

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

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

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

REASON FOR REPORT

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

REFERENCE TO DELIVERY PLAN

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

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

DISCUSSION

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

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

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

The submitted Planning Proposal has been prepared in accordance with the 'Local Environmental Plan Making Guidelines' and through extensive consultation with Council's Engineering and Planning staff.
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The applicant noted that the purpose of this '**spot rezoning**' exercise is to allow for the development of this land for seniors housing in response to ongoing and predicted demand for aged care housing. This will involve the construction of approximately ten (10) freestanding dwellings for seniors, which will be accessed via a centralised access road. The Planning Proposal also includes an indicative site plan, floor plan, and elevation diagrams of the proposed units.

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

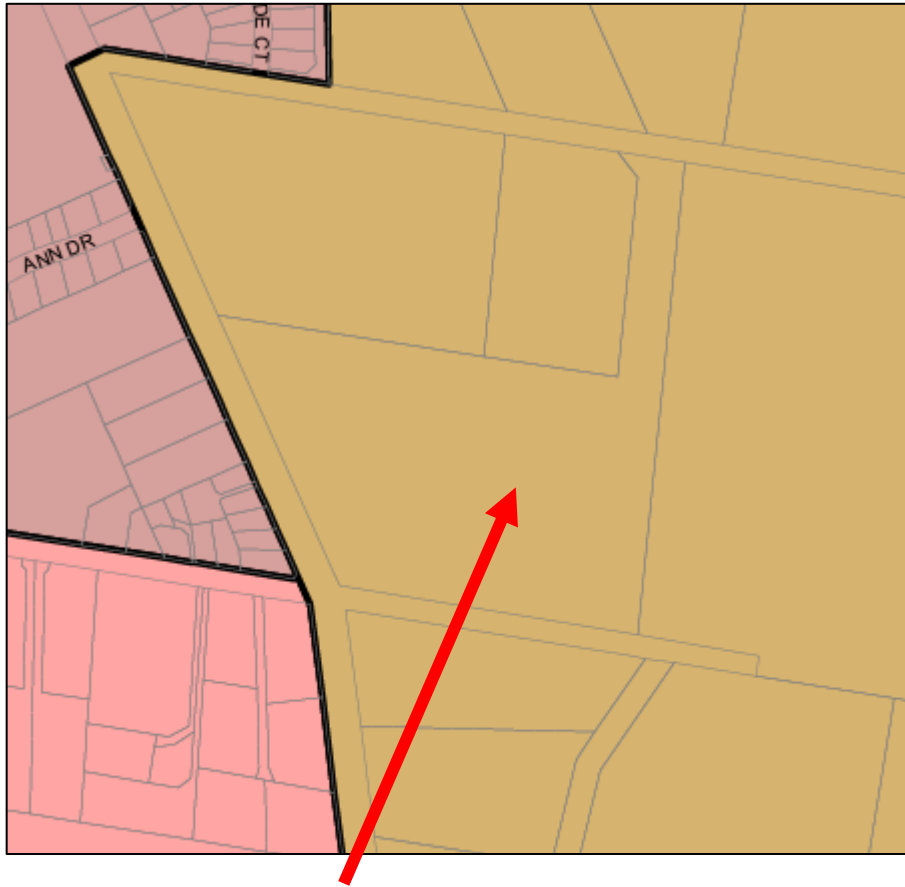


Figure 1 – The site subject of the proposal as shown on the GHLEP 2012 Land Zoning Map LZN_002C; GHLEP 2012

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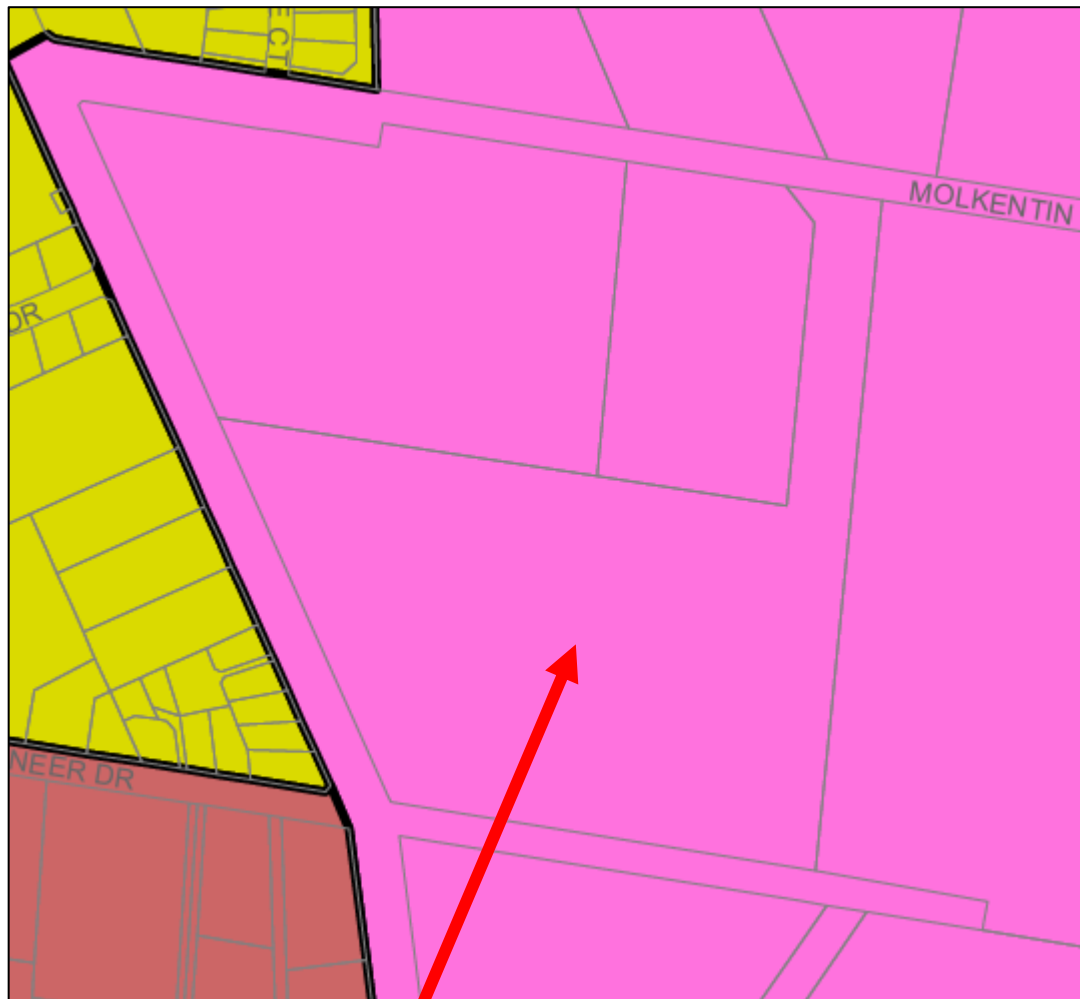


Figure 2 – The site subject of the proposal as shown on the GHLEP 2012 Lot Size Map LZN_002C; GHLEP 2012

| Minimum Lot Size (sq m) | |
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Figure 3 – The colour index as shown on the GHLEP 2012 Lot Size Map LZN_002C.

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

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

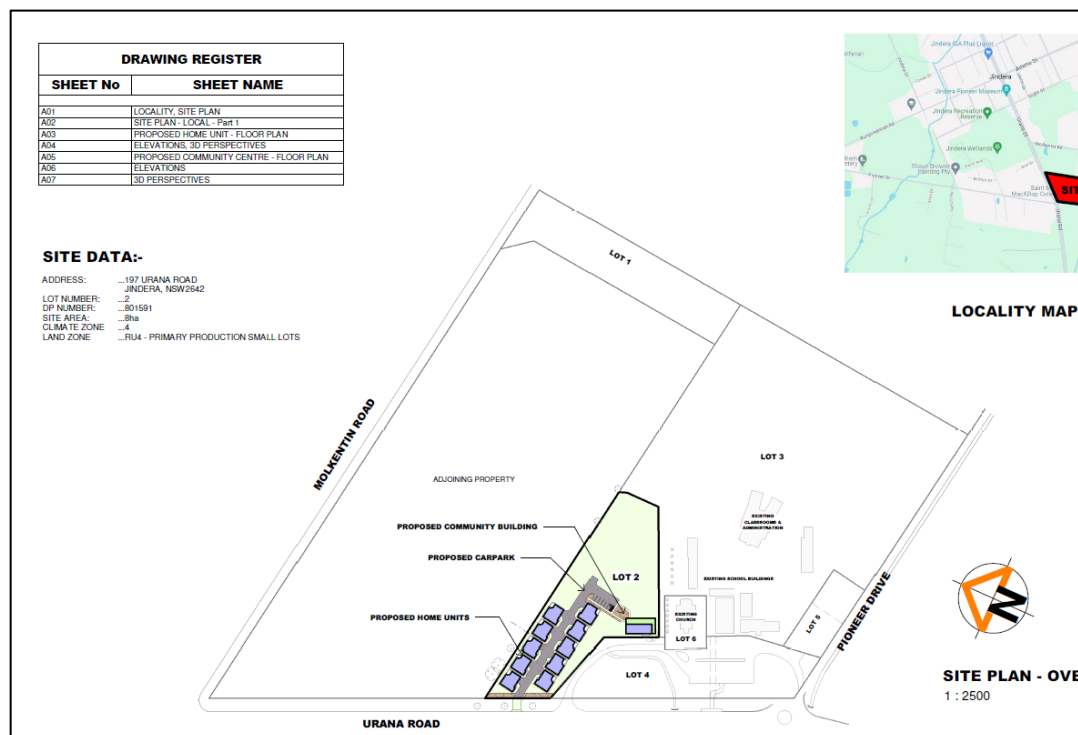


Figure 4 – The proposed conceptual site plan by the applicant.

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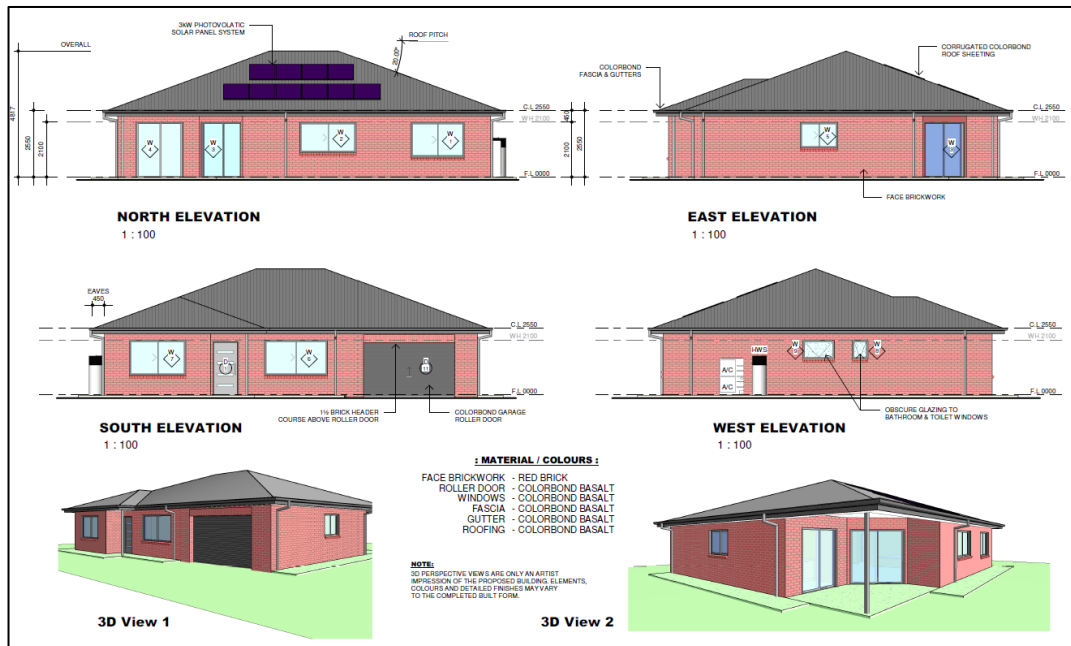


Figure 5 – The proposed conceptual site plan by the applicant

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

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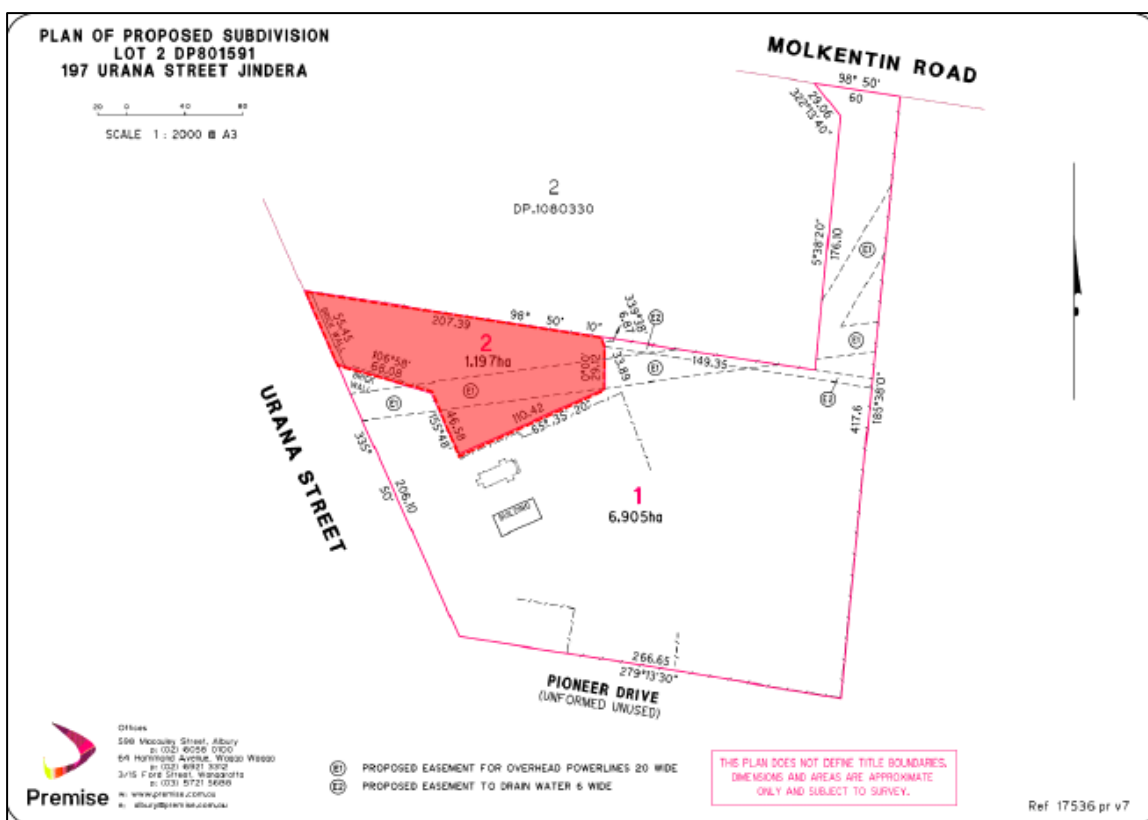


Figure 7– A survey layout showing the total extent of the site subject of proposed 'spot rezoning' by the applicant.

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

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

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The summary of the proposal is as below:

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

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



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

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

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

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

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

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

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

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

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

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

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BUDGET IMPLICATIONS

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

CONCLUSION

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

RECOMMENDATION

That Council:

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

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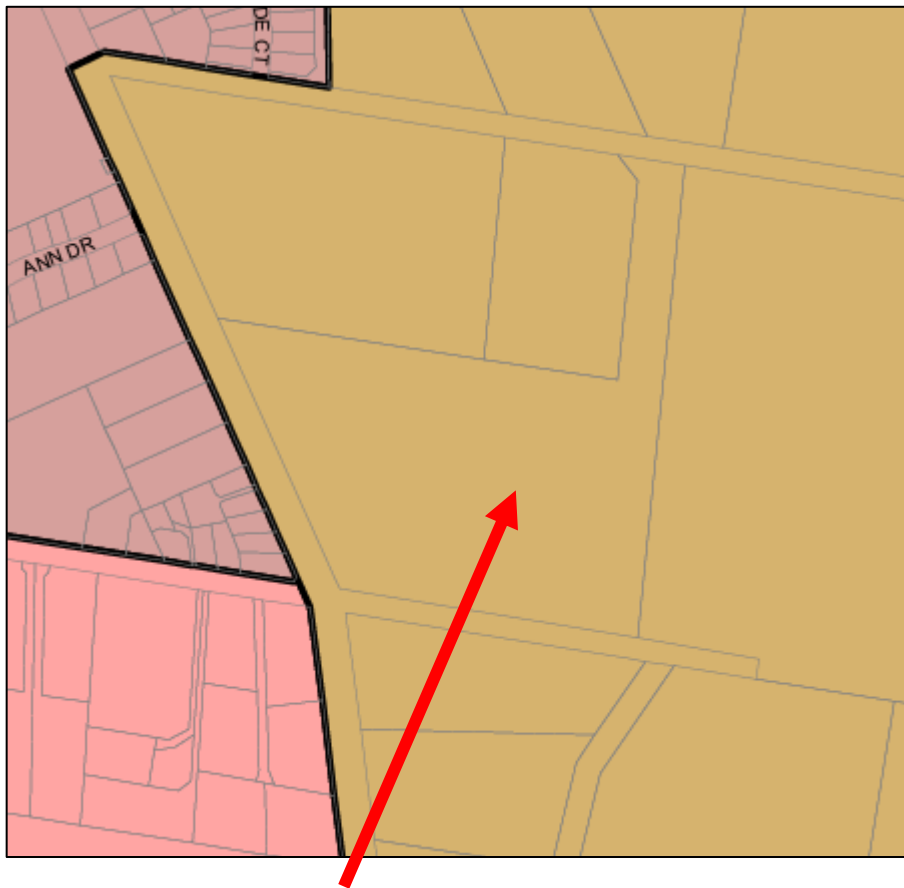


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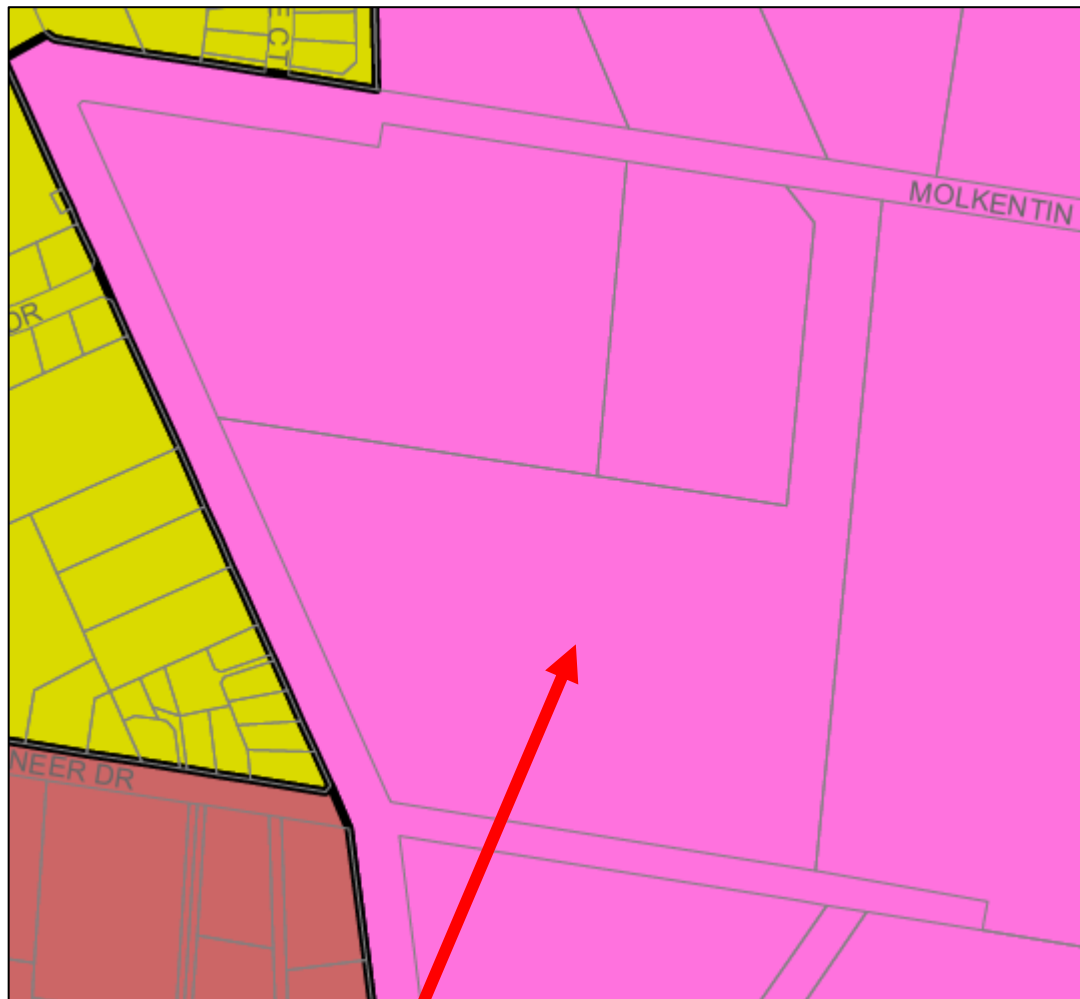


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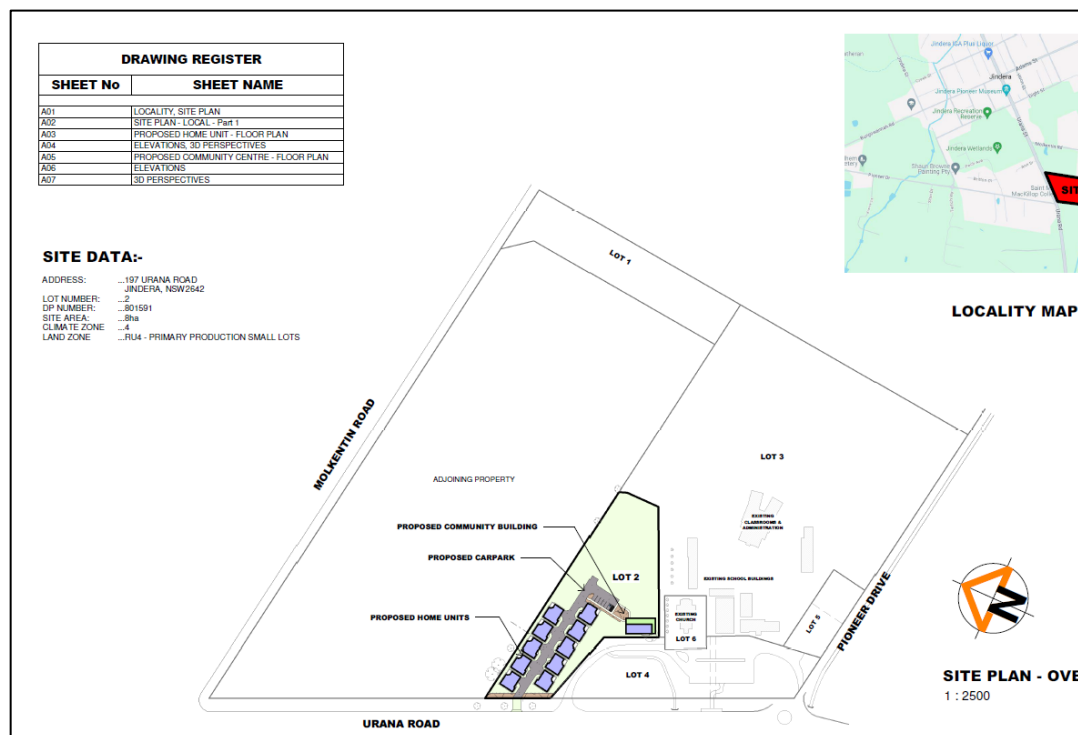


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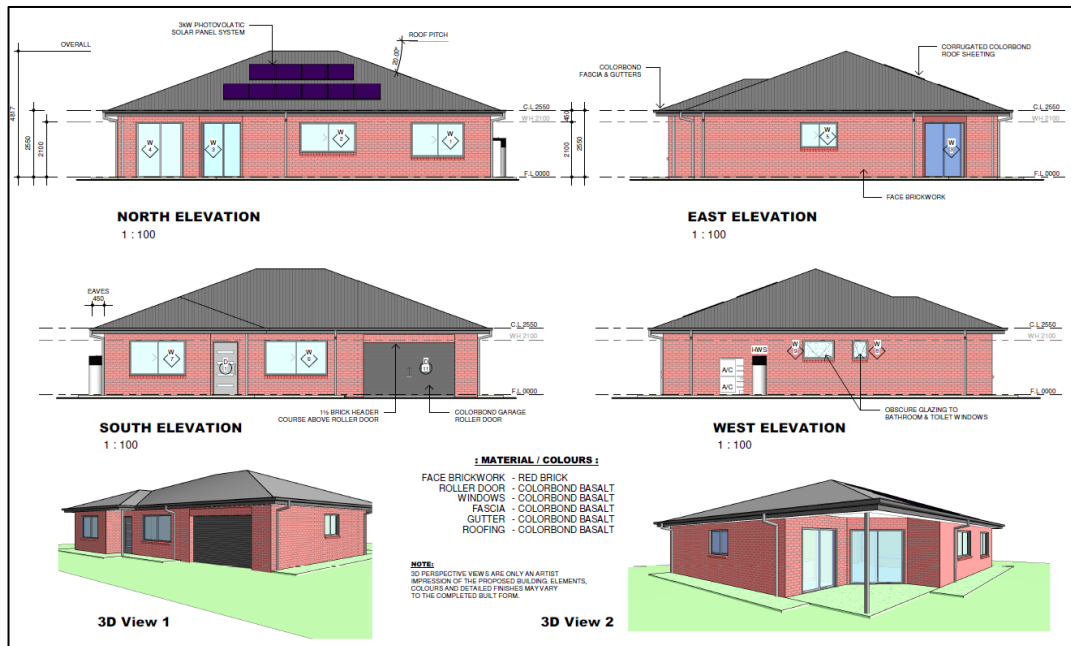


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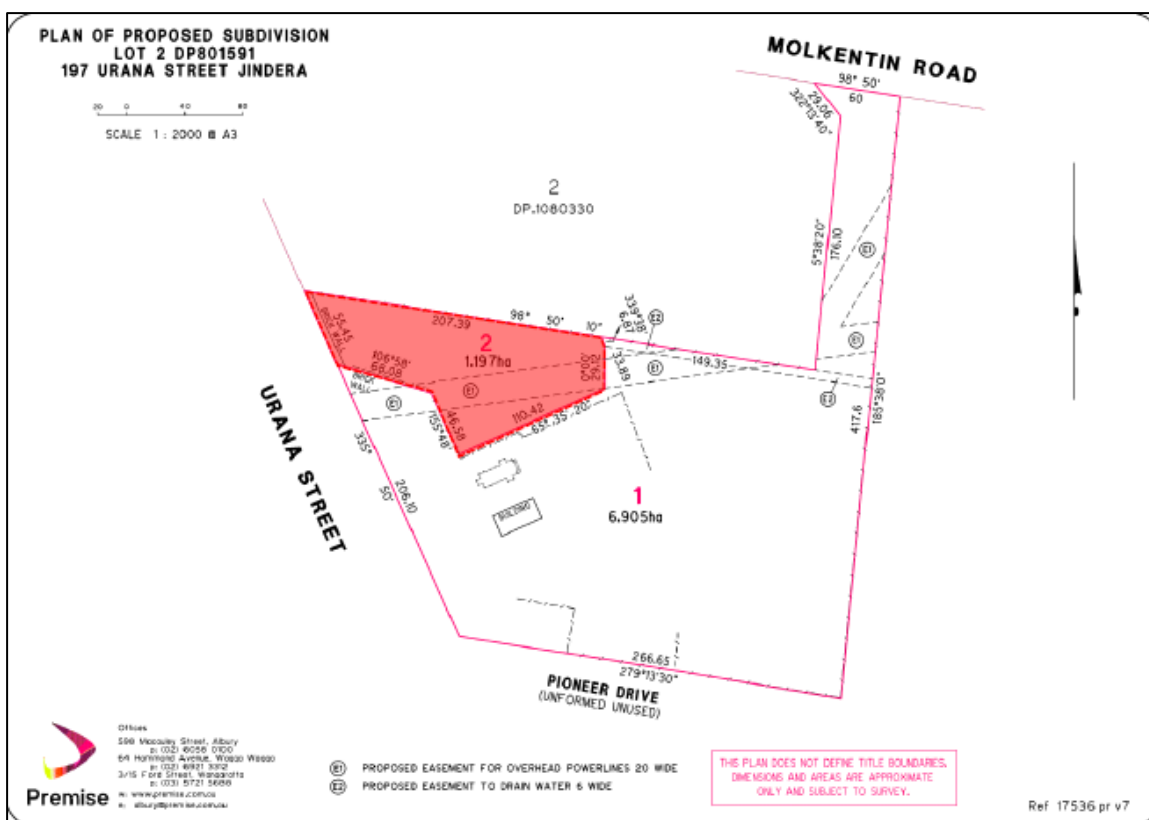


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- *Planning Priority One - Housing and Land Supply*
- *Planning Priority Three - Utility Infrastructure*
- *Planning Priority Four - Agricultural Land*
- *Planning Priority Nine - Climate Change and Natural Hazards*

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

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

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

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

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

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

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

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BUDGET IMPLICATIONS

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

CONCLUSION

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

RECOMMENDATION

That Council:

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