



IRF22/2079

## Gateway determination report – PP-2022-2218

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Rezone land to R2 Low Density Residential and change minimum lot size to 2,000m<sup>2</sup> at 151-159 Pioneer Drive and 1037 Urana Road, Jindera – Greater Hume Council.

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# Acknowledgment of Country

The Department of Planning and Environment 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
Planning Proposal – 151-159 Pioneer Drive, Jindera (Wagner Drive), Habitat Planning, May 2021
Planning Proposal – 1037 Urana Road, Jindera, Habitat Planning, July 2021
Executive Summary, 1037 Urana Road & 151-159 Pioneer Drive, Jindera, Habitat Planning, March 2022

Greater Hume Shire Council Ordinary Meeting Report, 15 September 2021

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	<b>Greater Hume</b>
<b>PPA</b>	<b>Greater Hume Shire Council</b>
<b>NAME</b>	<b>Zoning and minimum lot size changes at 151-159 Pioneer Drive and 1037 Urana Road, Jindera</b>
<b>NUMBER</b>	<b>PP-2022-2218</b>
<b>LEP TO BE AMENDED</b>	<b>Greater Hume Local Environmental Plan 2012 (GHLEP2012)</b>
<b>ADDRESS</b>	<b>151-159 Pioneer Drive and 1037 Urana Road, Jindera</b>
<b>DESCRIPTION</b>	<b>Lot 2 DP240938 and Part Lot 224 DP 1280394</b>
<b>RECEIVED</b>	<b>17/06/2022</b>
<b>FILE NO.</b>	<b>IRF22/2079</b>
<b>POLITICAL DONATIONS</b>	<b>There are no donations or gifts to disclose and a political donation disclosure is not required</b>
<b>LOBBYIST CODE OF CONDUCT</b>	<b>There have been no meetings or communications with registered lobbyists with respect to this proposal</b>
<b>DWELLINGS/JOBS</b>	<b>138/0</b>

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- Rezone and reduce minimum lot size of the subject land to enable low density residential development
- Provide supply of residential land to satisfy existing and anticipated demand for residential lots in Jindera

The objectives of this planning proposal are 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	R2 Low Density Residential
Minimum lot size	8 hectares	2,000m <sup>2</sup>
Number of dwellings	1	138
Number of jobs	N/A	N/A

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

It is also recommended that the explanation of provisions of the planning proposal be updated to include introduction of a clause in GHLEP 2012, with the intent to require South Jindera Low Density Residential Development Control Plan (DCP) and South Jindera Low Density Residential Contributions Plan (CP) to be updated to include the subject land before development consent can be granted for subdivision (unless the DCP and CP have been prepared prior to finalisation of the LEP amendment) (see Section 4.3). This will be conditioned in the Gateway determination to be completed prior to community consultation.

## 1.4 Site description and surrounding area

The subject site comprises 151-159 Pioneer Drive (Part Lot 224 DP 1280394) and 1037 Urana Road (Lot 2 DP 240938) Jindera which are located south of the Jindera town centre. The site is approximately 40 ha and is bounded by Urana Road to the east, low density residential subdivision and properties to the north and rural properties to the south and west. The site adjoins the Jindera Brickworks property to the south (operational buildings of the brickworks being located 1 kilometre from the boundaries) and the Jindera Industrial Estate is located to the east of the site beyond the Urana Road.

The site has been extensively cleared as part of former rural uses with a small patch of remnant vegetation remaining to the southern portion of Lot 224 and a moderately dense vegetation existing to the eastern part of Lot 2. Lot 2 contains one dwelling while Lot 224 contains two stock dams to the southern boundaries and other rural infrastructure including fencing.

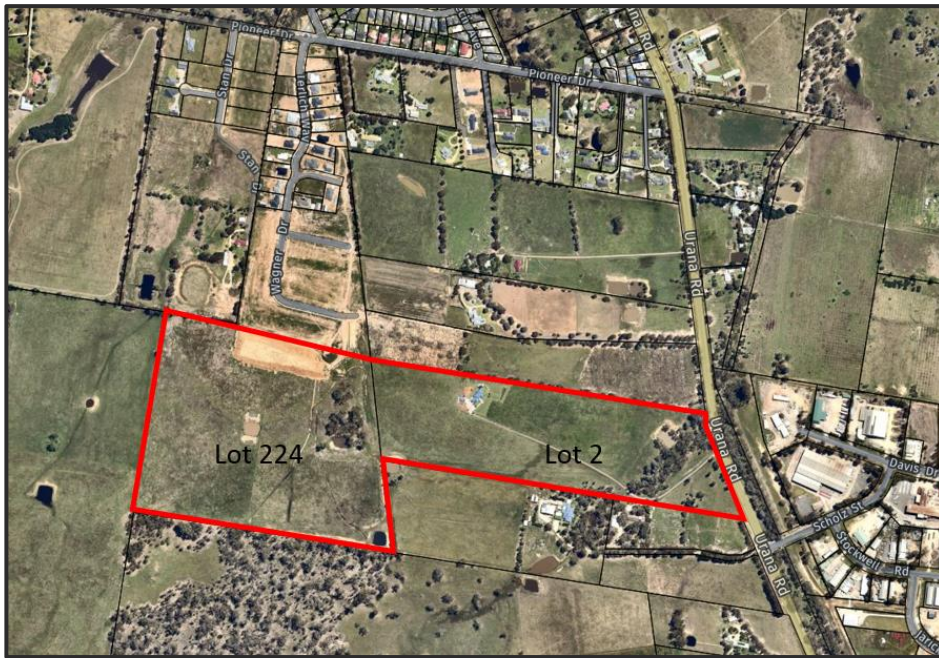


Figure 1 Subject site (source: Nearmaps, June 2022)

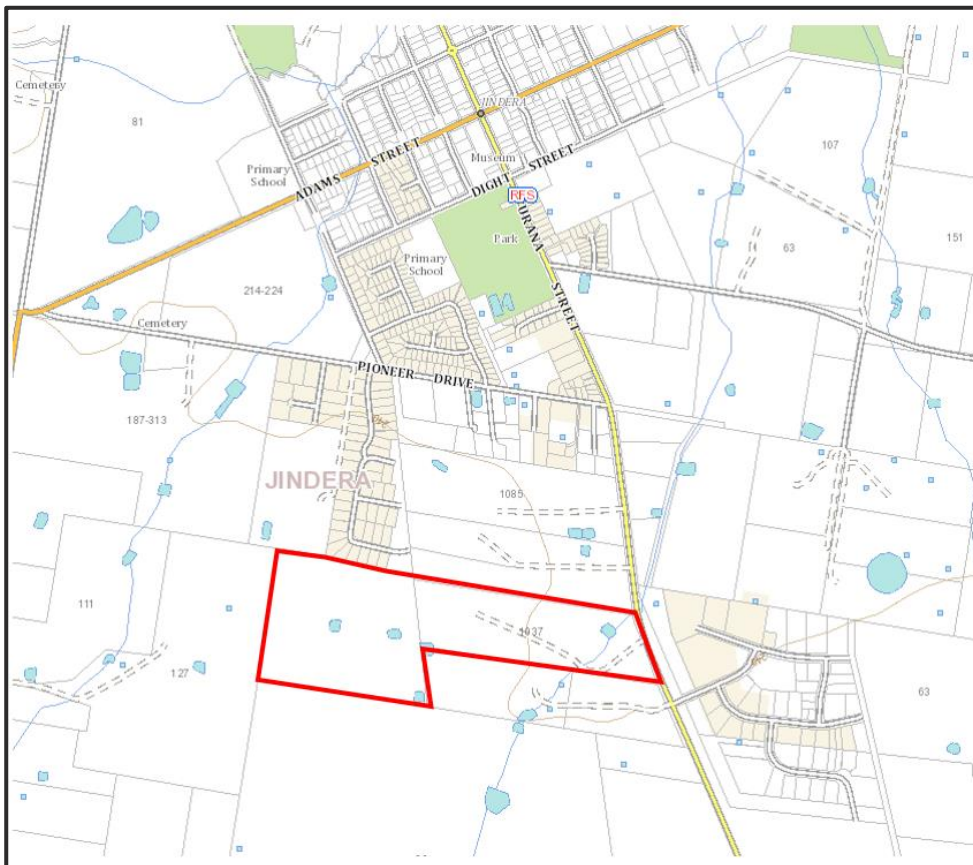
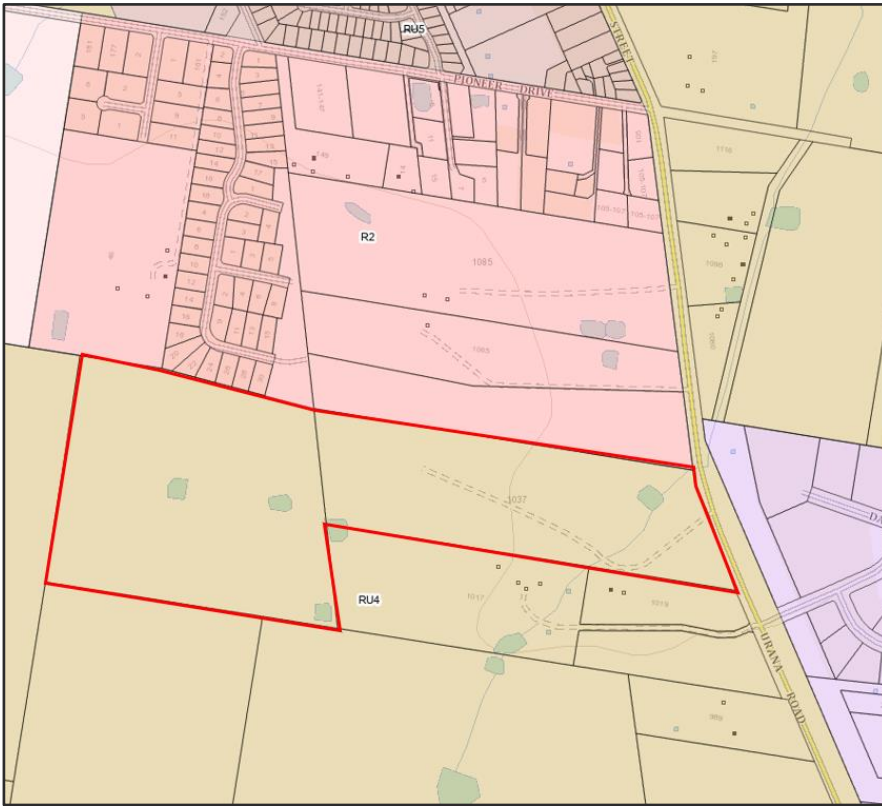


Figure 2 Site context (source: eplanning spatial viewer, June 2022)

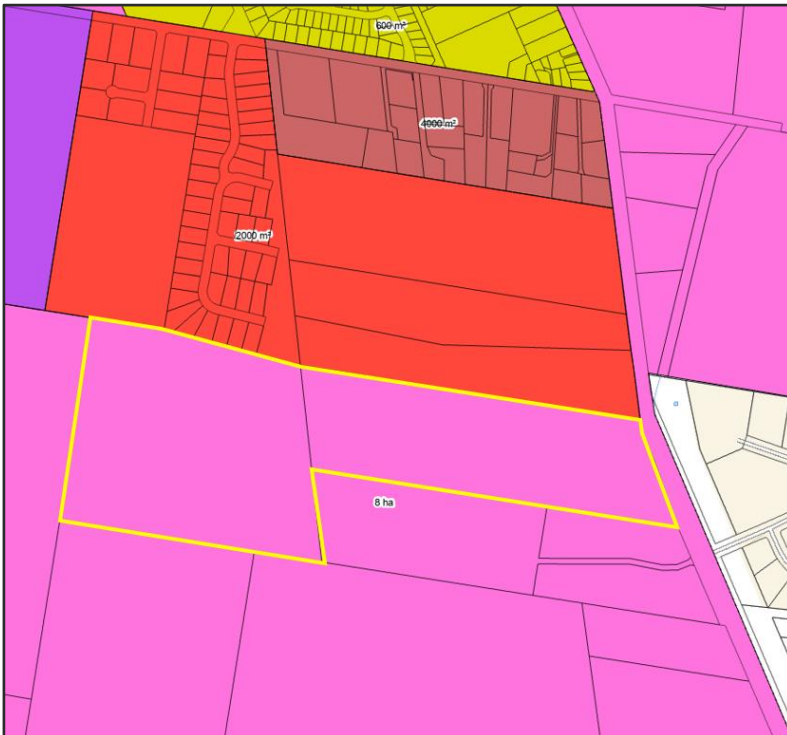


## 1.5 Mapping

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



**Figure 3 Current zoning map (source: ePlanning spatial viewer, June 2022)**



**Figure 4 Current minimum lot size map (source: ePlanning spatial viewer, June 2022)**



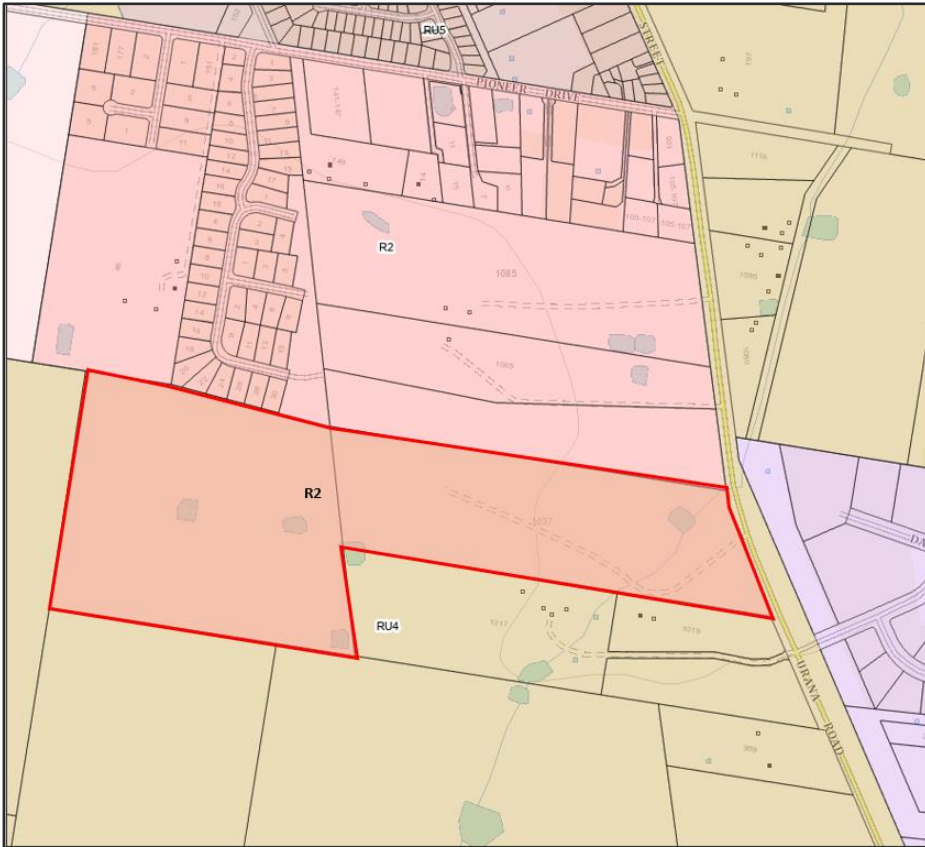


Figure 5 Proposed zoning map (source: adapted from ePlanning spatial viewer, June 2022)

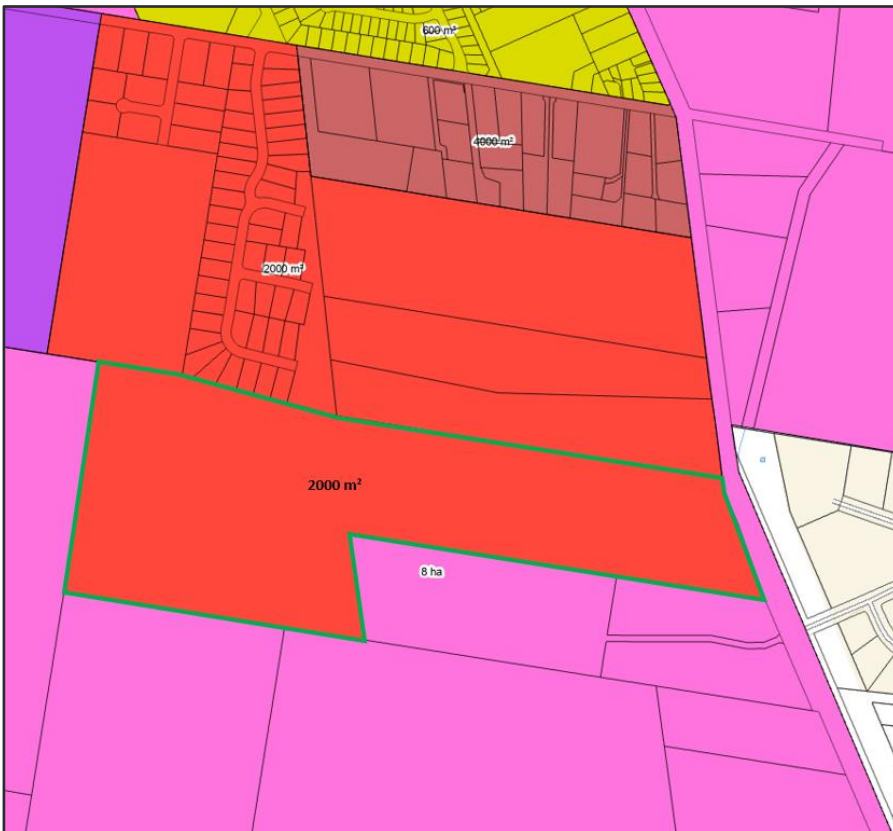


Figure 6 Proposed minimum lot size map (source: adapted from ePlanning spatial viewer, June 2022)

## 1.6 Background

- Council received two planning proposals from Habitat Planning on behalf of separate landowners of adjacent land.
- Both planning proposals seek to rezone their respective allotments from RU4 Primary Production Small Lot to R2 Low Density Residential and reduce their MLS from 8 ha to 2,000 m<sup>2</sup>.
- Council resolved at its meeting on 15 September 2021 to process the planning proposals together due to both seeking the same planning outcome/LEP amendment and the adjacency of the allotments.
- On 17 June 2022, the 'joined' planning proposal was submitted to the Department for consideration for a gateway determination.
- The proposal is consistent with the Jindera Residential Land Use Strategy.

## 2 Need for the planning proposal

The planning proposal is a direct result of the Jindera Residential Land Use Strategy ('the strategy') which was recently adopted by Greater Hume Shire Council but not endorsed by the Department. The planning proposal states that the amendment is required to increase the supply of residential land to satisfy current and future strong residential lots in Jindera as identified by the strategy. The proposed amendment will also provide additional choice in location and living environments for future residents of Jindera.

The planning proposal will allow for the subdivision and development of the subject land for residential purposes by rezoning the land to R2 Low Density Residential and reducing the MLS to 2000 m<sup>2</sup>. This outcome is consistent with the surrounding low density residential development.

The planning proposal has considered alternative mechanisms for achieving the intended outcome and these are:

- reduce the MLS of the existing RU4 Primary Production Small Lots to 2,000 m<sup>2</sup>. This is not considered suitable given the primary production focus of the zone which means that the intended use of the land for low density residential development is unlikely to meet the zone's objective.
- wait for Council's next scheduled LEP review. This is not preferred as there is no identified timeline for Council's LEP review and the planning proposal is required to address identified residential zone land shortage.

Based on the above, it is considered that the current planning proposal and joining the two proposals together is the best means to achieve the intended outcomes.

## 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.

**Table 4 Regional Plan assessment**

Regional Plan Objectives	Justification
Direction 1 – Protect the region's diverse and productive agricultural land	The subject land is highly fragmented and has limited agricultural capability, so developing it for residential purposes will not reduce the amount of productive agricultural land. The proposal is consistent with the Strategy and with this Direction.
Direction 15 – Protect and manage the region's many environmental assets	The subject land includes a small area that contains remnant vegetation that could be impacted by future residential development of the land. The planning proposal indicates that this remnant vegetation will be retained as part of future subdivision due to biodiversity value (see Discussion under Section 4.1). The proposal is consistent with this Direction.
Direction 16 – Increase resilience to natural hazards and climate change	The subject land is affected by flood fringe and low flood hazard. The planning proposal states that this can be addressed at the development application stage in the civil design of the subdivision (including retention and storage) to avoid detrimental impacts from flooding. This is considered appropriate, and the proposal is consistent with this Direction. Refer to section 3.3 (page 9 of this Report where flooding is discussed under section 9.1 Ministerial Direction 4.1 – Flooding.
Direction 21 – Align and protect utility infrastructure investment	Utility infrastructure can be extended to the subject land and has capacity to accommodate anticipated future residential development. The proposal is consistent with this Direction.
Direction 22 – Promote the growth of regional cities and local centres Direction 23 – Build resilience in towns and villages Direction 25 – Build housing capacity to meet demand Direction 26 – Provide greater housing choice	The planning proposal will provide additional housing supply and choice which will attract residents to Jindera to support local services and facilities, thereby increasing resilience of the town. The proposal is consistent with these Directions.
Direction 28 – Deliver healthy built environments and improved urban design	The subject land adjoins an establishing low density residential area to the north and can therefore be easily integrated into the existing Jindera township via walking and cycling networks to create healthy built environment. The proposal is consistent with this Direction.

## Greater Hume Local Narrative

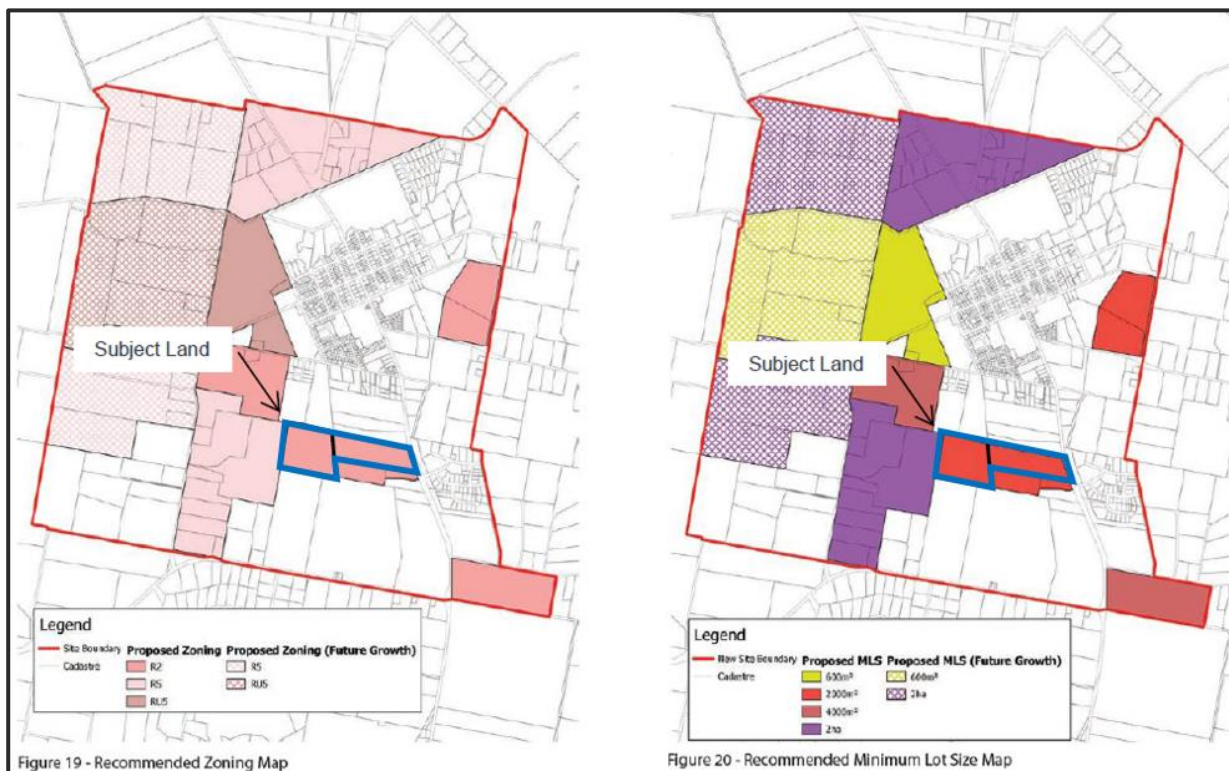
The Greater Hume Local Narrative recognises the economic and population growth opportunities provided by Greater Hume Shire's strategic location between Albury and Wagga Wagga, however it does not identify provision of additional housing as a priority. Nonetheless, general Directions within the Plan focus on providing housing across the region and the planning proposal is not inconsistent with these Directions or the narrative.

## 3.2 Local

The proposal states that it is consistent with the relevant local plans as discussed in the table below.

**Table 5 Local strategic planning assessment**

Local Strategies	Justification
Greater Hume Local Strategic Planning Statement	The planning proposal is consistent with the Greater Hume LSPS as it provides residential land to support growth of Jindera. Specifically, the planning proposal supports Planning Priority One – Housing and Land Supply of the LSPS which seeks to provide diversity of housing choice that meets the needs of the growing and changing community.
Jindera Residential Land Use Strategy	The planning proposal is consistent with this strategy as it will facilitate residential development to support sustained and ongoing population growth in Jindera. The strategy specifically recommends the subject land to be rezoned to R2 Low Density Residential with MLS of 2,000 m <sup>2</sup> (see Figure 7).



**Figure 7 Extract of the recommended Zoning and Minimum Lot Size Maps for Jindera indicating the subject land (source: draft Jindera Residential Land Use Strategy, 2021)**

### 3.3 Section 9.1 Ministerial Directions

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

**Table 6 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Yes	Discussed in Table 4 above. The proposal is consistent with relevant Directions and the priorities for Greater Hume.
1.3 Approval and Referral Requirements	Yes	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'.
3.1 Conservation Zones	No	A small portion of the subject land is mapped as Terrestrial Biodiversity under the GHLEP 2012 and this could be impacted by future residential development. While the planning proposal indicates that the remnant vegetation in this area will be retained as part of future subdivision, a gateway condition has been recommended to require consultation with BCS to ensure that any potential biodiversity impacts are understood and/or addressed. The planning proposal is considered inconsistent with this Direction until the consultation has occurred.
3.2 Heritage Conservation	Yes	There are no heritage considerations related to this planning proposal.
3.5 Recreation Vehicle Areas	Yes	There are no recreation vehicle area considerations related to this planning proposal.
4.1 Flooding	No – but minor	The planning proposal is inconsistent with the Direction because it proposes a change in zoning from rural to residential for land that is flood prone. The inconsistency with this Direction is of minor significance because most of the land is flood free and the minor flood characteristics of the small portion that is flood prone (flood depth, hydraulics and hazard categories) can be accommodated in a civil design for future low density residential subdivision and development.



4.4 Remediation of Contaminated Land	No	<p>The planning proposal indicates that this Direction is not applicable.</p> <p>It is however considered that this Direction is relevant to the planning proposal as it seeks to rezone and facilitate residential development on a rural zoned land that is likely to have been used for agricultural purposes (i.e., grazing) which is a potentially contaminating activity under Table 1 of the Contaminated Land Planning Guidelines. A condition has been recommended to require preparation of Stage 1 preliminary investigation and discussion of the proposal's consistency with this Direction.</p>
5.1 Integrating Land Use and Transport	Yes	The subject land adjoins an establishing residential area and can be readily connected to the existing Jindera township via multiple modes of transport such as walking, cycling and public transport.
5.2 Reserving Land for Public Purposes	Yes	The planning proposal is consistent with this Direction because it does not create, alter or reduce land for public purposes.
6.1 Residential Zones	Yes	The planning proposal is consistent with this Direction because it will provide housing choice and supply and make efficient use of existing infrastructure and service. In addition, the planning proposal will increase residential density of the land and does not seek changes to provisions of Clause 6.7 GHLEP 2012 that requires development to be adequately serviced.
6.2 Caravan Parks and Manufactured Home Estates	Yes	The planning proposal is consistent with this Direction because it does not reduce the opportunities for caravan parks and manufactured home estates on the subject land.
9.1 Rural Zones	No – but justified/minor	<p>The planning proposal is inconsistent with this Direction as it rezones land from rural zone to residential zone. This inconsistency is strategically justified because the planning proposal has been prepared in accordance with Department supported Jindera Residential Land Use Strategy, Greater Hume LSPS and the Riverina-Murray Regional Plan 2036 prepared by the Department. In addition, this inconsistency is considered minor as the subject land is fragmented and has low productive agricultural value.</p>

9.2 Rural Lands	No – but justified/minor	The planning proposal is consistent with the Jindera Residential Land Use Strategy, Greater Hume LSPS and Riverina-Murray Regional Plan 2036. The rezoning, reduction of minimum lot size and future residential development of the subject land will not impact on rural activities due to the location and low agricultural value of the land. Therefore, the planning proposal is considered mostly consistent with this Direction and any inconsistencies are justified or minor.
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### 3.4 State environmental planning policies (SEPPs)

The planning proposal addresses the SEPPs and the proposal is consistent with all relevant SEPPs. The SEPPs will be further considered by Council at the development application stage.

## 4 Site-specific assessment

### 4.1 Environmental

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

**Table 7 Environmental impact assessment**

Environmental Impact	Assessment
Ecological	The subject land contains stands of remnant vegetation that could be potentially impacted by future residential development on the land. It is noted that the remnant vegetation is affected by the Terrestrial Biodiversity map of the GHLEP2012 and therefore could have significant biodiversity values (see Figure 8). The southern part of Lot 224 which is included in the Terrestrial Biodiversity is a mapping error and this is confirmed by the absence of vegetation in that area (see Figure 8). The planning proposal states that the remnant vegetation will be retained as part of future subdivision and Concept Plan for 151-159 Pioneer Drive attached to the planning proposal does this (see Figure 9). However, no concept plan was provided for 1037 Urana Road. Given that no ecological assessment has been prepared to support the planning proposal, a post-gateway consultation with BCS would be necessary to better understand and address any potential biodiversity impacts of the planning proposal. Gateway condition has been recommended to this effect.
Flooding	While the majority of the land is flood free, a small portion is flood prone – affected by flood fringe and low flood hazard according to the Jindera Flood Study (see Figure 10). However, the planning proposal states that these minor flood characteristics can be accommodated in a civil design for future low density residential subdivision and development at the development application stage. This approach is considered adequate.



## Contamination

Although the planning proposal states that there is high degree of confidence that none of the subject land has been used for an activity listed in Table 1 of the Contaminated Land Planning Guidelines, discussions with Council staff indicates that the land may have been used for agricultural activities, specifically grazing. This is evidenced by the presence of stock dams and other rural infrastructure on the land on the subject land. Given the potential for land contamination from this previous use, it is recommended that Stage- 1 preliminary investigation should be undertaken to ascertain the risk or otherwise.

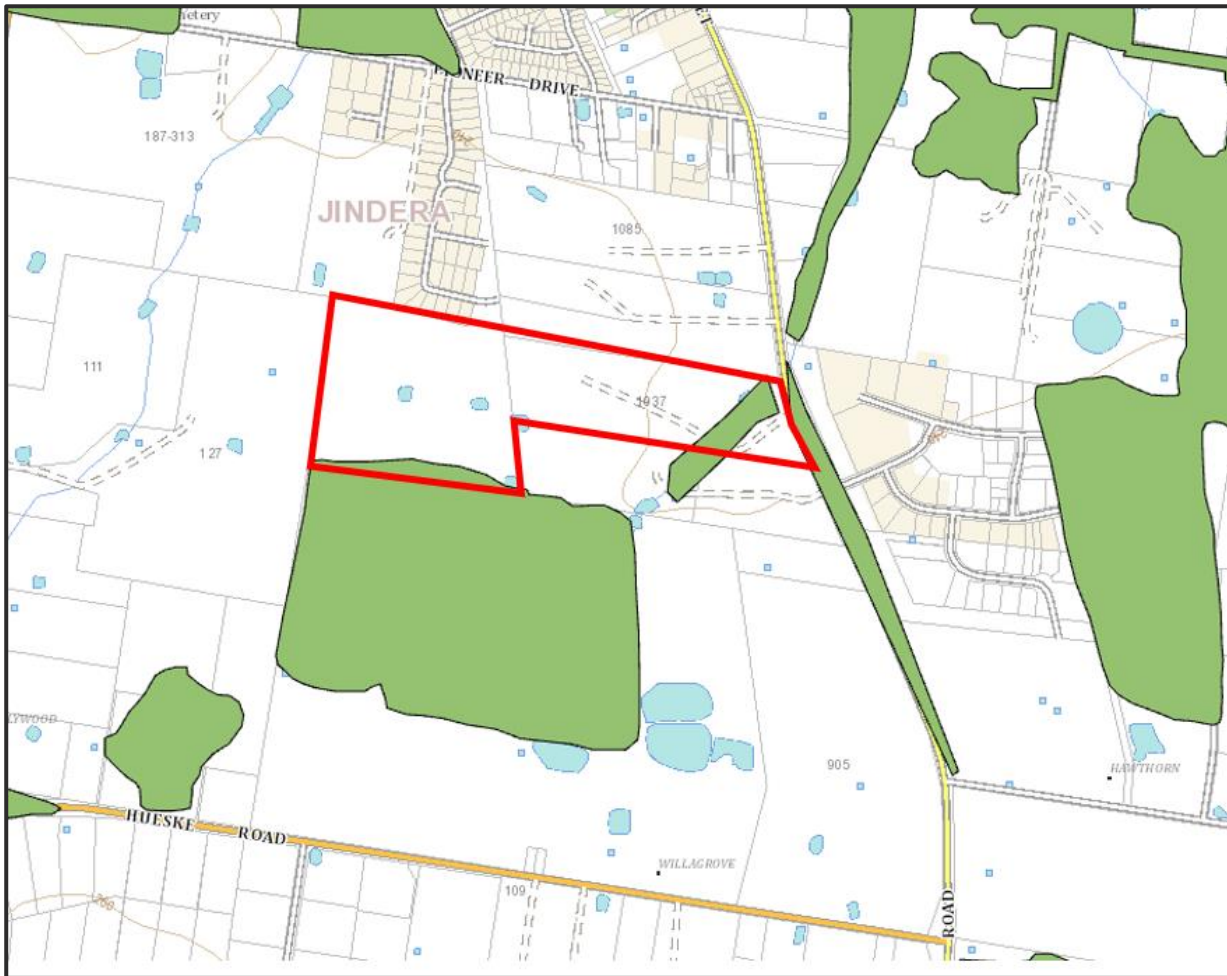


Figure 8 Extract of Terrestrial Biodiversity Map (source: ePlanning spatial viewer, 2022)

**LEGEND**

**Flood Extent and Depth (m)**

0.00 - 0.10	0.10 - 0.30	0.30 - 0.50	0.50 - 1.00	1.00 - 2.00	> 2.00
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Hydraulic Modelling Extent

HydroLine

Flood Contours (mAHD)

Cadastre

NSW Department of Planning and Environment | 13

## 4.2 Social and economic

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

**Table 8 Social and economic impact assessment**

Social and Economic Impact	Assessment
Housing supply	The planning proposal will provide opportunity for additional housing supply and choice to meet identified existing and future needs in Jindera. This will attract new residents who will increase support for both community and commercial interests in the town.
Heritage	<p>The planning proposal states the subject land has been disturbed from previous agricultural uses and as such does not contain any landscape features such as permanent waterways, ridgelines, caves or sand dunes that would indicate the presence of items of Aboriginal Cultural Heritage significance.</p> <p>No local or State listed heritage items or places are located on the subject land or within its vicinity.</p> <p>The proposal does not change the provisions relating to heritage.</p>
Visual	Future residential development of the site will maintain and be consistent with the residential character of the adjoining low density residential development.

## 4.3 Infrastructure

The proposal provided adequate information to demonstrate the subject land is able to be connected to existing urban infrastructure and services (water, sewerage, stormwater drainage, road access, telecommunications, electricity and gas).

However, Council's assessment report identified issues with providing road access to Lot 2 DP240938, 151-159 Pioneer Drive. The Council report indicates that since Lot 2 is located immediately south of the proposed Urana Road Intersection, providing another intersection for Lot 2 is not considered appropriate as it would be too close to Urana Road Intersection and interfere with the intersection from the Jindera Industrial Estate. The Council report also indicates that, avoiding intersection for Lot 2 could allow for retention of the native vegetation and support options for engineering solutions to the flooding on the creek line.

Consequently, Council's resolution to seek a gateway determination requested for a condition to be imposed to require the South Jindera Low Density Residential Development Control Plan (DCP) and South Jindera Low Density Residential Infrastructure Contributions Plan (CP) to be updated to include the subject land of this planning proposal prior to public exhibition. The update is intended to ensure adequate access provisions for Lot 2 DP240938 and availability of services. However, following discussions with Council staff, it is more appropriate to impose a gateway condition requiring a clause to be inserted in GHLEP 2012, with the intent to require the DCP and CP to be updated to include the subject land before development consent can be granted for subdivision (unless the DCP and CP have been updated prior to finalisation of the LEP amendment). This will support clause 6.7 of the GHLEP 2012. This is to ensure that appropriate arrangement for provision of the infrastructure required to support future development are put in place while also



achieving the planning proposal finalisation timeframes. A condition has been recommended to this effect.

## 5 Consultation

### 5.1 Community

Council proposes a community consultation period of 28 days.

The proposal is categorised as being “standard”.

An exhibition period of 20 working days (28 calendar days) is considered appropriate, and forms to the conditions of the Gateway determination is included in the Gateway determination.

### 5.2 Agencies

Council has nominated the Independent Pricing and Regulatory Tribunal to be consulted about the planning proposal, however consultation with this public agency is not considered to be directly relevant to the finalisation of the planning proposal.

It is recommended the following agencies be consulted on the planning proposal and given 28 days to comment:

- DPE - Biodiversity, Conservation and Science Directorate (BCS)

## 6 Timeframe

Council proposes a 6 month time frame to complete the LEP.

The Department supports the proposed timeframe of 6 months to ensure it is completed in line with its commitment to reduce processing times.

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.

As the planning proposal is of local and low risk nature, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

## 8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The proposal has demonstrated strategic merit consistent with Council's strategic planning work
- The intended outcome for the proposed rezoning and minimum lot size change is consistent with the surrounding low density residential development
- The proposal will provide residential land supply and choice opportunity for Jindera
- The subject land can be provided with relevant urban infrastructure and is largely unconstrained.

As discussed in the previous sections 3 and 4, the proposal should be updated to:

- The explanation of provisions should be updated to include “insert a clause in GHLEP 2012 with the intent to require the South Jindera Low Density Residential DCP and South Jindera

Low Density Residential CP to be updated to include to the subject land before development consent can be granted for subdivision to ensure adequate access provisions for Lot 2 DP240938 and availability of services (unless the DCP and CP have been updated prior to finalisation of the LEP amendment)”.

Based on the assessment outlined in this report, the proposal is to be updated before consultation to:

- include the outcome of a Stage 1 preliminary investigation undertaken in accordance with the Contaminated Land Planning Guidelines and discussion of the proposal’s consistency with Direction 4.4 Remediation of Contaminated Land.

## 9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 4.1 Flooding, 9.1 Rural Zones and 9.2 Rural Lands are minor or justified
- Note that the inconsistencies with section 9.1 Directions 3.1 Conservation Zones and 4.4 Remediation of Contaminated Land are unresolved and will require justification.

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

1. Prior to community consultation, the planning proposal is to be updated to:
  - include the correct Lot and DP for 151-159 Pioneer Drive, Jindera being Part Lot 224 DP 1280394
  - include a new explanation of provisions “insert a clause in GHLEP 2012 with the intent to require the South Jindera Low Density Residential DCP and CP to be updated to include to the subject land before development consent can be granted for subdivision to ensure adequate access provisions for Lot 2 DP240938 and availability of services (unless the DCP and CP have been updated prior to finalisation of the LEP amendment)”.
  - include the outcome of Stage 1 preliminary investigation undertaken in accordance with Contaminated Land Planning Guidelines and discussion of the proposal’s consistency with 4.4 Remediation of Contaminated Land. The updated planning proposal is to be forwarded to the Department for review and approval.
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
3. Consultation is required with the following public authority
  - DPE – Biodiversity Conservation and Science Directorate (BCS)
4. Prior to requesting drafting of the LEP amendment, the draft DCP and CP clause should be forwarded to the Department for review and approval (unless the updates have been completed prior to the finalisation stage).
5. The timeframe for completing the LEP is to be 6 months from the date of the Gateway determination.
6. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



\_\_\_\_\_  
(Signature)

11 July 2022 (Date)

Wayne Garnsey  
Manager, Western Region

**Noted:**



\_\_\_\_\_  
(Signature)

11 July 2022 (Date)

Garry Hopkins  
Director, Western Region

Assessment officer

Paul Amoaeng  
Planning Officer, Western Region  
02 6983 4909