental features such as biodiversity, heritage or water resources. • The proposed rezoning of the land is considered appropriate given the natural and physical features of the land. • The proposed rezonings will not adversely affect the ability of adjoining landowners to continue undertaking agricultural activities. • The land will not result in the fragmentation of productive agricultural land, but rather seeks to rezone land that is already highly fragmented and surrounded by urban development. • The proposed rezonings will have an overall positive social, economic and environmental impact on the local community as it will provide additional opportunities for seniors housing in a central location. <p>See response to Direction 9.1 for further details.</p>
9.3	Oyster Aquaculture	Not applicable as the subject site is not identified as a 'Priority Oyster Aquaculture Area' and is not identified in the <i>NSW Oyster Industry Sustainable Aquaculture Strategy</i> (2006)	Not applicable.

No.	Title	Applicable to Planning Proposal	Consistency
9.4	Farmland of State & Regional Significance on the NSW Far North Coast	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.

Attachment E: Flood Risk Assessment

Our ref: 12609144

16 September 2024

Matt Johnson
Habitat Planning
409 Kiewa Street
Albury, NSW, 2640

Additional Flood Modelling for 197 Urana Street, Jindera

Dear Matt,

Thank you for the opportunity to undertake additional flood modelling associated with the drainage reserve adjacent to the southern boundary of 197 Urana Street, Jindera. This letter outlines the methodology used, and the findings of the additional works, being a variation to the Flood Impact Assessment prepared by GHD in September 2023. Flood maps associated with the works have been attached to this letter.

1. Scope and limitations

This letter has been prepared by GHD for Habitat Planning and may only be used and relied on by Habitat Planning for the purpose agreed between GHD and Habitat Planning. GHD otherwise disclaims responsibility to any person other than Habitat Planning arising in connection with this letter. GHD also excludes implied warranties and conditions, to the extent legally permissible.

The services undertaken by GHD in connection with preparing this letter were limited to those specifically detailed in this document and are subject to the scope limitations set out. The opinions, conclusions and any recommendations in this letter are based on conditions encountered and information reviewed at the date of preparation of the letter. GHD has no responsibility or obligation to update this document to account for events or changes occurring subsequent to the date that the letter was prepared.

The opinions, conclusions and any recommendations in this letter are based on assumptions made by GHD described below. GHD disclaims liability arising from any of the assumptions being incorrect. The following are key assumptions, based on which, this letter has been prepared:

- The hydrology from the Jindera Floodplain Risk Management Study and Plan (GHD, 2017) was adopted without amendments, as per the scope of our engagement. However, we note that the hydrology at the time of the 2017 study was undertaken under Australian Rainfall and Runoff 1987 methodologies. Australian Rainfall and Runoff guidelines, and associated design rainfall data have since been updated in 2016 and 2019.
- The Bureau of Meteorology (BOM) 1987 rainfall data has not been corrected for global temperature increases to current day (2024). The BOM rainfall data for this assessment has been applied without any climate change adjustment, in accordance with the scope of our engagement.
- We have not allowed for updates to the existing TUFLOW hydraulic model in the floodplain beyond the immediate vicinity of the subject site (Lot 2 DP 801591) and the drainage reserve near its southern boundary.

- It was assumed that the 1%, 5% and 20% Annual Exceedance Probability (AEP) flood events would be sufficient to determine the flood impacts.
- It was previously noted for the 5% AEP event, that available hydrology was limited to the 2- and 3-hour duration storms. For the current study, a greater number of storms could be extracted from the original RAFTS hydrological model and incorporated into the additional flood modelling to provide better confidence with respect to this flood event. This is outlined in Section 3.1.
- Details of the existing Council drainage channel would be provided to GHD by Habitat Planning.
- No additional survey would be required.

2. References

The following documents were referred to in the preparation of this letter:

- Greater Hume Local Environment Plan (LEP), 2012.
- Greater Hume Development Control Plan (DCP), 2013.
- Flood Risk Management Manual (NSW Department of Planning and Environment, 2023).
- Australian Rainfall and Runoff: A Guide to Flood Estimation (Geoscience Australia, 2019).
- Jindera Floodplain Risk Management Study and Plan (GHD, 2017)
- 197 Urana Street, Jindera – Flood Impact Assessment (GHD, 2023).

3. Methodology

3.1 Hydrology Update

Additional storm durations were extracted from the RAFTS hydrological model from GHD's 2017 study, for the 5% AEP flood event in order to provide better confidence with respect to this event. These durations were incorporated into the TUFLOW flood model for all subsequent simulations. The below scenarios were simulated for the 1%, 5% and 20% AEP events.

3.2 Existing Conditions

The configuration of the TUFLOW model for existing conditions at 197 Urana Street remained mostly as described in Section 2.1 of the Flood Impact Assessment (GHD, 2023). The following are the changes to the existing case TUFLOW model implemented for the current study:

- The existing Council drain at the southern boundary of the site was modelled as a one-dimensional (1D) channel embedded into the two-dimensional (2D) model grid. This was done under the assumption that a 1D channel would better simulate the conveyance in the context of the 2D model grid size. The drain was given a Mannings n roughness of 0.04 based on its natural and lightly grassed construction. Cross-sections for the drain were configured based on 2020 LiDAR topographical data as there were no other sources of cross-sectional data available.
- Box culverts (blue arrows in Figure 1) were included in the model with dimensions 1800 W x 525 H (as per Council drawing) and Mannings n roughness of 0.013. The invert levels and lengths for the culverts were estimated based on the LiDAR data and aerial imagery.
- Source-area inflows were distributed evenly across catchment areas.

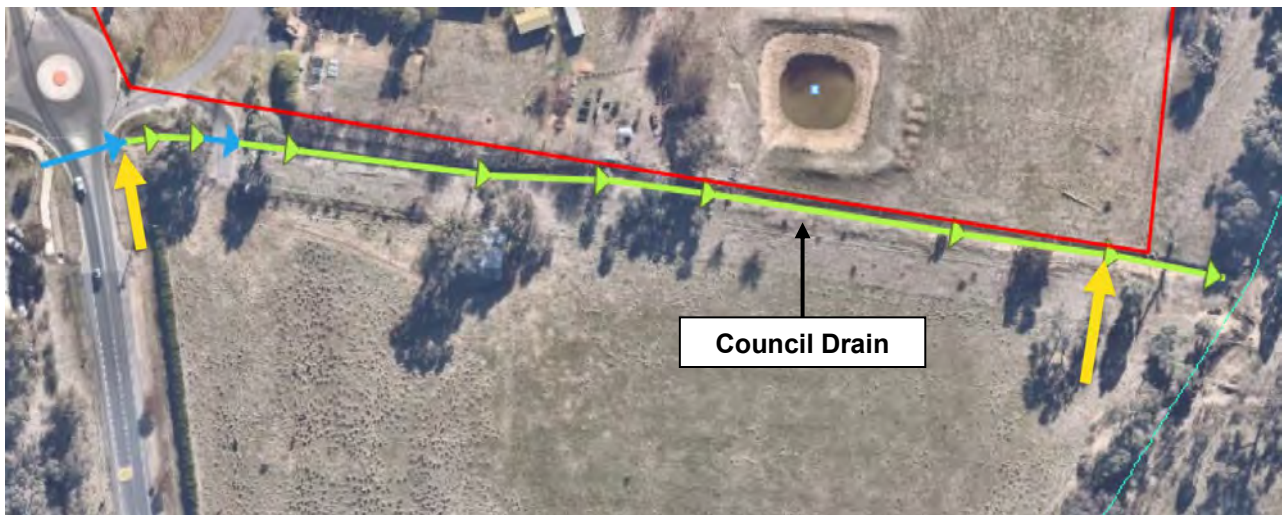


Figure 1 Schematic of drainage channel (blue – culverts, green – drain, yellow – location markers)

3.3 Design Case

The aforementioned model changes were retained for the design case. The proposed development (new school buildings, design pad for retirement village and driveway) was represented in the model as described in Section 2.2 of the Flood Impact Assessment (GHD, 2023).

3.4 Design Case with Drain Upgrade

The upgrade of the existing Council swale drain was explored through four drain upgrade options below:

- Option 1 – 2m base, 3V:10H side slopes, graded down at approximately 0.3% longitudinal slope.
- Option 2 – 1m base, 3V:10H side slopes, graded down at approximately 0.3% longitudinal slope.
- Option 3 – 0.5m base, 3V:10H side slopes, graded down at approximately 0.3% longitudinal slope.
- Option 4 – 0.5m base, 3V:10H side slopes, graded down at approximately 0.2% longitudinal slope.

The drain upgrade options were evaluated on their efficacy in reducing the flood impacts previously noted (GHD, 2023) on the 44 Molkentin Road property, as a result of the proposed development in the 1% AEP event. A reduction of the flood impact on the property to 10 mm or less was considered acceptable. Another objective was to minimise the downstream impact as a result of the flow diverted by the drainage channel, such that properties would not be affected by impacts greater than 10 mm.

Option 4 provided the best outcome in terms of minimising impacts with respect to the development, as well as ensuring minimal impact downstream of the channel. The longitudinal data in Figure 2 shows the Option 4 upgraded drain featuring a steeper grade of 0.2% between the points indicated by the yellow arrows, as compared to the flatter existing drain. The invert level of the upgraded drain at the first yellow marker on Figure 2 (chainage 21.3 m) was set at 234.28 mAHD, and 233.75 mAHD at the second yellow marker (chainage 281.5 m).

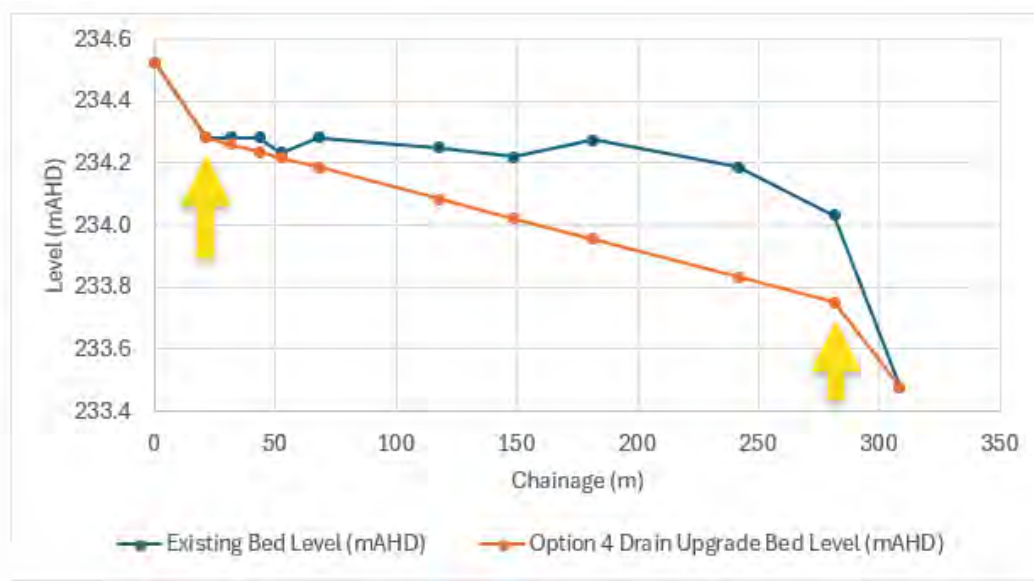


Figure 2 Drainage channel invert levels

4. Key Findings and Recommendations

Below are the key findings of the additional modelling undertaken, however, this discussion of results is not exhaustive. Please refer to the flood maps attached to this letter for the full set of results with respect to each event modelled (flood extent, depth, level, velocity, hazard).

The configuration of the existing Council drain in the TUFLOW model as a 1D channel as described in Section 3.2 led to a reduction of the impact on 44 Molkentin Ave (from previously approx. 35 mm to approx. 10 mm in the 1% AEP event) in the design case, without any upgrade of the drainage channel. An upgrade of the channel (Option 4) was simulated to provide some benefit, reducing the impact on the property to approximately 6 mm.

Figure 3 and Table 1 show the 1% AEP flood levels and depths modelled at key locations around the pad for the proposed retirement homes. The highest flood level in Table 1 is 233.93 mAHD at location J. Around the eastern side of the pad, the presence of water (shown on the maps) is likely due to runoff from the design pad, rather than due to main stream flooding.

Section 2.4 in the Greater Hume DCP (2013) states that 'Council may require the floor level of a dwelling to be constructed at a minimum level of 600mm above natural ground level in areas considered to be subject to the passage and/or storage of stormwater during and/or following major rainfall events'. As there is no further guidance in the DCP regarding the flood planning level (FPL), it was confirmed with Greater Hume Council during preparation of the Flood Impact Assessment (GHD, 2023), that the FPL for the development would be the 1% AEP flood level plus 500 mm freeboard. As this FPL would generally exceed the 600 mm above natural ground level required by Council, the finished floor level (FFL) recommended for the retirement homes in the Design Case would be the flood level at location J (233.93 mAHD) plus 500 mm,

i.e., 234.43 mAHD. The minimum FFL at 234.43 mAHD is also recommended if undertaking construction of the Drain Upgrade (Option 4).

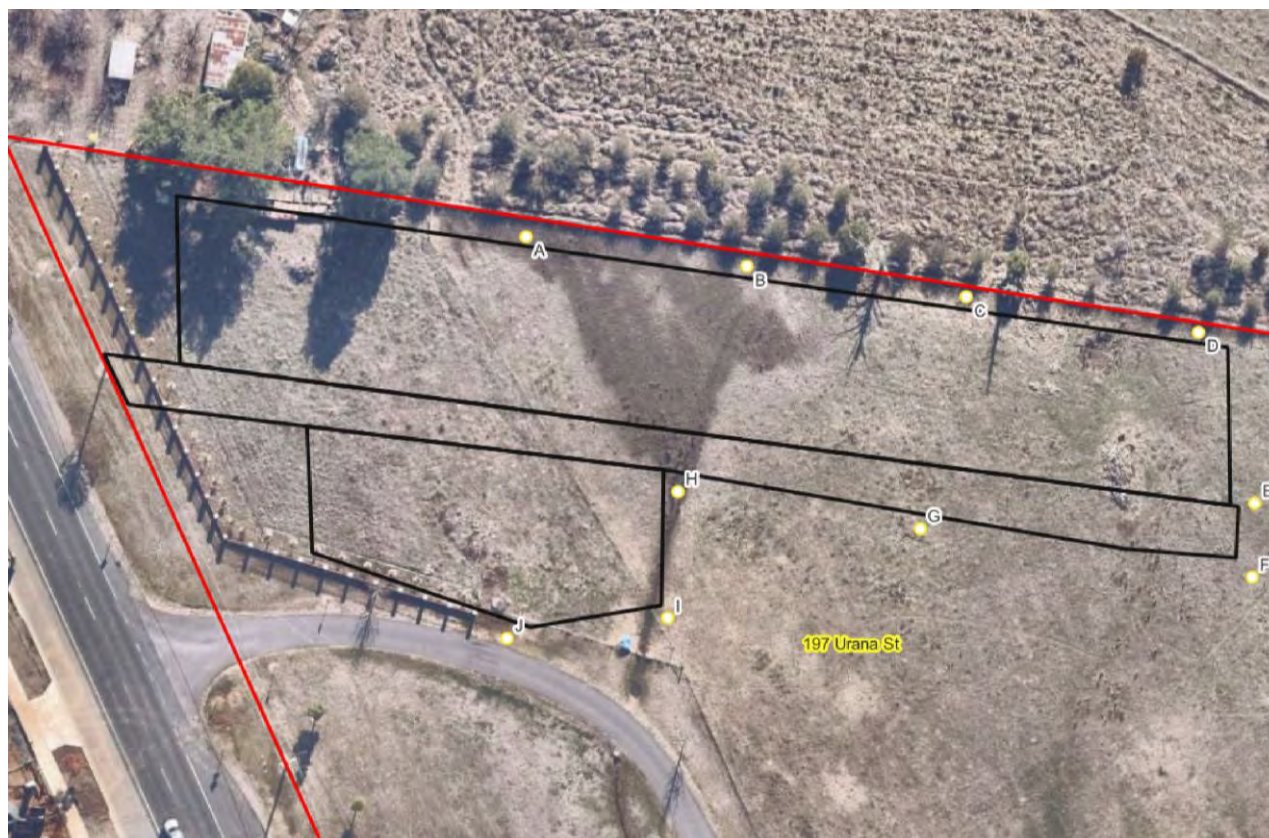


Figure 3 Key locations around retirement homes

Table 1 1% AEP flood levels and depths at key locations

Location ID	Drain Upgrade Flood Level (mAHD)	Design Flood Level (mAHD)	Existing Flood Level (mAHD)	Dry Ground Level (mAHD)	Drain Upgrade Flood Depth (m)	Design Flood Depth (m)	Existing Flood Depth (m)
A	233.60	233.60	232.95	232.86	0.74	0.74	0.09
B	233.62	233.63	233.00	232.90	0.73	0.73	0.11
C	233.65	233.65	233.03	232.86	0.79	0.79	0.17
D	233.68	233.69	233.07	232.91	0.77	0.77	0.15
E	233.30	233.31	233.17	233.02	0.28	0.29	0.15
F	233.37	233.39	233.22	233.09	0.28	0.29	0.13
G	233.70	233.71	233.22	233.10	0.60	0.60	0.11
H	233.85	233.86	233.16	233.08	0.77	0.78	0.08
I	233.68	233.69	233.34	233.33	0.35	0.36	0.00
J	233.93	233.93	233.68	233.60	0.34	0.34	0.09

Existing Flood Level – the flood level modelled as a result of existing conditions (without new school buildings or aged care facility)

Design Flood Level – the flood level modelled with the proposed new school buildings and aged care facility

Drain Upgrade Flood Level – the flood level modelled with the proposed new school buildings, aged care facility, and Council Drain Upgrade

Dry Ground Level – the level of the topography in the model without flooding

Existing/Design/Drain Upgrade Flood Depth – the flood level minus the dry ground level

Kind Regards,

Michelle Zhang
Engineer – Water Resources
+61 2 92397738
Michelle.Zhang@ghd.com

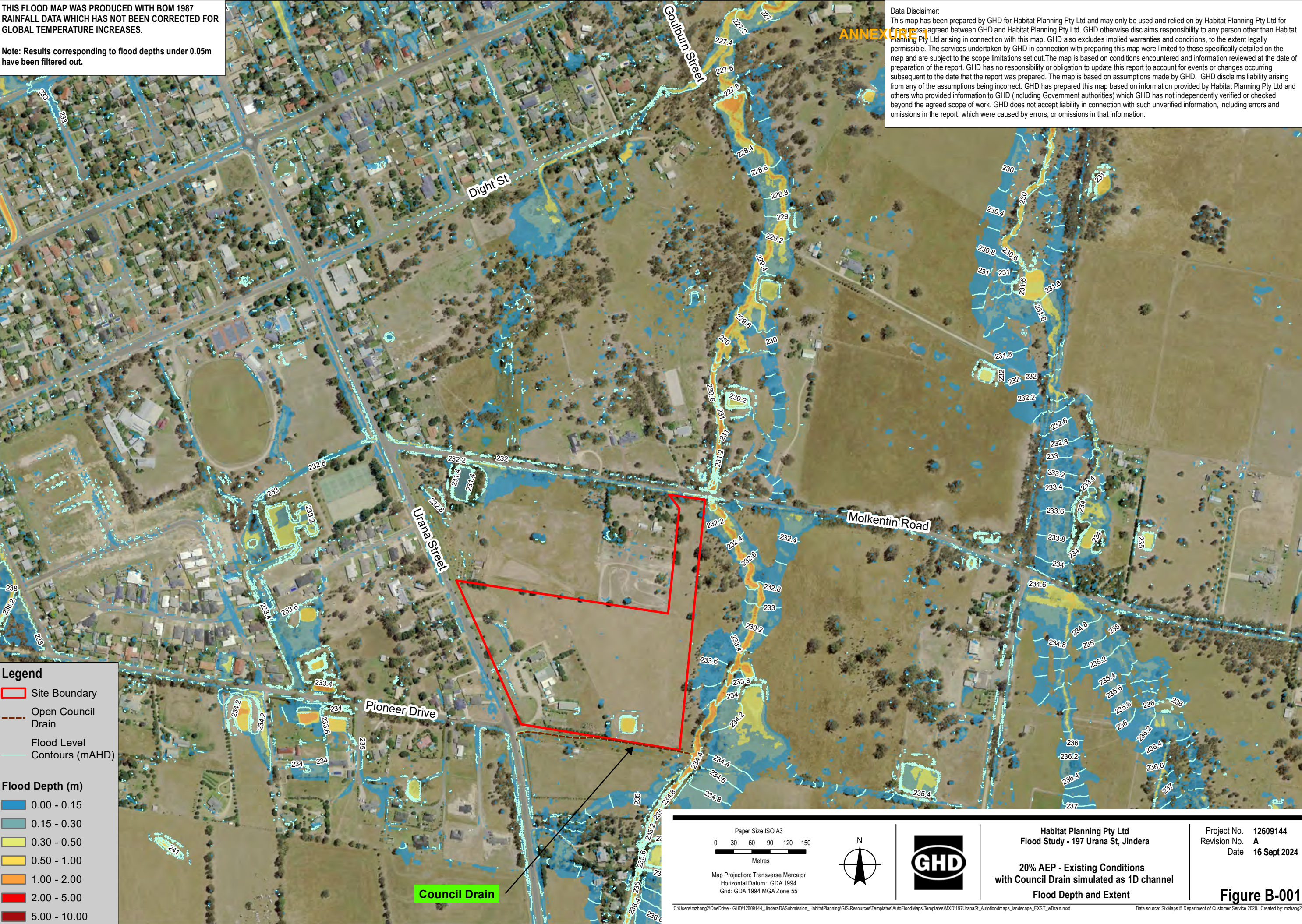
Copy to: Rainer.berg@ghd.com, Leona.Zha@ghd.com

THIS FLOOD MAP WAS PRODUCED WITH BOM 1987 RAINFALL DATA WHICH HAS NOT BEEN CORRECTED FOR GLOBAL TEMPERATURE INCREASES.

Note: Results corresponding to flood depths under 0.05m have been filtered out.

ANNEXURE E

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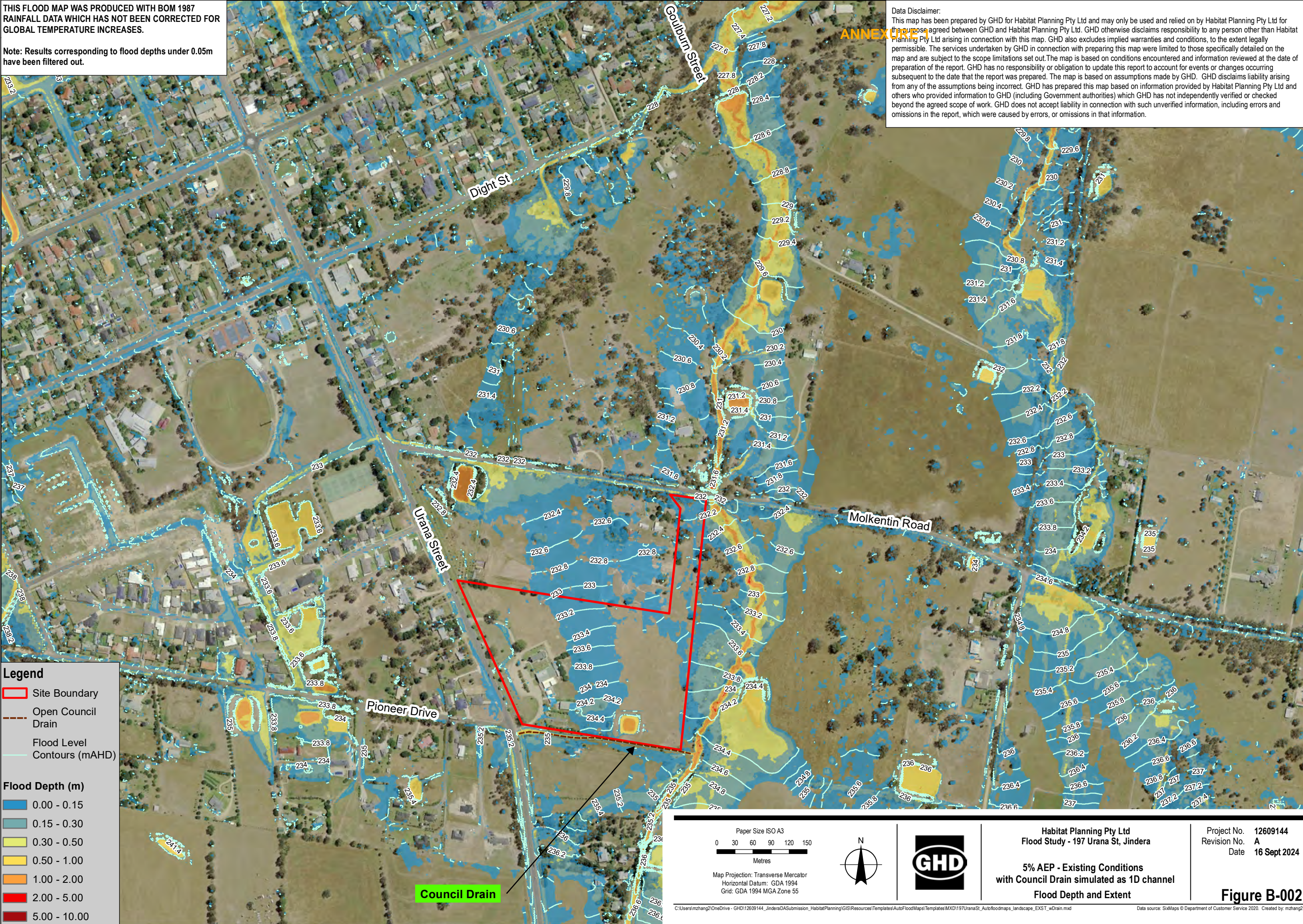


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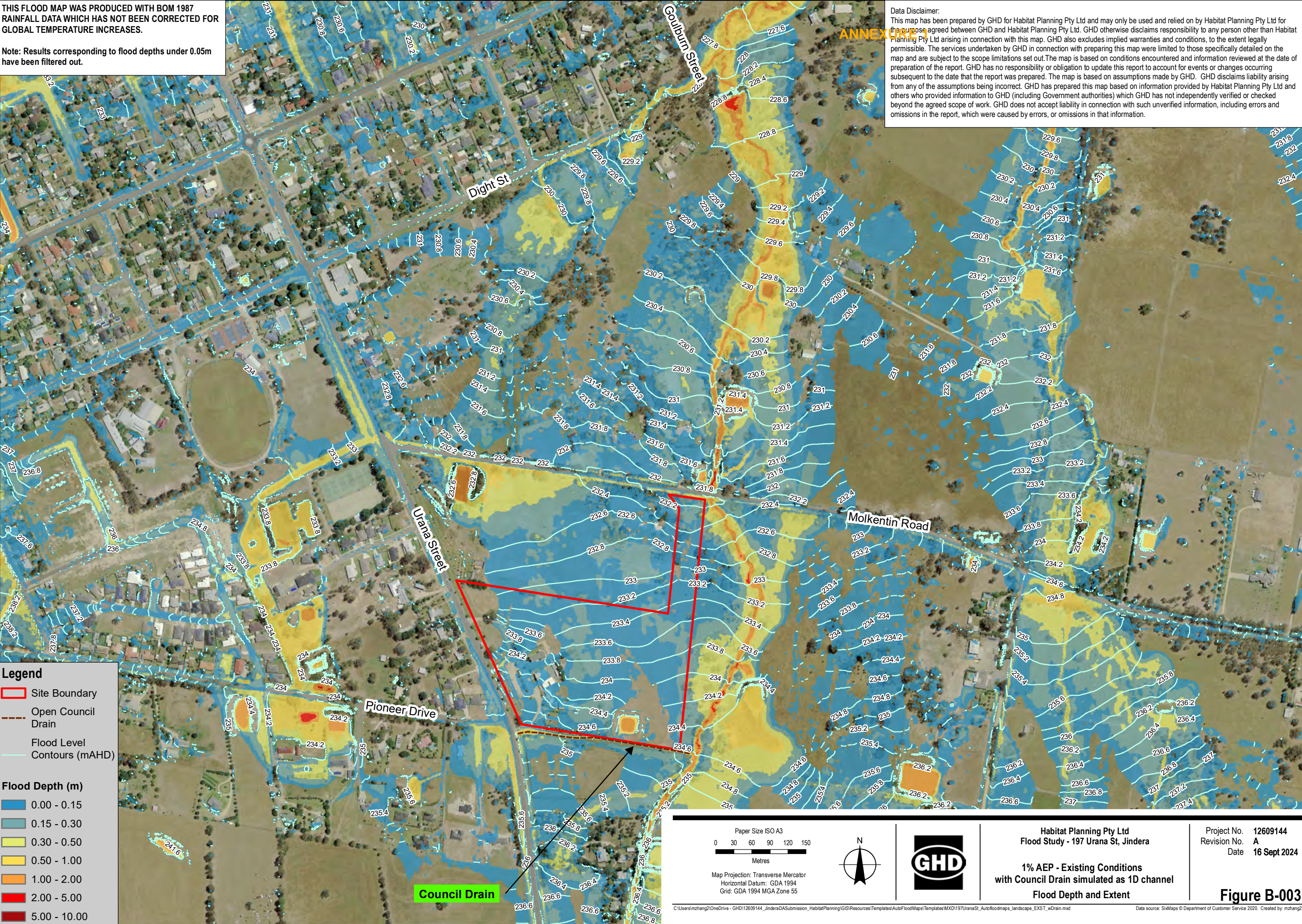


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ANNEXURE

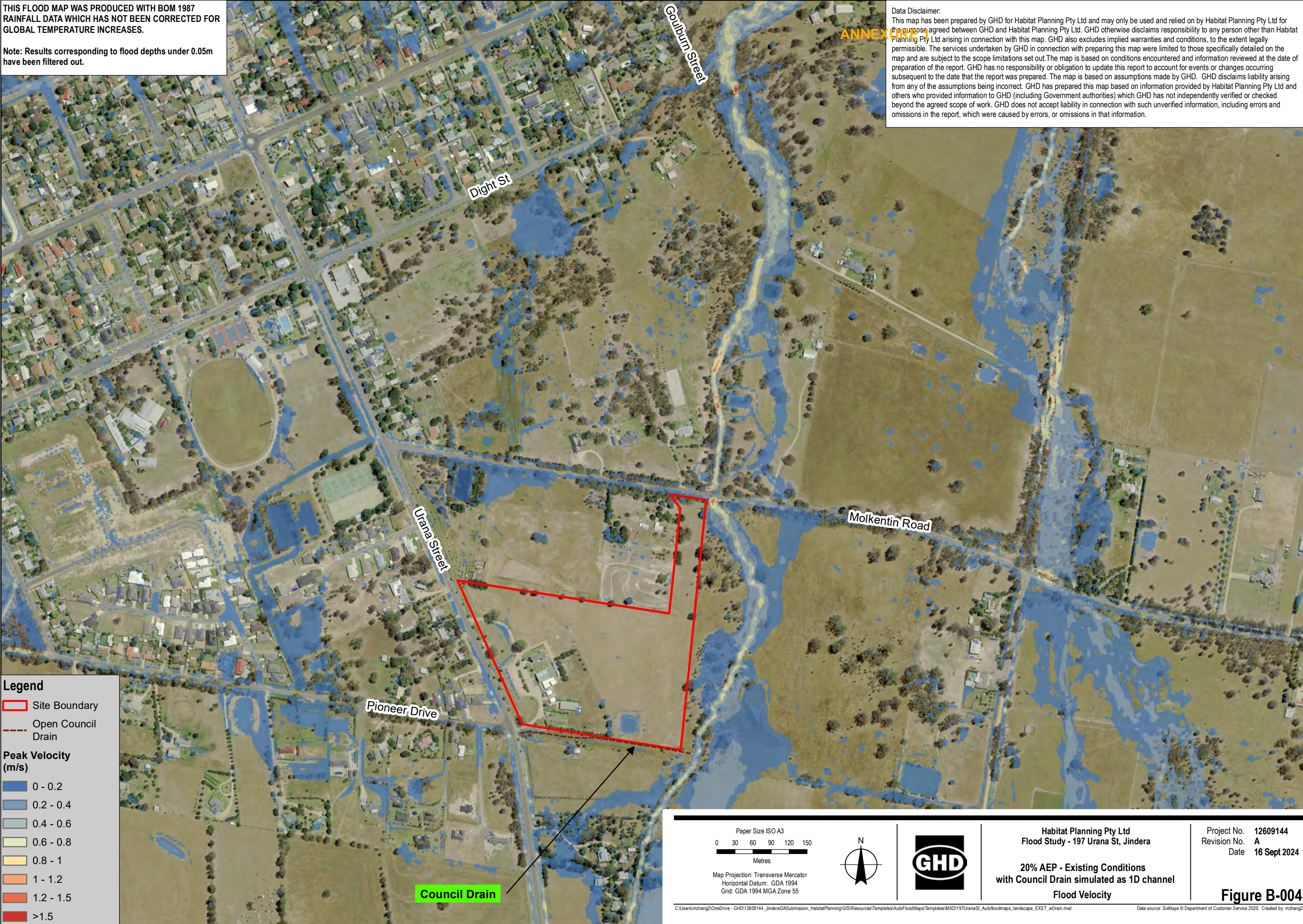
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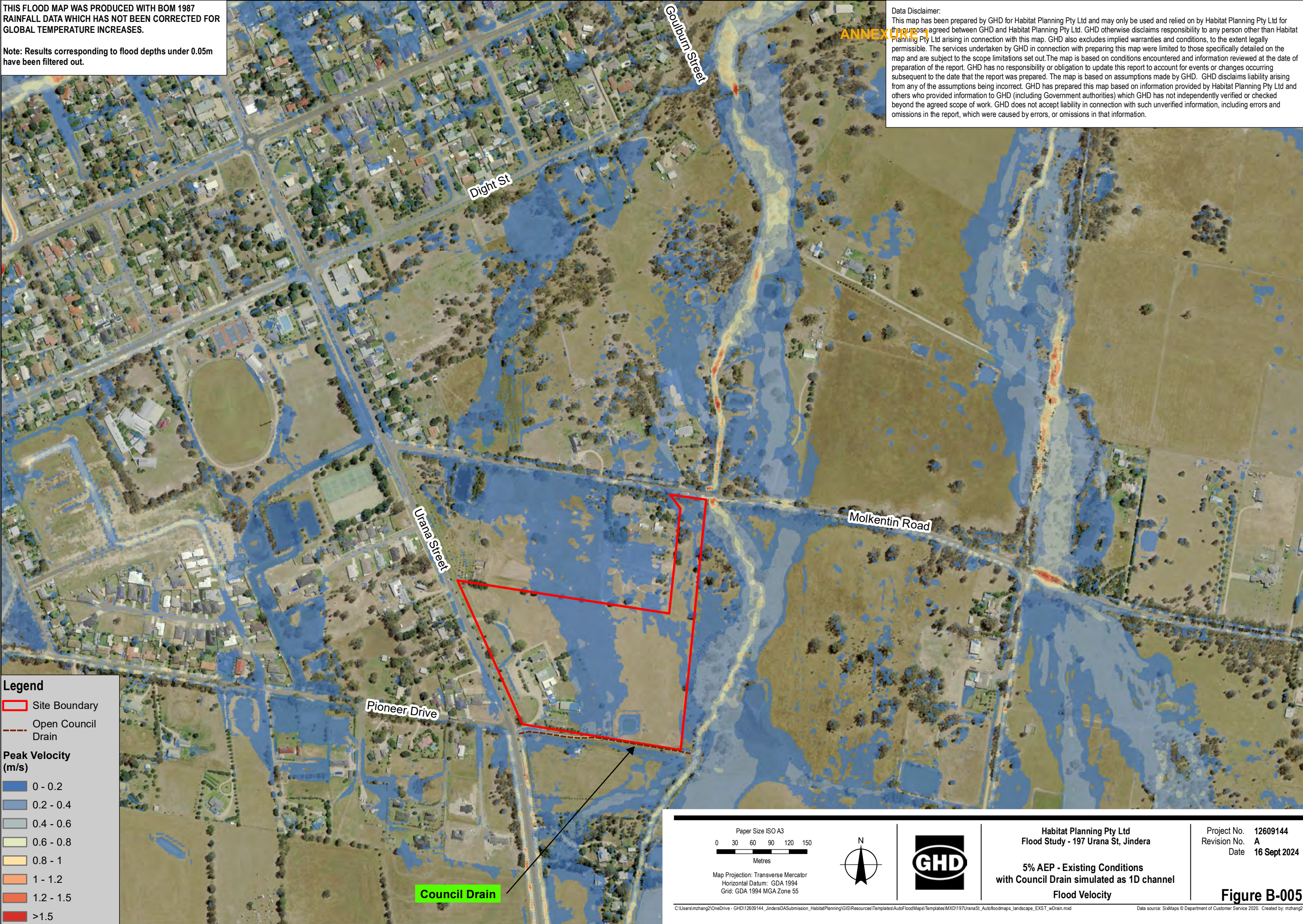
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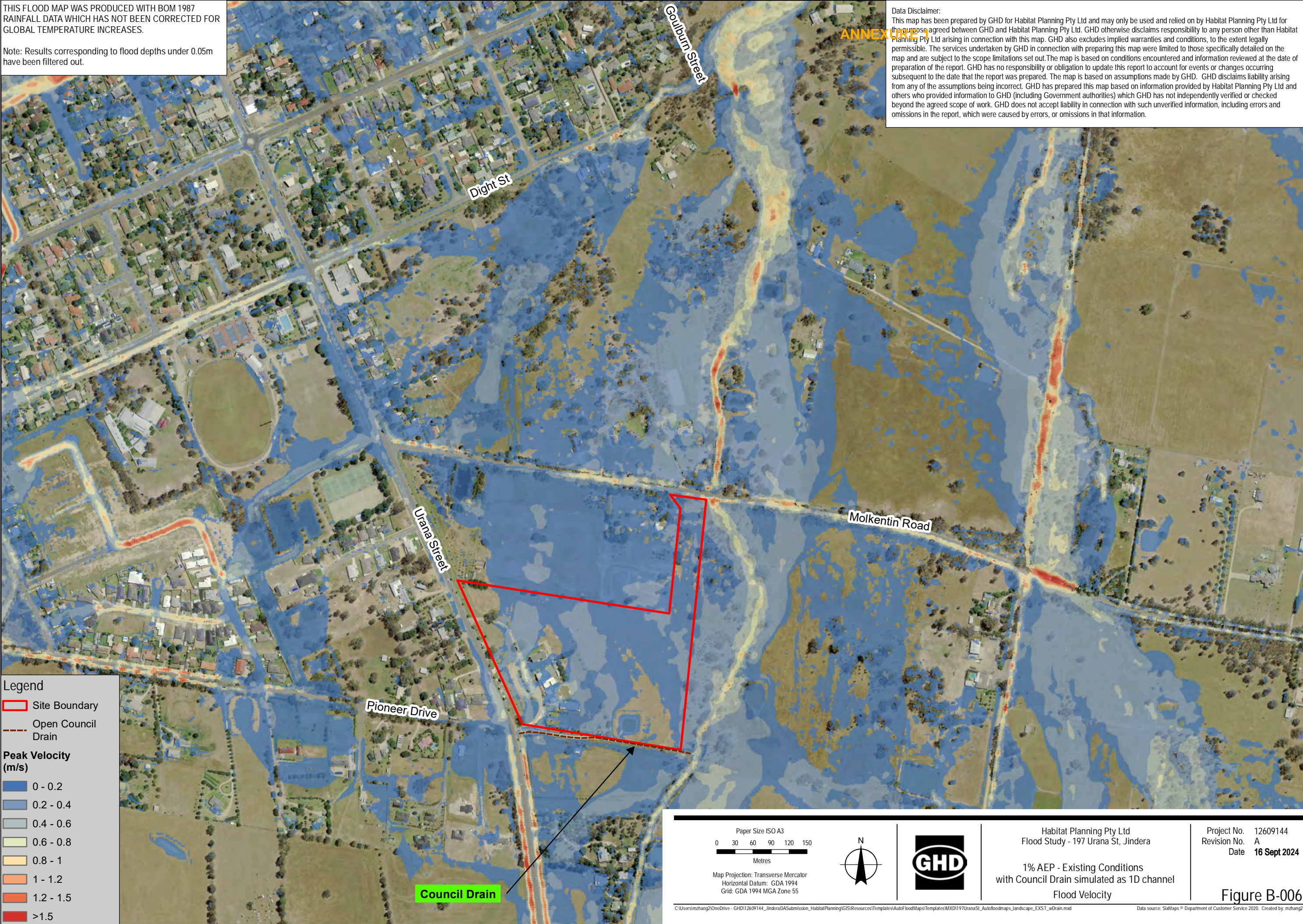
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Legend

Site Boundary

Open Council Drain

Flood Hazard

H1 - generally safe for people, vehicles and buildings

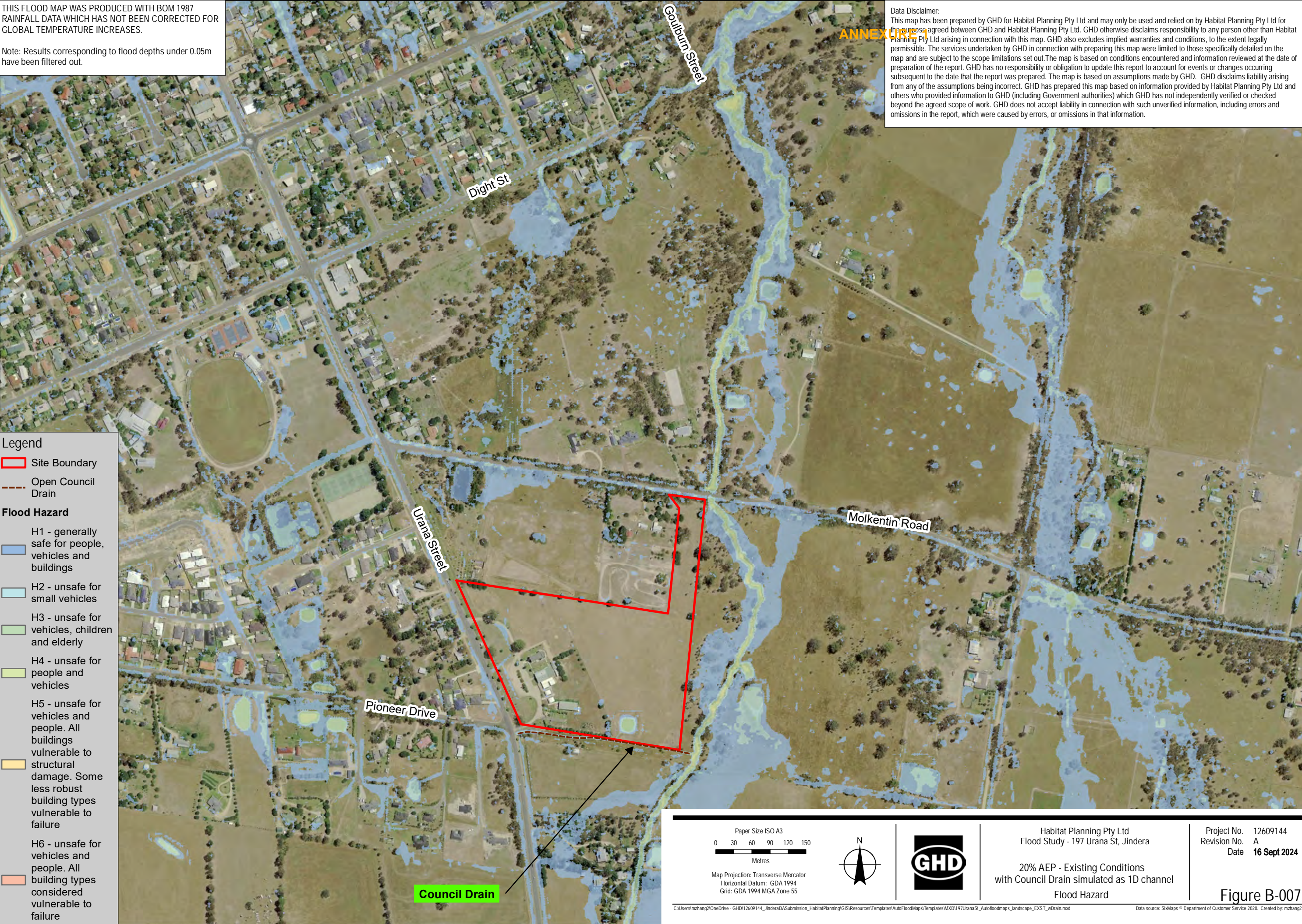
H2 - unsafe for small vehicles

H3 - unsafe for vehicles, children and elderly

H4 - unsafe for people and vehicles

H5 - unsafe for vehicles and people. All buildings vulnerable to structural damage. Some less robust building types vulnerable to failure

H6 - unsafe for vehicles and people. All building types considered vulnerable to failure



Paper Size ISO A3

0 30 60 90 120 150

Metres

Map Projection: Transverse Mercator

Horizontal Datum: GDA 1994

Grid: GDA 1994 MGA Zone 55

N

Habitat Planning Pty Ltd

Flood Study - 197 Urana St, Jindera

20% AEP - Existing Conditions

with Council Drain simulated as 1D channel

Flood Hazard

Project No. 12609144

Revision No. A

Date 16 Sept 2024

Figure B-007

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Site Boundary

Open Council Drain

Flood Hazard

H1 - generally safe for people, vehicles and buildings

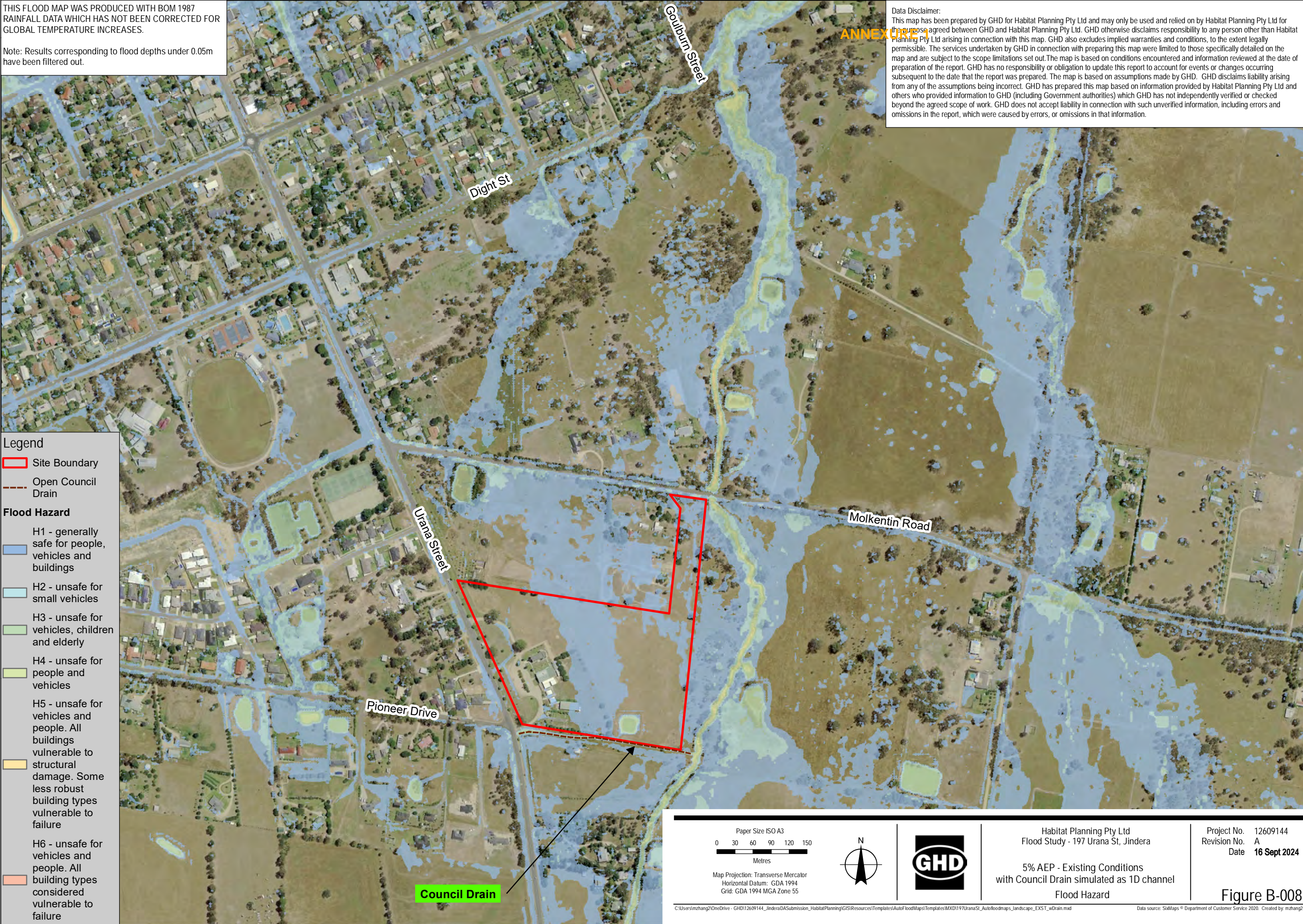
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H3 - unsafe for vehicles, children and elderly

H4 - unsafe for people and vehicles

H5 - unsafe for vehicles and people. All buildings vulnerable to structural damage. Some less robust building types vulnerable to failure

H6 - unsafe for vehicles and people. All building types considered vulnerable to failure



Paper Size ISO A3

0306090120150

Metres

Map Projection: Transverse Mercator

Horizontal Datum: GDA 1994

Grid: GDA 1994 MGA Zone 55

N

GHD

Habitat Planning Pty Ltd

Flood Study - 197 Urana St, Jindera

5% AEP - Existing Conditions

with Council Drain simulated as 1D channel

Flood Hazard

Project No. 12609144

Revision No. A

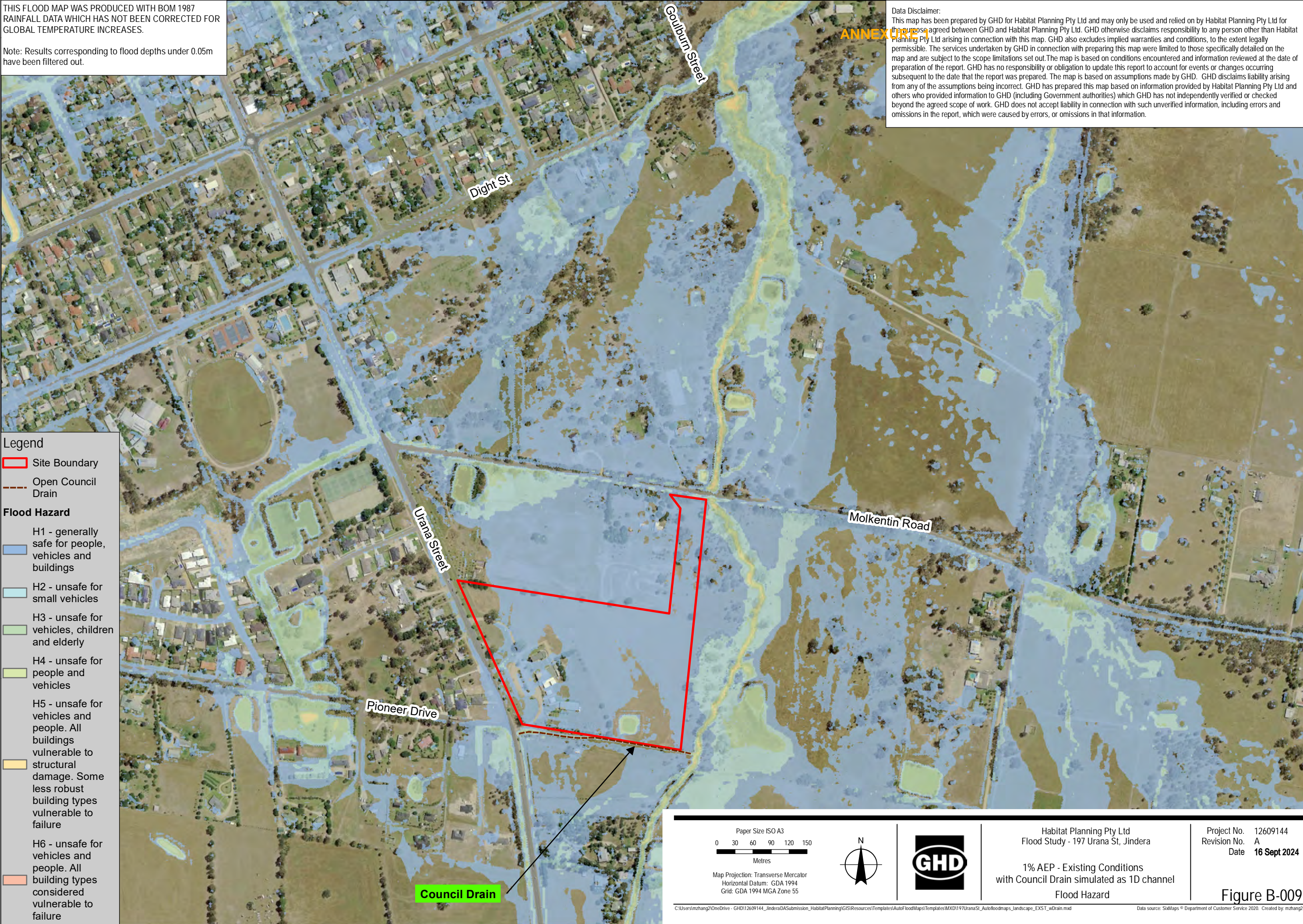
Date 16 Sept 2024

Figure B-008

THIS FLOOD MAP WAS PRODUCED WITH BOM 1987 RAINFALL DATA WHICH HAS NOT BEEN CORRECTED FOR GLOBAL TEMPERATURE INCREASES.

Note: Results corresponding to flood depths under 0.05m have been filtered out.

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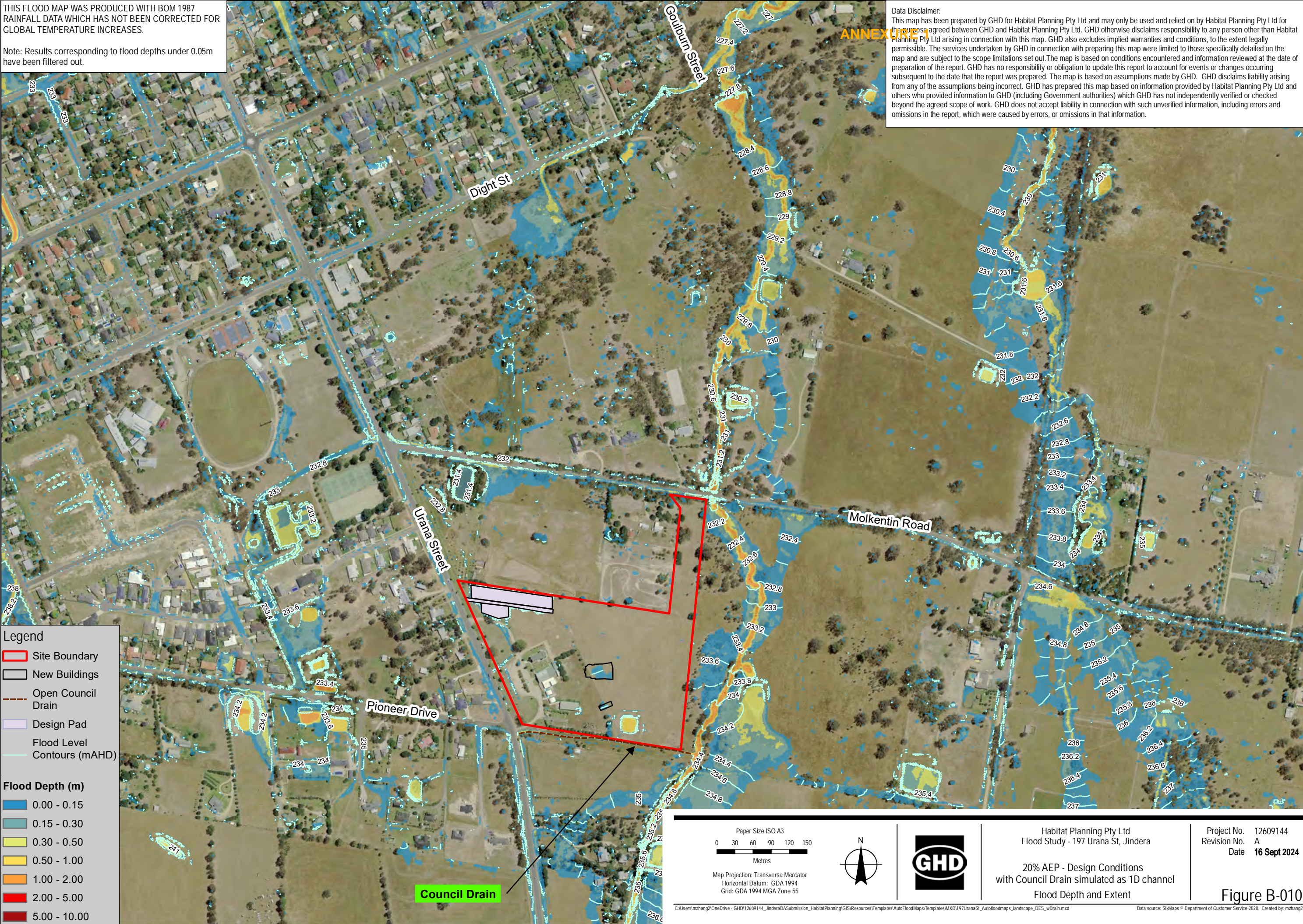


THIS FLOOD MAP WAS PRODUCED WITH BOM 1987 RAINFALL DATA WHICH HAS NOT BEEN CORRECTED FOR GLOBAL TEMPERATURE INCREASES.

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ANNEXURE 1

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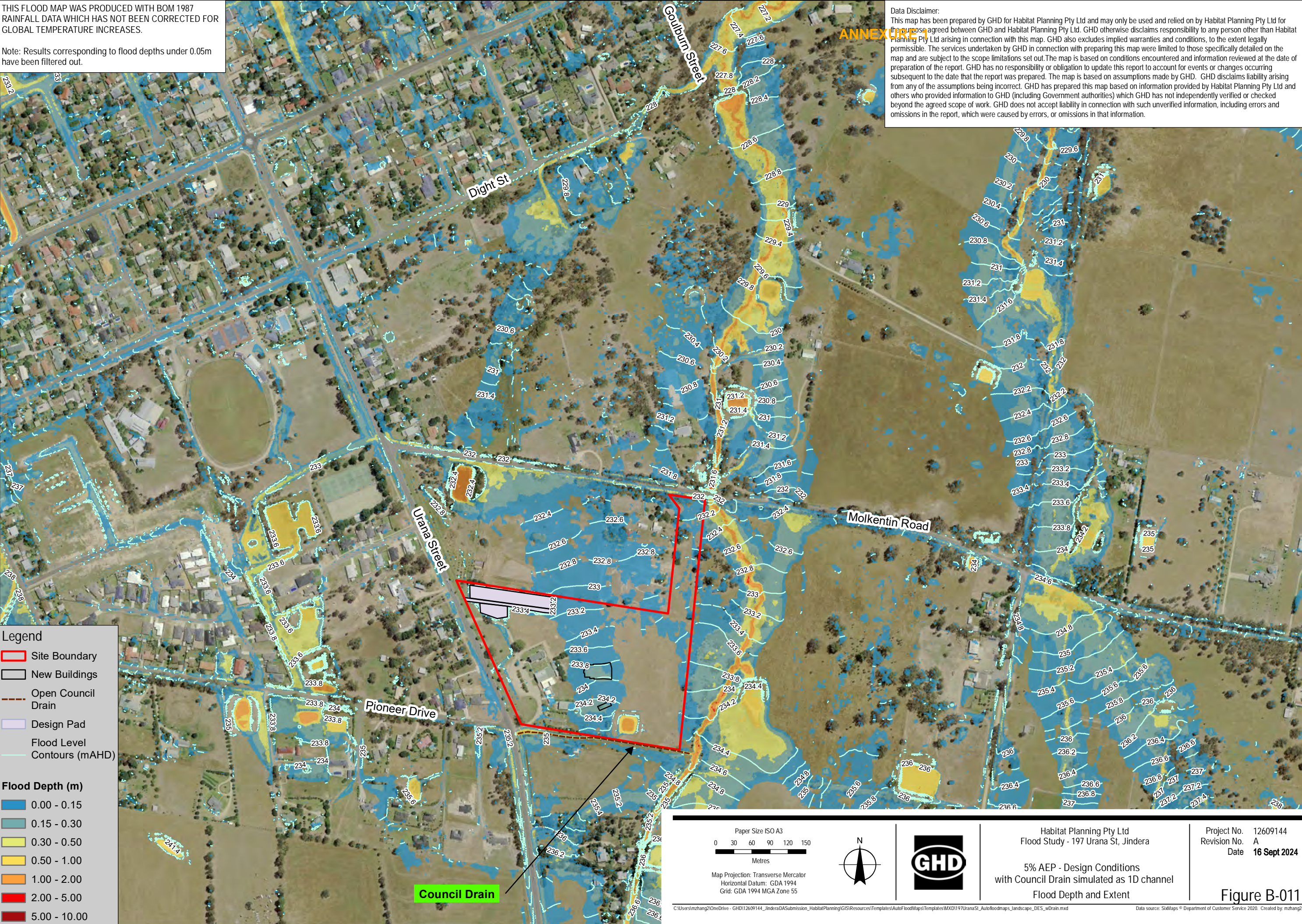


THIS FLOOD MAP WAS PRODUCED WITH BOM 1987 RAINFALL DATA WHICH HAS NOT BEEN CORRECTED FOR GLOBAL TEMPERATURE INCREASES.

Note: Results corresponding to flood depths under 0.05m have been filtered out.

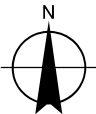
ANNEXURE 1

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Paper Size ISO A3
0 30 60 90 120 150
Metres

Map Projection: Transverse Mercator
Horizontal Datum: GDA 1994
Grid: GDA 1994 MGA Zone 55



Habitat Planning Pty Ltd
Flood Study - 197 Urana St, Jindera

5% AEP - Design Conditions
with Council Drain simulated as 1D channel
Flood Depth and Extent

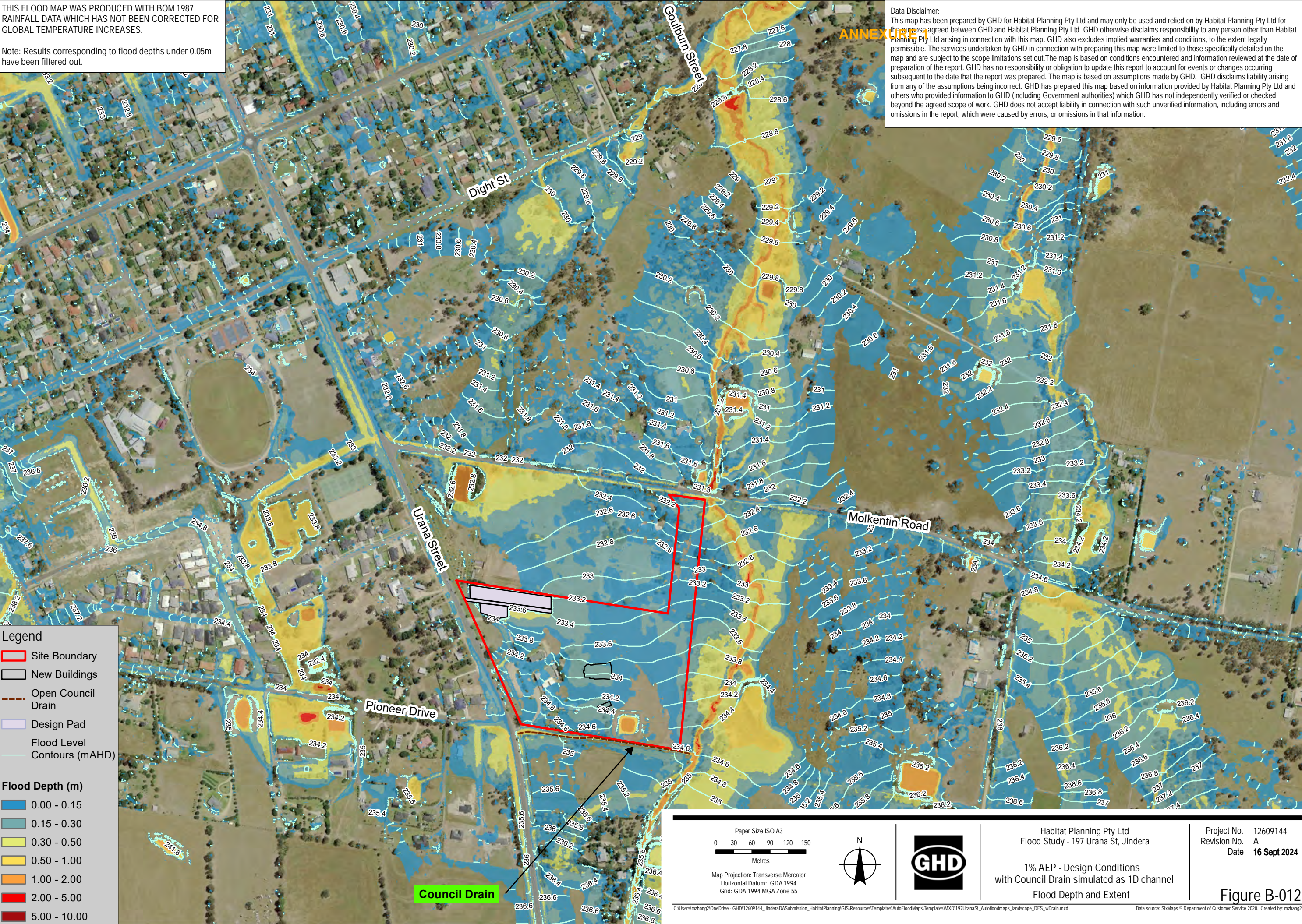
Project No. 12609144
Revision No. A
Date 16 Sept 2024

THIS FLOOD MAP WAS PRODUCED WITH BOM 1987 RAINFALL DATA WHICH HAS NOT BEEN CORRECTED FOR GLOBAL TEMPERATURE INCREASES.

Note: Results corresponding to flood depths under 0.05m have been filtered out.

ANNEXURE E

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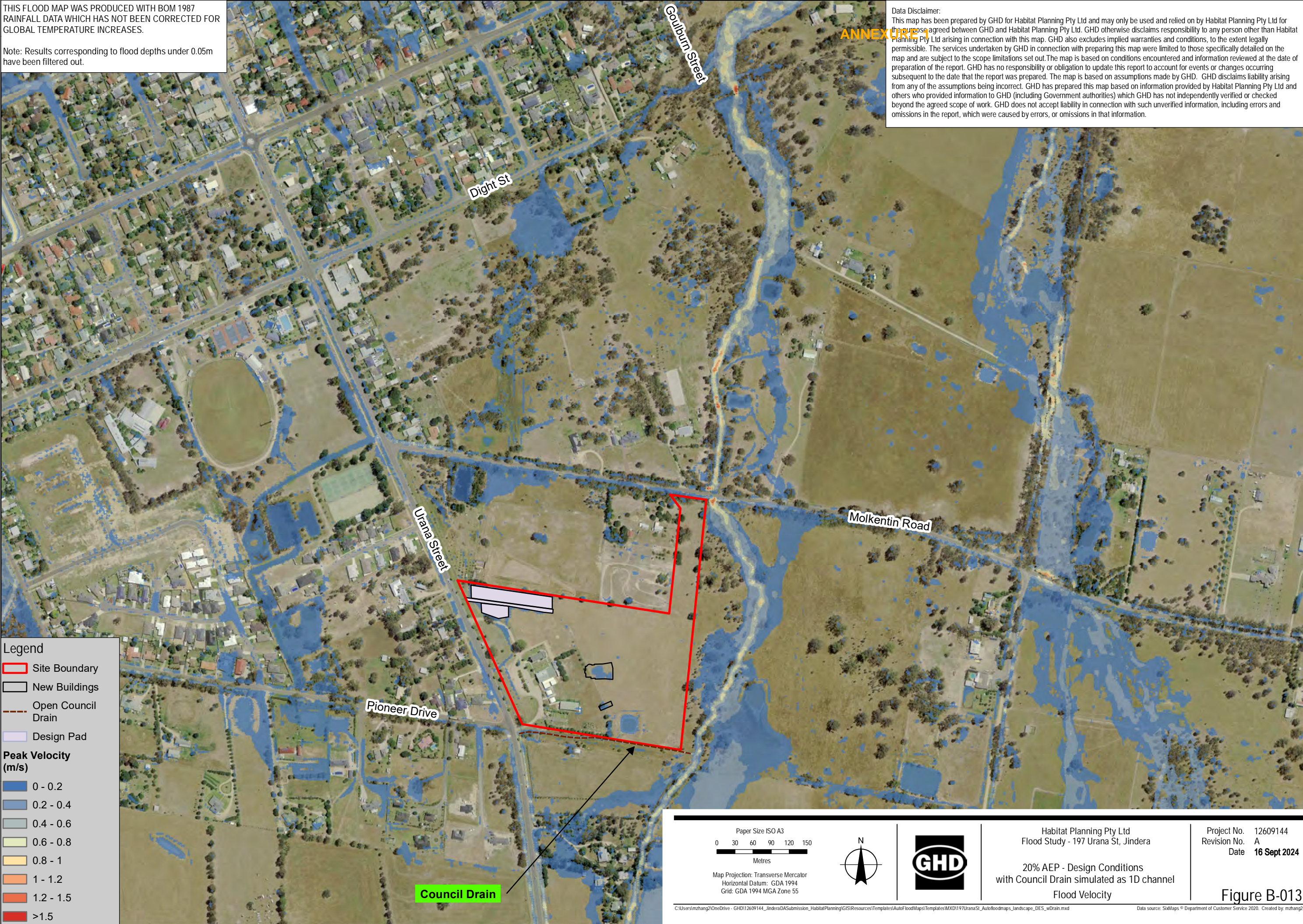


THIS FLOOD MAP WAS PRODUCED WITH BOM 1987 RAINFALL DATA WHICH HAS NOT BEEN CORRECTED FOR GLOBAL TEMPERATURE INCREASES.

Note: Results corresponding to flood depths under 0.05m have been filtered out.

ANNEXURE 1

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Legend

- Site Boundary
- New Buildings
- Open Council Drain
- Design Pad

Peak Velocity (m/s)

- 0 - 0.2
- 0.2 - 0.4
- 0.4 - 0.6
- 0.6 - 0.8
- 0.8 - 1
- 1 - 1.2
- 1.2 - 1.5
- >1.5

Paper Size ISO A3

0 30 60 90 120 150

Metres

Map Projection: Transverse Mercator
Horizontal Datum: GDA 1994
Grid: GDA 1994 MGA Zone 55

N

Habitat Planning Pty Ltd
Flood Study - 197 Urana St, Jindera

20% AEP - Design Conditions
with Council Drain simulated as 1D channel

Flood Velocity

Project No. 12609144
Revision No. A
Date 16 Sept 2024

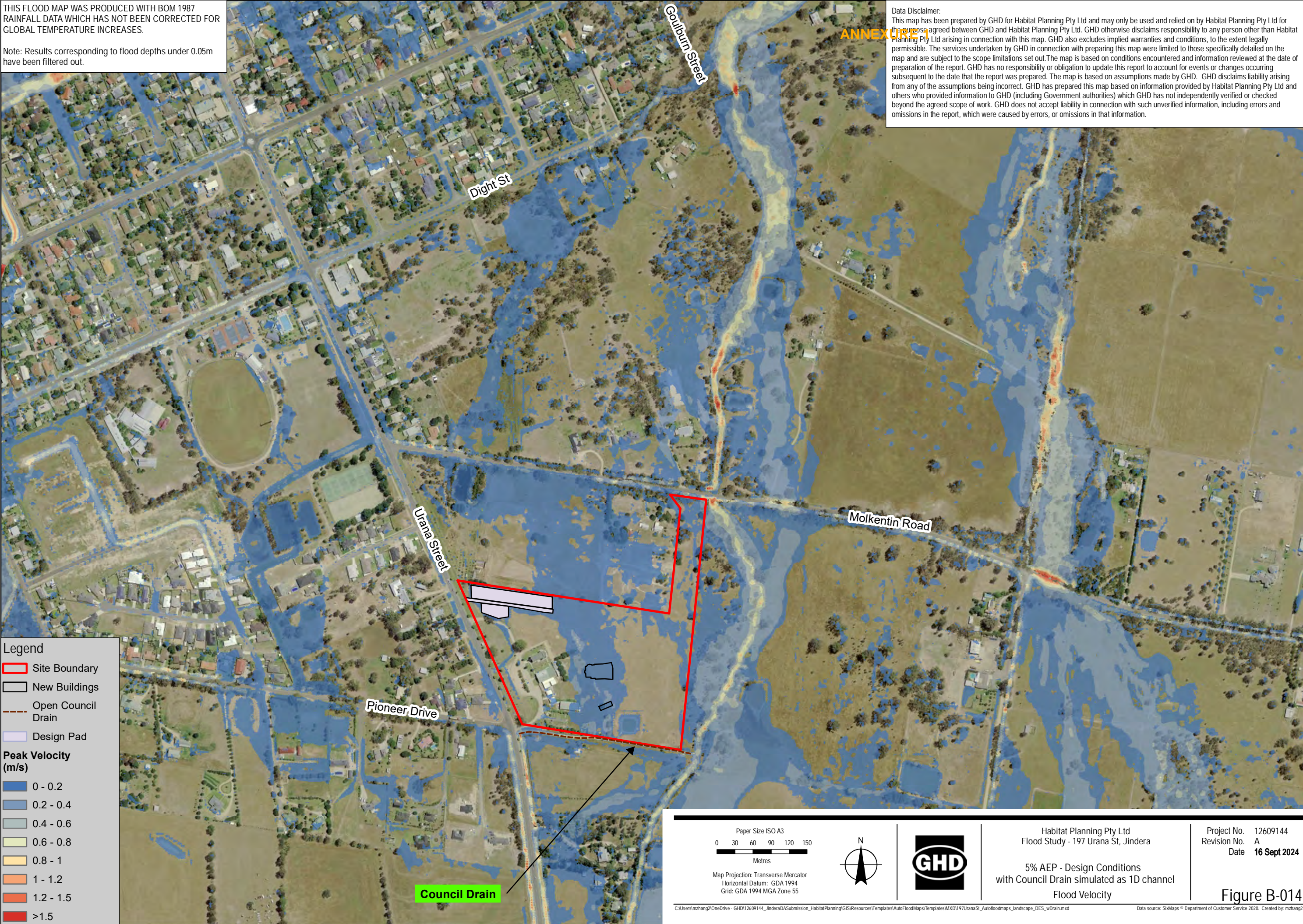
Figure B-013

THIS FLOOD MAP WAS PRODUCED WITH BOM 1987 RAINFALL DATA WHICH HAS NOT BEEN CORRECTED FOR GLOBAL TEMPERATURE INCREASES.

Note: Results corresponding to flood depths under 0.05m have been filtered out.

ANNEXURE 1

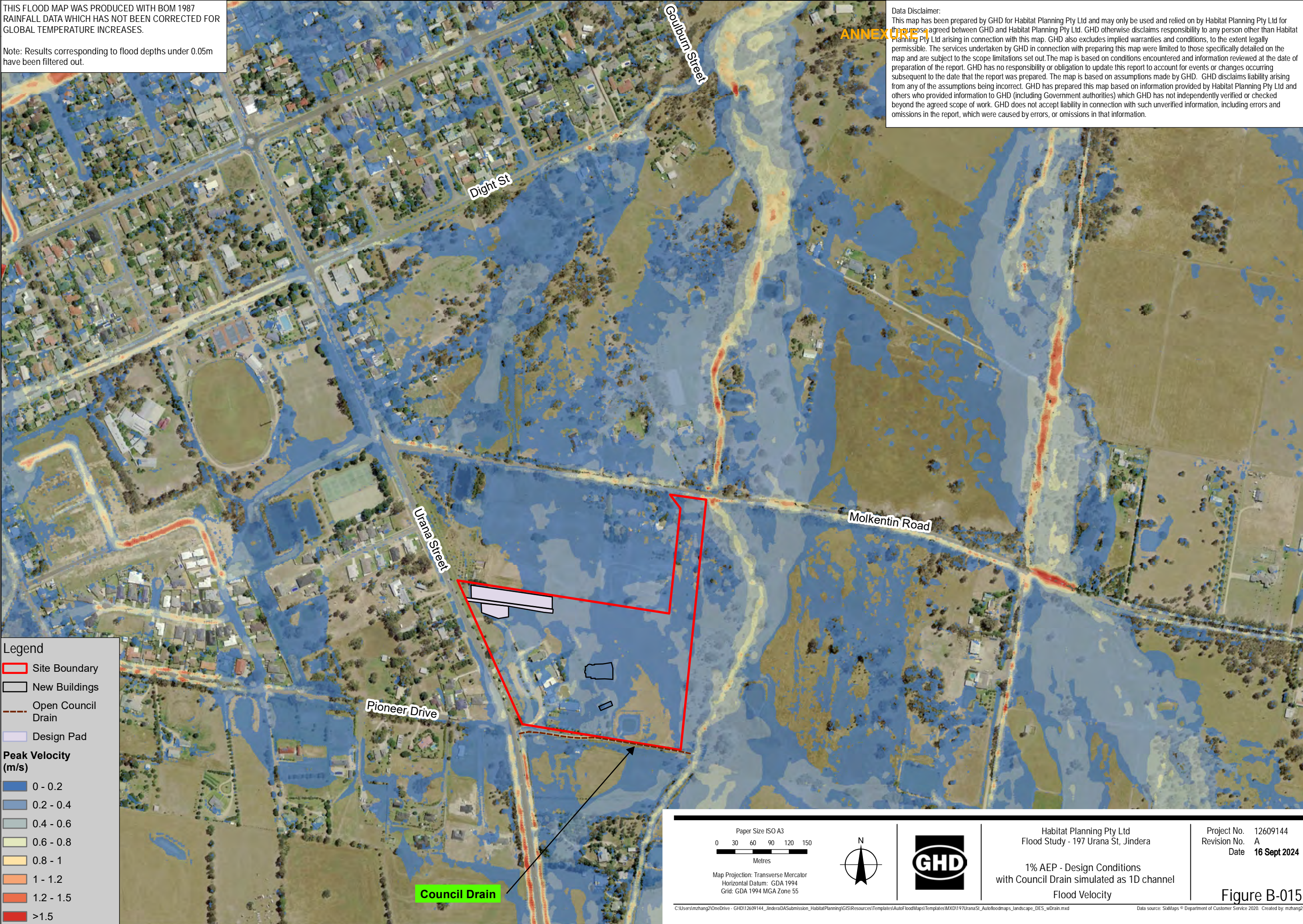
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Note: Results corresponding to flood depths under 0.05m have been filtered out.

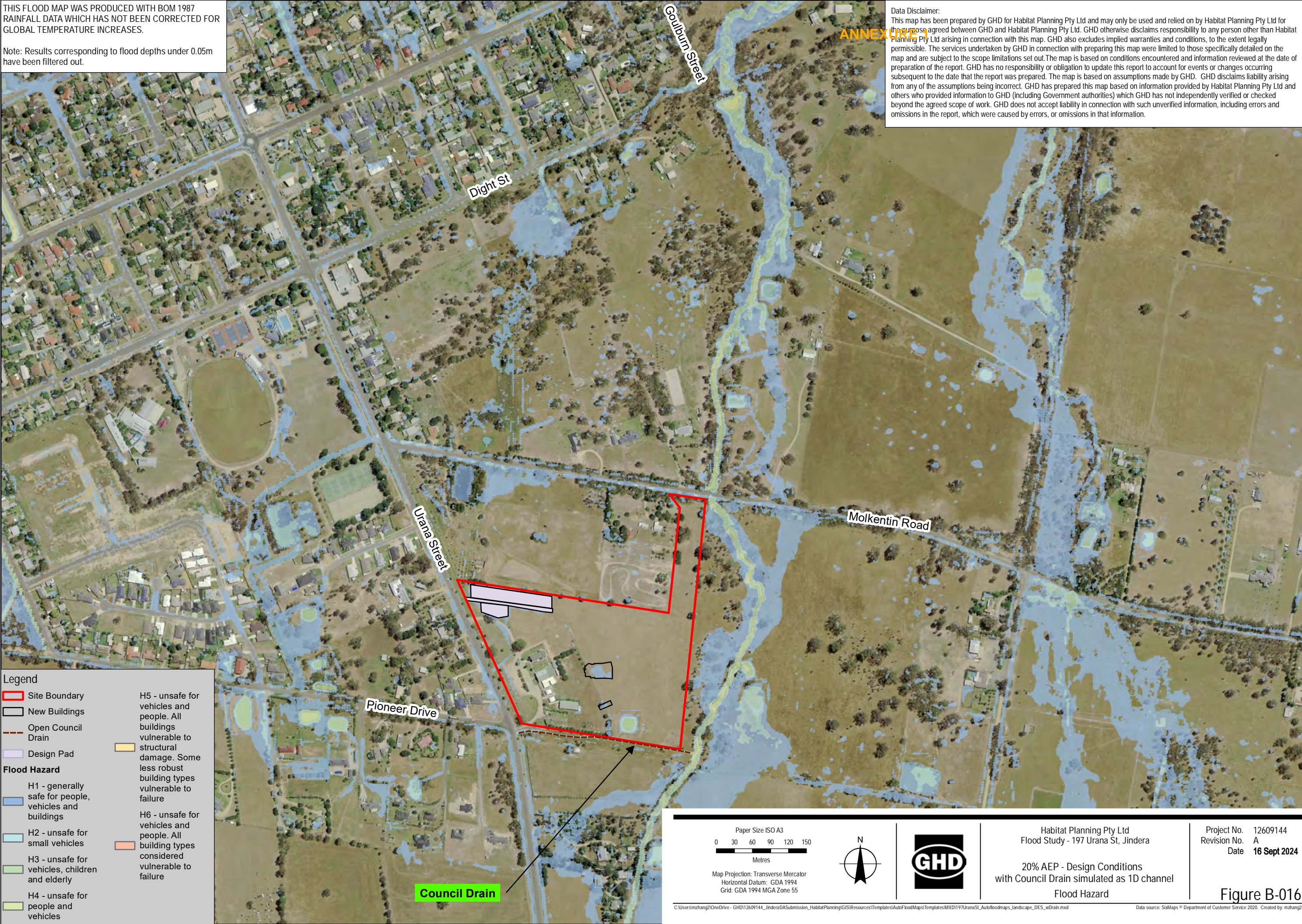
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Note: Results corresponding to flood depths under 0.05m have been filtered out.

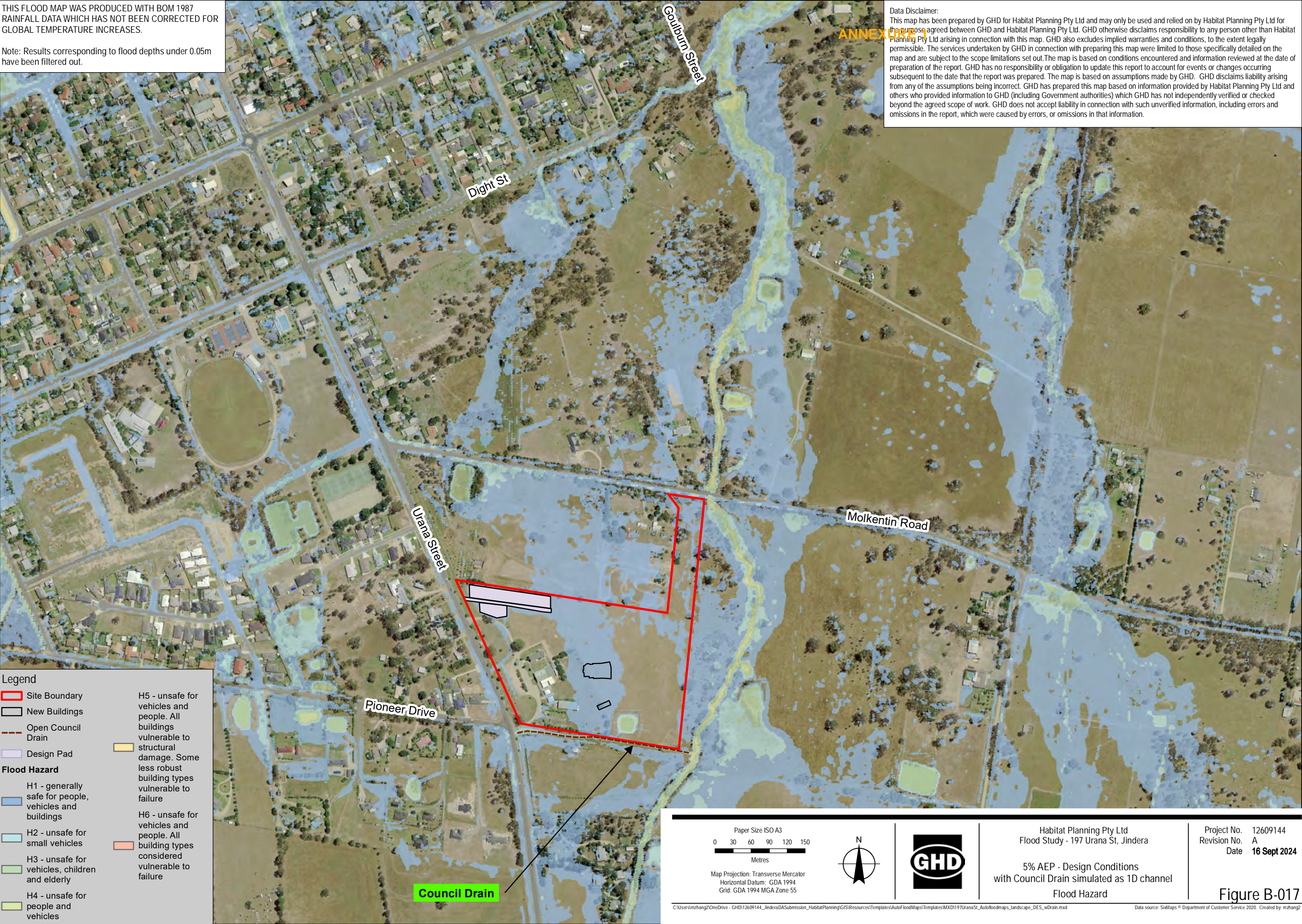
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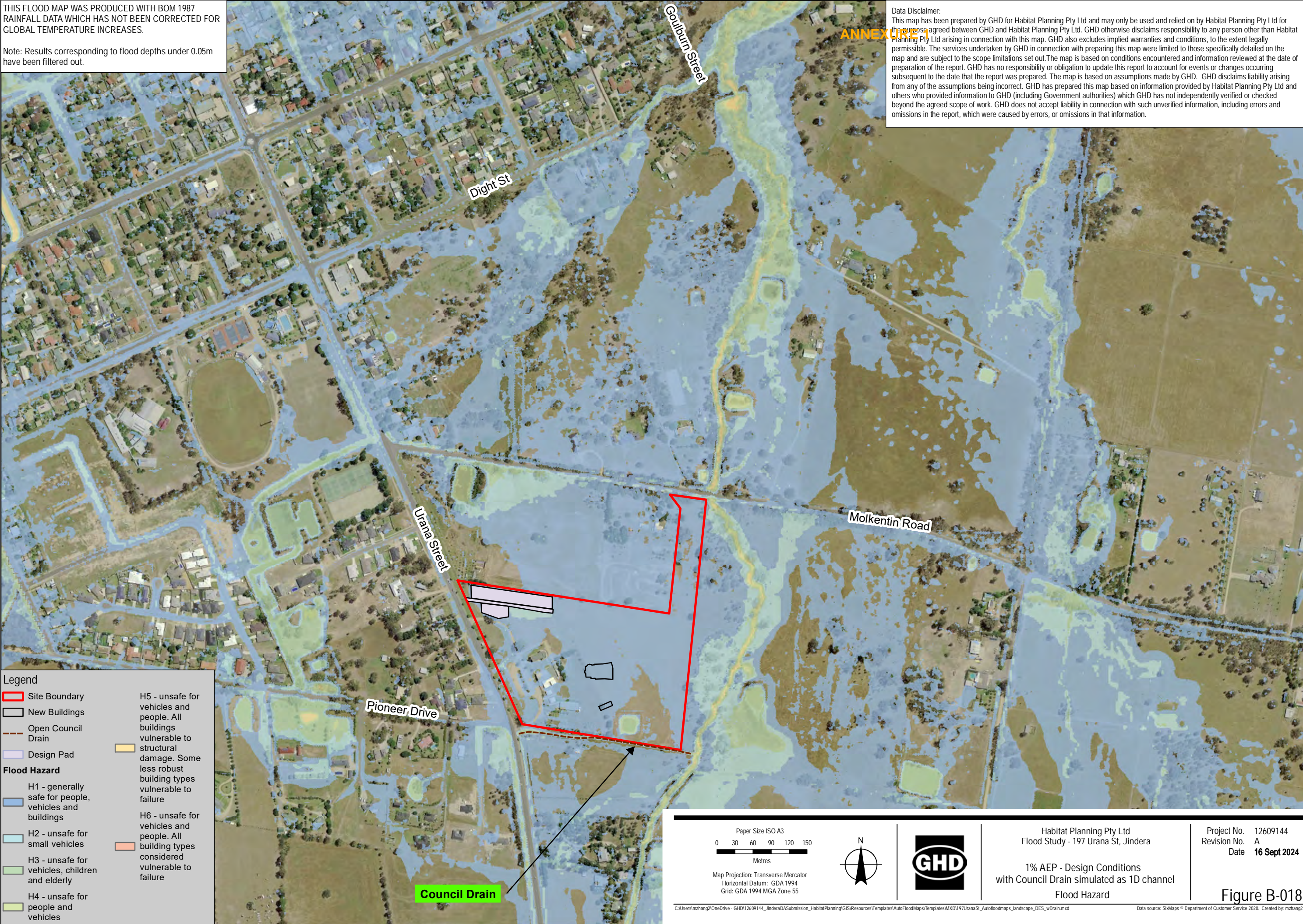


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ANNEXURE B

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Legend

Site Boundary

New Buildings

Open Council Drain

Design Pad

Flood Afflux (mm)

> -500mm

-500 - -400

-400 - -300

-300 - -200

-200 - -100

-100 - -50

-50 - -25

-25 - -10

-10 - +10

+10 - +25

+25 - +50

+50 - +100

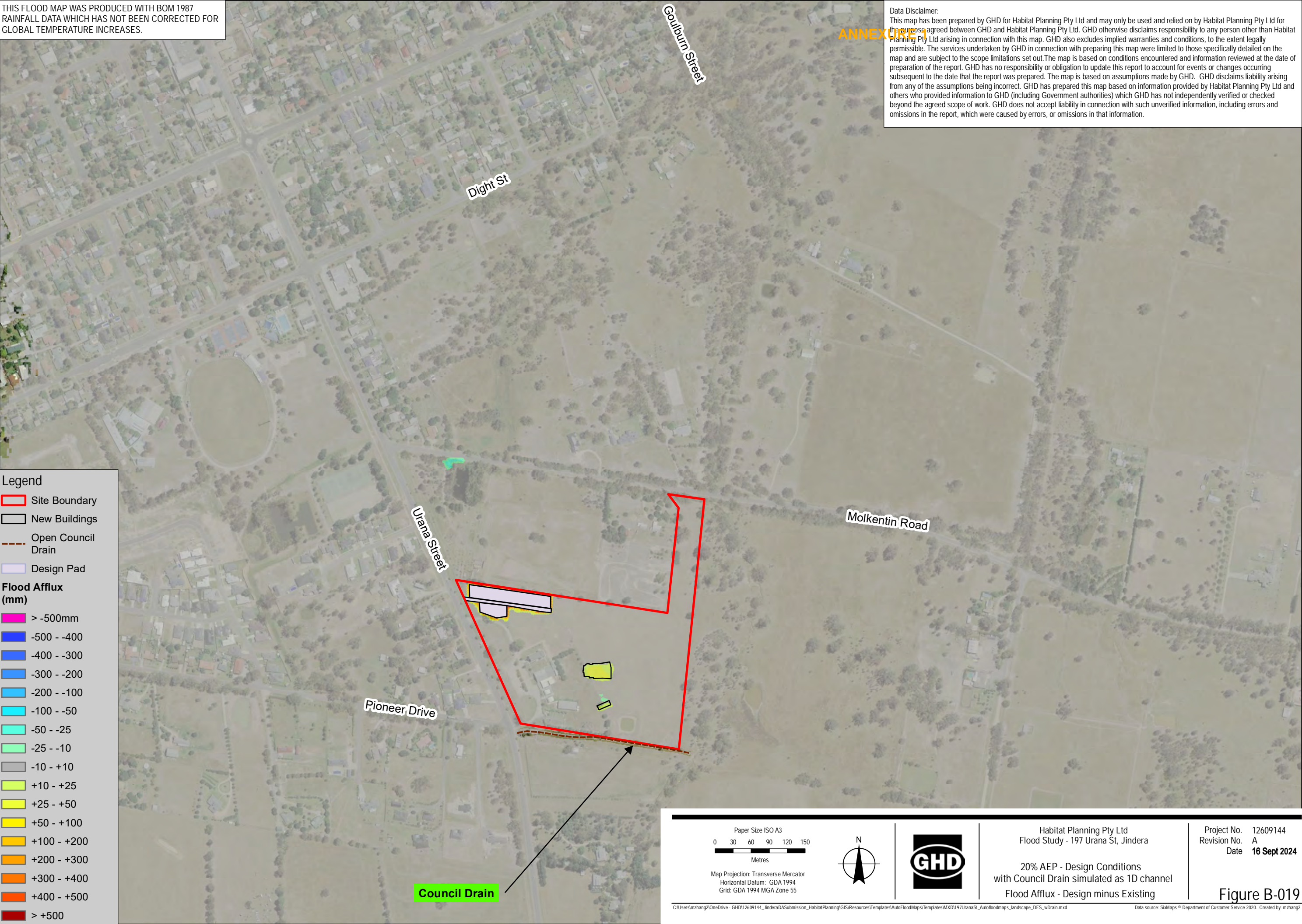
+100 - +200

+200 - +300

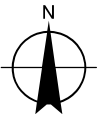
+300 - +400

+400 - +500

> +500



Paper Size ISO A3
0 30 60 90 120 150
Metres
Map Projection: Transverse Mercator
Horizontal Datum: GDA 1994
Grid: GDA 1994 MGA Zone 55



Habitat Planning Pty Ltd
Flood Study - 197 Urana St, Jindera

20% AEP - Design Conditions
with Council Drain simulated as 1D channel
Flood Afflux - Design minus Existing

Project No. 12609144
Revision No. A
Date 16 Sept 2024

Figure B-019

THIS FLOOD MAP WAS PRODUCED WITH BOM 1987 RAINFALL DATA WHICH HAS NOT BEEN CORRECTED FOR GLOBAL TEMPERATURE INCREASES.

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Legend

Site Boundary

New Buildings

Open Council Drain

Design Pad

Flood Afflux (mm)

> -500mm

-500 - -400

-400 - -300

-300 - -200

-200 - -100

-100 - -50

-50 - -25

-25 - -10

-10 - +10

+10 - +25

+25 - +50

+50 - +100

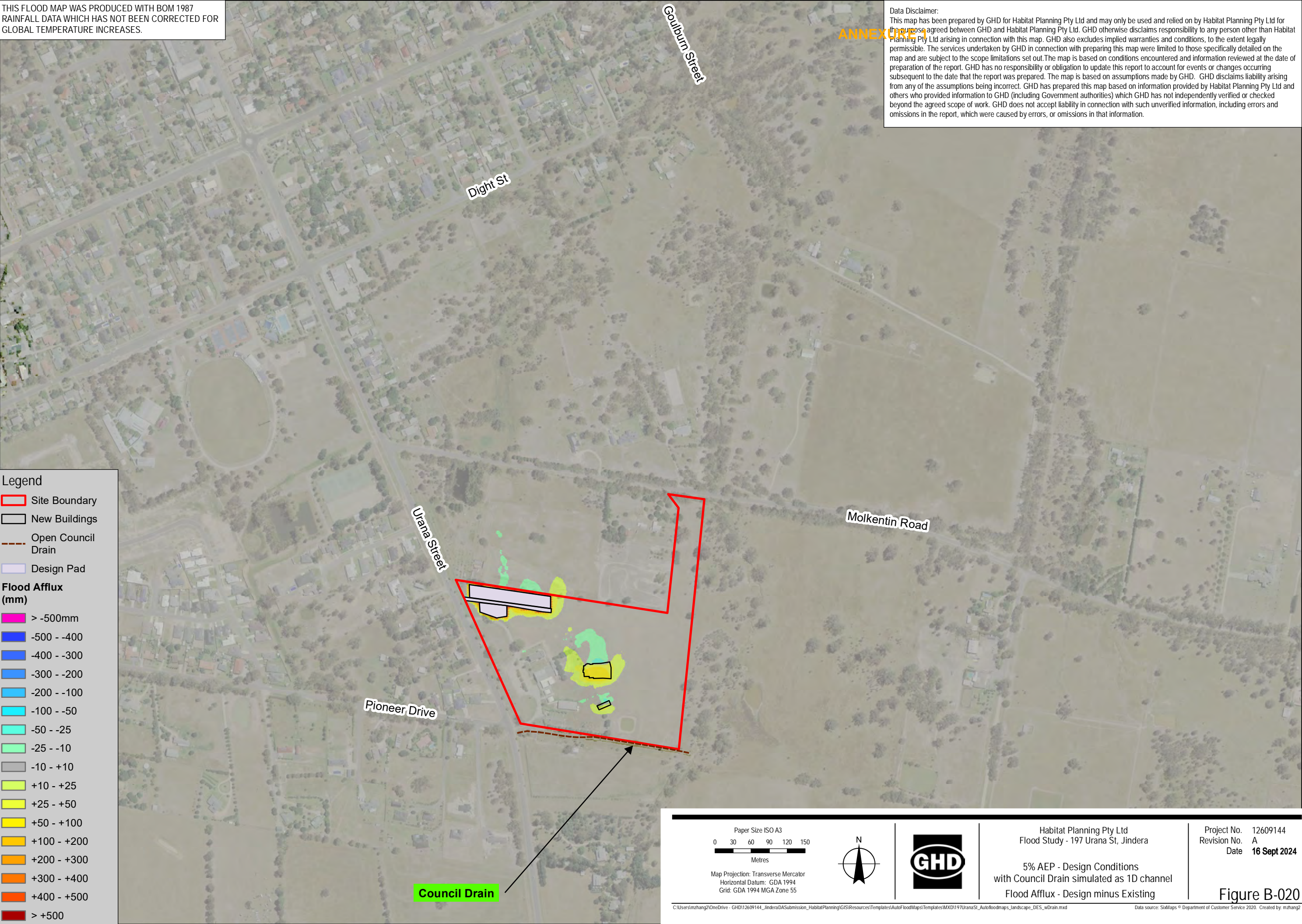
+100 - +200

+200 - +300

+300 - +400

+400 - +500

> +500



Paper Size ISO A3

0 30 60 90 120 150

Metres

Map Projection: Transverse Mercator
Horizontal Datum: GDA 1994
Grid: GDA 1994 MGA Zone 55

N

GHD

Habitat Planning Pty Ltd
Flood Study - 197 Urana St, Jindera

5% AEP - Design Conditions
with Council Drain simulated as 1D channel
Flood Afflux - Design minus Existing

Project No. 12609144
Revision No. A
Date 16 Sept 2024

Figure B-020

THIS FLOOD MAP WAS PRODUCED WITH BOM 1987 RAINFALL DATA WHICH HAS NOT BEEN CORRECTED FOR GLOBAL TEMPERATURE INCREASES.

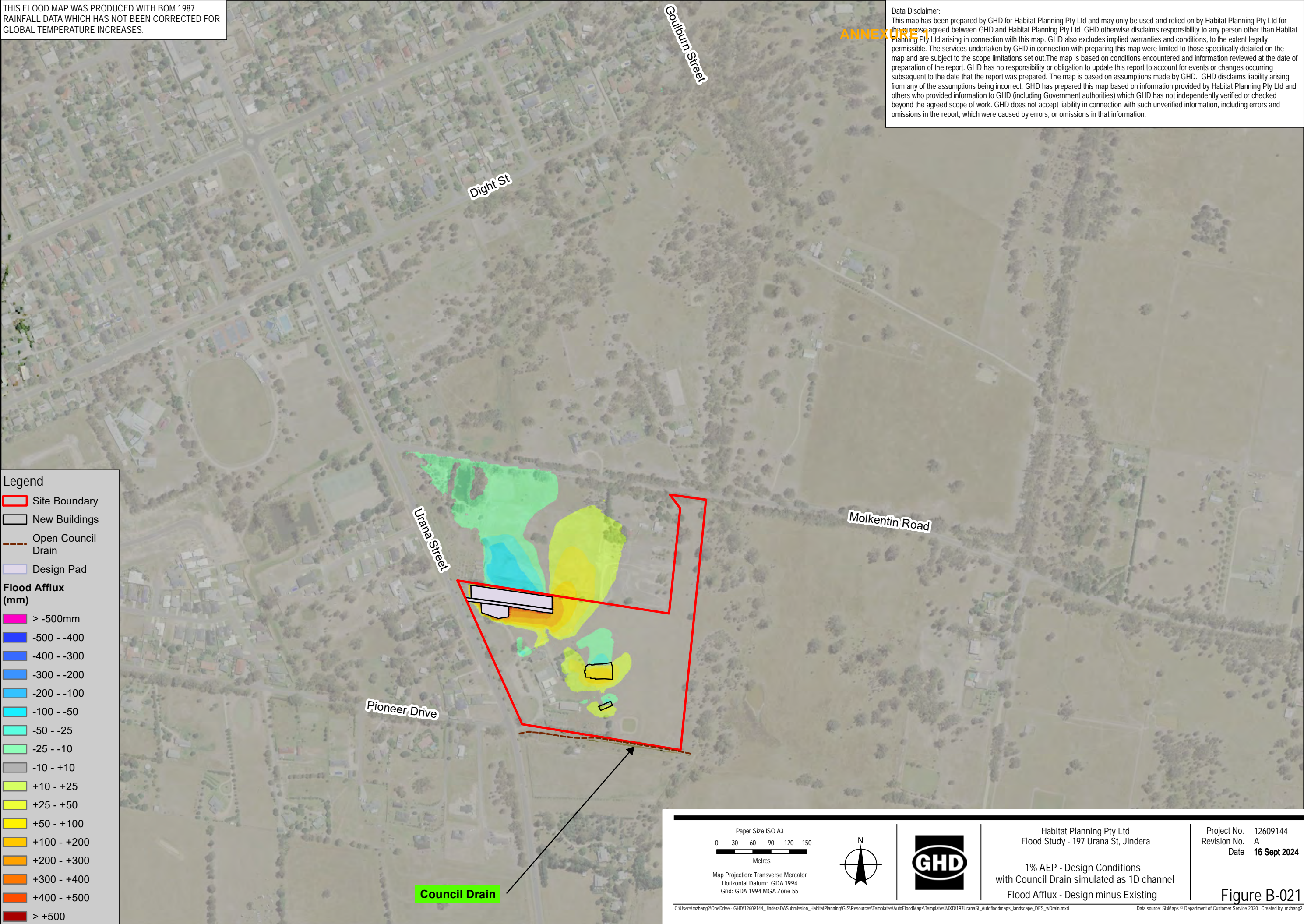
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Legend

- Site Boundary
- New Buildings
- Open Council Drain
- Design Pad

Flood Afflux (mm)

> -500mm
-500 - -400
-400 - -300
-300 - -200
-200 - -100
-100 - -50
-50 - -25
-25 - -10
-10 - +10
+10 - +25
+25 - +50
+50 - +100
+100 - +200
+200 - +300
+300 - +400
+400 - +500
> +500



Paper Size ISO A3

0 30 60 90 120 150

Metres

Map Projection: Transverse Mercator
Horizontal Datum: GDA 1994
Grid: GDA 1994 MGA Zone 55

Habitat Planning Pty Ltd
Flood Study - 197 Urana St, Jindera

1% AEP - Design Conditions
with Council Drain simulated as 1D channel
Flood Afflux - Design minus Existing

Project No. 12609144
Revision No. A
Date 16 Sept 2024

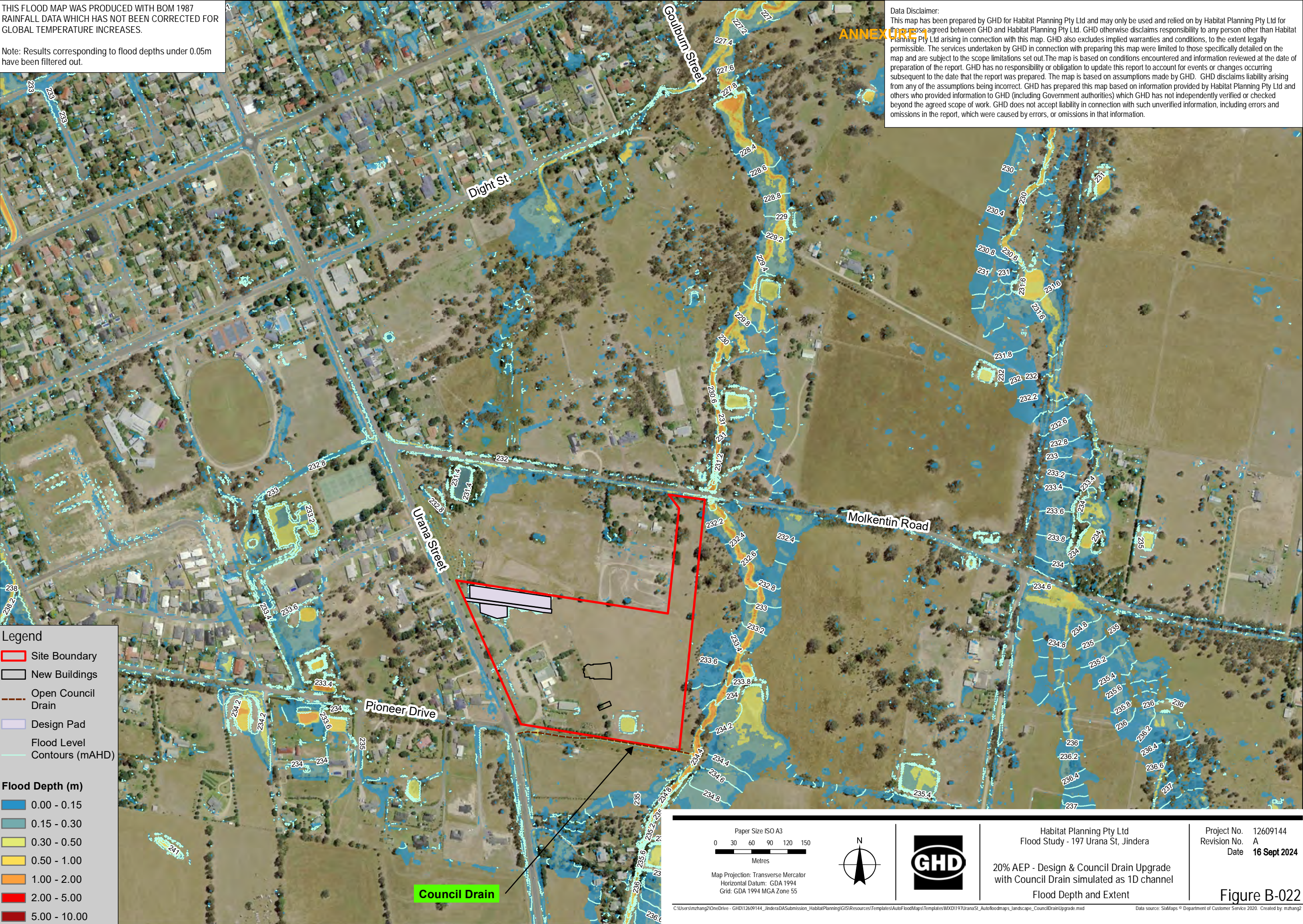
Figure B-021

THIS FLOOD MAP WAS PRODUCED WITH BOM 1987 RAINFALL DATA WHICH HAS NOT BEEN CORRECTED FOR GLOBAL TEMPERATURE INCREASES.

Note: Results corresponding to flood depths under 0.05m have been filtered out.

ANNEXURE 1

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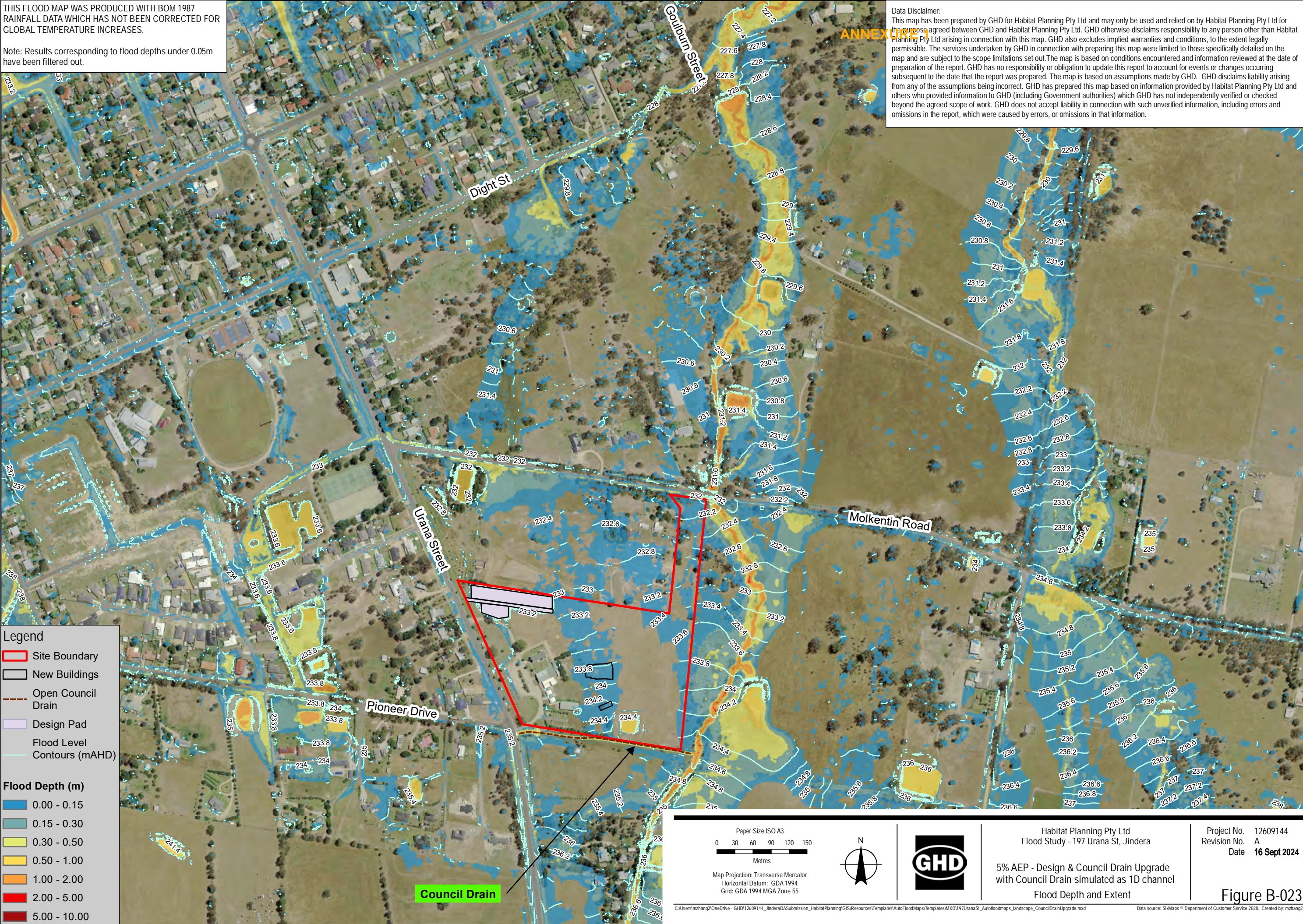


THIS FLOOD MAP WAS PRODUCED WITH BOM 1987 RAINFALL DATA WHICH HAS NOT BEEN CORRECTED FOR GLOBAL TEMPERATURE INCREASES.

Note: Results corresponding to flood depths under 0.05m have been filtered out.

ANNEXURE 1

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Paper Size ISO A3
0 30 60 90 120 150
Metres

Map Projection: Transverse Mercator
Horizontal Datum: GDA 1994
Grid: GDA 1994 MGA Zone 55



Habitat Planning Pty Ltd
Flood Study - 197 Urana St, Jindera

5% AEP - Design & Council Drain Upgrade
with Council Drain simulated as 1D channel

Flood Depth and Extent

Project No. 12609144
Revision No. A
Date 16 Sept 2024

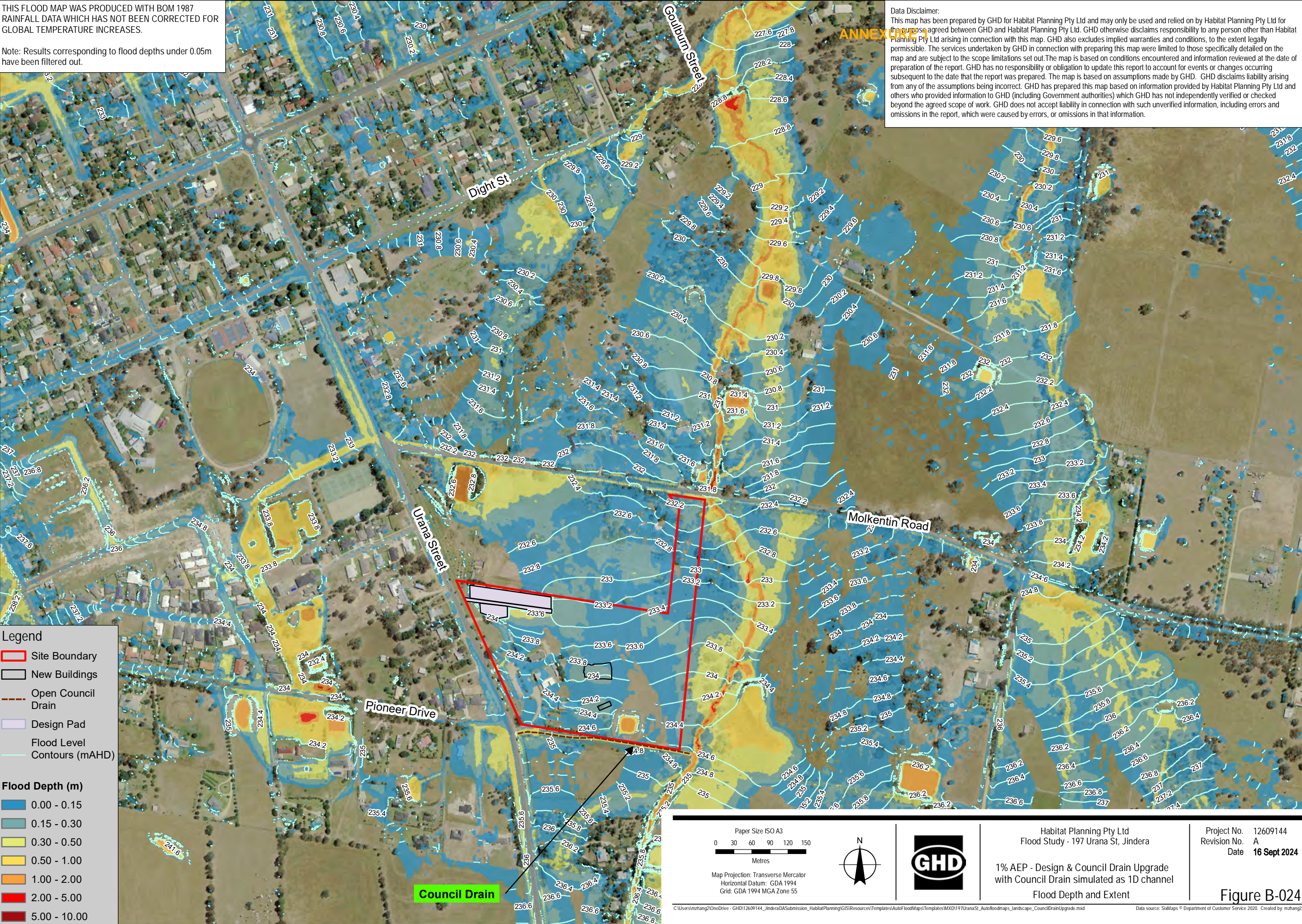
Figure B-023

THIS FLOOD MAP WAS PRODUCED WITH BOM 1987 RAINFALL DATA WHICH HAS NOT BEEN CORRECTED FOR GLOBAL TEMPERATURE INCREASES.

Note: Results corresponding to flood depths under 0.05m have been filtered out.

ANNEXURE E

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Legend

- Site Boundary
- New Buildings
- Open Council Drain
- Design Pad
- Flood Level Contours (mAHD)

Flood Depth (m)

- 0.00 - 0.15
- 0.15 - 0.30
- 0.30 - 0.50
- 0.50 - 1.00
- 1.00 - 2.00
- 2.00 - 5.00
- 5.00 - 10.00

Paper Size ISO A3

0 30 60 90 120 150

Metres

Map Projection: Transverse Mercator
Horizontal Datum: GDA 1994
Grid: GDA 1994 MGA Zone 55

Habitat Planning Pty Ltd
Flood Study - 197 Urana St, Jindera

1% AEP - Design & Council Drain Upgrade
with Council Drain simulated as 1D channel
Flood Depth and Extent

Project No. 12609144
Revision No. A
Date 16 Sept 2024

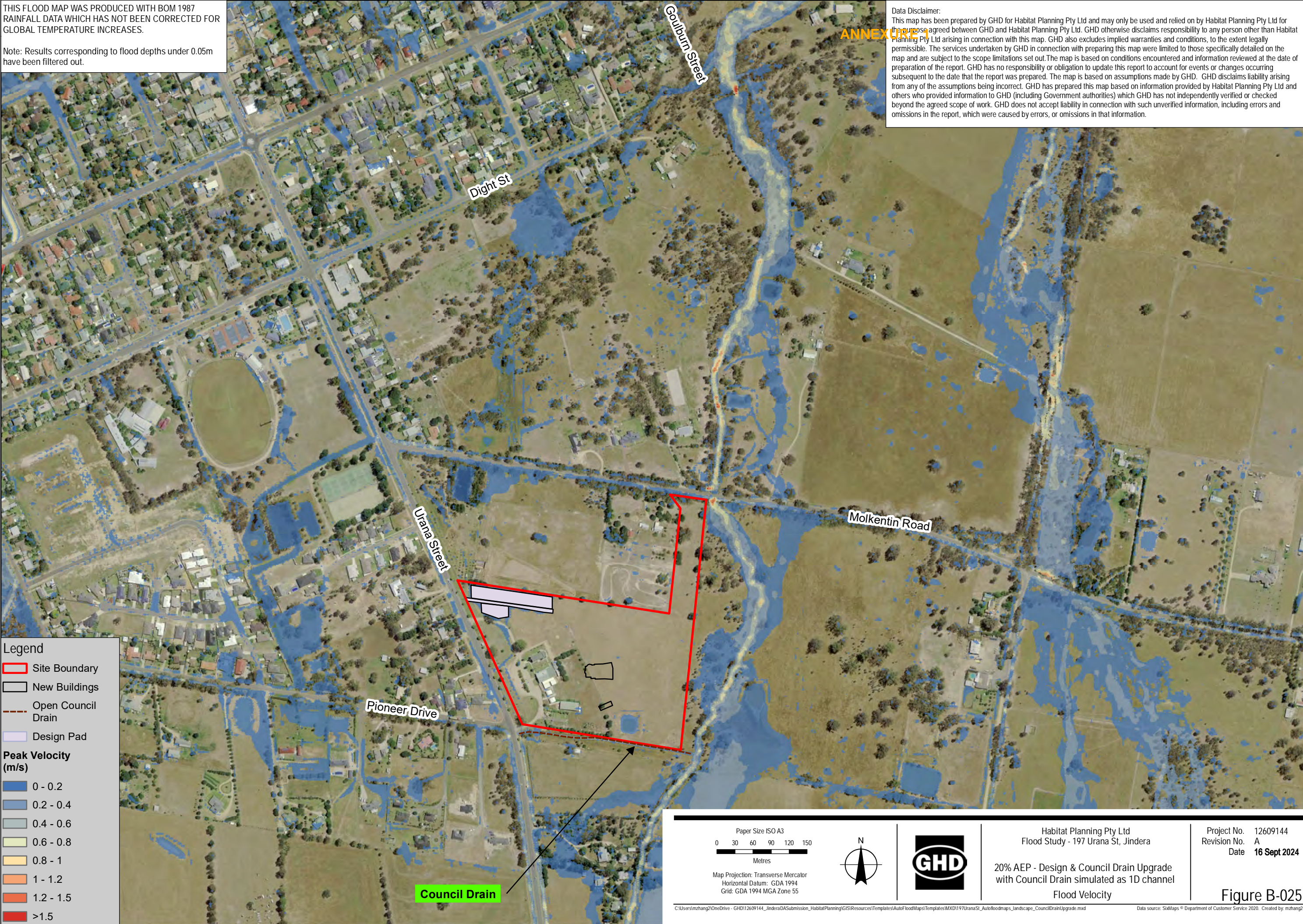
Figure B-024

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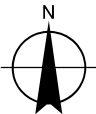
Note: Results corresponding to flood depths under 0.05m have been filtered out.

ANNEXURE 1

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Paper Size ISO A3
0 30 60 90 120 150
Metres
Map Projection: Transverse Mercator
Horizontal Datum: GDA 1994
Grid: GDA 1994 MGA Zone 55



Habitat Planning Pty Ltd
Flood Study - 197 Urana St, Jindera
20% AEP - Design & Council Drain Upgrade
with Council Drain simulated as 1D channel
Flood Velocity

Project No. 12609144
Revision No. A
Date 16 Sept 2024

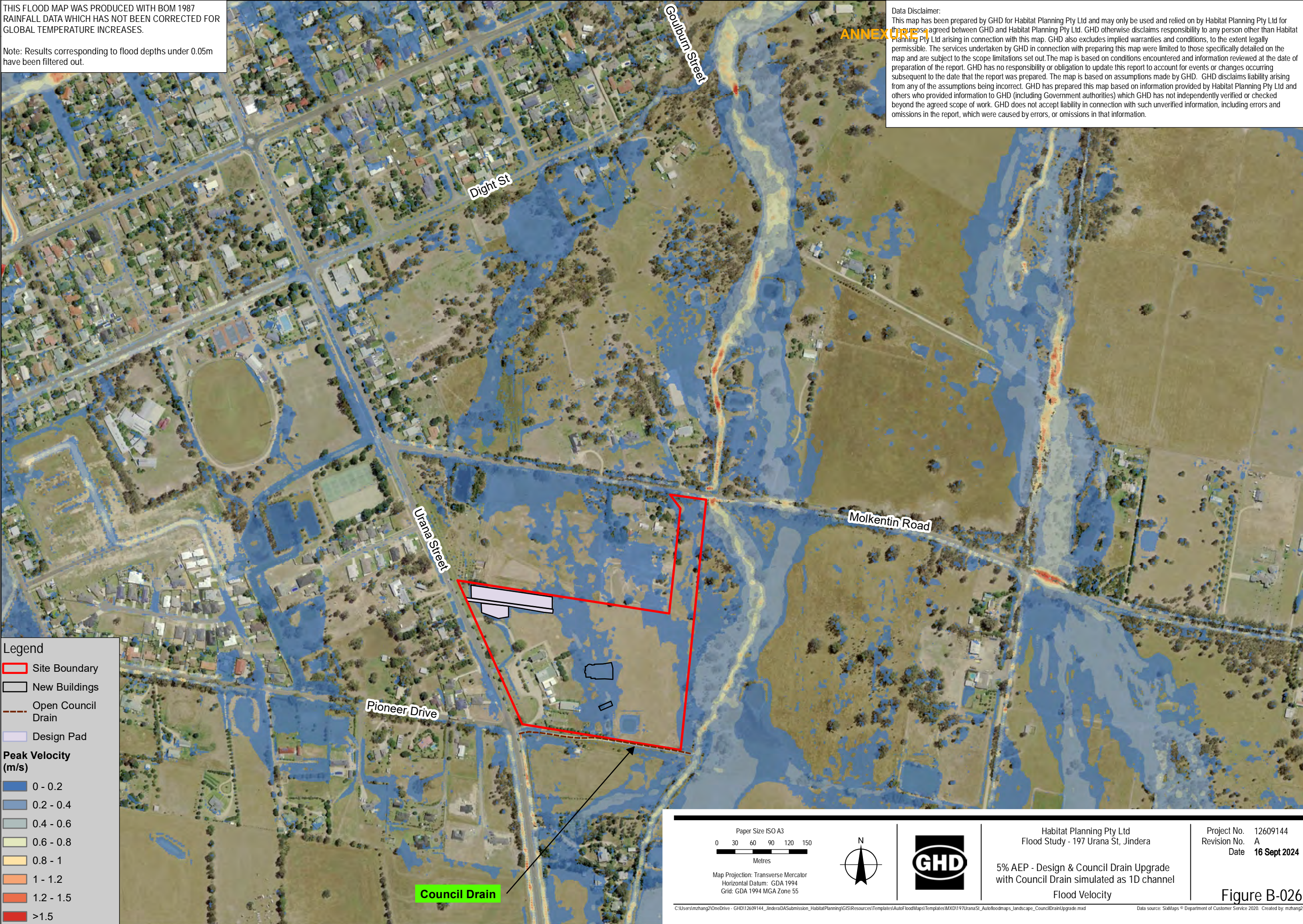
Figure B-025

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Note: Results corresponding to flood depths under 0.05m have been filtered out.

ANNEXURE 1

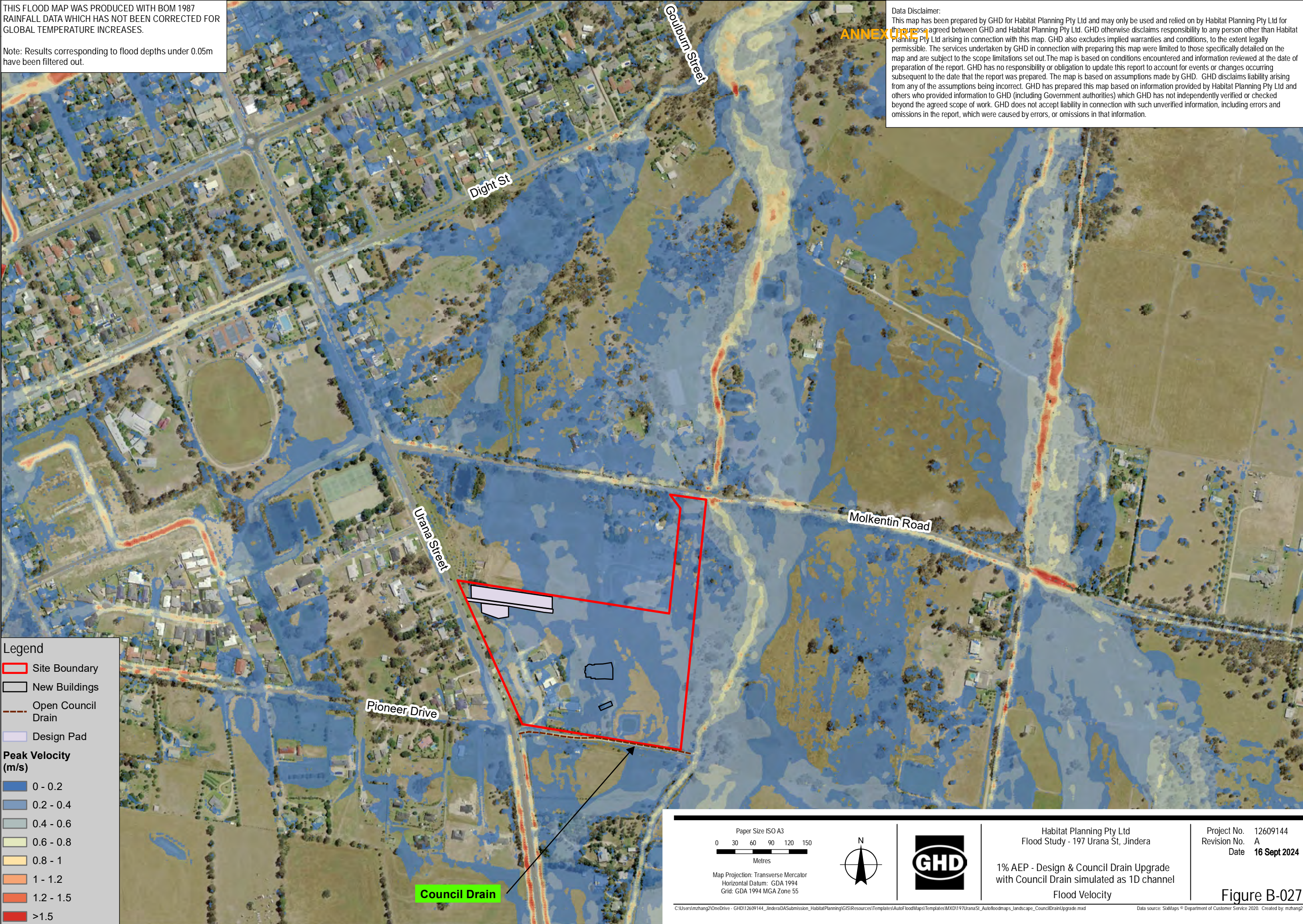
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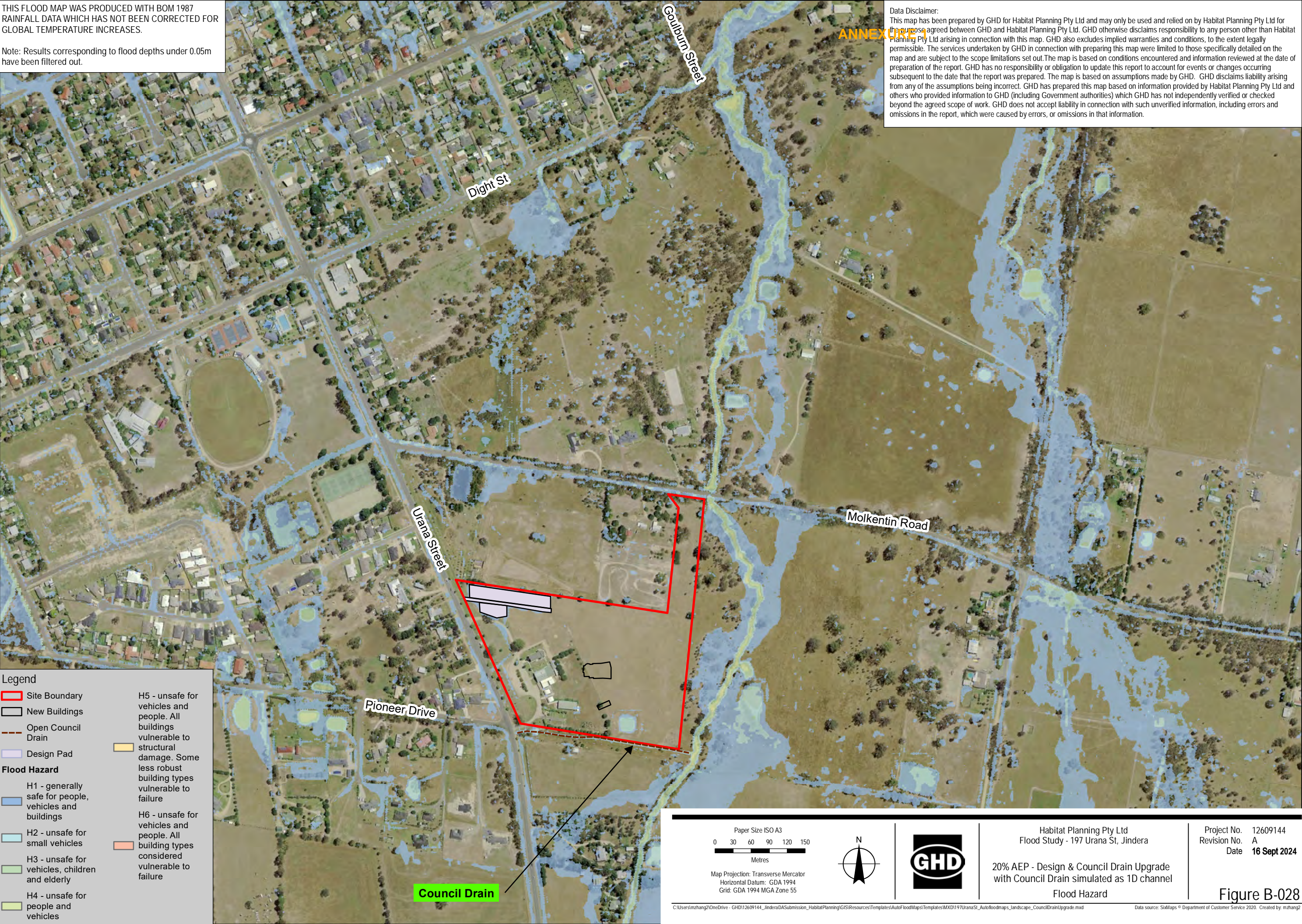
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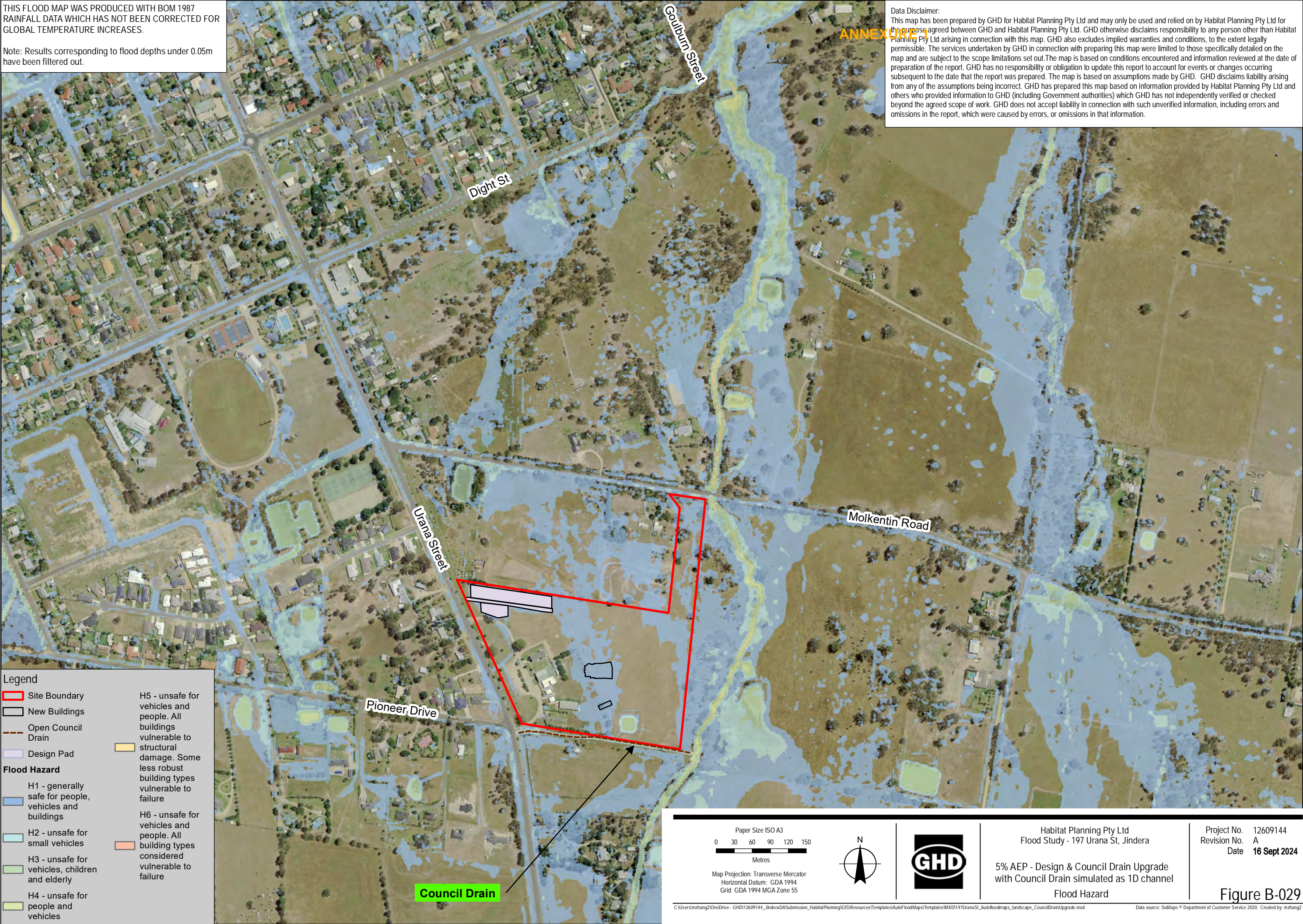
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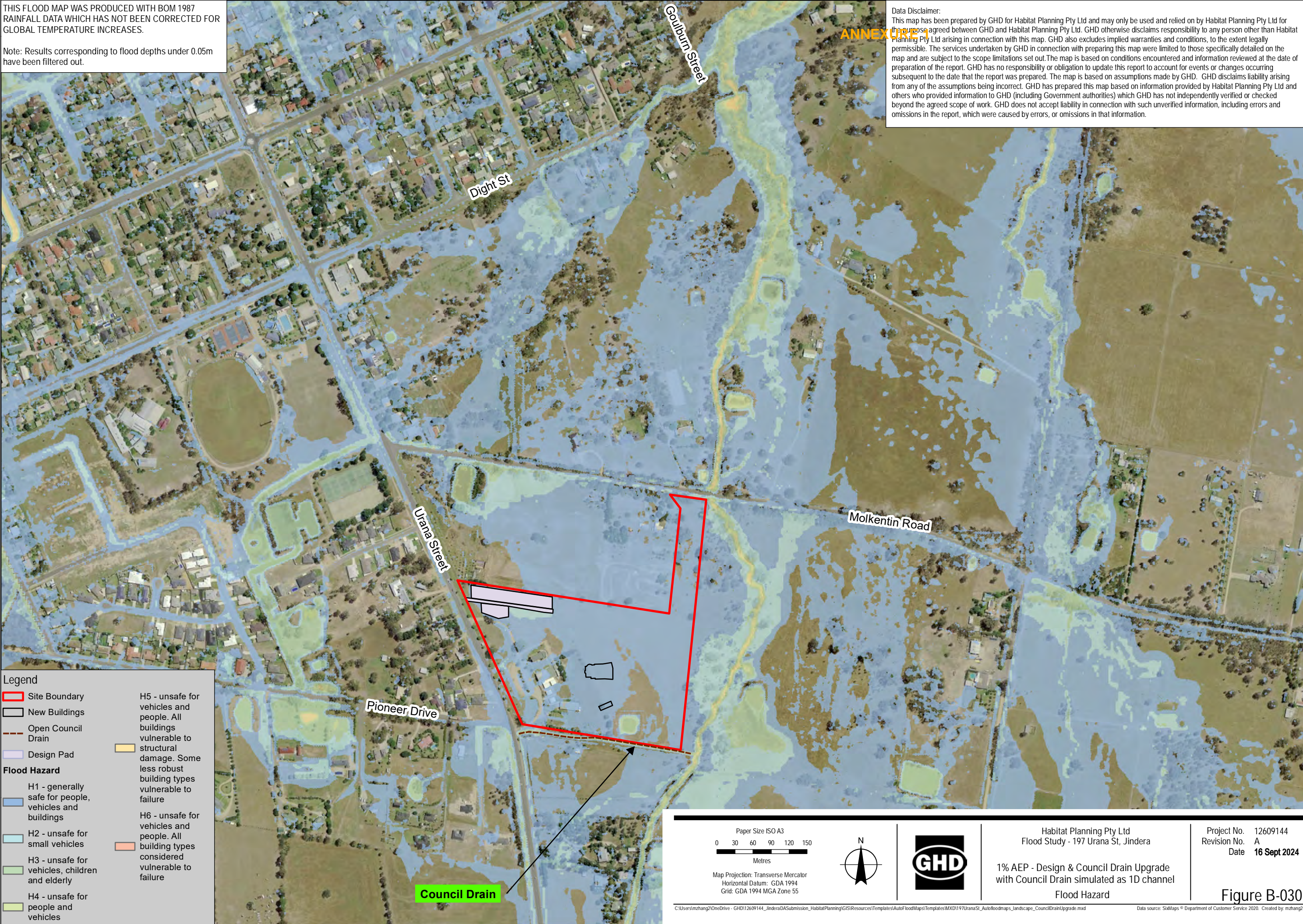


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ANNEXURE B

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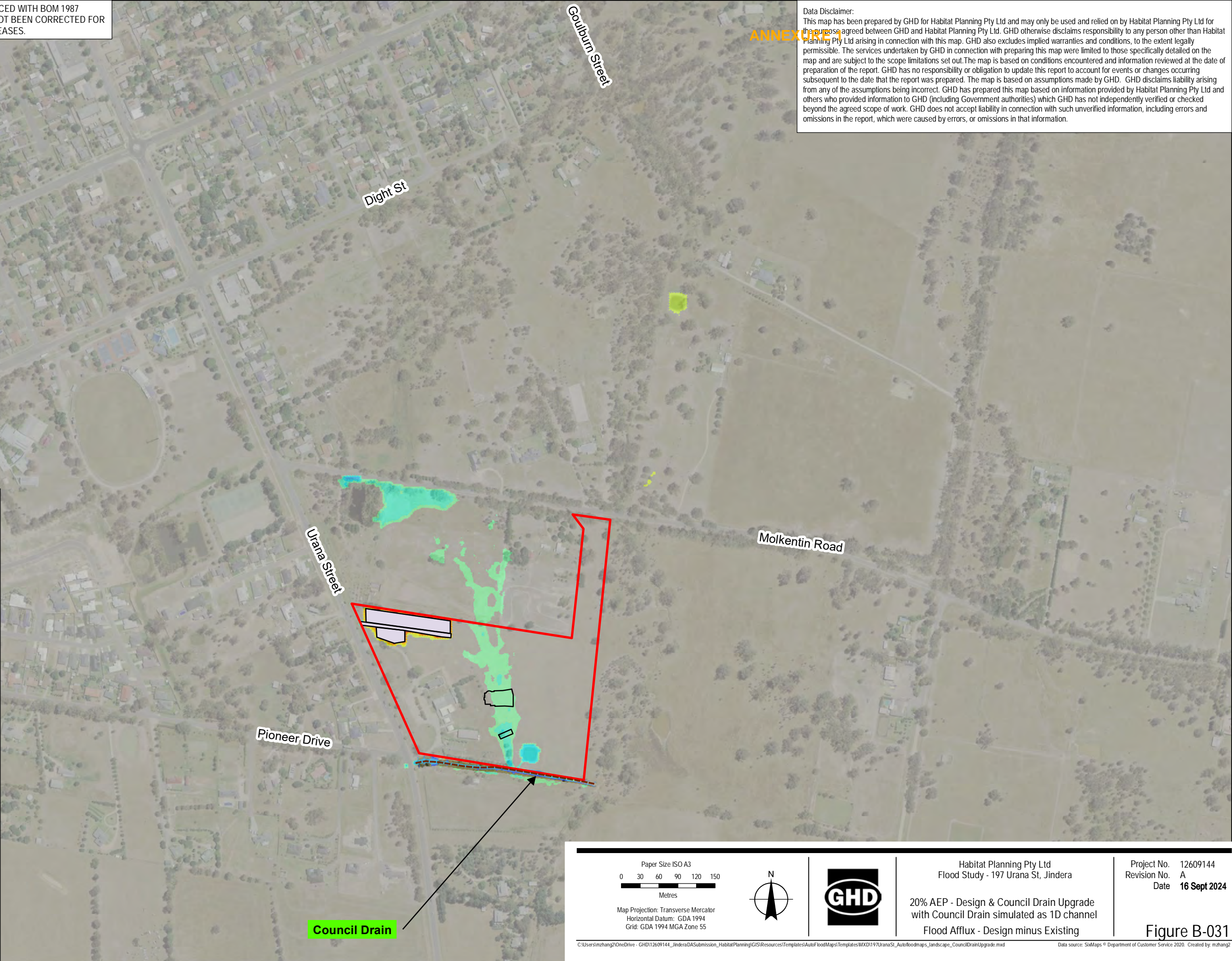
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Legend

Site Boundary

New Buildings

Flood Afflux (mm)

> -500mm-500 - -400-400 - -300-300 - -200-200 - -100-100 - -50-50 - -25-25 - -10-10 - +10+10 - +25+25 - +50+50 - +100+100 - +200+200 - +300+300 - +400+400 - +500> +500

Paper Size ISO A3

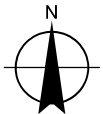
0306090120150

Metres

Map Projection: Transverse Mercator

Horizontal Datum: GDA 1994

Grid: GDA 1994 MGA Zone 55



Habitat Planning Pty Ltd

Flood Study - 197 Urana St, Jindera

20% AEP - Design & Council Drain Upgrade
with Council Drain simulated as 1D channel
Flood Afflux - Design minus Existing

Project No. 12609144

Revision No. A

Date 16 Sept 2024

Figure B-031

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Legend

Site Boundary

New Buildings

Open Council Drain

Design Pad

Flood Afflux (mm)

> -500mm

-500 - -400

-400 - -300

-300 - -200

-200 - -100

-100 - -50

-50 - -25

-25 - -10

-10 - +10

+10 - +25

+25 - +50

+50 - +100

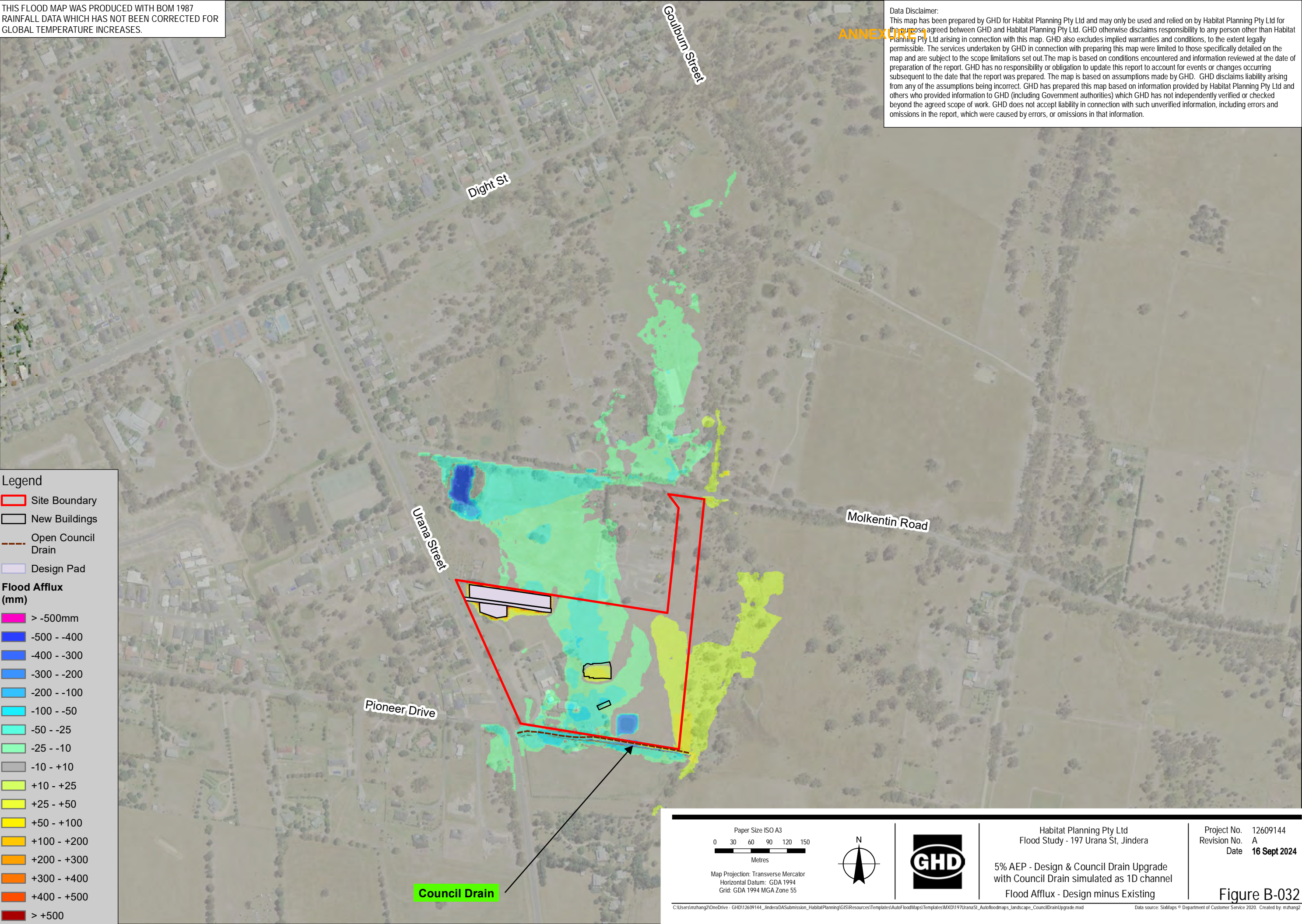
+100 - +200

+200 - +300

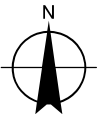
+300 - +400

+400 - +500

> +500



Paper Size ISO A3
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Metres
Map Projection: Transverse Mercator
Horizontal Datum: GDA 1994
Grid: GDA 1994 MGA Zone 55



Habitat Planning Pty Ltd
Flood Study - 197 Urana St, Jindera

5% AEP - Design & Council Drain Upgrade
with Council Drain simulated as 1D channel
Flood Afflux - Design minus Existing

Project No. 12609144
Revision No. A
Date 16 Sept 2024

Figure B-032

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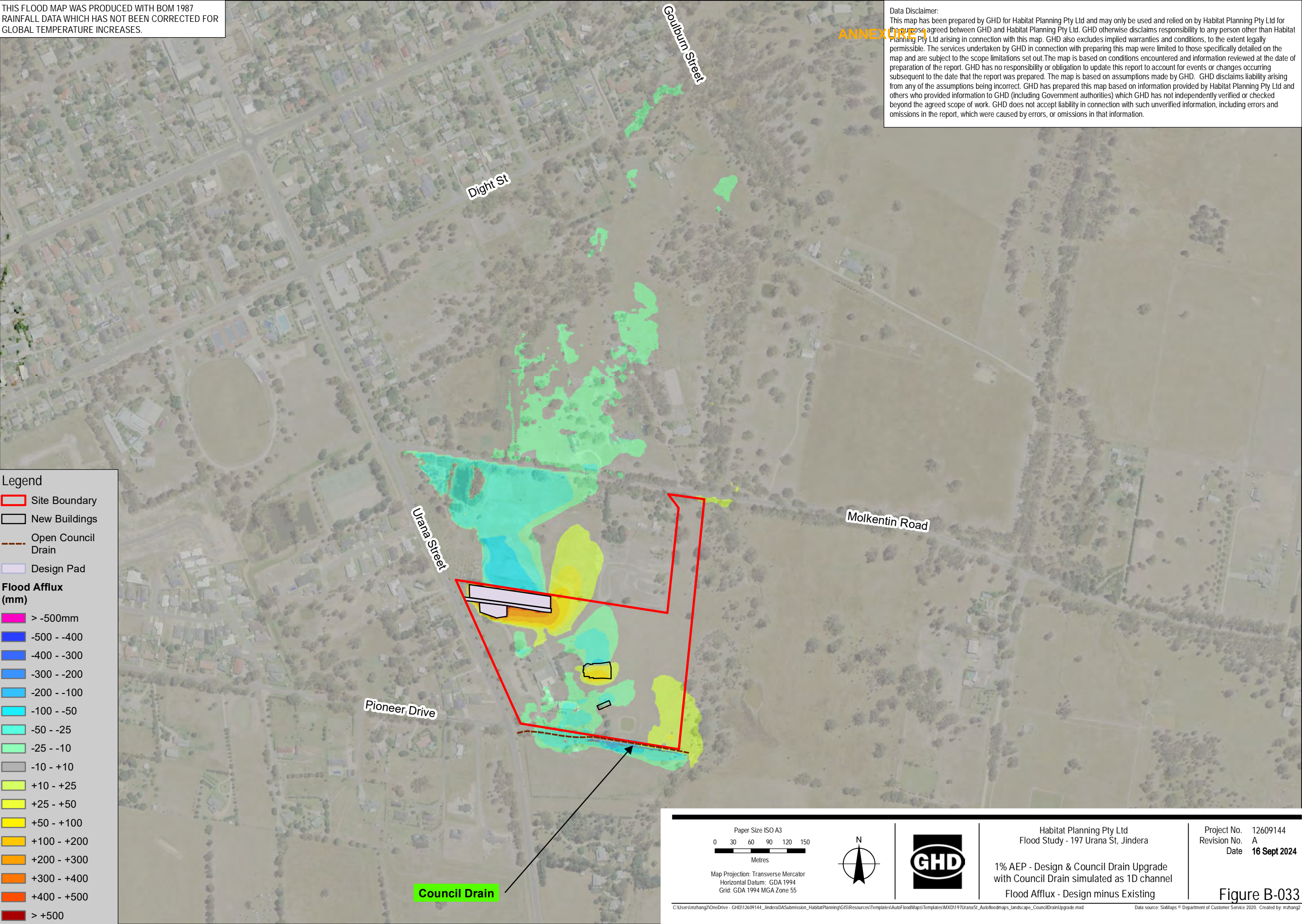
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Legend

- Site Boundary
- New Buildings
- Open Council Drain
- Design Pad

Flood Afflux (mm)

> -500mm
-500 - -400
-400 - -300
-300 - -200
-200 - -100
-100 - -50
-50 - -25
-25 - -10
-10 - +10
+10 - +25
+25 - +50
+50 - +100
+100 - +200
+200 - +300
+300 - +400
+400 - +500
> +500



Paper Size ISO A3

0 30 60 90 120 150

Metres

Map Projection: Transverse Mercator
Horizontal Datum: GDA 1994
Grid: GDA 1994 MGA Zone 55

N

Habitat Planning Pty Ltd
Flood Study - 197 Urana St, Jindera

1% AEP - Design & Council Drain Upgrade
with Council Drain simulated as 1D channel
Flood Afflux - Design minus Existing

Project No. 12609144
Revision No. A
Date 16 Sept 2024

Figure B-033

3. **PLANNING PROPOSAL TO AMEND GREATER HUME LOCAL ENVIRONMENTAL PLAN 2012 – REZONING OF PART LOT 2 DP 801591, FROM RU4 TO RU5 VILLAGE, WITH A REDUCTION OF THE MINIMUM LOT SIZE FROM 8 HA TO 600 M² AT 197 URANA ROAD NSW 2642.**

Report prepared by Director Environment & Planning – Colin Kane & Town Planner – Gayan Wickramasinghe

REASON FOR REPORT

The purpose of this report is to seek a resolution from Council to proceed with a planning proposal and to request a Gateway Determination from the Department of Planning to amend the Greater Hume Local Environmental Plan (GHLEP) 2012. More specifically, the proposal involves the rezoning of part Lot 2, DP 801591, from RU4 Primary Production (RU4) to RU5 Village (RU5), with a reduction in the minimum lot size from 8 ha to 600 m² at 197 Urana Road, NSW 2642.

REFERENCE TO DELIVERY PLAN

The following strategies have direct or indirect connection with the proposed rezoning proposal as outlined in the Greater Hume Council Community Strategic Plan 2022-2032:

- *Promote Greater Hume as a great place to live, work, visit and invest;*
- *Pursue a high standard of planning, urban design and development that supports urban centres and rural localities.*

DISCUSSION

Council has received a privately initiated Planning Proposal (ANNEXURE 4) from Habitat Planning (the Applicant hereafter), for the amendment of the GHLEP 2012. The proposal essentially seeks to rezone part of Lot 2, DP 801591, on the north-western portion of the site (approximately 1.197 ha) from RU4 zoned land to RU5, with a reduction in the minimum lot size from 8 ha to 600 m².

The overall subject site is irregular in shape, with access to both Urana Street to the west and Molkentin Road to the north via an approximate 40 metre wide access handle. According to Council's GIS system, the property has a total area of 8.1 hectares. The subject site is improved and has been developed for St Mary MacKillop College, including a main reception/administration building, as well as associated classroom buildings, amenities buildings, and outdoor recreation facilities such as basketball courts and a football oval. An associated church and cemetery also adjoin the school and form part of the overall site.

Council's assets system indicates that the site has access to all reticulated Council-managed infrastructure and services, including reticulated water, sewerage, and stormwater lines. Vehicular access to the site is currently available from the adjoining Urana Street, accessed via two existing concrete driveway crossovers. The site contains both planted and remnant vegetation. The vegetation on the north-eastern corner along the eastern border is covered by Council's biodiversity mapping. The development site has not been identified as a potentially contaminated site on the Council-managed contaminated land register. Therefore, Council staff are satisfied that no preliminary contamination investigation is required in support of the proposal. The Jindera Floodplain Risk Management Study and Plan, carried out by the Council in 2017, indicates that most of the land subject to this Planning Proposal is prone to flooding, though the flood threat has been identified as a 'low hazard'.

The submitted Planning Proposal has been prepared in accordance with the 'Local Environmental Plan Making Guidelines' and through extensive consultation with Council's Engineering and Planning staff.
Greater Hume Council Agenda 18 December 2024

ORDINARY MEETING OF GREATER HUME COUNCIL
TO BE HELD AT
COMMUNITY MEETING ROOM, HOLBROOK LIBRARY, HOLBROOK
ON WEDNESDAY, 18 DECEMBER 2024

ANNEXURE 1

PLANNING PROPOSAL TO AMEND GREATER HUME LOCAL ENVIRONMENTAL PLAN 2012 –
REZONING OF PART LOT 2 DP 801591, FROM RU4 TO RU5 VILLAGE, WITH A REDUCTION OF
THE MINIMUM LOT SIZE FROM 8 HA TO 600 M² AT 197 URANA ROAD NSW 2642. [CONTD]

The applicant noted that the purpose of this '**spot rezoning**' exercise is to allow for the development of this land for seniors housing in response to ongoing and predicted demand for aged care housing. This will involve the construction of approximately ten (10) freestanding dwellings for seniors, which will be accessed via a centralised access road. The Planning Proposal also includes an indicative site plan, floor plan, and elevation diagrams of the proposed units.

The subject land is shown below in Figure 1, 2 and 3.

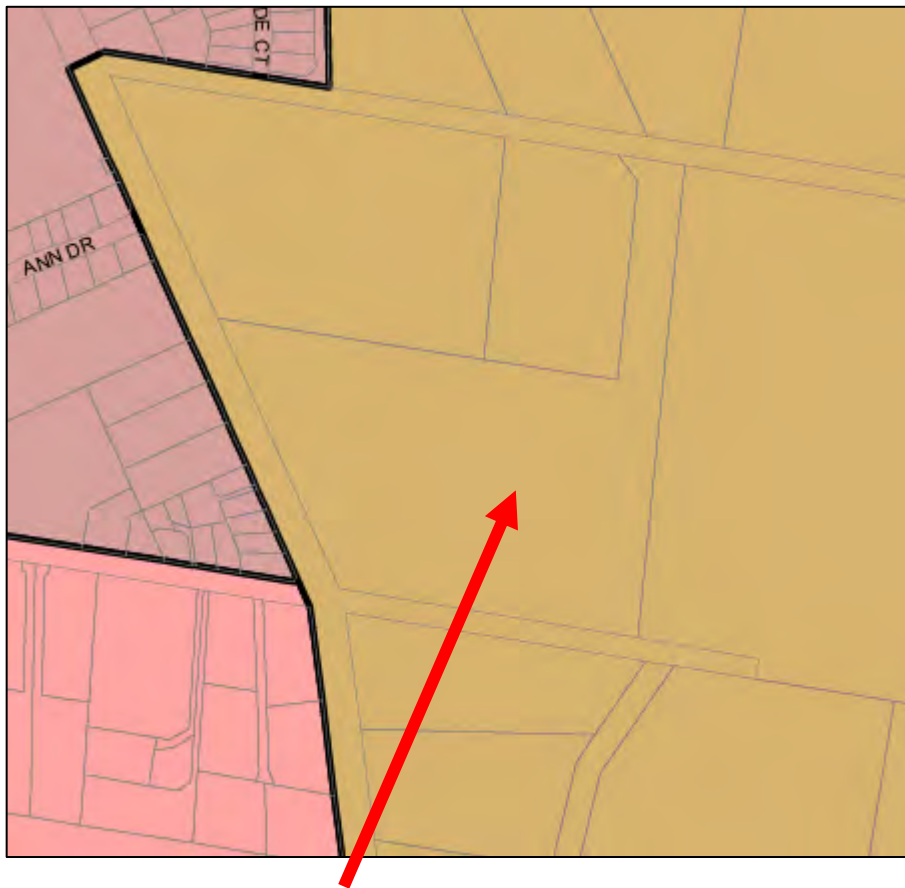


Figure 1 – The site subject of the proposal as shown on the GHLEP 2012 Land Zoning Map LZN_002C; GHLEP 2012

ORDINARY MEETING OF GREATER HUME COUNCIL
TO BE HELD AT
COMMUNITY MEETING ROOM, HOLBROOK LIBRARY, HOLBROOK
ON WEDNESDAY, 18 DECEMBER 2024

ANNEXURE 1



Figure 2 – The site subject of the proposal as shown on the GHLEP 2012 Lot Size Map LZN_002C; GHLEP 2012

Minimum Lot Size (sq m)	
M	600
U	1,200
V	2,000
W	4,000
Y	10,000
Z1	20,000
Z2	40,000
AA	80,000
AD	100 ha

Figure 3 – The colour index as shown on the GHLEP 2012 Lot Size Map LZN_002C.

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ANNEXURE 1

**PLANNING PROPOSAL TO AMEND GREATER HUME LOCAL ENVIRONMENTAL PLAN 2012 –
REZONING OF PART LOT 2 DP 801591, FROM RU4 TO RU5 VILLAGE, WITH A REDUCTION OF
THE MINIMUM LOT SIZE FROM 8 HA TO 600 M² AT 197 URANA ROAD NSW 2642. [CONTD]**

The site is currently zoned RU4 Primary Production pursuant to the GHLEP 2012. The land use table contained within the GHLEP 2012 indicates that the development of senior housing is a prohibited form of development. This is due to the prohibition of residential accommodation within this zone. Therefore, despite being centrally located within Jindera's Central Business District (CBD) and having access to all relevant infrastructure, the current landowners are unable to develop residential care facilities for seniors or people with disabilities.

Now, consideration must be given to whether ***'spot rezoning'*** is the best means of achieving the same objectives or intended outcome. In this regard, the applicant noted that they have explored two other options: namely, **listing the land or a portion of the land as an Additional Permitted Use within Schedule 1 of the GHLEP 2012**, or **amending the RU4 Primary Production land use table to allow for senior housing to be permitted with consent**. Within the submitted Planning Proposal, the applicant has also outlined why those options are not practicable. Council staff also agree with the justification provided and, therefore, in this instance, ***'spot rezoning'*** of the land is considered to be the most appropriate approach to achieve the intended outcome of developing senior housing. The conceptual proposed site plan and conceptual elevation diagrams have also been included within the report below to help clearly understand the proposal.

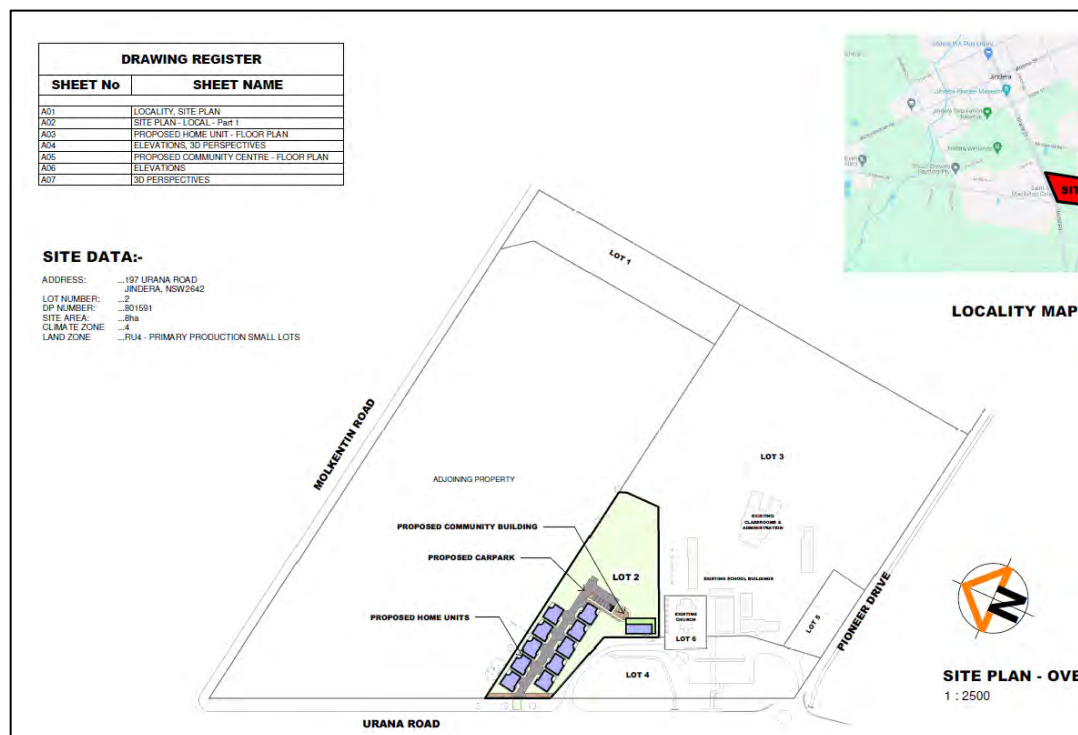


Figure 4 – The proposed conceptual site plan by the applicant.

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ANNEXURE 1

**PLANNING PROPOSAL TO AMEND GREATER HUME LOCAL ENVIRONMENTAL PLAN 2012 –
REZONING OF PART LOT 2 DP 801591, FROM RU4 TO RU5 VILLAGE, WITH A REDUCTION OF
THE MINIMUM LOT SIZE FROM 8 HA TO 600 M² AT 197 URANA ROAD NSW 2642. [CONTD]**

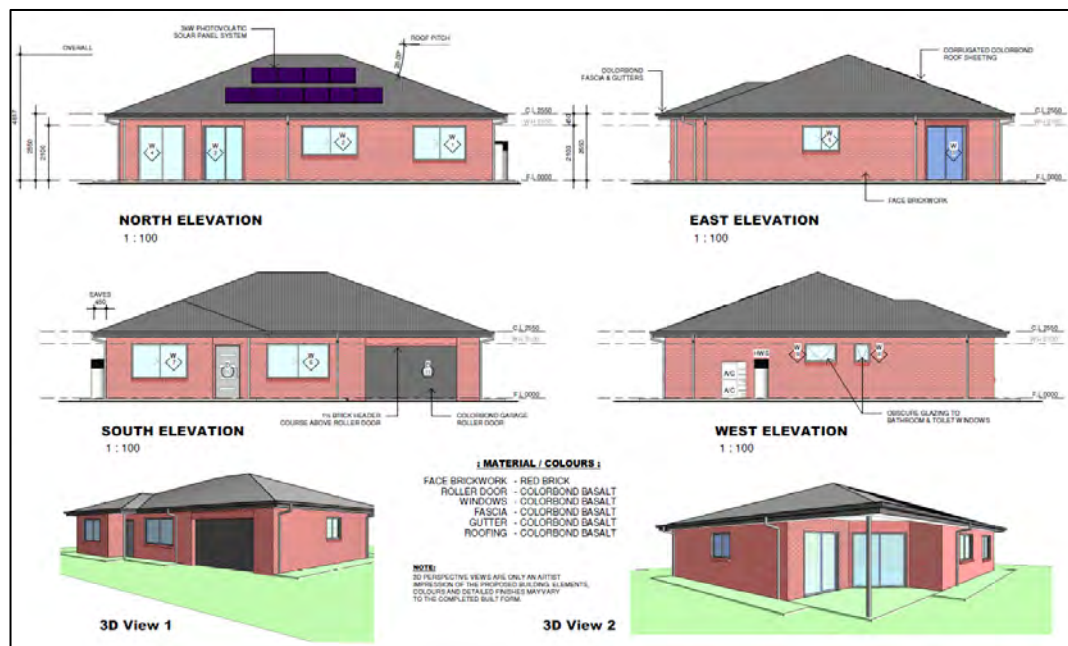


Figure 5 – The proposed conceptual site plan by the applicant

The following figure (Figure 6-7) indicates the specific location and the total extent of the site subject to this planning proposal on existing Lot 2, DP 801591.

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ON WEDNESDAY, 18 DECEMBER 2024

ANNEXURE 1

PLANNING PROPOSAL TO AMEND GREATER HUME LOCAL ENVIRONMENTAL PLAN 2012 –
REZONING OF PART LOT 2 DP 801591, FROM RU4 TO RU5 VILLAGE, WITH A REDUCTION OF
THE MINIMUM LOT SIZE FROM 8 HA TO 600 M² AT 197 URANA ROAD NSW 2642. [CONTD]



Figure 6– An Aerial Image of the site subject of proposed ‘spot rezoning’ by the applicant.

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TO BE HELD AT
COMMUNITY MEETING ROOM, HOLBROOK LIBRARY, HOLBROOK
ON WEDNESDAY, 18 DECEMBER 2024

ANNEXURE 1

PLANNING PROPOSAL TO AMEND GREATER HUME LOCAL ENVIRONMENTAL PLAN 2012 –
REZONING OF PART LOT 2 DP 801591, FROM RU4 TO RU5 VILLAGE, WITH A REDUCTION OF
THE MINIMUM LOT SIZE FROM 8 HA TO 600 M² AT 197 URANA ROAD NSW 2642. [CONTD]

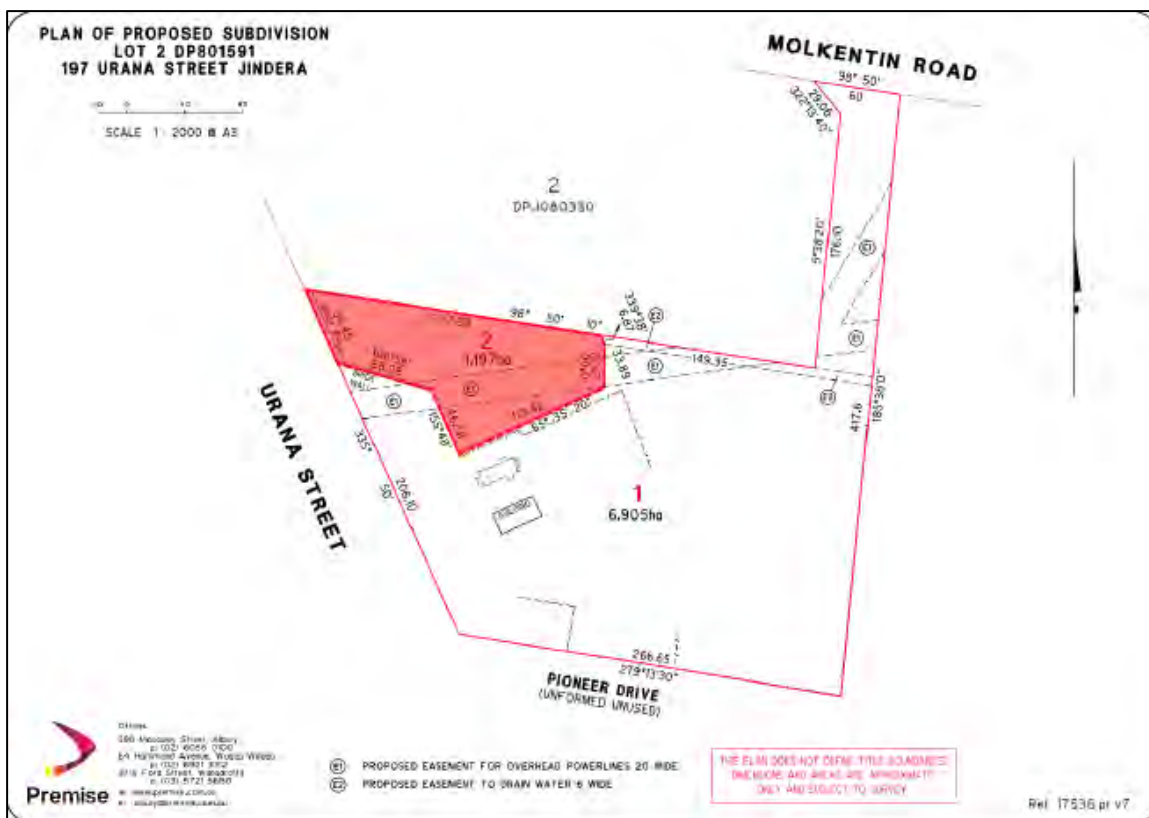


Figure 7– A survey layout showing the total extent of the site subject of proposed ‘spot rezoning’ by the applicant.

In addition to consulting with Council’s Planning and Engineering Staff due to the flood threat applicable to the site, the applicant has also liaised and negotiated with the Flood Management Division within the NSW Biodiversity Conservation and Science Unit. As a result of this consultation, the applicant has provided a localised flood impact assessment. The flood assessment has been reviewed by Council’s Director of Engineering, who noted that the submitted addendum to the flood impact assessment, dated 16 September 2024, needs to be amended to show no impact on adjacent properties (i.e., less than 10 mm). Therefore, this requirement will form part of any recommendations in the Planning Proposal.

It is, however, important to note that, in the event the Proposal receives the Gateway Determination from the Department of Planning, Council expects that the Proposal will need to be referred to the NSW Biodiversity Conservation and Science Unit for further consultation. The applicant noted that, in order to reduce flood impacts on the subject land and adjoining land, the adjoining unused Crown Road Reserve to the south will need to be upgraded in accordance with the flood impact assessment. Therefore, the applicant was required to consult with NSW Crown Lands regarding the acquisition of the land and its transfer to Council. The attached correspondence, received together with the Planning Proposal, indicates that Crown Lands does not object to the proposed arrangement.

ORDINARY MEETING OF GREATER HUME COUNCIL
TO BE HELD AT
COMMUNITY MEETING ROOM, HOLBROOK LIBRARY, HOLBROOK
ON WEDNESDAY, 18 DECEMBER 2024

ANNEXURE 1

PLANNING PROPOSAL TO AMEND GREATER HUME LOCAL ENVIRONMENTAL PLAN 2012 –
REZONING OF PART LOT 2 DP 801591, FROM RU4 TO RU5 VILLAGE, WITH A REDUCTION OF
THE MINIMUM LOT SIZE FROM 8 HA TO 600 M² AT 197 URANA ROAD NSW 2642. [CONTD]

The summary of the proposal is as below:

LEP map proposed to be amended	Description of the amendment
<i>Land Zoning Map LZN_002C</i>	Rezone the north western corner of land described as Part Lot 2, DP801591 and addressed as 197 Urana Street, Jindera from RU4 Primary Production Small Lots to RU5 Village.
<i>Lot Size Map LZN_002C</i>	Reduce the minimum lot size for the north western corner of land described as Part Lot 2, DP801591 and addressed as 197 Urana Street, Jindera from 8 hectares down to 600m2.

The applicant has also provided the following proposed zoning map and lot size map, which indicate the changes resulting from the Planning Proposal.



Figure 8 – Proposed land zoning changes to the GHLEP 2012 in relation to Lot 2 DP 801591 by the applicant.

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ANNEXURE 1

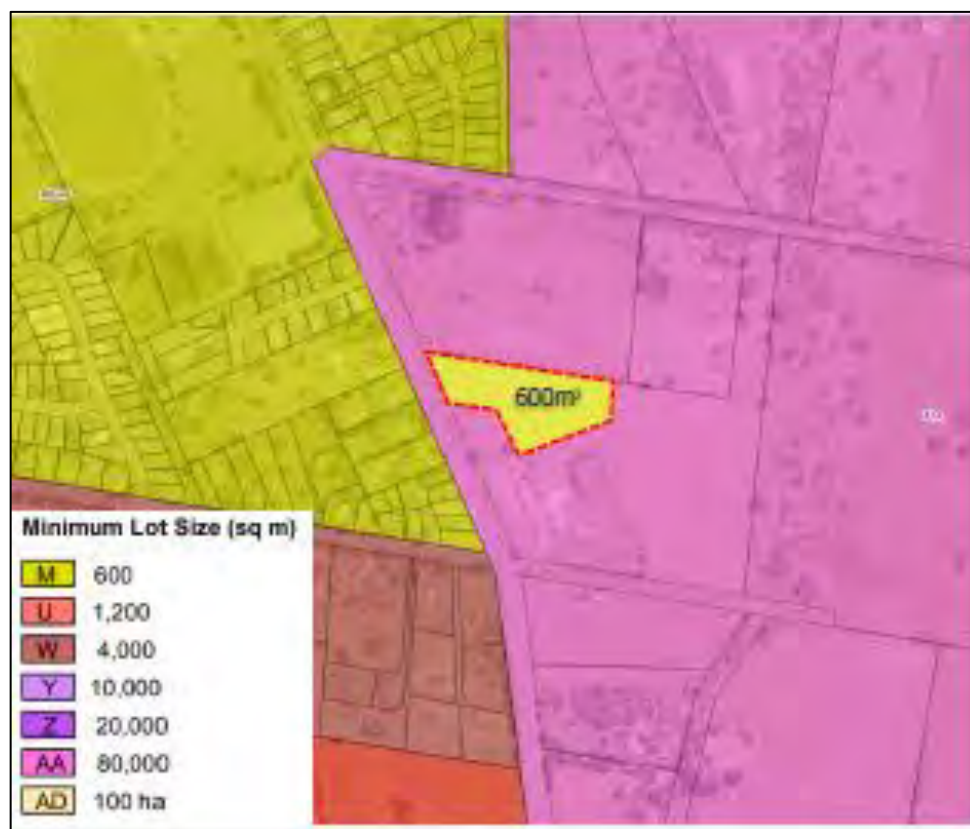


Figure 9 – Proposed minimum lot size changes to the GHLEP 2012 in relation to Lot 2 DP 801591 by the applicant.

Consideration must now be given to whether the planning proposal is generally consistent with the applicable guidelines. In this regard, the following is noted:

The Planning Proposal is generally consistent with the Greater Hume Local Strategic Planning Statement (LSPS) 2018. In particular, the following are relevant to the Planning Proposal:

- *Planning Priority One - Housing and Land Supply*
- *Planning Priority Three - Utility Infrastructure*
- *Planning Priority Four - Agricultural Land*
- *Planning Priority Nine - Climate Change and Natural Hazards*

The Planning Proposal is also considered to be generally consistent with other higher-level strategic planning documents (e.g., Greater Hume Community Strategic Plan, Riverina Murray Regional Plan, and The 20-Year Economic Vision for Regional NSW), the applicable State Environmental Planning Policies, and ministerial directions. Where applicable, the applicant has justified any inconsistencies

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As previously discussed, the site contains both planted and remnant vegetation on the north-eastern corner along the eastern border, which is covered by Council's biodiversity mapping. However, it is noted that the specific location subject to this '**spot rezoning**' proposal is free of vegetation, and therefore no further assessment against biodiversity requirements is needed. The applicant noted that, as part of flood mitigation works, a total of six (6) trees will need to be removed. Given that these trees are either considered non-native or in poor condition, with no connection to the trees located on the adjacent lot to the east (Lot 2 DP 247311), it is considered that the potential removal is justifiable with no further assessment required.

A small portion of the site in the north-eastern corner has been identified as bushfire-prone land, on the map maintained by the NSW RFS. Most importantly, the bushfire overlay does not extend towards the specific '**spot rezoning**' site. It is also considered that this requirement can be appropriately addressed as part of any development application for future development (e.g., senior housing).

As per additional advice received from Council's Director of Engineering, once the applicant has provided the amended flood impact assessment and carried out the works in accordance with that study, Council is satisfied that any future development of the area to be rezoned will be flood-free and that the development will not adversely affect any adjoining properties.

Due to the close proximity to the larger regional centres of Albury and Wodonga, Jindera has experienced consistent and sustained residential growth. Therefore, expanding the housing supply will help meet the growing demand within Greater Hume, while also easing some of the housing pressures in Albury. By offering senior housing options in a smaller township, it will reduce the need for older residents to move to Albury.

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THE MINIMUM LOT SIZE FROM 8 HA TO 600 M² AT 197 URANA ROAD NSW 2642. [CONTD]

BUDGET IMPLICATIONS

All associated cost will be borne by the beneficiary of the proposal.

CONCLUSION

It is considered that the Planning Proposal is a suitable outcome for the Jindera Township. The planning proposal is consistent with the objects of the Environmental Planning and Assessment Act 1979 and is considered adequate to proceed to lodgement for Gateway Determination with the Department of Planning. Council Staff are satisfied that if in the event that the Proposal is to proceed, the subsequent development of the land will not create any unacceptable environmental or social impacts as it seeks to facilitate seniors housing within a central portion of Jindera where free of natural hazards and other constraints.

RECOMMENDATION

That Council:

1. In accordance with Section 3.34(1) of the Environmental Planning and Assessment Act 1979 Council request a Gateway Determination from the Department of Planning and Environment;
2. Request the applicant to amended the flood impact assessment in line with the advice received from Council's Engineering Department prior to seeking the Gateway Determination;
3. Upon receipt of a Gateway Determination, Council place the Planning Proposal on public exhibition pursuant to any requirements of the determination and Section 3.34(2) of the Environmental Planning and Assessment Act 1979.

**MINUTES OF ORDINARY MEETING OF GREATER HUME COUNCIL
HELD AT COMMUNITY MEETING ROOM, HOLBROOK LIBRARY, HOLBROOK
ON WEDNESDAY, 18 DECEMBER 2024**

3. **PLANNING PROPOSAL TO AMEND GREATER HUME LOCAL ENVIRONMENTAL PLAN 2012 – REZONING OF PART LOT 2 DP 801591, FROM RU4 TO RU5 VILLAGE, WITH A REDUCTION OF THE MINIMUM LOT SIZE FROM 8 HA TO 600 M² AT 197 URANA ROAD NSW 2642.**

6776 RESOLVED [Cr. Quinn / Cr. O'Neill]

That Council:

1. In accordance with Section 3.34(1) of the Environmental Planning and Assessment Act 1979 Council request a Gateway Determination from the Department of Planning and Environment.
2. Request the applicant to amend the flood impact assessment in line with the advice received from Council's Engineering Department prior to seeking the Gateway Determination.
3. Upon receipt of a Gateway Determination, Council place the Planning Proposal on public exhibition pursuant to any requirements of the determination and Section 3.34(2) of the Environmental Planning and Assessment Act 1979.

COUNCILLORS FOR	COUNCILLORS AGAINST	COUNCILLORS ABSENT	COUNCILLORS DECLARING INTEREST
Hooper Hicks Lindner Morton O'Neill Parker Quinn Schilg		Liston	

Department of Planning, Housing and Infrastructure

Colin Kane
Acting General Manager
Greater Hume Council
39 Young Street
PO Box 99
Holbrook NSW 2644

Our ref: PP-2024-2110/IRF25/331

Dear Mr Kane

Planning proposal (PP-2024-2110) to amend the Greater Hume Local Environmental Plan 2012

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone and reduce the minimum lot size provisions for land at Part 197 Urana Street, Jindera.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

I have also agreed, as delegate of the Secretary, the inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the Act 9.1 Rural Zones, and 9.2 Rural Lands are justified in accordance with the terms of the Direction.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant applicable directions of the Minister under section 9.1 of the Act 4.1 Flooding. Council should ensure this occurs prior to public exhibition.

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

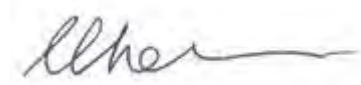
The proposed local environmental plan (LEP) is to be finalised on or before 19 December 2025. Council should aim to commence the exhibition of the planning proposal as soon as possible.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the Local Environmental Plan Making Guideline (Department of Planning, Housing and Infrastructure, August 2023) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Kimberley Beencke to assist you. Ms Beencke can be contacted on 02 9274 6053.

Yours sincerely



9/4/2025

Chantelle Chow
Acting Director, Southern, Western and Macarthur Region
Local Planning and Council Support

Encl: Gateway determination

IRF25/331

Gateway determination report – PP-2024-2110

Holy Spirit Church, Part 197 Urana Street, Jindera

April 25



Published by NSW Department of Planning, Housing and Infrastructure

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Attachment A – Planning proposal
Attachment A1 – Greater Hume Council Agenda and Minutes 18 December 2024
Attachment E – Flood Risk Assessment (Contained within Appendices of Planning Proposal)

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Greater Hume
PPA	Greater Hume Council
NAME	Holy Spirit Church, Part 197 Urana Street, Jindera
NUMBER	PP-2024-2110
LEP TO BE AMENDED	Greater Hume Local Environmental Plan 2012
ADDRESS	Part 197 Urana Street, Jindera
DESCRIPTION	Part of Lot 2 DP801591
RECEIVED	28/01/2025
FILE NO.	IRF25/331
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The objective of the planning proposal is to develop freestanding dwellings for the purpose of seniors housing at the site of the Holy Spirit Church, Part 197 Urana Street, Jindera.

The objective of this planning proposal is clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Greater Hume LEP 2012 per the changes below:

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	RU4 Primary Production Small Lots	RU5 Village
Minimum lot size	8ha	600m ²

ANNEXURE 1

Split zone clause	Nil	Clause that allows flexibility in applying the minimum lot size provision to the residual lot when subdividing a lot with a split zone.
Number of lots	0	<p>10 (refer to Figure 1)</p> <p>The concept provided as part of the planning proposal demonstrates a subdivision plan with 10 lots. The minimum lot size does not preclude the development of additional lots (such as community title or strata subdivision). This will be assessed at council's discretion as part of the development application stage.</p>

DRAWING REGISTER	
SHEET No	SHEET NAME
A01	LOCALITY, SITE PLAN
A02	SITE PLAN - LOCAL - Part 1
A03	PROPOSED HOME UNIT - FLOOR PLAN
A04	ELEVATIONS, 3D PERSPECTIVES
A05	PROPOSED COMMUNITY CENTRE - FLOOR PLAN
A06	ELEVATIONS
A07	3D PERSPECTIVES

SITE DATA:-

ADDRESS: ...197 URANA ROAD
 JINDERA, NSW2642
 LOT NUMBER: ...2
 DP NUMBER: ...801591
 SITE AREA: ...8ha
 CLIMATE ZONE: ...4
 LAND ZONE: ...RU4 - PRIMARY PRODUCTION SMALL LOTS



Figure 1 Proposed site plan (source: Planning proposal, 2024)

The existing lot is approximately 8ha in keeping with the 8ha minimum lot size. It is proposed to amend the provisions that apply to approximately 1ha of this land. Based on the information provided the 8ha site will be subdivided into a 7ha lot (RU4 zone) and a 1ha lot (RU5 zone). The remaining part of the lot, which is not the subject of the rezoning, will not meet the 8ha minimum lot size.

On 14 March 2025 the Department contacted Greater Hume Council providing the following suggestions to resolve how the split zone will be subdivided in future:

- Option 1: Clause 4.6 Variation – Address the issue during the development application stage by applying Clause 4.6 under the LEP. This would require the applicant to demonstrate that the development standard is unreasonable or unnecessary, with Council having discretion over the approval.
- Option 2: Amend Minimum Lot Size for Residual Lot – Modify the planning proposal to apply a smaller minimum lot size to the residual lot as a site-specific solution.

ANNEXURE 1

- Option 3: Introduce a Split Zone Clause – Amend the planning proposal to include the intent for a split zone clause to be inserted into the LEP. This would also allow flexibility in applying minimum lot size controls across the LGA. This would provide a long-term solution for similar future scenarios.

On 19 March 2025 Council emailed the Department confirming the planning proposal was to be updated to reflect the intent to include a split zone clause.

A split zone clause is commonly applied in regional council Local Environmental Plans, to aid the subdivision of a lot where more than one zone applies. The clause will provide flexibility in the application of Clause 4.1 minimum subdivision lot size. In consultation with council it will be determined in which zones this clause should apply and the wording of the clause will be determined by Parliamentary Council at the finalisation of the planning proposal.

It is recommended the Gateway determination require the planning proposal be updated to reference the intent to include a split zone clause as part of the LEP amendment and be submitted to the Department prior to exhibition.

1.4 Site description and surrounding area

The land to which the planning proposal applies is outlined in blue in Figure 2. The site sits in the north western quadrant of a larger parcel of land which is described as Lot 2, DP801591, located at Part 197 Urana Street, Jindera. The lot (outlined in red in Figure 2) contains St Mary MacKillop College, St Mary's Cemetery and Holy Spirit Church, and some cleared undeveloped land. The site (blue outline in Figure 2) is approximately 1.197ha with the entire lot being 8ha and fully serviced. The site contains low hazard flooding which is discussed further in Section 4.1 of this report.

The site is approximately 1 kilometre south east of the main commercial centre of Jindera and fronts a classified road. The site is predominantly surrounded by RU4 Primary Production Small Lots, with R2 Low Density Residential to the south west and RU5 Village directly east (Figure 4).



Figure 2 Subject site (source: Planning proposal, 2024)

ANNEXURE 1

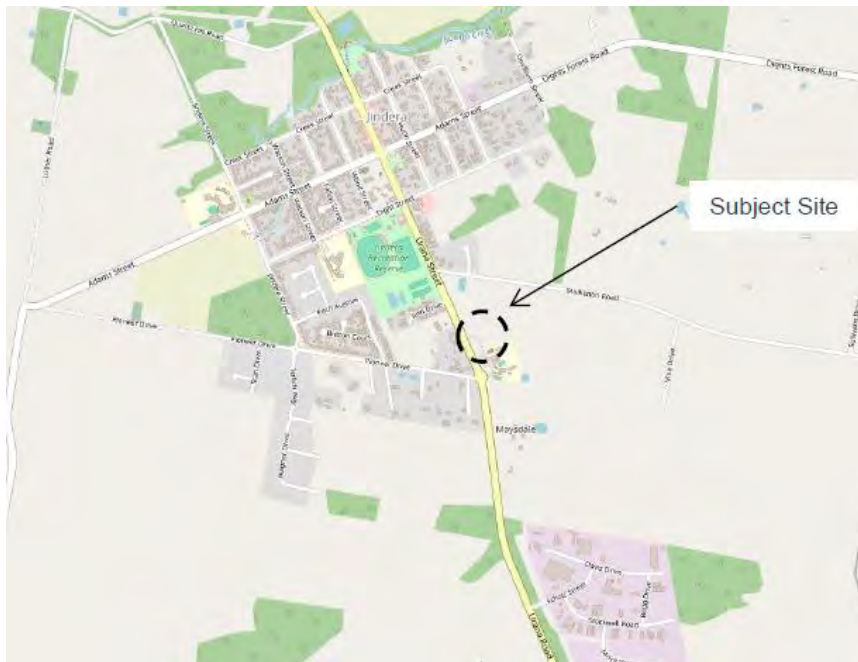


Figure 3 Site context (source: Planning proposal, 2024)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the land use zoning and minimum lot size maps, which are suitable for community consultation.



Figure 4 Current zoning map (source: Planning proposal, 2024)

ANNEXURE 1



Figure 5 Proposed zoning map (source: Planning proposal, 2024)

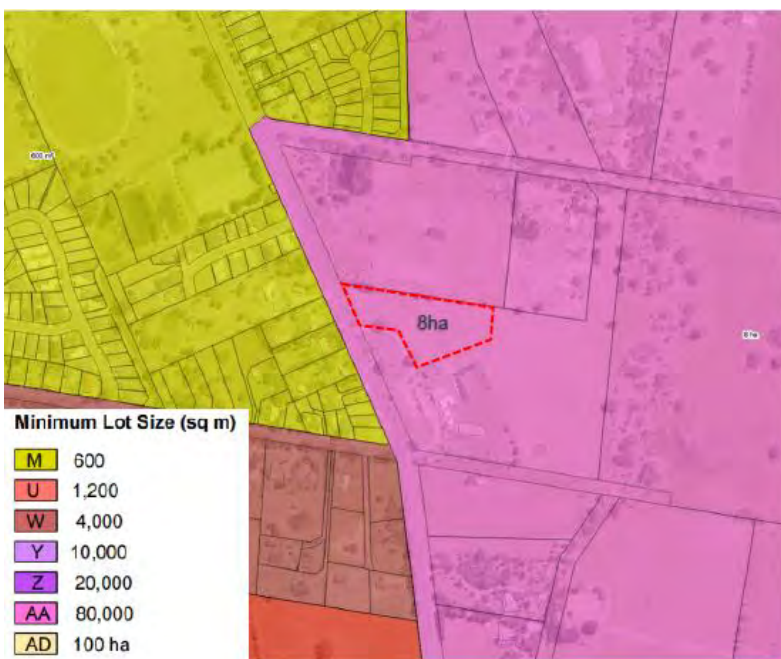


Figure 6 Current minimum lot size map (source: Planning proposal, 2024)

ANNEXURE 1

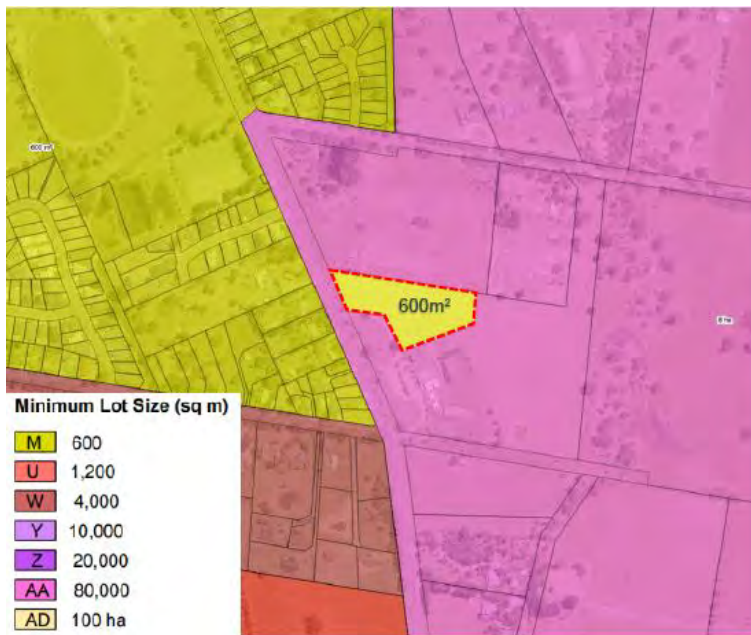


Figure 7 Proposed minimum lot size map (source: Planning proposal, 2024)

2 Need for the planning proposal

The planning proposal is not the result of any specific strategy or report. However, it is consistent with the Greater Hume Local Strategic Planning Statement in that it proposes to apply a zone and minimum lot size that will facilitate the delivery of housing and increase the density of the site.

The objective of the proposal is to develop seniors housing which is not permitted within the existing zone. The planning proposal investigates the following pathways to achieving the objective:

- Option 1: Additional permitted use, utilising Schedule 1 of the LEP. This option will allow the proposed land use to be developed at the site, however the application of different State Environmental Planning Policies intended to encourage seniors housing will be restricted as they don't apply to the RU4 zone. These include the SEPP (Housing) 2021 and SEPP (Exempt and Complying Development Codes) 2008. This option would need to be coupled with amending the minimum lot size to make the project feasible.
- Option 2: Include seniors housing in the Land Use Table of the RU4 zone. This option is inconsistent with the objectives of the zone which seek sustainable primary industry and could result in senior housing developments in isolated locations with minimal access to infrastructure and services. This option would need to be coupled with amending the minimum lot size to make the project feasible.
- Option 3: Amend the zoning and minimum lot size. Seniors housing is a permitted use in the proposed RU5 zone. Amending the zone will facilitate the initial development of the site and support the ongoing maintenance of the development. The proposed minimum lots size and zone is consistent with the controls that apply to land adjacent the site, therefore the density will be consistent with the surrounding area.

Option 3 which seeks to amend the zoning and minimum lot size is the best long term solution to develop the site for seniors housing. A planning proposal is required to amend these controls, therefore the planning proposal is considered the best option to meet the objectives which seek to produce a feasible seniors housing development.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Riverina Murray Regional Plan 2041.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
3 – Increase natural hazard resilience	<p>The site is identified as being flood prone in the Jindera Floodplain Risk Management Study and Plan.</p> <p>The planning proposal is accompanied by a Flood Impact Assessment (Attachment E within the Appendices of the planning proposal). It was produced in consultation with council and state agencies. It is proposed to undertake mitigation works that include improving the drain to the south of the site. Further information is provided in section 4. As a result of these works the flood impact on surrounding sites will be reduced, increasing the resilience of the area to natural hazards.</p> <p>The proposal is consistent with the objective.</p>
5 – Ensure housing supply, diversity, affordability and resilience 6 – Support housing in regional cities and their sub-regions	<p>The planning proposal notes that Jindera has experienced ongoing population growth of approximately 4% per annum. Council has prepared an LSPS and residential land use strategy. In keeping with these strategies the proposal is seeking to deliver housing through infill development in a location mostly free of hazards that is located near infrastructure.</p> <p>It is proposed to rezone the site to RU5 Village which permits a range of residential land uses, whilst the existing RU4 Primary Production prohibits residential land uses. The proposed seniors housing responds to the ageing population of the area and will contribute to housing diversity. The proposed zone is consistent with the land adjacent, managing fragmentation and land use conflicts.</p> <p>The proposal is consistent with the objective.</p>
15 – Support the economic vitality of CBDs and main streets	<p>It is proposed to increase the density of the site and deliver seniors housing in close proximity to the main commercial centre. The planning proposal notes the delivery of additional housing in this location will support the Jindera centre by utilising the various business and community facilities.</p> <p>The proposal is consistent with the objective.</p>
18 – Integrate transport and land use planning	<p>The site is well connected to business and infrastructure assets located in the Jindera town centre. Future residents will have the option to walk or cycle to facilities for their daily needs.</p> <p>The proposal is consistent with the objective.</p>

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 5 Local strategic planning assessment



Local Strategies	Justification
The Greater Hume Local Strategic Planning Statement 2041	<p>The planning proposal responds to Planning Priority 1: Housing and Land Supply of the LSPS.</p> <p>Action 4: For the RU4 zoning in Jindera and other townships investigate the feasibility of increasing the density within the RU4 zoning.</p> <p>The objective of the proposal is to deliver 10 senior housing lots in close proximity to the Jindera town centre on land that is currently zoned RU4. Given residential land uses are not permitted in the RU4 zone it is proposed to rezone the site.</p> <p>The site is mostly free from hazards and is located in close proximity to infrastructure and services. The proposed zone and minimum lot size is consistent with adjacent land, avoiding land use conflict and fragmentation. The proposal responds to this action and will contribute to diverse housing choice that meets the needs of the growing and changing community.</p> <p>Planning Priority 9: Climate change and natural hazards</p> <p>While the planning proposal doesn't strictly respond to the actions outlined under priority 9, the proposed amendments are informed by a flood report. As a result of the proposed mitigation works the flood report anticipates the impact of a flood event within close proximity to the site will be reduced. This is discussed further in section 4.</p> <p>The planning proposal is generally consistent with the LSPS, given it aligns with key priorities such as housing supply, infrastructure efficiency, and sustainable growth.</p>
Draft Jindera Residential Land Use Strategy March 2021	<p>The draft strategy was exhibited in October 2021. The site was not identified as residential zoned land or included as a housing supply option.</p> <p>Infill development was earmarked to provide an 11 year supply for land zoned RU5 Village with a site area of 600m². The sites identified within the strategy, to the west of the centre, for future growth and rezoning increase the supply to 52 years.</p> <p>With regard to services, the strategy identifies available supply for water infrastructure. Gas, drainage, electricity, telecommunications, waste management and roads are all available in the main urban area of Jindera which adjoins the site. Sewer upgrades are needed to ensure capacity for future growth.</p> <p>The subject site, although not identified, adjoins the centre and is accessible to infrastructure and services. The strategy demonstrates preference for infill development and expansion of RU5 zoned land with a site area of 600m². The proposal is in keeping with the findings of the strategy. The housing strategy is high level and does not reference demand or supply for seniors housing.</p>

3.3 Section 9.1 Ministerial Directions

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

ANNEXURE 1

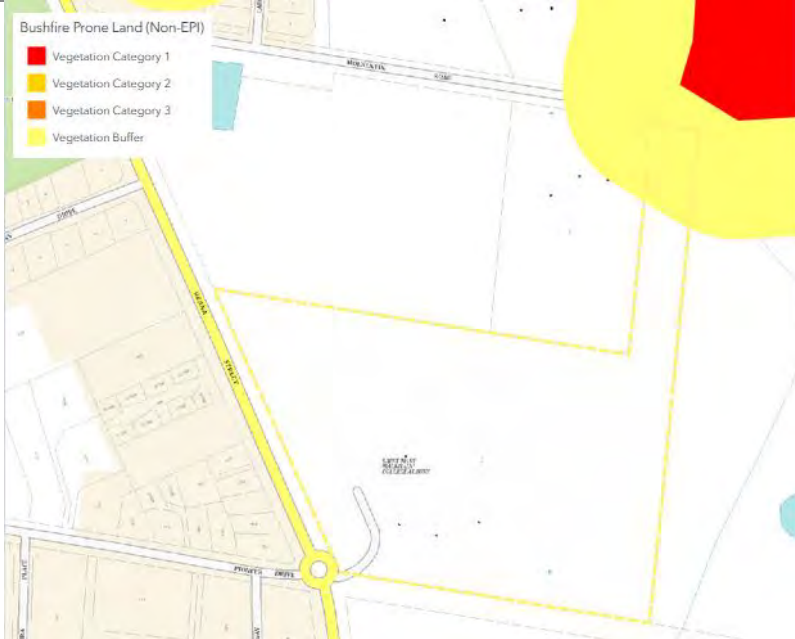
Table 6 9.1 Ministerial Direction assessment

Directions	Consistency	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plan	Consistent	The planning proposal is considered consistent with this Direction, as discussed in Section 3.1.
3.1 Conservation Zones	Not applicable	<p>Although the site contains no sensitive biodiversity, it sits within a lot that is identified in the State Vegetation Mapping (Figure 8) and Council's Terrestrial Biodiversity Map (Figure 9).</p> <p>The site is not directly affected nor in close proximity to the biodiversity identified on the state or council biodiversity mapping. The proposal will not impact the existing provisions that protect the environmentally sensitive area. This Direction is not applicable.</p>  <p>Figure 8 State Vegetation Mapping (Planning proposal 2024)</p>  <p>Figure 9 Terrestrial Biodiversity Map (Spatial Viewer 2025)</p>

ANNEXURE 1

Directions	Consistency	Reasons for Consistency or Inconsistency
4.1 Flooding	Inconsistent – more information required.	<p>The proposal is inconsistent with this Direction as it is proposed to rezone a flood prone site from a rural zone to a residential zone.</p> <p>A Flood Impact Assessment was prepared by GHD on 20 September 2023 which considered the following policies:</p> <ul style="list-style-type: none"> • The NSW Flood Prone Land Policy • The principles of the NSW Floodplain Development Manual 2005 • Consideration has been given to the Land Use Planning Guideline 2021 • The aims and objectives of the Jindera Floodplain Risk Management Study and Plan. <p>The following is a summary of the flooding assessment which can be read in its entirety in section 4 of this report.</p> <p>The simulation mapping that forms part of the Flood Impact Assessment demonstrates that in a 1 in 100 year flooding event the impacts of the flood on the neighbouring sites are similar before and after the development, subject to Council's mitigation works to a drain located south of the site.</p> <p>The planning proposal does not adequately address the following scenarios:</p> <ul style="list-style-type: none"> • Permit a significant increase in the development and/or dwelling density of that land in areas between the flood planning area and probable maximum flood. • Permit development for the purposes of seniors housing in areas where the occupants of the development cannot effectively evacuate <p>It is recommended that a condition be included in the Gateway determination requiring the planning proposal to be submitted to the Department of Climate Change, Energy, the Environment and Water for comment and subsequently updated as required to reflect comments provided, prior to public exhibition of the planning proposal.</p>
4.3 Planning for Bushfire Protection	Not applicable	<p>Whilst the site is not bushfire prone, the lot in which it is sited is classified as 'vegetation buffer' in the northern access handle.</p> <p>The Direction states it applies to 'a planning proposal that will affect, or is in proximity to, land mapped as bushfire prone land.' Land identified as Category 1 is located approximately 400m north east of the site and separated by Molkentin Road. The site is not mapped as bushfire prone land and it is located approximately 280m from land mapped as being bushfire prone. It is therefore recommended that a referral to RFS is not required given the site is not on or in proximity to bush fire prone land. Therefore, this Direction is not applicable.</p>

ANNEXURE 1

Directions	Consistency	Reasons for Consistency or Inconsistency
		 <p>Figure 10 Bushfire prone land map (Spatial Viewer 2025)</p>
4.4 Remediation of Contaminated Land	Consistent	<p>The planning proposal states the site:</p> <ul style="list-style-type: none"> • has been used as a school since the 1990s • an inspection of the site showed no signs of contamination or potential contamination activity • the land is not identified on Council's or the NSW EPA's contamination land register <p>The site was historically used for grazing purposes until it was developed for a school in the 1990s. Agriculture is a land use listed in Table 1 of the contaminated land planning guidelines.</p> <p>The information contained in the planning proposal is similar to that reported in a preliminary investigation. The site most recently has been utilised for the purposes of a school, in which contamination would have been addressed at the development application stage and contamination will be a matter of consideration in a future development application for seniors housing. Therefore, the information provided satisfies the requirements of this Direction.</p>
6.1 Residential Zones	Consistency justified	<p>This Direction is applicable as it is proposed to rezone the site from a rural zone to a residential zone.</p> <p>The proposed RU5 Village zone permits a range of residential land uses. The proposal is for infill development that seeks to deliver seniors housing in an area that is serviced and located near infrastructure. Council has indicated that there is capacity to connect the site to all reticulated council-managed infrastructure and services, including reticulated water, sewerage, and stormwater lines. The proposal is justifiably consistent with this direction.</p>

ANNEXURE 1

Directions	Consistency	Reasons for Consistency or Inconsistency
9.1 Rural Zones 9.2 Rural Lands	Inconsistent – of minor significance	<p>This Direction is applicable as the site has a rural zone and the proposal is inconsistent as it is proposed to rezone the site to a residential zone.</p> <p>The planning proposal states the inconsistency is justified as:</p> <ul style="list-style-type: none"> The proposal is in keeping with the objectives of the Direction, given the site is not currently utilised for the purposes of agriculture. Whilst not specifically identified in a particular plan, in keeping with the Jindera Residential Land Use Strategy the proposal seeks to deliver housing that is centrally located. The proposed provisions are consistent with the surrounding land uses and therefore will not result in fragmentation or land use conflict. <p>The Department is satisfied that the inconsistency with this direction is of minor significance, given the site adjoins residential land uses; and with a site area of just over a hectare has not been utilised for agricultural purposes for at least 30 years, that it is unlikely to offer agricultural value in the future.</p>

3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs. The SEPP (Biodiversity and Conversation) 2021 will be taken into consideration as part of any future development application.

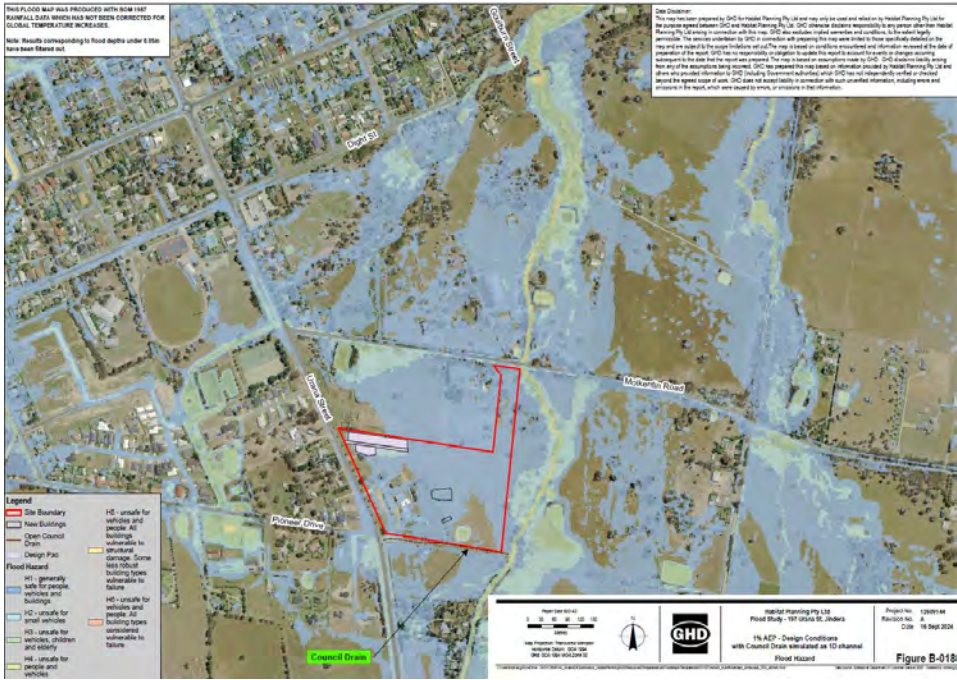
4 Site-specific assessment

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

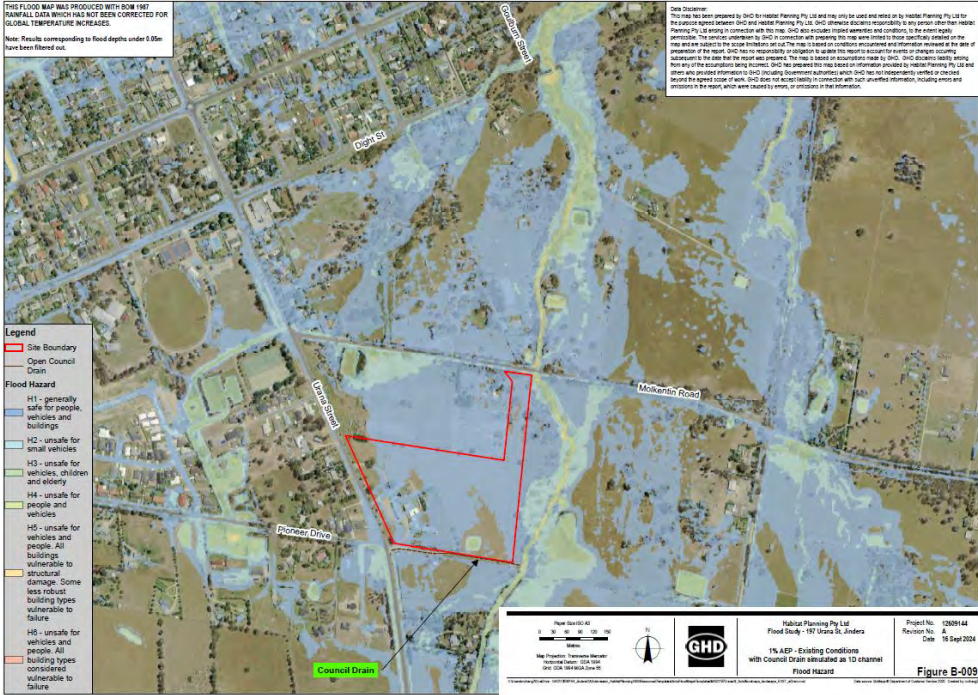
Table 8 Impact assessment

Impact	Assessment
Flooding	<p>The site is identified in the Jindera Floodplain Risk Management Study and Plan prepared by GHD in 2017 as being flood prone 'low hazard'.</p> <p>A Flood Impact Assessment was prepared by GHD in September 2023 and a letter with updated flood mapping was prepared by GHD in September 2024, Attachment A. Neither document analyses the impact of the PMF on the proposed development.</p> <p>The 2024 report details proposed upgrades to council's drain along the southern boundary of the site (see figure below), along with mitigation measures such as locating on-site development above the flood height and siting the development at the highest point of the lot. Council agreed to acquire a section of unused Crown Road Reserve to the south of the site (Figure 11), in preparation of undertaking upgrades which will improve the flooding conditions for the site and surrounding locality. Crown Lands raised no objections to council acquiring this land. The planning proposal states that as a result of the mitigation works the site will be 'flood free'. The mapping does demonstrate the flooding impact will be reduced as a result of the works for both the site and adjoining properties.</p> <p>Consultation was undertaken with NSW Biodiversity, Conservation and Science – Floodplain Management in the preparation and finalisation of the Flood Impact</p>

ANNEXURE 1

Impact	Assessment
	<p>Assessment. Comments required the planning proposal to discuss impacts on other residents, flooding/development outcomes as a result of increasing the density, and address how sensitive uses will be accommodated for example evacuation of seniors. These matters are discussed below:</p> <ul style="list-style-type: none">Permit development that will result in significant flood impact to other properties <p>As a result of the works to Council's drain located south of the site, it has been demonstrated that the development will result in no/minimal impact to the neighbouring sites in a flood event.</p> <ul style="list-style-type: none">Permit a significant increase in the development and/or dwelling density of that land <p>The 2023 report includes simulations of different scenarios demonstrating how the proposed built form with mitigation measures will likely change the impacts of a 1 in 100 year flood on the site and surrounding area. The 2024 report includes a simulation of a 1 in 100 year flood event without the development, Figure 12. In this scenario the site is safe for vehicles, children and elderly. Figure 11 demonstrates the development will amplify the flood risk to the site and result in pockets where it is unsafe for the elderly. Whether the development site is safe for the future residents is unclear. As noted, an assessment of the PMF has not been included.</p>  <p>Figure 11 1 in 100 flood with mitigation and development (Flood Impact Assessment 2024)</p>

ANNEXURE 1

Impact	Assessment		
	<div><div><div><p>THIS FLOOD MAP WAS PRODUCED WITH BOM 1967 RAINFALL DATA WHICH HAS NOT BEEN CORRECTED FOR GLOBAL TEMPERATURE INCREASES.</p><p>Note: Results corresponding to flood depths under 0.05m have been filtered out.</p></div><div></div></div></div> <div><p>Figure 12 1 in 100 flood with mitigation and no development (Flood Impact Assessment 2024)</p><ul style="list-style-type: none">Permit development for the purposes of seniors housing in areas where the occupants of the development cannot effectively evacuate<p>The site and Urana Street are less impacted by flooding which is demonstrated by the flood mapping. The mitigation measures also state that the development will be raised. The Flood Risk Assessment and planning proposal have not addressed how future residents will be evacuated, this is required in addressing 9.1 Direction 4.1 Flooding. As noted above the planning proposal is inconsistent with this Direction.</p><p>The planning proposal has not demonstrated that the mitigation measures are able to ensure the safety of the site for future residents and as noted above has not satisfied Direction 4.4.</p><p>The planning proposal needs to demonstrate the site can safely accommodate seniors housing up to the PMF.</p><p>It is recommended that a condition be included in the Gateway determination requiring the planning proposal to be submitted to the Department of Climate Change, Energy, the Environment and Water for comments and updated as required to reflect comments provided, prior to public exhibition of the planning proposal.</p></div> <tr><td>Services</td><td><p>The site is centrally located and forms part of a lot that is already serviced. The site can be adequately serviced with relevant infrastructure including reticulated water, sewerage, drainage, gas, electricity and telecommunications. The planning proposal states Council have confirmed that there is ample capacity within this infrastructure to service the development.</p></td></tr>	Services	<p>The site is centrally located and forms part of a lot that is already serviced. The site can be adequately serviced with relevant infrastructure including reticulated water, sewerage, drainage, gas, electricity and telecommunications. The planning proposal states Council have confirmed that there is ample capacity within this infrastructure to service the development.</p>
Services	<p>The site is centrally located and forms part of a lot that is already serviced. The site can be adequately serviced with relevant infrastructure including reticulated water, sewerage, drainage, gas, electricity and telecommunications. The planning proposal states Council have confirmed that there is ample capacity within this infrastructure to service the development.</p>		

5 Consultation

5.1 Community

Council proposes a community consultation period of 20 days.

The exhibition period proposed is considered appropriate, and forms a condition of the Gateway determination.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted.

It is recommended the following agency be consulted on the planning proposal and given 30 working days to comment:

- Department of Climate Change, Energy, the Environment and Water

6 Timeframe

Council proposes a 3 month time frame to complete the LEP. Considering the required agency consulting, this is not considered a sufficient time frame.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard planning proposal.

The Department recommends an LEP completion date of 19 December 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

The Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 9.1 Rural Zones, and 9.2 Rural Lands are minor or justified
- Note that the consistency with section 9.1 Directions 4.1 Flooding is unresolved and will require further justification.

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

The following conditions are recommended to be included on the Gateway determination:

1. Prior to community consultation, the planning proposal is to be updated as follows:
 - Reference the intent to introduce a split zone clause into the LEP; and
 - Demonstrate the site can safely accommodate seniors housing up to the PMF including mitigation measures.

ANNEXURE 1

2. Prior to community consultation, consultation is required with the following public authority:
 - Department of Climate Change, Energy, the Environment and Water
3. Prior to community consultation, the planning proposal is to be revised to address conditions 1 and 2.
4. The planning proposal should be made available for community consultation for a minimum of 20 working days.

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 19 December 2025 be included on the Gateway.

The timeframe for the LEP to be completed is on or before 19 December 2025

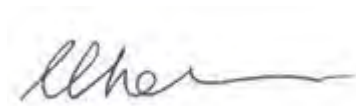


9/4/25

Tim Collins

Manager, Southern, Western and Macarthur Region

Local Planning and Council Support



9/4/2025

Chantelle Chow

Acting Director, Southern, Western and Macarthur Region

Local Planning and Council Support

Assessment officer

Kimberley Beencke

Planning Officer, Local Planning (Southern, Western and Macarthur Region)

02 9274 6053

Gateway Determination

Planning proposal (Department Ref: PP-2024-2110): rezone and reduce minimum lot size provisions at Part 197 Urana Street, Jindera and also introduce a split zone clause.

I, the Acting Director, Southern, Western and Macarthur Region, at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Greater Hume Local Environmental Plan 2012 to rezone and reduce minimum lot size provisions at 197 Urana Street, Jindera and introduce a split zone clause should proceed subject to the following conditions.

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

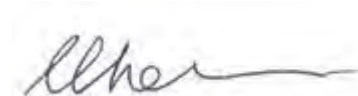
The LEP should be completed on or before 19 December 2025.

Gateway Conditions

1. Prior to exhibition, the planning proposal is to be amended as follows:
 - (a) Reference a split zone clause that allows flexibility in applying the minimum lot size provisions.
 - (b) Demonstrate the site can safely accommodate seniors housing up to the PMF including mitigation measures.
2. Prior to public exhibition, consultation is required with the Department of Climate Change, Energy, the Environment and Water (DCCEEW) under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act. DCCEEW is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 30 working days to comment on the proposal.
3. Prior to public exhibition, the updated planning proposal is to be forwarded to the Minister under s3.34(6) of the Act.

4. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (c) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and
 - (d) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 9 April 2025



Chantelle Chow
Acting Director, Southern, Western and
Macarthur Region
Local Planning and Council Support
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces

Your ref: PP2024-2100

Our ref: DOC25/366532

Colin Kane
Acting General Manager
Greater Hume Council

Via Planning Portal PP-2024-2110 REF-3672

Dear Colin

Subject: Planning Proposal PP2024-2110 - 197 Urana Street Jindera rezoning

Thank you for your referral received 6 May 2025 seeking advice from the Regional Delivery Division (RD) of the NSW Department of Climate Change, Energy, the Environment and Water.

RD has statutory responsibilities relating to biodiversity and flood risk management. The Gateway Determination requires Council to consult with RD on flood risk management. We have reviewed the documents supplied and provide the following advice, further detailed in **Attachment A**.

Flood Risk Management

The proponent has prepared a flood impact and risk assessment (FIRA) to support the planning proposal. The FIRA indicates that the flood risks associated with the planning proposal, up to the 1% annual exceedance probability (AEP) design flood event, can be managed by adopting minimum floor levels and modifying the existing Council drain at the southern boundary of the site.

However, the FIRA does not demonstrate how the site can safely accommodate seniors housing up to the Probable Maximum Flood (PMF) event including mitigation measures, which was a Gateway Condition issued by the Department of Planning, Housing and Infrastructure dated 9 April 2025.

While further assessment is needed, the information in the FIRA indicates this condition can likely be satisfied for the current proposal. RD considers further assessment can occur at the development application stage, when more detailed design information is available to inform the assessment.

Therefore, RD is satisfied that the planning proposal can be finalised, provided that any future development application is supported by a revised FIRA which:

- incorporates a detailed design of the proposed development
- demonstrates how the site can safely accommodate seniors housing up to the PMF event
- demonstrates that the flood impacts to neighbouring properties are not worsened beyond the impacts demonstrated in the *Additional Flood Modelling for 197 Urana Street, Jindera* (GHD, 2024).

RD also recommends that the safe management of residents during flood events at the subject site should be discussed with, and supported by, the NSW State Emergency Service.

If you have any questions about this advice, please contact Kade Small, Senior Floodplain Officer, via planning.southwest@environment.nsw.gov.au or 02 6051 2244.

Yours sincerely



Andrew Fisher

4 June 2025

Senior Team Leader – Planning, South West
Regional Delivery Division
Conservation Programs, Heritage and Regulation Group
NSW Department of Climate Change, Energy, the Environment and Water

ATTACHMENT A – Detailed advice on Planning Proposal PP2024-2110 - 197 Urana Street Jindera rezoning

ATTACHMENT A Detailed advice on Planning Proposal PP2024-2110 - 197 Urana Street Jindera rezoning

In preparing this advice RD has reviewed the following documents:

- *Jindera Flood Study* (GHD, 2015)
- *Jindera Floodplain Risk Management Study and Plan* (GHD, 2017)
- *197 Urana Street, Jindera – Flood Impact Assessment* (GHD, 2023)
- *Additional Flood Modelling for 197 Urana Street, Jindera* (GHD, 2024)

Flood Risk Management

The NSW Local Planning Direction – 4.1 Flooding (Direction 4.1) is applicable to any planning proposal that alters a zone or provision that affects flood prone land. Direction 4.1 requires planning proposals that concern flood prone land to be consistent with:

- the *NSW Flood Prone Land Policy*
- the principles of the *Flood Risk Management Manual (2023) (FRM Manual)*
- the *Considering flooding in land use planning guideline (2021)*
- any floodplain risk management study or plan that has been developed and adopted by Council for that land.

Furthermore, Direction 4.1 states that a planning proposal must not rezone land within the flood planning area from rural to residential, nor should the proposal contain provisions that:

- permit development that will result in significant flood impacts to other properties; or
- permit a significant increase in the development and/or dwelling density of that land; or
- permit development for the purpose of residential care facilities and seniors housing in areas where the occupants of the development cannot effectively evacuate.

The current understanding and management of flood risk at the subject site is guided by the Council commissioned and adopted *Jindera Flood Study* (GHD, 2015) and the *Jindera Floodplain Risk Management Study and Plan* (GHD, 2017) (*Jindera FRMS&P*).

As the subject site is located within the Flood Planning Area (FPA) presented in the *Jindera FRMS&P*, then the planning proposal is considered inconsistent with Direction 4.1. A planning proposal may be inconsistent with Direction 4.1 if it is supported by a Flood Impact and Risk Assessment (FIRA), or the inconsistencies of the planning proposal are of minor significance.

As the inconsistencies are not minor the proponent has appropriately commissioned the *197 Urana Street, Jindera – Flood Impact Assessment* (GHD, 2023) and *Additional Flood Modelling for 197 Urana Street, Jindera* (GHD, 2024), herein collectively referred to as “the FIRA”.

RD considers that the FIRA has been prepared consistent with the *FRM Manual* and *Jindera FRMS&P*. RD acknowledges that the underlying FIRA hydraulic model has been adapted from the *Jindera FRMS&P* and includes refinements to improve the representation of the existing Council drain at the southern boundary of the site.

The FIRA provides a basic quantitative assessment of the impact of the proposed development associated with the planning proposal on flood behaviour in the 1%, 5% and 20% annual exceedance probability (AEP) design flood events. The FIRA indicates that the flood risks associated with the proposed development can be managed by adopting minimum floor levels and modifying the existing Council drain at the southern boundary of the site.

However, the FIRA, and planning proposal, does not demonstrate how the site can safely accommodate seniors housing up to the probable maximum flood (PMF) event including mitigation measures, which was a Gateway Condition issued by the Department of Planning, Housing and Infrastructure dated 9 April 2025.

Hydraulic modelling prepared for the *Jindera Flood Study* (GHD, 2015) and *Jindera FRMS&P* (GHD, 2017) indicates that subject site is impacted by the PMF to depths of up to approximately 1.3 m in the eastern extent of the site. The finished floor level (FFL) recommended for the retirement homes in the FIRA of 234.43 mAHD is largely consistent with the PMF level in the eastern extent of the site presented in the *Jindera FRMS&P*. However, it is important to note that the findings presented in the *Jindera FRMS&P* are based on existing conditions and do not consider the impact that the proposed development may have on the PMF levels.

RD concludes that, based on the FIRA, the flood risks associated with the planning proposal, up to the 1% AEP design flood event, can be managed by adopting appropriate minimum floor levels and modifying the existing Council drain at the southern boundary of the site.

However, further assessment is required to demonstrate how the site can safely accommodate seniors housing up to the PMF. Based on the findings in the *Jindera FRMS&P* (GHD, 2017), RD considers that this is likely achievable, however this must be assessed appropriately.

RD considers further assessment can occur at the development application stage, when more detailed design information is available to inform the assessment.

Recommendation

RD is satisfied that the planning proposal can be finalised, provided that any future development application is supported by a revised FIRA which:

- incorporates a detailed design of the proposed development
- demonstrates how the site can safely accommodate seniors housing up to the PMF event
- demonstrates that the flood impacts to neighbouring properties are not worsened beyond the impacts demonstrated in the *Additional Flood Modelling for 197 Urana Street, Jindera* (GHD, 2024).

RD also recommends that the safe management of residents during flood events at the subject site should be discussed with, and supported by, the NSW State Emergency Service.

From: Bec Martin <rebecca.martin@dpie.nsw.gov.au>
Sent: Wednesday, 25 June 2025 3:46 PM
To: Gayan Wickramasinghe
Cc: Tim Collins
Subject: RE: PP-2024-2110 - Gateway Conditions – Planning Proposal Referral and Next Steps
Attachments: Letter to Council - Satisfy Conditions 1 and 2 - PP-2024-2110.pdf

Hi Gayan,

Thank you for your patience. Please find attached letter confirming satisfaction of conditions and to proceed.

Kind Regards,

Bec Martin (she/her)

Planning Officer

Southern, Western and Macarthur Region

Local Planning and Council Support | NSW Department of Planning, Housing and Infrastructure

T 02 5852 6810 | E rebecca.martin@dpie.nsw.gov.au

Wiljaali Country | Level 2, 32 Sulphide Street | Broken Hill NSW 2880

www.dpie.nsw.gov.au



The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land.

We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.



The Department of Planning and Environment acknowledges that it stands on Country which always was and always will be Aboriginal land. We acknowledge the Traditional Custodians of the land and waters, and we show our respect for Elders past, present and emerging. We are committed to providing places in which Aboriginal people are included socially, culturally and economically through thoughtful and collaborative approaches to our work.

From: Gayan Wickramasinghe <GWickramasinghe@greaterhume.nsw.gov.au>

Sent: Thursday, 5 June 2025 9:53 AM

To: Kimberley Beencke <Kimberley.Beencke@planning.nsw.gov.au>; Meredith McIntyre

<Meredith.McIntyre@planning.nsw.gov.au>

Subject: RE: PP-2024-2110 - Gateway Conditions – Planning Proposal Referral and Next Steps

Good morning Kimberley and Meredith,

Council has received the attached response from the Flood Division within the NSW Department of Climate Change, Energy, the Environment and Water. This response follows Council's referral to satisfy Gateway Determination Condition 2 (attached). **ANNEXURE 1**

The Department has advised that they are satisfied the Planning Proposal can be finalised, even though it has not yet demonstrated that the site can safely accommodate seniors housing up to the Probable Maximum Flood (PMF) event with mitigation measures. This is on the basis that an amended Flood Impact Risk Assessment (FIRA) will be required to accompany any future development application for seniors housing.

Given this, Council considers that both the Department and Council can be satisfied that Gateway Condition 1(b) has been met. Could you please confirm whether the Department is satisfied with this approach?

Regarding Gateway Condition 1(a), Council has advised the applicant to amend the Planning Proposal to incorporate reference to a split zone clause. The applicant has now updated the Planning Proposal, which is available on the Portal under the 'Draft Planning Proposal' tab. A copy is also attached for your convenience.



In accordance with Gateway Condition 3, Council is required to forward a copy of the proposal to the Department (Minister) prior to public exhibition. Could you please confirm whether this email satisfies that requirement, or if an alternative method of submission is preferred?

Thank you for your time and assistance.

I look forward to your response.

Kind regards,

Gayan Wickramasinghe
Senior Town Planner
Greater Hume Council
39 Young St
PO Box 99
Holbrook NSW 2644
T 02 60360 100 M 0459 355 236



www.greaterhume.nsw.gov.au

Department of Planning, Housing and Infrastructure

Colin Kane
Acting General Manager
Greater Hume Council
39 Young Street
PO Box 99
Holbrook NSW 2644

Our ref: PP-2024-2110/IRF25/1256

Dear Mr Kane

Planning proposal (PP-2024-2110) to amend the Greater Hume Local Environmental Plan 2012

Thank you for your request regarding satisfaction of conditions 1 and 2 of the Gateway determination of PP-2024-2110.

Conditions 1 and 2 of the Gateway determination issued on 9 April 2025 required several matters to be addressed and further consultation be undertaken prior to proceeding to public exhibition.

I have reviewed the information provided and agree that these conditions have been satisfied. Council may now proceed with addressing the remaining conditions.

A copy of this letter, the updated planning proposal documentation provided on 5 June 2025 the Gateway determination dated 9 April 2025, and documents accompanying the planning proposal are to be included in the community consultation package.

Should you have any questions, Bec Martin, Planning Officer, at the Department can be contacted on 02 5852 6810.

Yours sincerely



25/6/25

Tim Collins
Manager Southern, Western and Macarthur Region
Local Planning and Council Support

General Manager
Greater Hume Council
PO Box 99
HOLBROOK NSW 2644

Attention: Gayan Wickramasinghe

Amendment to Greater Hume Local Environmental Plan 2012 - 197 Urana Street, Jindera

Dear Gayan

The Department of Primary Industries and Regional Development (the Department) has noted the rezoning proposal for 197 Urana Road Jindera. As the land is currently zoned RU4 Primary Production Small Lots there should have been a referral to this Department for its consideration.

Agriculture plays a crucial role in supporting state, regional, and local economies while strengthening the social bonds and character of rural communities. The NSW Department of Primary Industries and Regional Development (the Department) collaborates and partners with our stakeholders to protect, support and develop primary industries and regional economies.

The Department's advice is guided by section 4.15(1) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, which requires a consent authority to evaluate a project's potential environmental, social, and economic impacts, as well as the public interest. Sections 1.3(a) and (b) of the *EP&A Act* emphasise facilitating ecologically sustainable development in land use decision-making and promoting responsible resource management that benefits present and future generations and adaptation to climate change.

The current Great Hume LEP has the Objectives for the RU4 zone focussed on enabling sustainable primary industry and other compatible land uses, and minimising land use conflict. Churches, schools and senior housing have not been identified as compatible land uses in this zone, with or without consent. It is noted that the site was not included in the Jindera Residential Land Use Strategy for potential development so there has been no assessment of potential land use conflicts with any ongoing agriculture in the vicinity

The Department also notes that there is already non agricultural land uses on the current lot, namely school and church. As the proposal is considered “justifiably inconsistent” with the Directions 9.1 and 9.2, the Department would prefer the whole lot be rezoned thus removing the need for split zoning and any likelihood of conflict with any potential agricultural land uses in the vicinity. This would be consistent with the Riverina Murray Regional Plan which notes that the RU4 Small Lot Primary Production Zone is not suitable for rural residential developments.

Should you require clarification on any information in this response, please contact me by email at landuse.ag@dpird.nsw.gov.au.

Sincerely

LParker

Lilian Parker

A/Manager, Agricultural Land Use Planning

Esigned 29-7-2025