

Amend Greater Hume LEP 2012 to rezone 161-185 Pioneer Drive Jindera to R2 Low Density Residential.

Proposal Title :	Amend Greater Hume LEP 2012 to rezone 161-185 Pioneer Drive Jindera to R2 Low Density Residential.		
Proposal Summary :	Council seeks to amend Greater Hume LEP 2012 to rezone 161-185 (Lot 7 DP240938) Pioneer Drive, Jindera from R5 Large Lot Residential with a minimum lot size of 2ha to R2 Low Density Residential with a minimum lot size of 2,000m2.		
PP Number :	PP_2016_GHUME_001_00	Dop File No :	16/11748

Proposal Details

Date Planning Proposal Received :	24-Aug-2016	LGA covered :	Greater Hume
Region :	Southern	RPA :	Greater Hume Shire Council
State Electorate :	ALBURY	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	161-185 Pioneer Drive		
Suburb :	Jindera	City :	Jindera
Land Parcel :	Lot 7 DP 240938	Postcode :	2642

DoP Planning Officer Contact Details

Contact Name :	Mark Parker
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RPA Contact Details

Contact Name :	Colin Kane
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DoP Project Manager Contact Details

Contact Name :	Deanne Frankel
Contact Number :	0242249468
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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	N/A	Consistent with Strategy :	N/A

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MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg

Residential /

Employment land) :

No. of Lots : 0

No. of Dwellings : 50
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes : **The planning proposal seeks to increase the residential densities on land on the urban edge of Jindera to take advantage of urban infrastructure in that locality.**

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The statement of objectives clearly indicates that Council seeks to increase residential densities at 161-185 Pioneer Drive, Jindera to take advantage of urban infrastructure in that locality.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The planning proposal identifies the changes to the Greater Hume Local Environmental Plan 2012 Land Zoning and Lot Size Maps. The land will be rezoned to R2 Low Density Residential with a minimum lot size of 2000m2.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

3.1 Residential Zones

* May need the Director General's agreement

4.3 Flood Prone Land

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SEPP No 64—Advertising and Signage

SEPP No 65—Design Quality of Residential Flat Development

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SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Housing for Seniors or People with a Disability) 2004
SEPP (Infrastructure) 2007
SEPP (Mining, Petroleum Production and Extractive Industries) 2007
SEPP (Affordable Rental Housing) 2009

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

SECTION 117 DIRECTIONS:

3.1 RESIDENTIAL ZONES: This Direction does apply to the planning proposal as it will affect land within an existing or proposed residential zone in which significant residential development is permitted or proposed to be permitted.

The proposal is considered to be **CONSISTENT** with this direction.

3.4 INTEGRATING LAND USE AND TRANSPORT: Council has not identified that this Direction applies to the planning proposal, however, it does apply as the planning proposal will create a zone relating to urban land.

The proposal is considered to be **INCONSISTENT** with this Direction as it locates new residential development at the edge of town. However, the inconsistency can be justified as it is consistent with the land use strategy prepared by the Council for Jindera, and it is relatively close to the centre and employment areas. In any case any inconsistency could be considered to be of minor significance.

RECOMMENDATION: The Secretary can be satisfied that any potential inconsistency is:

- justified by a study that gives consideration to the objective of this Direction; and
- it is of minor significance.

4.3 FLOOD PRONE LAND: This Direction does apply to the planning proposal as it will create a zone that affects flood prone land.

The proposal is considered to be **INCONSISTENT** with this Direction as it rezones land within the flood planning area from R5 Large Lot Residential to a R2 Low Density Residential Zone which contains provisions that permit a significant increase in the development density of that land.

The flood affected land is identified as 'flood fringe' with a hazard category of 'low' (Jindera Flood Study). The flooding is minor and can be dealt with effectively in the subdivision design of the land.

RECOMMENDATION: The Secretary can be satisfied that the inconsistency is of minor significance (in relation to the provisions of the planning proposal that are inconsistent).

SEPPs

None of the SEPPs identified directly relate to the planning proposal and there are no inconsistencies.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The maps in the planning proposal are adequate for exhibition purposes. The LEP maps shall be prepared in accordance with the Standard Technical Requirements for Spatial

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Datasets and Maps (Department of Planning and Environment, 2015) when the plan is submitted for finalisation.

RECOMMENDATION:

Council is to prepare maps in accordance with the 'Standard Technical Requirements for Spatial Datasets and Maps (Department of Planning and Environment 2015)' when the plan is submitted for finalisation.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The Council has recommended community consultation for a period of 28 days.**

RECOMMENDATION:

That community consultation for 28 days is appropriate.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Greater Hume LEP 2012 is in operation.**

Assessment Criteria

Need for planning proposal : **A planning proposal is the only mechanism to amend the Land Zoning and Lot Size Maps in Greater Hume LEP 2012.**

Consistency with strategic planning framework : **The planning proposal is consistent with Council's local strategy for Jindera town.**

Environmental social economic impacts : **The planning proposal rezones an area zoned for large lot residential development on the edge of Jindera town. The land is extensively cleared and has been used for agriculture for about 100 years and there are unlikely to be any environmental impacts. The additional housing choice will benefit Jindera socially and economically in terms of housing affordability.**

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Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Office of Environment and Heritage**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
20160622 Council resolution.pdf	Proposal	No
20160622 Council report.pdf	Proposal	No
Local Environmental Study Jindera section.pdf	Study	No
20162907 Council cover letter.pdf	Proposal Covering Letter	No
Planning Proposal Pioneer Dr Jindera.pdf	Proposal	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **3.1 Residential Zones
4.3 Flood Prone Land**

Additional Information : **It is RECOMMENDED that the Acting Director Regions, Southern, as delegate of the Minister for Planning, determine under section 56(2) of the EP&A Act that an amendment to the Greater Hume LEP 2012 to rezone 161-185 Pioneer Drive, Jindera from R5 Large Lot Residential to R2 Low Density Residential with a minimum lot size of 2000m2 should proceed subject to the following conditions:**

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental

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Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for 28 days; and
- (b) the relevant planning 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 section 5.5.2 of 'A guide to preparing local environmental plans (Department of Planning and Environment, 2013)'.

2. Consultation is required with Office of Environment and Heritage under section 56(2)(d) of the EP&A Act in relation to flooding issues on the site.

The Office of Environment and Heritage (OEH) is to be provided with a copy of the planning proposal and any relevant supporting material. OEH is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. OEH may request additional information or additional matters to be addressed in the planning proposal.

3. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A 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).

4. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.

5. Council be authorised to use the Minister's plan making functions under sections 59(2),(3)&(4) of the Environmental Planning and Assessment Act 1979.

SECTION 117 DIRECTIONS - It is recommended that:

(a) The Secretary's delegate can be satisfied that the planning proposal's inconsistencies with s117 Directions:

- 3.4 Integrating Land Use and Transport; and
 - 4.3 Flood Prone Land;
- are of minor significance.

(b) The Secretary's delegate can be satisfied that the planning proposal is consistent with s117 Direction 3.1 Residential Zones.

(c) The Secretary's delegate can be satisfied that the planning proposal is consistent with all other relevant s117 Directions or that any inconsistencies are of minor significance; and

(d) No further consultation or referral is required in relation to s117 Directions while the planning proposal remains in its current form.

SEPPs

The planning proposal is considered to be consistent with all relevant SEPPs.

Supporting Reasons :

Supporting Reasons: The proposal does not raise any significant issues because the site is currently zoned for large lot residential development and has been cleared and used for agriculture for about 100 years.

Intensifying development will enable more efficient use of urban infrastructure available at the site.

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Signature:



Printed Name:

Deanne France

Date:

8/9/16

