



IRF25/331

Gateway determination report – PP-2024-2110

Holy Spirit Church, Part 197 Urana Street, Jindera

April 25



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Acknowledgment of Country

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

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Table 1 Reports and plans supporting the proposal

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

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

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

1.2 Objectives of planning proposal

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

The objective of this planning proposal is clear and adequate.

1.3 Explanation of provisions

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

Table 3 Current and proposed controls

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

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

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

SITE DATA:-

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



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

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

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

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

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

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

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

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

1.4 Site description and surrounding area

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

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



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

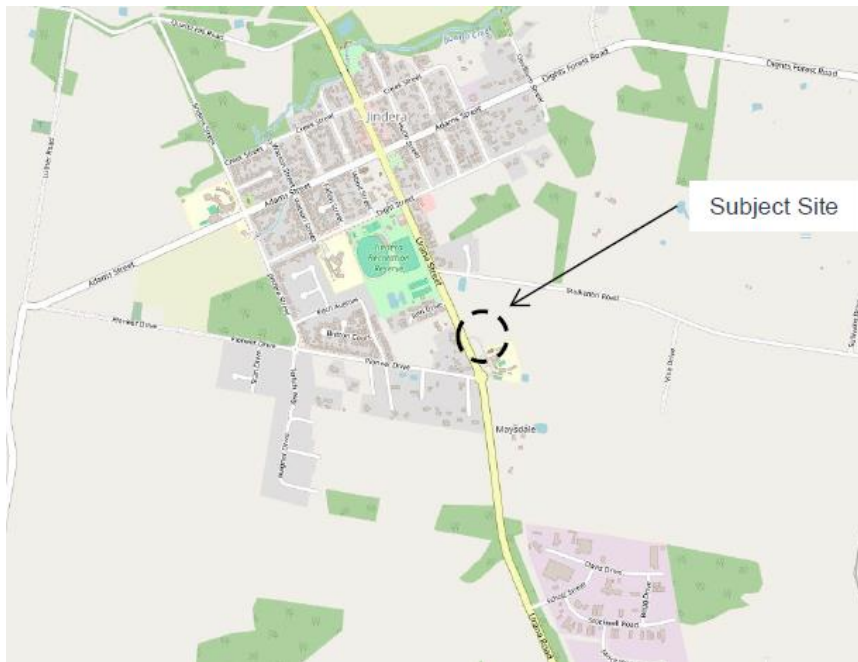


Figure 3 Site context (source: Planning proposal, 2024)

1.5 Mapping

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

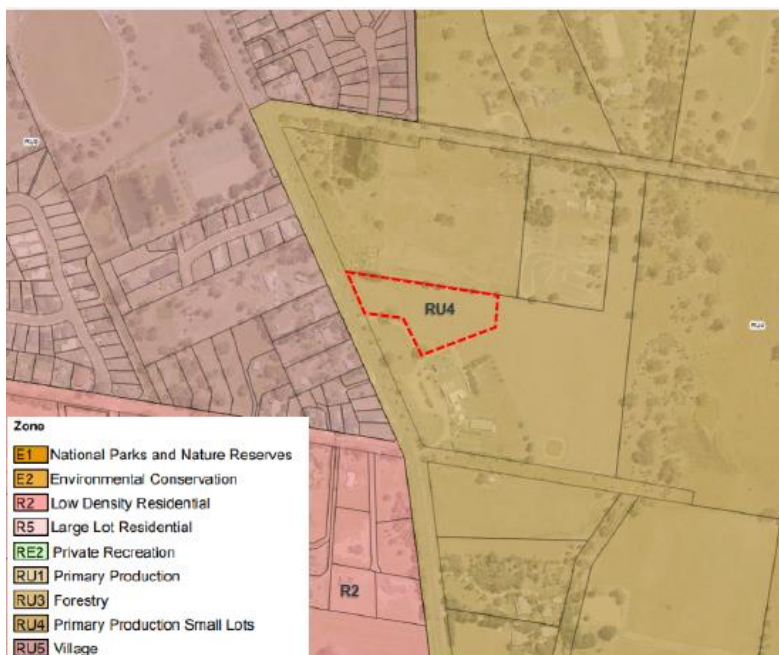


Figure 4 Current zoning map (source: Planning proposal, 2024)

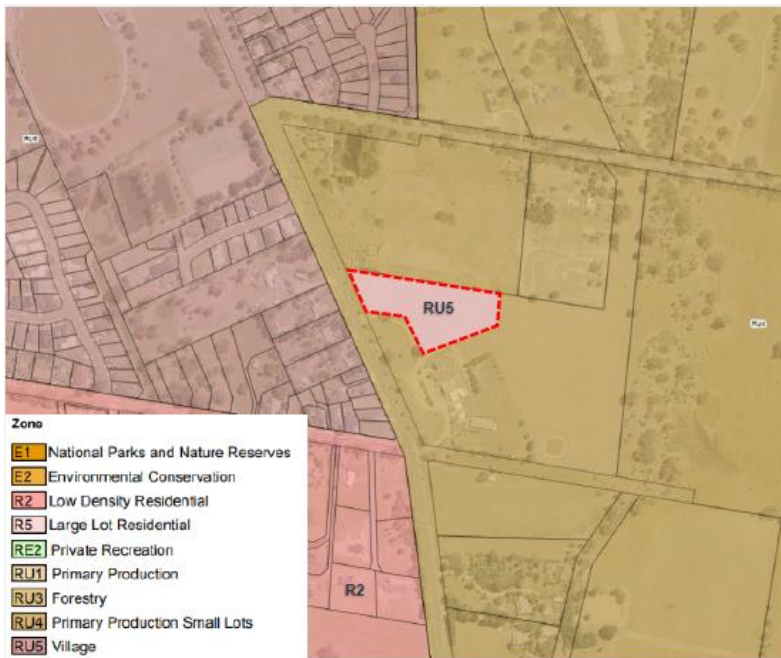


Figure 5 Proposed zoning map (source: Planning proposal, 2024)

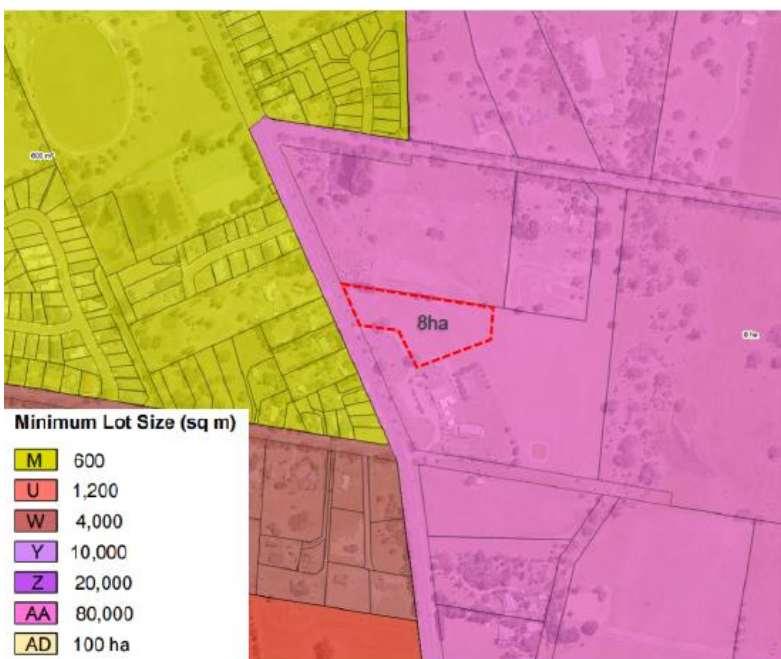


Figure 6 Current minimum lot size map (source: Planning proposal, 2024)

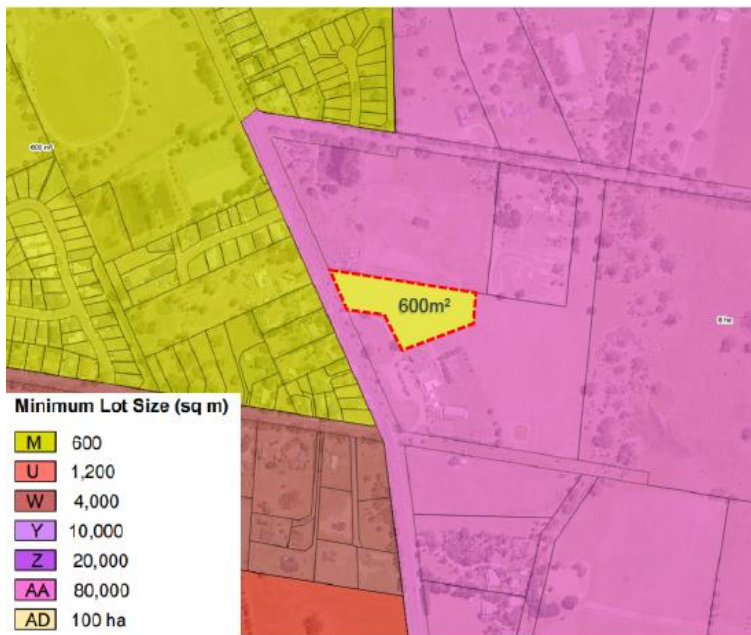


Figure 7 Proposed minimum lot size map (source: Planning proposal, 2024)

2 Need for the planning proposal

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

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

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

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

3 Strategic assessment

3.1 Regional Plan

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

Table 4 Regional Plan assessment

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

3.2 Local

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


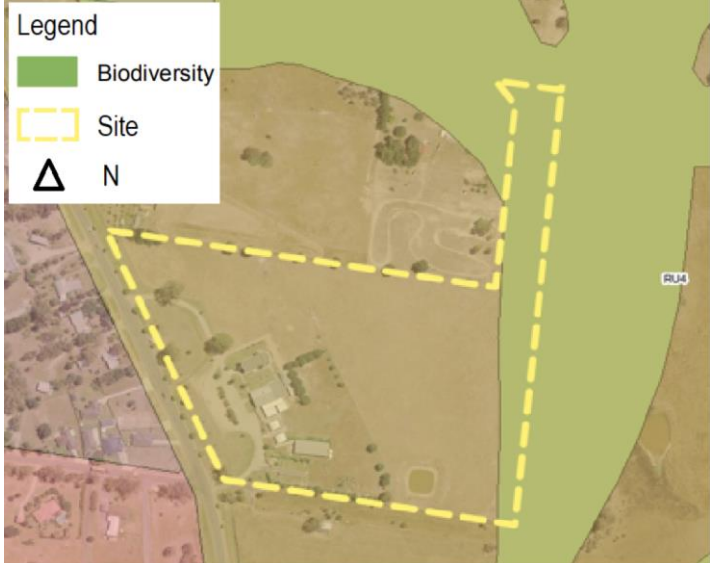
Table 5 Local strategic planning assessment

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

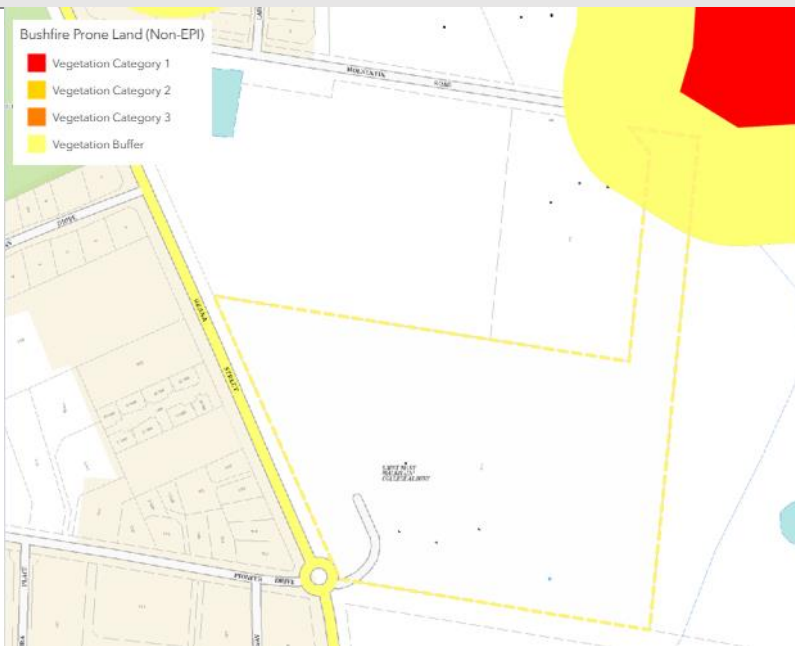
3.3 Section 9.1 Ministerial Directions

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

Table 6 9.1 Ministerial Direction assessment

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

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

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

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

3.4 State environmental planning policies (SEPPs)

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

4 Site-specific assessment

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

Table 8 Impact assessment

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

Figure 11 1 in 100 flood with mitigation and development (Flood Impact Assessment 2024)

Impact	Assessment
	<div><div><div><p>THIS FLOOD MAP WAS PRODUCED WITH BOM 1967 RAINFALL DATA WHICH HAS NOT BEEN CORRECTED FOR GLOBAL TEMPERATURE INCREASES.</p><p>Note: Results corresponding to flood depths under 0.05m have been filtered out.</p></div><div><p>Legend</p><p>Site Boundary</p><p>Open Council</p><p>Open</p><p>Flood Hazard</p><p>H1 - generally safe for people, vehicles and buildings</p><p>H2 - unsafe for small vehicles</p><p>H3 - unsafe for vehicles, children and elderly</p><p>H4 - unsafe for people and vehicles</p><p>H5 - unsafe for vehicles and people. All buildings vulnerable to structural damage. Some less robust building types vulnerable to failure</p><p>H6 - unsafe for vehicles and people. All building types considered vulnerable to failure</p></div><div><p>Scale: 1:10,000</p><p>North Arrow</p><p>Project No: 2200144</p><p>Revision No: A</p><p>Date: 18 Sep 2024</p><p>Figure B-009</p></div></div></div>
Services	<p>The site is centrally located and forms part of a lot that is already serviced. The site can be adequately serviced with relevant infrastructure including reticulated water, sewerage, drainage, gas, electricity and telecommunications. The planning proposal states Council have confirmed that there is ample capacity within this infrastructure to service the development.</p>

5 Consultation

5.1 Community

Council proposes a community consultation period of 20 days.

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

5.2 Agencies

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

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

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

6 Timeframe

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

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

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

7 Local plan-making authority

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

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

8 Recommendation

It is recommended the delegate of the Secretary:

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

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

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

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

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

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

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



9/4/25

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9/4/2025

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