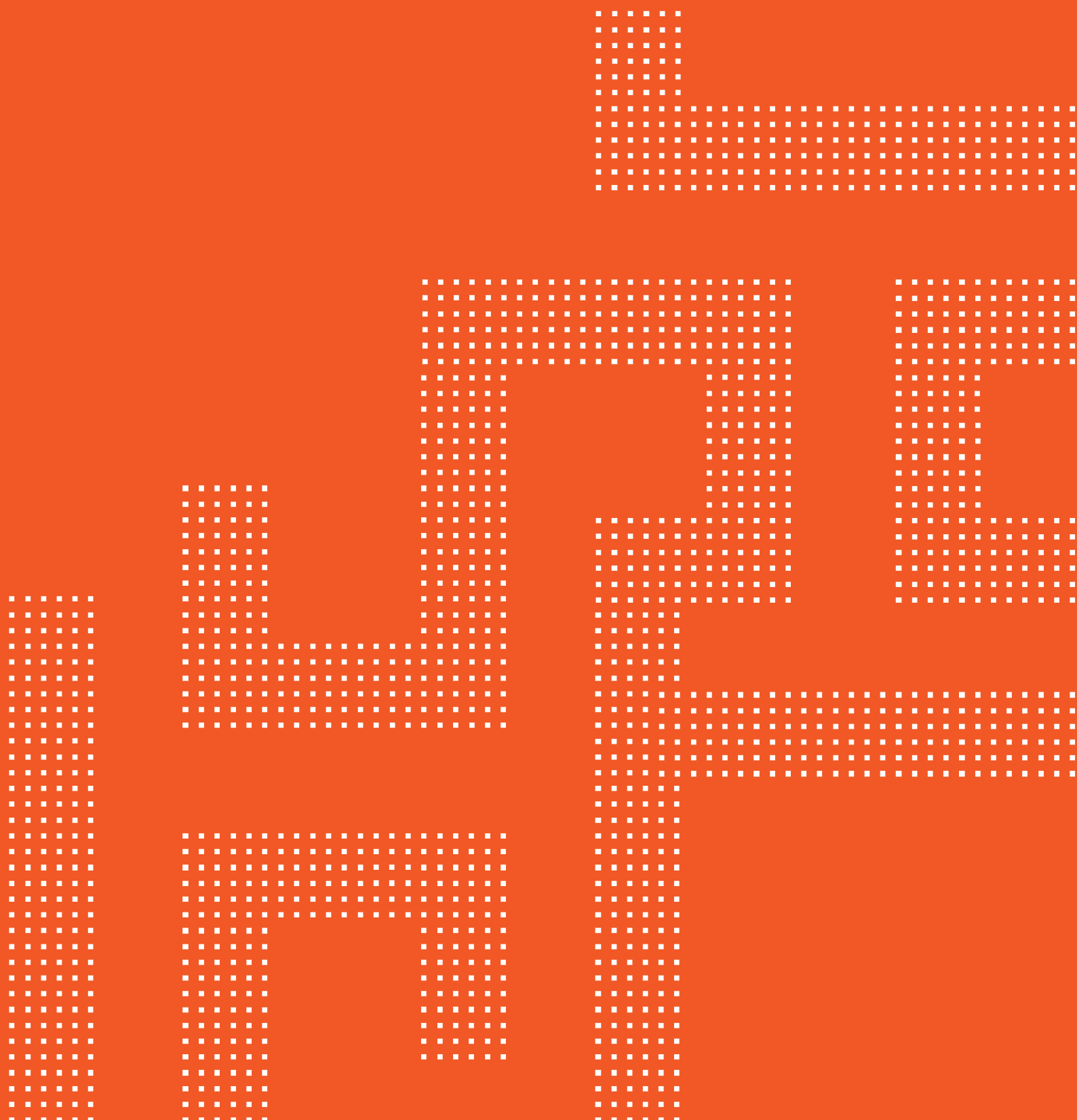


habitat planning

planning proposal

Jindera Industrial Estate Extension

December 2020





Prepared for

Greater Hume Council

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Introduction

This is a planning proposal seeking an amendment to the *Greater Hume Local Environmental Plan 2012* (GHLEP) to reflect a change in the preferred future use of land on the southern fringe of the Jindera township (see **Figure 1**).

Specifically, the amendment proposes to rezone approximately 20 hectares of vacant land on the corner of Hawthorn and Urana Roads from R5 Large Lot Residential to IN1 General Industrial to provide for the future growth of the Jindera industrial estate. The amendment also seeks to rezone the existing Jindera Industrial Estate from RU5 Village to IN1 General Industrial consistent with the recommended zoning for undeveloped portion of land located to the south of this estate.

The Planning Proposal also proposes to remove the Minimum Lot Size (MLS) applicable to the land.

The land the subject of this proposal is described as Lot 113 DP1238348 and addressed as 32 Jarick Way, Jindera (also known as 47 Hawthorn Road, Jindera). The planning proposal also relates to all land contained within the Jindera Industrial Estate ('the subject land') as identified within Figure 1. A schedule containing the details of all the land the subject of this Planning Proposal is provided in Attachment A.

The planning proposal has been structured and prepared in accordance with the Department of Planning and Environment's (DPE) *A guide to preparing planning proposals* ("the Guide").



FIGURE 1: Subject land

PART 1. Intended outcomes

The intended outcome of this planning proposal is principally to provide additional zoned land for the growth of the Jindera industrial estate. The recent increased demand for industrial land within the estate has necessitated a reconsideration as to the most appropriate development outcome for the vacant land located to the immediate south of this estate, which is currently zoned R5 Large Lot Residential.

PART 2. Explanation of provisions

The intended outcomes of the planning proposal will be achieved via the introduction and application of an IN1 General Industrial zone over this land and the removal of the minimum lot size provisions.

Specifically, the planning proposal seeks to amend the LEP as follows:

- Amend the Land Zoning Map – Sheet LZN_002C by rezoning the subject land from RU5 Village and R5 Large Lot Residential to IN1 General Industrial; and
- Amend the Minimum Lot Size Map – Sheet LSZ_002C by removing the 4,000m² minimum lot size that applies to this land.

It is noted that the GHLEP currently does not contain any industrial zonings within the Land Use Table. Accordingly, it is recommended that the IN1 General Industrial Zone be inserted after the R5 Large Lot Residential Zone under the Land Use Table as follows:

Zone IN1 General Industrial

1 Objectives of zone

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.

2 Permitted without consent

Environmental protection works; Roads

3 Permitted with consent

Depots; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Industrial training facilities; Kiosks; Landscape material supplies; Light industries; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Rural supplies; Storage premises; Take-away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle body repair workshop; Vehicle repair station; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4.

4 Prohibited

Agriculture; Air transport facilities; Amusement centres; Camping grounds; Caravan parks; Cemeteries; Commercial premises; Correction centres; Early education and care facility; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes, Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres; Health services facilities; Home businesses; Home occupations; Home occupation (sex services); Information and education facilities; Pond-based aquaculture, Recreation facilities (major); Registered clubs; Residential accommodation; Respite day care centres; Tourist and visitor accommodation; Wharf or boating facilities; Water recreation structures;

Note: items shown in red are in addition to those contained in the Standard Instrument LEP.

The introduction of an industrial zone is consistent with Action Item 1 of Planning Priority No. 1 of the *Greater Hume Local Strategic Planning Statement*, which seeks to ‘investigate the practicalities of providing industrial zoning where appropriate’.

The proposal to remove the MLS provision from the subject land is to allow for industrial subdivisions to be considered on their merits. The reason for having no MLS is that the lot size requirements for industrial development vary considerably and having this flexibility allows for subdivisions to respond to specific development requirements.

Maps of the existing zoning and MLS and the proposed changes are provided in **Figures 3-6**.

PART 3. Justification

This section of the planning proposal sets out the justification for the intended outcomes and provisions, and the process for their implementation. The questions to which responses have been provided are taken from the Guide.

Section A. Need for the planning proposal

Q1. *Is the planning proposal a result of any strategic study or report?*

To inform the Standard Instrument-based GHLEP prepared between 2009 and 2012, Council undertook a Shire-wide *Strategic Land Use Plan* (SLUP). For Jindera, the “*strategic land use planning response*” in the SLUP to residential land use and development included:

- *consolidate town centre between Creek and Adams Streets,*
- *encourage infill commercial development,*
- ***expand Jindera Industrial Estate,***
- *ensure adequate buffers to brickworks as town grows southwards, and*
- *utilise the LEP and review the Economic Development Strategy.*

These strategies are depicted on a township structure plan for Jindera with the area around the industrial estate shown in **Figure 2**.

The planning proposal is unambiguously consistent with the strategic direction stated for the Jindera industrial estate.

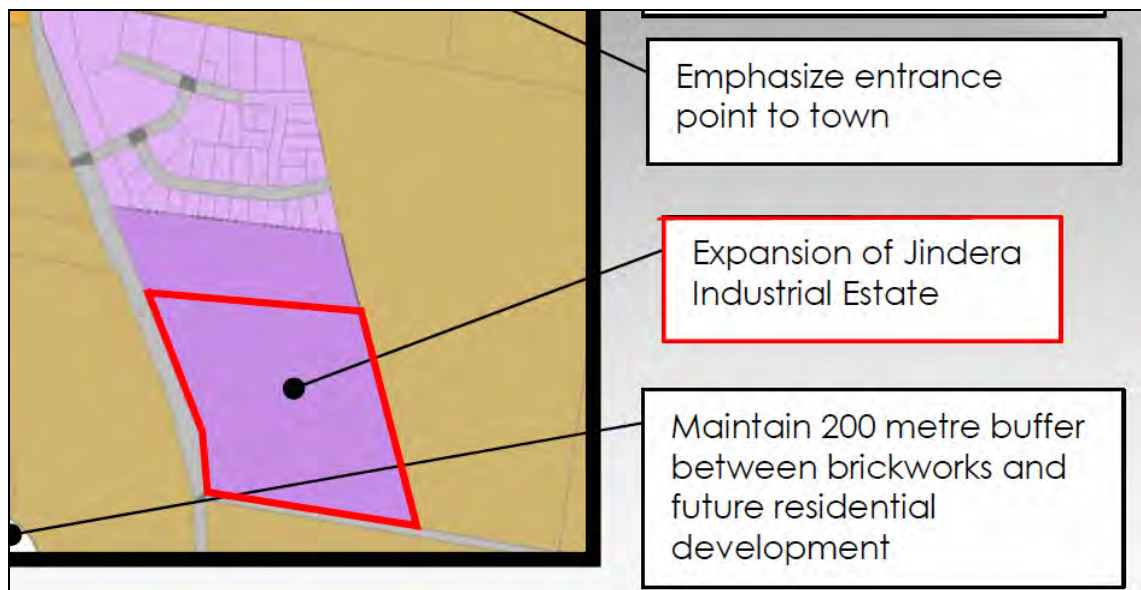


FIGURE 2: Subject land as depicted in the *Greater Hume Strategic Land Use Plan*

The industrial estate was established by Council in 1983 to attract employment to Jindera and the then Hume Shire in general. The estate originally contained 42 lots of which seven are undeveloped. There are a range of lot sizes with seven less than 2,000m² in area; 25 between 2,001 and 5,000m² and 10 in excess of 5,001m². Not all of these allotments are available for sale. To provide additional industrial land for sale Council has recently completed a 13 lot subdivision within the estate. The additional lots have been in high demand as all are either sold or on hold with sales pending. A second subdivision has been approved with an additional six lots to be created. When this subdivision is completed there will be no further RU5 zoned land available for industrial development in Jindera.

A report was commissioned by Council in 2015 to analyse the industrial land market in towns around Albury-Wodonga and to specifically advise on the potential for expansion of the industrial estate. The report revealed that demand for land at the estate was soft and, on that basis, 20 hectares comprising the subject land was proposed for a change in zoning that would allow its development for low density residential purposes. Since the change to the R5 zone in 2015, Council has not taken the opportunity to develop the land for this purpose, however demand for industrial land in the intervening periods has increased.

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

There is no opportunity under the current planning regime applicable to the subject land to achieve the intended outcome.

The subject land is currently zoned R5 Large Lot Residential with a 4,000m² MLS for subdivision. 'Industries' are prohibited within the R5 zone and the current 4,000m² MLS is too limiting in the need to be able to respond to the specific requirements of industrial development and particularly, small industrial development. Unlike residential development where a MLS is appropriate to ensure the amenity of future residents is protected, this is not a critical consideration for industrial development.

Having regard for the above, a planning proposal is necessary to achieve the intended outcome.

Section B. Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

The *Riverina Murray Regional Plan 2036* (RMRP) was adopted by the NSW government in 2017. The Minister's foreword to the document states that the RMRP "encompasses a vision, goals, directions and actions that were developed with the community and stakeholders to deliver greater prosperity for this important region."

An assessment of the planning proposal's consistency with the relevant objectives and actions of the RMRP is undertaken in **Attachment D**. This assessment concludes that there is no inconsistency and the planning proposal is strategically supported at the regional level.

Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Council's *Local Strategic Planning Statement* (LSPS) sets out a 20-year vision for land use in the Shire and how growth and change is to be managed into the future. Planning Priority Six of the LSPS is "Supporting our industries" for which the rationale for Jindera is stated as:

To the south of Jindera, Council has successfully enabled this opportunity by allowing a flexible industrial precinct that is supported by Council owned utility infrastructure with strong connections into Albury. As Jindera continues to grow Council will seek to protect and investigate expansion of this area to ensure that future residential uses do not detract from its industrial function.

The LSPS states that this planning priority will be delivered by:

- *Support existing industrial land uses and precincts for freight and logistics, industry, warehousing and similar activities in locations that minimise amenity impacts.*
- *Investigate opportunities for the expansion of existing and new industrial precincts in our townships that do not impact on residents.*
- *Protect and recognise existing industrial precincts and uses to avoid any land use conflicts from future residential development*
- *Encourage the co-location of complementary industry alongside agricultural enterprises that enhance the efficiency of the agricultural land use*

A review of the GHLEP is stated in the LSPS as the means of actioning this planning priority that will involve an investigation of "the practicalities of providing industrial zoning where appropriate. This measure will minimise the risk of land use conflict posed by noncompatible land uses being permissible development in the RU5 zone."

The planning proposal is consistent with this strategic direction as it responds to Council's stated intention to investigate opportunities to expand the Jindera industrial estate. Whilst the planning proposal is not directly a result of a Shire-wide review of the GHLEP, it is responding to a growing

demand for industrial land in Jindera that warrants consideration now rather than wait several years for the review. The planning proposal will also remove the potential for future land use conflicts by removing R5 zone land adjacent to the industrial estate and rezoning the northern portion of the estate from RU5 Village to IN1 General Industrial to avoid inappropriate uses from being established within this precinct.

The 2007-2030 *Strategic Land Use Plan* (SLUP) for the Shire was undertaken as a precursor to the 2012 GHLEP. As stated earlier, the SLUP supports the future use of the subject land for industrial purposes.

Q5. *Is the planning proposal consistent with applicable State Environmental Planning Policies?*

Attachment B 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.

The assessment concludes that the planning proposal is not inconsistent with any of the relevant SEPP's.

Q6. *Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?*

Section 9.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) provides for the Minister for Planning 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 Section 9.1 Directions is undertaken in **Attachment C**. In summary, the planning proposal is largely consistent with all these directions except for Direction 3.1 Residential Zones. Where there is an inconsistency, it has been justified utilising the provisions within each of the Directions.

Section C. Environmental, social & economic impact

Q7. *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 subject land is devoid of trees except for a strip of native species that forms part of a significant vegetative buffer to Urana Road on the western side and a single planted windbreak of non-native species in the centre. It would be expected the trees along the western boundary would be retained in any future development of the subject land.

There are no known threatened species or their habitats within the subject land.

Q8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

The subject land is more than 95 percent cleared of native vegetation as a result of its past and current use for agriculture. There are no watercourses other than a man-made swale drain along the western boundary. Consequently, it is considered the development of land for industrial purposes can be undertaken without any detrimental impacts on the natural environment.

There is potential for a detrimental impact on residents within the R5 zoned land on the eastern side from future industrial development on the subject land. A 20-metre wide closed road extends along the full length of the eastern boundary and will act as a buffer to ameliorate any potential impacts. In addition, the nearest dwelling external to the subject land is 150 metres away within the adjoining low-density residential estate. There are no vacant lots adjoining the subject land.

In addition, amenity protection is provided through the provisions of SEPP33 relating to potential offensive and hazardous industry as well as Chapter 3 of the GHDCP relating to controls for industrial development.

Land to the west, south and east of the subject land is zoned RU4 and therefore not incompatible with industrial development.

Q9. *Has the planning proposal adequately addressed any social and economic effects?*

There will be a positive social and economic effect for the Jindera community from the planning proposal through employment opportunities associated with future industrial development. New residents in Jindera resulting from this will increase support for both community and commercial interests in the town.

A mapped environmental heritage item is located near the Hawthorn Road frontage of the subject land. The item is an archaeological site identified as “*Hawthorn Cottage (ruin)*”. There remains no evidence of the cottage but a small historic marker has been erected on the fence line indicating the location of the item. The site is actually located within a drainage reserve that runs along Urana Road and thus will not be affected by any future development.

Consideration has also been given to the implications of rezoning the existing Jindera Industrial estate, which is currently zoned RU5 Village and replacing it with an IN1 General Industrial zoning.

To help determine the potential impacts and key differences between the two zones, a comparative analysis has been undertaken of both zones and table 1 provides an overview of each zone including the permitted and prohibited land uses.

Whilst it is acknowledged that the range of land uses listed under item 3 in the table as permitted with consent is larger for the RU5 Village zone, it is noted that the range of permitted uses is largely identical as the IN1 General Industrial zone as it allows for ‘any other development not specified in item 2 or 4’. In summary, this includes all kinds of industries, depots and warehouses.

The key difference between the RU5 Village zone and the IN1 General Industrial zone is that residential uses and standard commercial uses (such as retail, business and office premises) are prohibited in the industrial zone.

Table 1: – Comparison of RU5 Village and IN1 General Industrial Zones

| RU5 Village Zone | IN1 General Industrial Zone |
|---|--|
| 1. Objectives of Zone <ul style="list-style-type: none"> To provide for a range of land uses, services and facilities that are associated with a rural village. To protect the amenity of residents. | 1. Objectives of Zone <ul style="list-style-type: none"> To provide a wide range of industrial and warehouse land uses. To encourage employment opportunities. To minimise any adverse effect of industry on other land uses. To support and protect industrial land for industrial uses. |
| 2. Permitted without Consent Environmental protection works; Home occupations; Roads | 2. Permitted without Consent Environmental protection works; Roads |
| 3. Permitted with Consent Agricultural produce industries; Amusement centres; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Commercial premises; Community facilities; Correctional centres; Depots; Dwelling houses; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Flood mitigation works; Forestry; Freight transport facilities; Function centres; General industries; Highway service centres; Home-based child care; Home businesses; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Information and education facilities; Jetties; Light industries; Marinas; Mooring pens; Moorings; Mortuaries; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centres; Restricted premises; Schools; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Tank-based aquaculture; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies | 3. Permitted with Consent Depots; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Industrial training facilities; Kiosks; Landscape material supplies; Light industries; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Rural supplies; Storage premises; Take-away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle body repair workshop; Vehicle repair station; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4. |

| RU5 Village Zone | IN1 General Industrial Zone |
|--|---|
| 4. Prohibited Farm stay accommodation; Pond-based aquaculture Rural workers' dwellings; Any other development not specified in item 2 or 3 | 4. Prohibited Agriculture; Air transport facilities; Amusement centres; Camping grounds; Caravan parks; Cemeteries; Commercial premises; Correction centres; Early education and care facility; Eco-tourist facilities; Educational establishments; Entertainment facilities; Exhibition homes, Exhibition villages; Extractive industries; Farm buildings; Forestry; Function centres; Health services facilities; Home businesses; Home occupations; Home occupation (sex services); Information and education facilities; Pond-based aquaculture, Recreation facilities (major); Registered clubs; Residential accommodation; Respite day care centres; Tourist and visitor accommodation; Wharf or boating facilities; Water recreation structures; |

Section D. State & Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

The subject land will be provided with all urban infrastructure as an extension of existing infrastructure within the Jindera industrial estate.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

No public authorities have been consulted prior to submitting the planning proposal to Council for support and subsequent request for a Gateway Determination.

It is acknowledged that the Gateway determination may specify consultation with public authorities.

PART 4. Mapping

The planning proposal seeks to amend the LEP as follows:

- Amend the Land Zoning Map – Sheet LZN_002C by rezoning the subject land from RU5 Village and R5 Large Lot Residential to IN1 General Industrial; and
- Amend the Minimum Lot Size Map – Sheet LSZ_002C by removing the 4,000m² minimum lot size that applies to this land.

An extract of the existing and proposed land zoning and minimum lot size maps are contained within Figures 3-6.

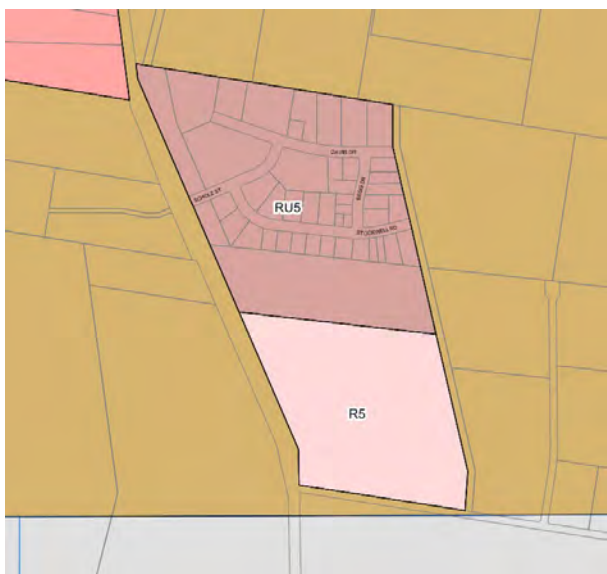


FIGURE 3 Existing Land Zoning Map

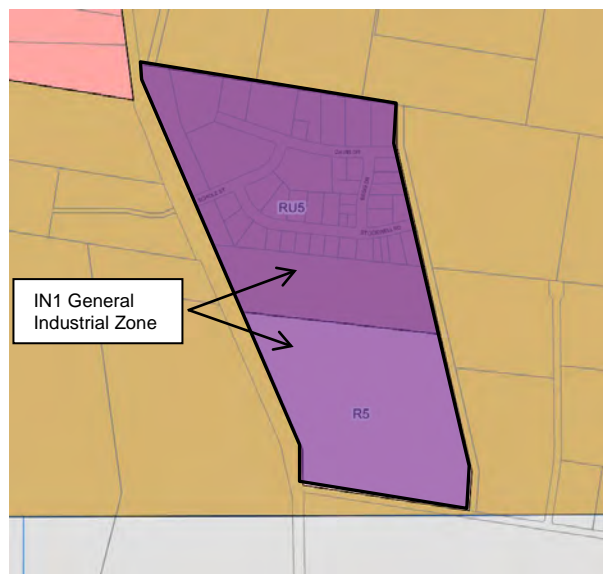


FIGURE 4 Proposed Amended Land Zoning Map

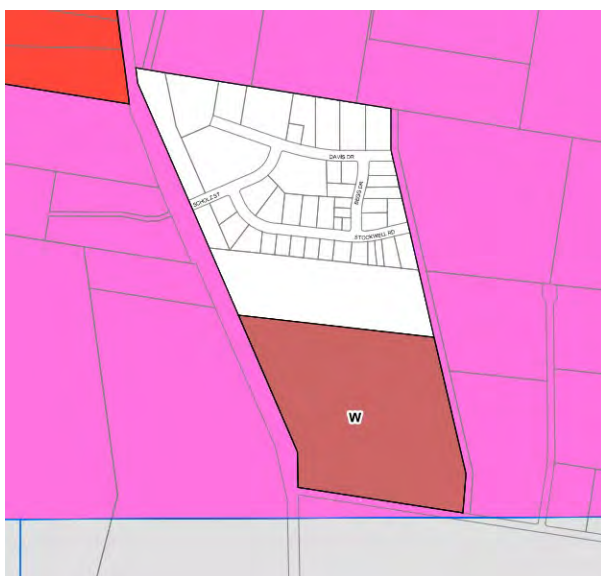


FIGURE 5 Existing Minimum Lot Size Map



FIGURE 6 Proposed Amended Minimum Lot Size Map

PART 5. Community consultation

The planning proposal will be subject to public exhibition following the Gateway Determination process. The Gateway determination will specify the community consultation that must be undertaken for the planning proposal, if any. As such, the exact consultation requirements are not known at this stage.

This planning proposal will be exhibited for a period of 28 days in accordance with the requirements of Clause 4 in Schedule 1 of the EP&A Act and the Guide. At a minimum, the future consultation process is expected to include:

- written notification to landowners adjoining the subject land;
- consultation with relevant Government Departments and agencies, service providers and other key stakeholders, as determined in the Gateway determination;
- public notices to be provided in local media, including 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).

At the conclusion of the public exhibition period Council staff will consider submissions made with respect to the planning proposal, undertake any alterations and prepare a report to Council.

PART 6. Project timeline

The project timeline for the planning proposal is outlined in **Table 2**. There are many factors that can influence adherence with the timeframe including the cycle of Council meetings, consequences of agency consultation (if required) and outcomes from public exhibition. Consequently, the timeframe should be regarded as indicative only.

Table 2: – Project timeline

| Milestone | Date/timeframe |
|---|--|
| Anticipated commencement date (date of Gateway determination) | 4 weeks following Council resolution to request Gateway determination. |
| Anticipated timeframe for the completion of required studies | No required studies are anticipated. |
| Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination) | 6 weeks from Gateway determination. |
| Commencement and completion dates for public exhibition period | 6 weeks from Gateway determination. |
| Dates for public hearing (if required) | At some point within the public exhibition period. |
| Timeframe for consideration of submissions | 2 weeks following completion of exhibition. |
| Timeframe for the consideration of a proposal post exhibition | 4 weeks following completion of exhibition. |
| Anticipated date RPA will make the plan (if delegated) | To be set by Gateway determination. |
| Anticipated date RPA will forward to the department for notification (if delegated). | To be confirmed. |

Conclusion

The planning proposal has been instigated by an increase in demand for land within the Jindera industrial estate and the need to increase supply.

In summary, the planning proposal is considered justified because:

- the current preferred strategy for future use for the subject land is industrial;
- the preferred development outcome of industry cannot be effectively achieved under the current planning regime;
- there will be a net benefit for the Jindera community;
- it is generally consistent with the broader planning framework (i.e. State provisions);
- there are no natural hazards within the subject land;
- there will no detrimental environmental effects; and
- the subject land can be provided with all urban services.

It is concluded therefore that the planning proposal has merit and is worthy of support.

Attachment A

Schedule of Land subject to Planning Proposal

| Property Address | Lot and DP Number |
|-----------------------------|---------------------|
| 1 Davis Street, Jindera | Lot 1, DP1155032 |
| 2 Davis Drive, Jindera | Lot 12, DP264628 |
| 3 Davis Street, Jindera | Lot 42, DP1071093 |
| 4 Davis Drive, Jindera | Lot 11, DP264628 |
| 5 Davis Street, Jindera | Lot 46, DP1071093 |
| 6 Davis Drive, Jindera | Lot 10, DP264628 |
| 8 Davis Drive, Jindera | Lot 16, DP1006644 |
| 10 Davis Drive, Jindera | Lot 35, DP1063377 |
| 12 Davis Drive, Jindera | Lot 43, DP1071093 |
| 14 Davis Drive, Jindera | Lot 44, DP1071093 |
| 16 Davis Drive, Jindera | Lot 9, DP1164647 |
| 2 Scholz Street, Jindera | Lot 13, DP264628 |
| 1-3 Begg Drive, Jindera | Lot 37, DP1071093 |
| 2 Begg Drive, Jindera | Lot 2, DP1144967 |
| 4 Begg Drive, Jindera | Lot 3, DP1144967 |
| 6 Begg Drive, Jindera | Lot 41, DP1071093 |
| 7 Begg Drive, Jindera | SP78594 |
| 9-11 Begg Drive, Jindera | Lot 39, DP1071093 |
| 13-15 Begg Drive, Jindera | Lot 4032, DP1264061 |
| 1 Stockwell Road, Jindera | Lot 1, DP264628 |
| 2 Stockwell Road, Jindera | Lot 8, DP264628 |
| 3 Stockwell Road, Jindera | Lot 2, DP264628 |
| 4 Stockwell Road, Jindera | Lot 7, DP264628 |
| 5 Stockwell Road, Jindera | Lot 3, DP264628 |
| 6 Stockwell Road, Jindera | Lot 6, DP264628 |
| 7 Stockwell Road, Jindera | Lot 4, DP264628 |
| 8 Stockwell Road, Jindera | Lot 29, DP1063377 |
| 9 Stockwell Road, Jindera | Lot 5, DP264628 |
| 10 Stockwell Road, Jindera | Lot 30, DP1063377 |
| 10A Stockwell Road, Jindera | Lot 12, DP1159866 |
| 10B Stockwell Road, Jindera | Lot 11, DP1159866 |
| 13 Stockwell Road, Jindera | Lot 21, DP1058386 |
| 13 Stockwell Road, Jindera | Lot 22, DP1058386 |
| 14 Stockwell Road, Jindera | Lot 33, DP1063377 |
| 17 Stockwell Road, Jindera | Lot 24, DP1063377 |
| 19 Stockwell Road, Jindera | Lot 25, DP1063377 |
| 21 Stockwell Road, Jindera | Lot 1, DP1165491 |

| | |
|-----------------------------|--------------------|
| 21A Stockwell Road, Jindera | Lot 2, DP1165491 |
| 23 Stockwell Road, Jindera | Lot 27, DP1063377 |
| 25 Stockwell Road, Jindera | Lot 28, DP1063377 |
| Scholz Street, Jindera | Lot 14, DP264628 |
| Jarick Way, Jindera | Lot 114, DP1238348 |
| 1 Jarick Way, Jindera | Lot 112, DP1238348 |
| 2 Jarick Way, Jindera | Lot 100, DP1238348 |
| 6 Jarick Way, Jindera | Lot 101, DP1238348 |
| 11 Jarick Way, Jindera | Lot 111, DP1238348 |
| 14 Jarick Way, Jindera | Lot 102, DP1238348 |
| 15 Jarick Way, Jindera | Lot 110, DP1238348 |
| 18 Jarick Way, Jindera | Lot 103, DP1238348 |
| 19 Jarick Way, Jindera | Lot 109, DP1238348 |
| 21 Jarick Way, Jindera | Lot 108, DP1238348 |
| 22 Jarick Way, Jindera | Lot 104, DP1238348 |
| 25 Jarick Way, Jindera | Lot 107, DP1238348 |
| 26 Jarrick Way, Jindera | Lot 105, DP1238348 |
| 27 Jarick Way, Jindera | Lot 106, DP1238348 |
| 32 Jarick Way, Jindera | Lot 113, DP1238348 |

Attachment B

Consistency with State Environmental Planning Policies

| No. | Title | Consistency |
|-----|--|---|
| 19 | Bushland in Urban Areas | Not applicable to the local government area of Greater Hume. |
| 21 | Caravan Parks | <p>Justifiably inconsistent as the planning proposal seeks to rezone land to IN1 General Industrial, which prohibits caravan parks. Whilst it is acknowledged that the proposal will reduce the amount of land zoned for caravan park purposes, given the existing and proposed future use of the site for industrial purposes, the prohibition of caravan parks, along with other sensitive land uses is considered appropriate as it has the potential to create land use conflicts and restrict the future growth and development of the Jindera Industrial Estate.</p> <p>Notwithstanding the proposed amendment, there is still ample zoned and more appropriately land located elsewhere within Jindera, which can be used for the establishment of a caravan park.</p> |
| 33 | Hazardous & Offensive Development | The planning proposal does not conflict with the aims and provisions of this SEPP relating to the definition and process of assessing potentially hazardous and offensive industry. |
| 36 | Manufactured Home Estate | Justifiably inconsistent Justifiably inconsistent as the planning proposal seeks to rezone land to IN1 General Industrial, which prohibits manufactured home estates. See response to SEPP 21 for further details. |
| 47 | Moore Park Showground | Not applicable to the local government area of Greater Hume. |
| 50 | Canal Estate Development | The planning proposal does not conflict with the aims and canal estate development prohibitions as provided in the SEPP. |
| 55 | Remediation of Land | <p>Clause 7 of this SEPP requires Council to consider whether the subject land is potentially contaminated.</p> <p>All areas included in the planning proposal are rural land upon which there is no visual or known historical evidence of activities that suggest potential land contamination. Consequently, further investigation under the provisions of this SEPP is not required.</p> |
| 64 | Advertising & Signage | The planning proposal does not conflict with the aims, development consent requirements and assessment criteria for advertising and signage as provided in the SEPP. |
| 65 | Design Quality of Residential Flat Development | The planning proposal does not conflict with the aims, development consent, assessment, information and notification requirements as provided in the SEPP. |
| 70 | Affordable Housing (Revised Schemes) | The planning proposal does not conflict with the aims and functions of this SEPP as changes do not discriminate against the provision of affordable housing. |
| | Aboriginal Land 2019 | The subject land is not identified on the Land Application Map for this SEPP, hence it is not applicable to the planning proposal. |
| | Activation Precincts 2020 | The subject land is not located within an Activation Precinct. |
| | Affordable Rental Housing 2009 | The planning proposal does not conflict with the aims and functions of this SEPP as changes do not discriminate against the provision of affordable housing (and consequently affordable rental housing). The GHLEP cannot influence the provision of rental housing. |
| | Building Sustainability Index (BASIX) 2004 | The planning proposal does not conflict with the aims and development consent requirements relating to BASIX affected building(s) that seeks to reduce water consumption, greenhouse gas emissions and improve thermal performance as provided in the SEPP. |
| | Coastal Management 2018 | Not applicable to the local government area of Greater Hume. |

| No. | Title | Consistency |
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| | Concurrences and consents 2018 | Not applicable. |
| | Educational Establishments & Child Care Facilities 2017 | The planning proposal does not conflict with the aims, permissibility, development assessment requirements relating to educational establishments and childcare facilities as provided in the SEPP. |
| | Exempt & Complying Development Codes 2008 | The planning proposal does not conflict with the aims and functions of this SEPP with respect to exempt and complying development provisions. |
| | Gosford City Centre 2018 | Not applicable to the local government area of Greater Hume. |
| | Housing for Seniors & People with a Disability 2004 | The planning proposal does not conflict with the aims, development consent, location, design, development standards, service, assessment, and information requirements as provided in the SEPP. |
| | Infrastructure 2007 | 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. |
| | Koala Habitat Protection 2019 | Greater Hume is one of the Councils to which this SEPP applies, however the subject land is not located within the Koala Development Application Map. Consequently, Council is not prevented from granting consent to development as long as it satisfied that the land is not 'core koala habitat'. Having regard for the history of the subject land, its current circumstances and lack of any koala sitings in the area; it is not considered to represent 'core koala habitat'. |
| | Kosciuszko National Park – Alpine Resorts 2007 | Not applicable to the local government area of Greater Hume. |
| | Kurnell Peninsula 1989 | Not applicable to the local government area of Greater Hume. |
| | Major Infrastructure Corridors | The subject land is not within a Major Infrastructure Corridor. |
| | Mining, Petroleum Production & Extractive Industries 2007 | The planning proposal does not conflict with the aims, permissibility, development assessment requirements relating to mining, petroleum production and extractive industries as provided in the SEPP. |
| | Murray Regional Environmental Plan No. 2 – Riverine Land | The subject land is not within the area to which MREP2 applies. |
| | Penrith Lakes Scheme 1989 | Not applicable to the local government area of Greater Hume. |
| | Primary Production & Rural Development 2019 | Not applicable as the subject land is not identified as state significant agricultural land and does not propose any artificial waterbodies. |
| | State & Regional Development 2011 | Not applicable as the planning proposal is not for State significant development. |
| | State Significant Precincts | Not applicable as the subject land is not within a State significant precinct. |
| | Sydney Drinking Water Catchment 2011 | Not applicable to the local government area of Greater Hume. |
| | Sydney Region Growth Centres 2006 | Not applicable to the local government area of Greater Hume. |
| | Three Ports 2013 | Not applicable to the local government area of Greater Hume. |

| No. | Title | Consistency |
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| | Urban Renewal 2010 | Not applicable as the subject land is not within a nominated urban renewal precinct. |
| | Vegetation in Non-Rural Areas 2017 | This SEPP is relevant as it applies to the RU5 zone. The provisions of the SEPP will be relevant if trees are proposed to be removed as part of future development. This consideration would be made as part of a development application and does not preclude the proposed zoning of the land. |
| | Western Sydney Aerotropolis 2020 | Not applicable to the local government area of Greater Hume. |
| | Western Sydney Employment Area 2009 | Not applicable to the local government area of Greater Hume. |
| | Western Sydney Parklands 2009 | Not applicable to the local government area of Greater Hume. |

Attachment C

Consistency with Ministerial Directions

| No. | Title | Consistency |
|--------------------------------------|--|--|
| 1. Employment & Resources | | |
| 1.1 | Business & Industrial Zones | <p>This Direction is relevant as the planning proposal seeks to rezone land for IN1 General Industrial purposes.</p> <p>The planning proposal is consistent with this direction as it:</p> <ul style="list-style-type: none"> encourages employment growth within and adjacent to an existing industrial estate; it will protect and expand existing industrial zoned land and provide more certainty to existing businesses by placing this land in a designated industrial zone, rather than the more generic village zone that allows for a wider range of sensitive land uses; the rezoning of additional industrial land will support the viability of Jindera as a whole; does not reduce the amount of industrial zoned land; is consistent with previous strategic planning studies prepared for the area including the Greater Hume Local Strategic Planning Statement (LSPS) and Greater Hume Strategic Land Use Plan (SLUP). |
| 1.2 | Rural Zones | Not applicable as the planning proposal does affect land within an existing or proposed rural zone. |
| 1.3 | Mining, Petroleum Production & Extractive Industries | Not applicable as the planning proposal does not impact on mining. |
| 1.4 | Oyster Aquaculture | Not applicable as the subject land is not within a Priority Oyster Aquaculture Area. |
| 1.5 | Rural Lands | Not applicable as the planning proposal does affect land within an existing or proposed rural or environment protection zone. |
| 2. Environment & Heritage | | |
| 2.1 | Environment Protection Zones | <p>This Direction requires consideration because it applies to all planning proposals.</p> <p>The narrow strip of land along the western boundary of the subject land is mapped as “<i>biodiversity</i>” on the Terrestrial Biodiversity Map (Sheet BIO_002) of the GHLEP. This land is considered to be “<i>environmentally sensitive</i>” and consequently this Direction is relevant to the planning proposal.</p> <p>The planning proposal is not inconsistent with this Direction as it does “<i>not reduce the environmental protection standards that apply to the land</i>”. This is a reference to Clause 6.2 of the GHLEP relating to Terrestrial biodiversity. Whilst the planning proposal itself does not “<i>include provisions that facilitate the protection and conservation of environmentally sensitive areas</i>”, this departure is considered to be of “minor significance” and no further interrogation is required.</p> |
| 2.2 | Coastal Management | Not applicable as the subject land is not within a coastal zone. |

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| 2.3 | Heritage Conservation | <p>This Direction requires consideration because it applies to all planning proposals.</p> <p>At the southern boundary of the subject land there is an archaeological site identified as “<i>Hawthorn Cottage (ruin)</i>”. The site is mapped as A3 on the Heritage Map (HER_002C) in the GHLEP. It is noted that the ruin has since been removed and a mounted plaque installed to mark the site.</p> <p>The planning proposal itself does not contain provisions that facilitate the conservation of heritage items and is therefore inconsistent with this Direction. However, this inconsistency is justified because “<i>the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land</i>” i.e. the archaeological item is identified and ‘protected’ by Clause 5.10 of the GHLEP relating to Heritage conservation.</p> |
| 2.4 | Recreation Vehicle Areas | <p>This Direction requires consideration because it applies to all planning proposals.</p> <p>The planning proposal is consistent with the 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>.</p> |
| 2.5 | Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs. | Not applicable. |
| 2.6 | Remediation of Contaminated Land | Not applicable as the subject land is not known to be contaminated and the purpose of the planning proposal is to rezone land for industrial purposes. |
| 3. Housing Infrastructure & Urban Development | | |
| 3.1 | Residential Zones | <p>This Direction is relevant as the planning proposal seeks to reduce the amount of residentially zoned land.</p> <p>The planning proposal is inconsistent with this Direction, but is justified for the reasons outlined below:</p> <ul style="list-style-type: none"> ▪ it is consistent with previous strategic planning studies prepared for the area including the Greater Hume Local Strategic Planning Statement (LSPS) and Greater Hume Strategic Land Use Plan (SLUP), which identified the land for industrial purposes; ▪ the vacant parcel of land immediately adjoins the existing Jindera industrial estate and therefore development of this land for residential purposes would have created land use conflicts between these different land uses and required internal and external buffers to minimise the impacts of noise, odour, emissions and the like; and ▪ Council is currently preparing a residential land use strategy for Jindera which will identify and locate additional lands for residential purposes in more appropriate locations that will offset any reduction in residential zoned land in the interim. <p>Accordingly, the proposal is considered justifiably inconsistent in this instance.</p> |
| 3.2 | Caravan Parks & Manufactured Home Estates | <p>This Direction requires consideration because it applies to all planning proposals and is relevant in this instance as the planning proposal seeks to reduce the amount of land available for caravan parks and manufactured home estates.</p> <p>The planning proposal is considered to be justifiably inconsistent with this direction for the reasons outlined in relation to Direction 3.1 above.</p> |

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| 3.3 | Home Occupations | This Direction requires consideration because it applies to all planning proposals. The planning proposal does not derogate from these aims as it does not change the consent requirements for home occupations to be carried out in dwelling houses. |
| 3.4 | Integrating Land Use and Transport | <p>This Direction is relevant because the planning proposal is creating an urban zone.</p> <p>The planning proposal will facilitate industrial development on an urban scale and within the township Jindera. Town facilities are available in close proximity within the township. Having regard for these circumstances, the planning proposal is considered consistent with this Direction.</p> |
| 3.5 | Development Near Licensed Aerodromes | Not applicable as the subject land is not in the vicinity of a licensed aerodrome. |
| 3.6 | Shooting Ranges | Not applicable as the subject land is not in the vicinity of a shooting range. |
| 3.7 | Reduction in non-hosted short term rental accommodation period | Not applicable to the Greater Hume Local Government Area. |
| 4. Hazard & Risk | | |
| 4.1 | Acid Sulphate Soils | Not applicable as the subject land does not contain acid sulphate soils. |
| 4.2 | Mine Subsidence & Unstable Land | Not applicable as the subject land is not within a Mine Subsistence District. |
| 4.3 | Flood Prone Land | Not applicable as the subject land is not mapped as flood prone. |
| 4.4 | Planning for Bushfire Protection | <p>This Direction is relevant as a small portion of the existing Jindera Industrial Estate is mapped as being bushfire prone.</p> <p>Notwithstanding, the planning proposal is consistent with the aims and objectives of this direction as the small area of land mapped as bushfire is developed and has therefore already considered matters regarding the requirements of <i>Planning for Bushfire Protection Guidelines 2019</i> (or its predecessor).</p> <p>It is noted that the vacant parcel of land to the south of the existing Jindera Industrial Estate is not mapped as bushfire prone and groundcover is actively managed, therefore reducing any potential grassland risk.</p> |
| 5. Regional Planning | | |
| 5.1 | Implementation of Regional Strategies | Revoked in 2017. |
| 5.2 | Sydney Drinking Water Catchment | Not applicable as the subject land is not within the Sydney Drinking Water Catchment. |
| 5.3 | Farmland of State & Regional Significance on the NSW Far North Coast | Not applicable as the subject land is not within one of the local government areas nominated in this Direction. |
| 5.4 | Commercial and Retail Development along the Pacific Highway, North Coast | Not applicable as the subject land is not near the Pacific Highway. |
| 5.5 | Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) | Revoked in 2010. |

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| 5.6 | Sydney to Canberra Corridor | Revoked in 2008. |
| 5.7 | Central Coast | Revoked in 2008. |
| 5.8 | Second Sydney Airport: Badgerys Creek | Not applicable as none of the lots are near the site for a second Sydney airport. |
| 5.9 | North West Rail Link Corridor Strategy | Not applicable as the subject land is not near this corridor. |
| 5.10 | Implementation of Regional Plans | <p>This Direction requires consideration because it applies to all planning proposals.</p> <p>The planning proposal complies with this Direction because it is not inconsistent with the <i>Riverina Murray Regional Plan 2036</i> (see Attachment D).</p> |
| 5.11 | Development of Aboriginal Land Council Land | Not applicable as the subject land is not identified on the Land Application Map of <i>State Environmental Planning Policy Aboriginal Land</i> 2019. |
| 6. | Local Plan Making | |
| 6.1 | Approval and Referral Requirements | <p>This Direction requires consideration because it applies to all planning proposals.</p> <p>The planning proposal is consistent with this Direction because it does not propose any referral requirements or nominate any development as 'designated development'.</p> |
| 6.2 | Reserving Land for Public Purposes | <p>This Direction requires consideration because it applies to all planning proposals.</p> <p>The planning proposal is consistent with this Direction because it does not remove or propose any public land.</p> |
| 6.3 | Site Specific Provisions | Not applicable as the proposal does not propose any site-specific provisions. |
| 7. | Metropolitan Planning | None of Directions 7.1 to 7.13 are applicable as the subject land is not located within any of the areas to which they apply. |

Attachment D

Consistency with the Riverina-Murray Regional Plan
2036

| Goal, Direction & Action Title | Relevance to the planning proposal | Consistency |
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| Goal 1 – A growing and diverse economy | | |
| Direction 1 – Protect the region’s diverse and productive agricultural land. | Not applicable as the planning proposal does not relate to land zoned RU1. | |
| Direction 2 – Promote and grow the agribusiness sector. | Not applicable, as the proposal does not relate to or affect agribusiness. | N/A |
| Direction 3 – Expand advanced and value-added manufacturing. | Not applicable, as the proposal does not relate to or affect value-added manufacturing. | N/A |
| Direction 4 – Promote business activities in industrial and commercial areas. | Not applicable, as the proposal does not relate to or affect business activities. | N/A |
| Direction 5 – Support the growth of the health and aged care sectors. | Not applicable, as the proposal does not relate to or affect the health and aged care sectors. | N/A |
| Direction 6 – Promote the expansion of education and training opportunities. | Not applicable, as the proposal does not relate to or affect education or training. | N/A |
| Direction 7 – Promote tourism opportunities. | Not applicable, as the proposal does not relate to or affect tourism. | N/A |
| Direction 8 – Enhance the economic self-determination of Aboriginal communities. | Not applicable, as the proposal does not relate to or affect Aboriginal communities. | N/A |
| Direction 9 – Support the forestry industry. | Not applicable, as the proposal does not relate to or affect forestry. | N/A |
| Direction 10 – Sustainably manage water resources for economic opportunities. | Not applicable as the proposal does not relate to or affect water resources. | N/A |

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| Direction 11 – Promote the diversification of energy supplies through renewable energy generation. | Not applicable as the proposal does not relate to or affect energy supplies. | N/A |
| Direction 12 – Sustainably manage mineral resources. | Not applicable, as the subject land is not known to contain any significant mineral resources. | N/A |
| Goal 2 – A healthy environment with pristine waterways | | |
| Direction 13 – Manage and conserve water resources for the environment. | Not applicable, as the subject land is not known to contain any water resources. | N/A |
| Direction 14 – Manage land uses along key river corridors. | Not applicable as the subject land is not located within a key river corridor such as the Murray River. | N/A |
| Direction 15 – Protect and manage the region's many environmental assets. | Not applicable as the subject land has no environmental assets within the context of this Direction. | N/A |
| Direction 16 – Increase resilience to natural hazards and climate change. | Not applicable as the subject land is not flood or bush fire prone. | |
| Goal 3 – Efficient transport and infrastructure networks | | |
| Direction 17 – Transform the region into the eastern seaboard's freight and logistics hub. | Not relevant, as the proposal does not relate to or affect industry or freight. | N/A |
| Direction 18 – Enhance road and rail freight links. | Not relevant, as the proposal does not relate to or affect freight. | N/A |
| Direction 19 – Support and protect ongoing access to air travel. | Not relevant, as the proposal will not affect air travel. | N/A |
| Direction 20 – Identify and protect future transport corridors. | Not relevant to the subject proposal. | N/A |

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| Direction 21 – Align and protect utility infrastructure investment. | Relevant as the proposal will result in vacant land being developed. | All land proposed for the RU5 zone can be provided with the urban infrastructure servicing Jindera. |
| Goal 4 – Strong, connected and healthy communities | | |
| Direction 22 – Promote the growth of regional cities and local centres. | Relevant because the proposal affects land within the Jindera township. | The planning proposal will support and promote the growth of Jindera by making available additional land for industrial development. |
| Direction 23 – Build resilience in towns and villages. | Relevant because the proposal affects land within the Jindera township. | By providing additional land for industrial development as a result of the planning proposal, the population of Jindera will be increased, and this builds resilience. |
| Direction 24 – Create a connected and competitive environment for cross-border communities. | Not relevant as Culcairn is not a border town. | N/A |
| Direction 25 – Build housing capacity to meet demand. | Not applicable as the proposal is not creating the opportunity for residential development. | N/A |
| Direction 26 – Provide greater housing choice. | Not applicable as the proposal is not creating the opportunity for residential development. | N/A |
| Direction 27 – Manage rural residential development. | Relevant because the land in the planning proposal is being removed from the R5 zone. | Whilst the planning proposal will result in a reduction of R5 zoned land in Jindera, the subject land was not ideally positioned to avoid potential land use conflicts with the existing Jindera industrial estate. In addition, Council is in the midst of preparing a Residential Land Use Strategy for Jindera that is likely to identify new sites as suitable for the R5 zone. |
| Direction 28 – Deliver healthy built environments and improved urban design. | Not applicable as the rezoning in itself does not influence urban design. | N/A |
| Direction 29 – Protect the region's Aboriginal and historic heritage. | Relevant because all development on 'greenfields' land should consider the prospect of Aboriginal artefacts being present. | All future development will be subject to the 'due diligence' process for ascertaining the likelihood or otherwise of Aboriginal artefacts being present. This process assists in the protection Aboriginal heritage. |