

Amendment to Greater Hume Local  
Environmental Plan 2012

197 Urana Street, Jindera

MAY 2025

Submitted to Albury City Council  
Prepared on behalf of Holy Spirit Church

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# Executive Summary

This Planning Proposal has been prepared by Habitat Planning on behalf of Holy Spirit Church and is submitted to Greater Hume Council in support of a Planning Proposal to amend the *Greater Hume Local Environmental Plan 2012* (LEP).

Specifically, the Planning Proposal seeks to rezone 1.197ha of land in the north western corner of Part Lot 2, DP801591 and addressed as 197 Urana Street, Jindera from RU4 Primary Production Small Lots to RU5 Village. The Planning Proposal also seeks to undertake a consequential amendment to the Minimum Lot Size map by reducing the minimum lot size of this land from 8 hectares down to 600m<sup>2</sup>.

Plans showing the proposed changes sought by the Planning Proposal are provided below.

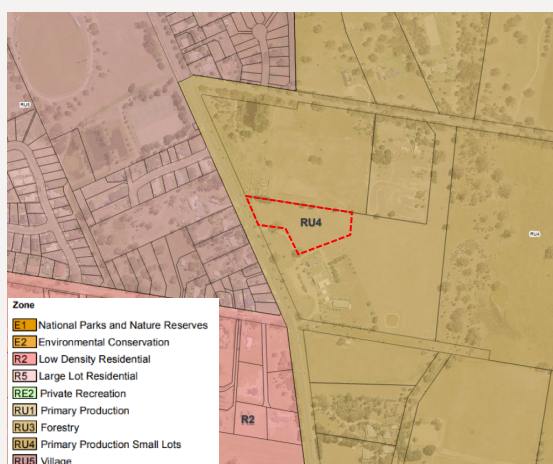


Figure 1 | Land Zoning Map (Existing)

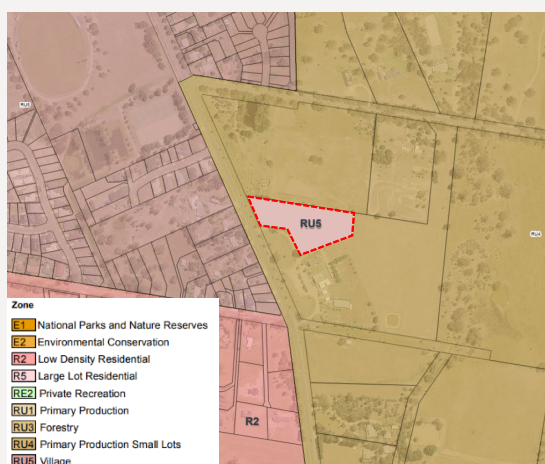


Figure 2 | Land Zoning Map (Proposed)

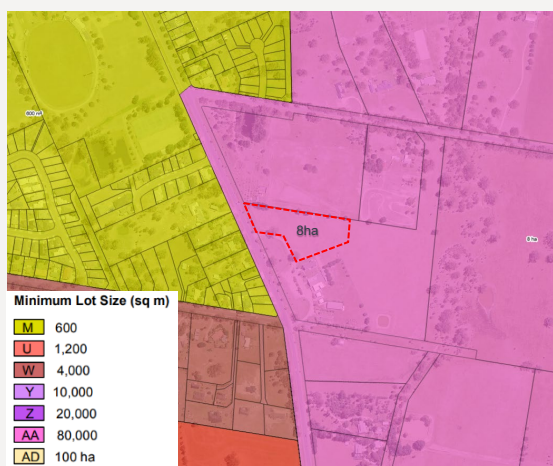


Figure 3 | Lot Size Map (Existing)

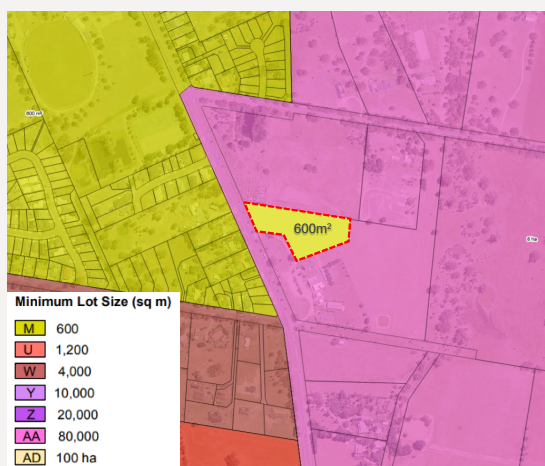


Figure 4 | Lot Size Map (Proposed)

The report has been prepared to address the requirements of the *Environmental Planning and Assessment Act 1979* (EP&A Act), as well as satisfying the requirements of the NSW Department of Planning, Housing & Infrastructure's guideline titled: *Local Environmental Plan Making Guideline* (August 2023).

For the purposes of the Guideline, the application is classified as a 'Standard' Planning Proposal as it seeks to "change the land use zone where the proposal is consistent with the objectives identified in the LEP for that proposed zone."

This Planning Proposal provides an analysis of the physical and strategic planning constraints and opportunities of the site and considers the relevant environmental, social and economic impacts of the proposal and its strategic merit.

The Planning Proposal has strategic merit and is in the public interest for the following reasons:

- The proposal is generally consistent with the strategic planning framework including State, Regional and local planning strategies for Jindera and the broader Greater Hume.
- The resultant 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.
- The outcomes sought by the Planning Proposal seek to reflect the natural hazards and constraints of the land.
- Development of the land as sought by this Planning Proposal can be integrated with adjoining residential and educational development to the north, south and west.
- The development is proposed in response to increasing demands for seniors housing and small lot housing in close proximity to infrastructure and services.
- There will be a net benefit for the Jindera community through additional seniors housing.
- The subject land can be provided with all urban services.

The Planning Proposal received Gateway Determination on 09 April 2025 with the Department of Planning, House and Infrastructure endorsing its progression to public exhibition, subject to an amended Planning Proposal addressing the following requirements:

- Reference a split zone clause that allows flexibility in applying the minimum lot size provisions.*
- Demonstrate the site can safely accommodate seniors housing up to the PMF including mitigation measures.*

This amended Planning Proposal has been prepared in response to the Gateway conditions.

It is recommended that Greater Hume Council resolve to support the changes to the LEP as detailed in this Planning Proposal to undertake the following:

- 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.
- 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<sup>2</sup>.
- Introduce a split zone clause within the LEP to provide flexibility in the application of Clause 4.1 and allow the subdivision of a lot where more than one zone applies.

**Table 1** Executive Summary Table

Item	Description
Site Address	197 Urana Street, Jindera
Property Descriptor	Part Lot 2, DP801591
Existing Planning Controls	Land Zoning: RU4 Primary Production Small Lots Minimum Lot Size: 40 hectares

	<p>Terrestrial Biodiversity: Yes - eastern portion of the land</p> <p>Heritage: None</p> <p>Bushfire Prone: Yes – Vegetation Buffer</p> <p>Flooding: Yes – Low Hazard Flooding</p>
<b>Proposed Amendment</b>	<p>Rezone the north west portion of the land from RU4 Primary Production Small Lots to RU5 Village and reduce the minimum lot size of this land from 40ha to 600m<sup>2</sup>.</p> <p>Introduce a split zone clause to allow flexibility in applying minimum lot size controls across the LGA.</p>
<b>Supporting Technical Studies</b>	Flood Impact Assessment
<b>Type of Amendment</b>	Standard

# 1. Introduction

## 1.1. Overview

This Planning Proposal has been prepared by Habitat Planning on behalf of Holy Spirit Church and is submitted to Greater Hume Council in support of a Planning Proposal to amend the *Greater Hume Local Environmental Plan 2012* (LEP).

Specifically, the Planning Proposal seeks to rezone 1.197ha of land in the north western corner of Part Lot 2, DP801591 and addressed as 197 Urana Street, Jindera from RU4 Primary Production Small Lots to RU5 Village. The Planning Proposal also seeks to undertake a consequential amendment to the Minimum Lot Size map by reducing the minimum lot size of this land from 8 hectares down to 600m<sup>2</sup>.

The subject Planning Proposal also seeks to introduce a split zones clause within the LEP to allow for the subdivision of land with multiple zonings, such as that sought by this Planning Proposal. Such a clause is commonly applied in regional council Local Environmental Plans (LEPs) to facilitate the subdivision of land where multiple zones apply to a single lot.

It provides flexibility in the application of Clause 4.1, which relates to minimum lot size requirements. The specific zones to which this clause will apply is to be determined in consultation with Council and DPHI with the final wording of the clause to be prepared by Parliamentary Counsel at the finalisation stage of the Planning Proposal.

This report has been prepared to address the requirements of Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), as well as satisfying the requirements of the NSW Department of Planning, Housing & Infrastructure's guideline titled: *Local Environmental Plan Making Guideline* (August 2023).

For the purposes of the Guideline, the application is classified as a 'Standard' Planning Proposal as it seeks to "*change the land use zone where the proposal is consistent with the objectives identified in the LEP for that proposed zone.*"

This report will demonstrate that the proposed rezoning of a portion of the subject land to RU5 Village is consistent with the intent and objectives of the planning framework and strategic plans and policies. Consequently, this will provide both Council and the NSW Department of Planning, Housing and Infrastructure (DPHI) with the confidence to endorse the proposed amendment as sought by this Planning Proposal.

## 1.2. Background & Pre-Lodgement Advice

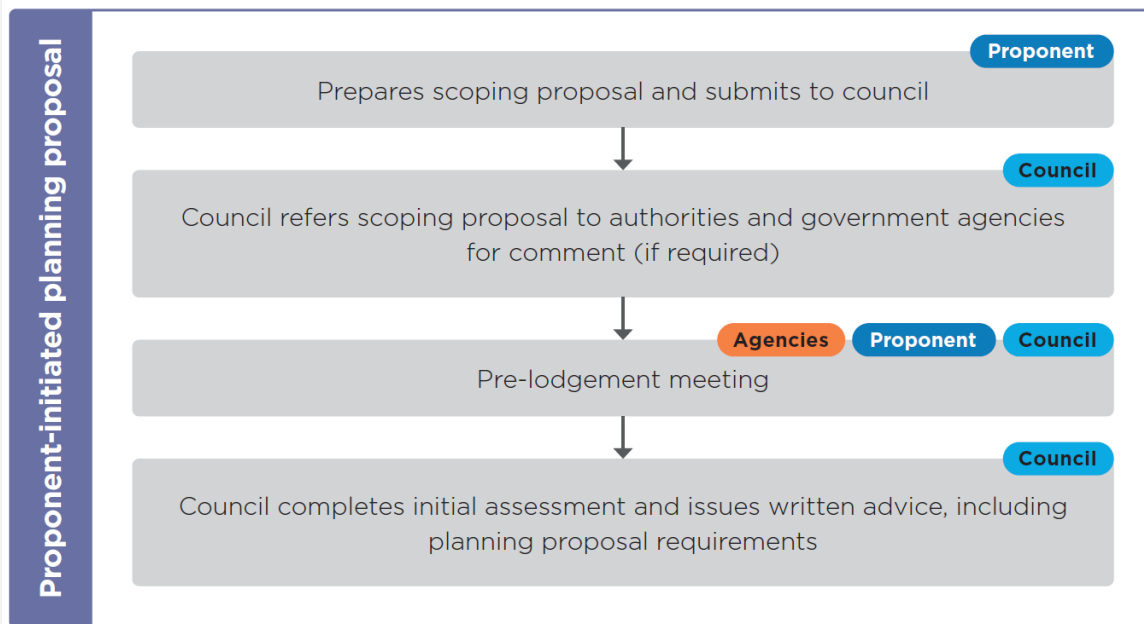
As required by the Department's guideline titled: *Local Environmental Plan Making Guideline* (August 2023), applicants are encouraged to undertake pre-lodgement discussions with Council (if proponent initiated) and/ or the Department (where Council initiated). The purpose of this stage is to provide early feedback and identify and resolve key planning issues upfront to enable a streamlined LEP making process.

The purpose of these pre-lodgement discussions is to identify key information requirements, infrastructure needs and consultation requirements with key government agencies.

Following the completion of the initial Stage 1 Pre-Lodgement phase, a Planning Proposal (this document) is subsequently prepared and submitted to Council.

A flowchart depicting this process is reproduced below:

**Figure 3. Pre-lodgement stage overview**



**Figure 5 | Flowchart – Pre-Lodgement Stage Overview**

In accordance with these requirements, extensive consultation has been ongoing with both Council and the NSW Biodiversity Conservation and Science – Floodplain Management team in relation to the proposed rezoning, and in particular with regards to matters regarding flooding.

Consultation has also been undertaken with Crown Lands regarding the potential acquisition and upgrade of an adjoining Crown Road Reserve located to the south to achieve relevant flood mitigation improvements as per the recommendations of the enclosed Flood Impact Assessment.

Below is a brief summary of the items previously discussed.

#### Greater Hume Council

Following initial pre-lodgement discussions, Council were generally supportive of the proposed rezoning subject to the resolution of matters regarding flooding. At present, the site operates under 'Existing Use Rights' and is restricted due to the zoning of the land. The rezoning of this land may resolve this restriction and would allow for the construction of detached residential dwellings to be used for seniors.

Discussions with Council have been ongoing regarding proposed flood mitigation works. More specifically, Council provided input and advice into the Flood Impact Assessment. In addition, Council also agreed to acquire a section of unused Crown Road Reserve located to the south, which could be upgraded to achieve relevant flood mitigation outcomes for the property.

#### Crown Lands

Following the completion of the Flood Impact Assessment and as a means of reducing the flood impacts on the subject land and adjoining lands, it was recommended that the adjoining unused Crown Road Reserve to the south be upgraded.

In order to undertake these works, the land will first need to be acquired and transferred to Council. Discussions with relevant Crown Lands Officers were undertaken and formal advice was received via email dated 26 February 2024 confirming that this authority did not have any objections to the proposed flood mitigation works subject to the land being transferred to Council.

## NSW Biodiversity Conservation and Science – Floodplain Management

In recognition of the fact that the land is flood prone, consultation was undertaken with NSW Biodiversity Conservation and Science – Floodplain Management as part of the preparation and finalisation of the Flood Impact Assessment.

Further consultation was undertaken with this authority and formal advice was received via email dated 27 August 2024. In summary the key consideration for the Planning Proposal (this document) will be to address Ministerial Direction 4.1.

Specifically, the Planning Proposal has to outline how the site specific Flood Study and proposed rezoning do not derogate from the recommendations of the Jindera Floodplain Risk Management Study and Plan.

In addition, any response will need to address the following criteria of this Direction:

- 3(b) impacts on other residents – discuss the outcomes of the upgraded channel, which results in only a 6mm afflux increase for the property to the north east.
- 3(d) increasing the density – discuss development outcomes of the site, including limiting extent of rezoning to the north west corner of the site.
- 3(e) sensitive uses – address this clause as the rezoning is to facilitate senior housing or residential care facilities. Specifically address evacuation procedures, which includes Urana Street being higher than the site and provides good access away from the hazard – 1% AEP.

Furthermore, any future dwellings will need to have a minimum finished floor level above the 1 in 100 Year AEP. The Department acknowledged that if the adjoining channel within the Crown Road Reserve is upgraded beyond what was recommended, this may further reduce flooding across the site.

It is confirmed that the intention of the proposal is to focus on the rezoning of the land directly surrounding the development only at this time and not the wider site. This is due primarily to the need for a total review of the flood assessment to include the cumulative impacts of a “worst case scenario” of developing out the entire area which would conceivably result in significantly increased flood impacts and risks based on the current modelling.

Consequently, an option may exist to further reconsider the zoning of the remainder of the land following the preparation of an updated flood study for Jindera factoring in current day conditions.

Lastly, consideration will also need to be given to potential biodiversity impacts, namely as a result of the channel upgrade works.

## Gateway Determination

As outlined above, this Planning Proposal has been amended to reflect the conditions of the Gateway Determination dated 9 April 2025.

It is confirmed that the subject Planning Proposal has been prepared based on this pre-lodgement advice and the conditions of the Gateway Determination.

### **1.3. Scope and Format of Planning Proposal**

The Planning Proposal details the merits of the proposed changes to the LEP and has been structured in the following manner:

- Section 1.0 provides an introduction to the Planning Proposal.
- Section 2.0 provides a description of the site, its context and existing development, including identification of the land to which the changes are proposed.
- Section 3.0 contains the Planning Proposal, prepared in accordance with the matters to be considered in the Department of Planning’s document titled: *Local Environmental Plan Making Guideline*; and



- Section 4.0 provides the conclusions and recommendations to proceed with the Planning Proposal to Gateway Determination to amend the LEP.
- Appendices contains supporting plans and documentation.

#### 1.4. Planning Proposal Process

Following the completion of the initial Stage 1 Pre-Lodgement phase, the Planning Proposal (this document) has been prepared and will be submitted to Council.

A flowchart depicting this process is reproduced below:

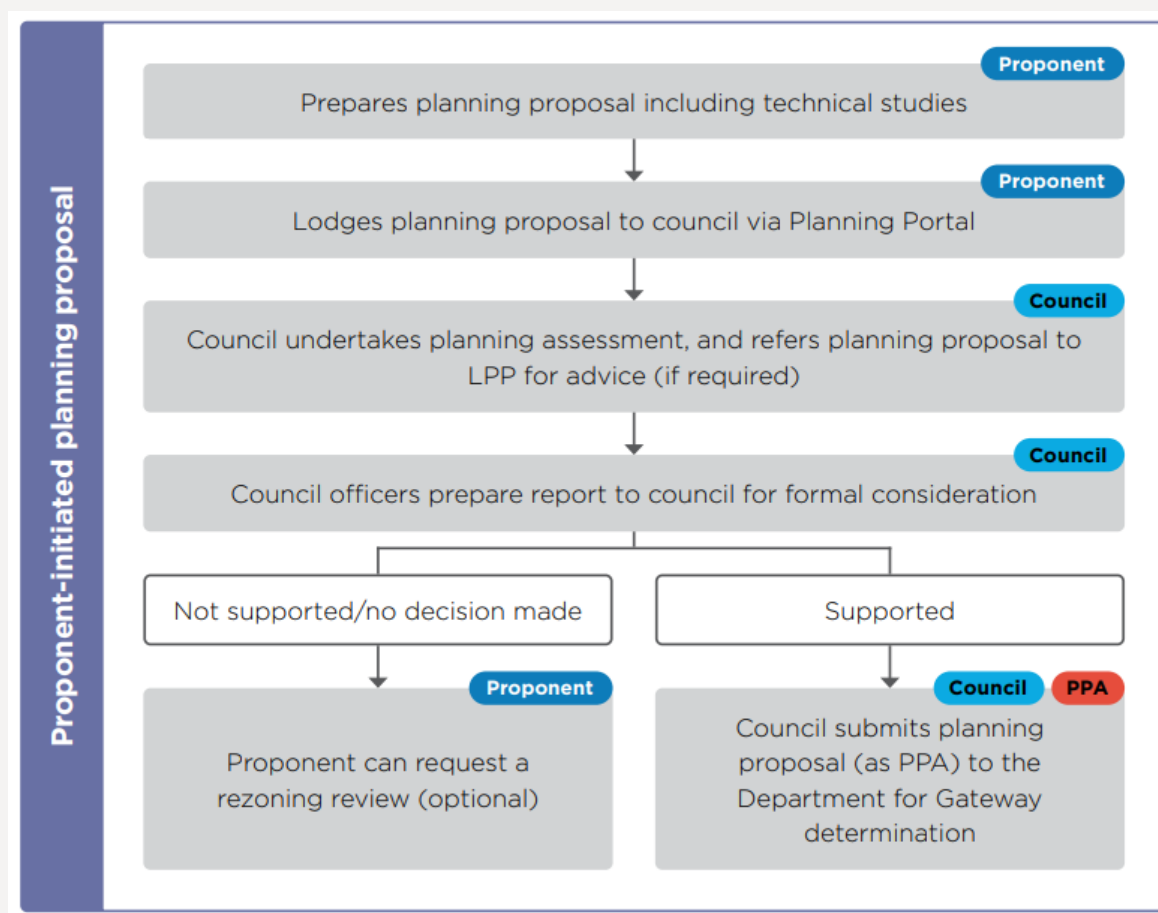


Figure 6 | Flowchart – Planning Proposal Stage Overview

#### 1.5. Supporting Plans and Documentation

The Planning Proposal has been prepared with input from a number of technical and design documents which have been prepared to accompany the application. These documents are included as attachments to this report and are identified in **Table 2**.

Table 2 | Attachments to Planning Proposal

No.	Document Name	Prepared by
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A	Pre-Lodgement Advice	Relevant Public Authorities
B	Consistency with Riverina-Murray Regional Plan 2041	Habitat Planning
C	Consistency with State Environmental Planning Policies	Habitat Planning
D	Consistency with Section 9.1 Ministerial Directions	Habitat Planning
E	Flood Risk Assessment	GHD

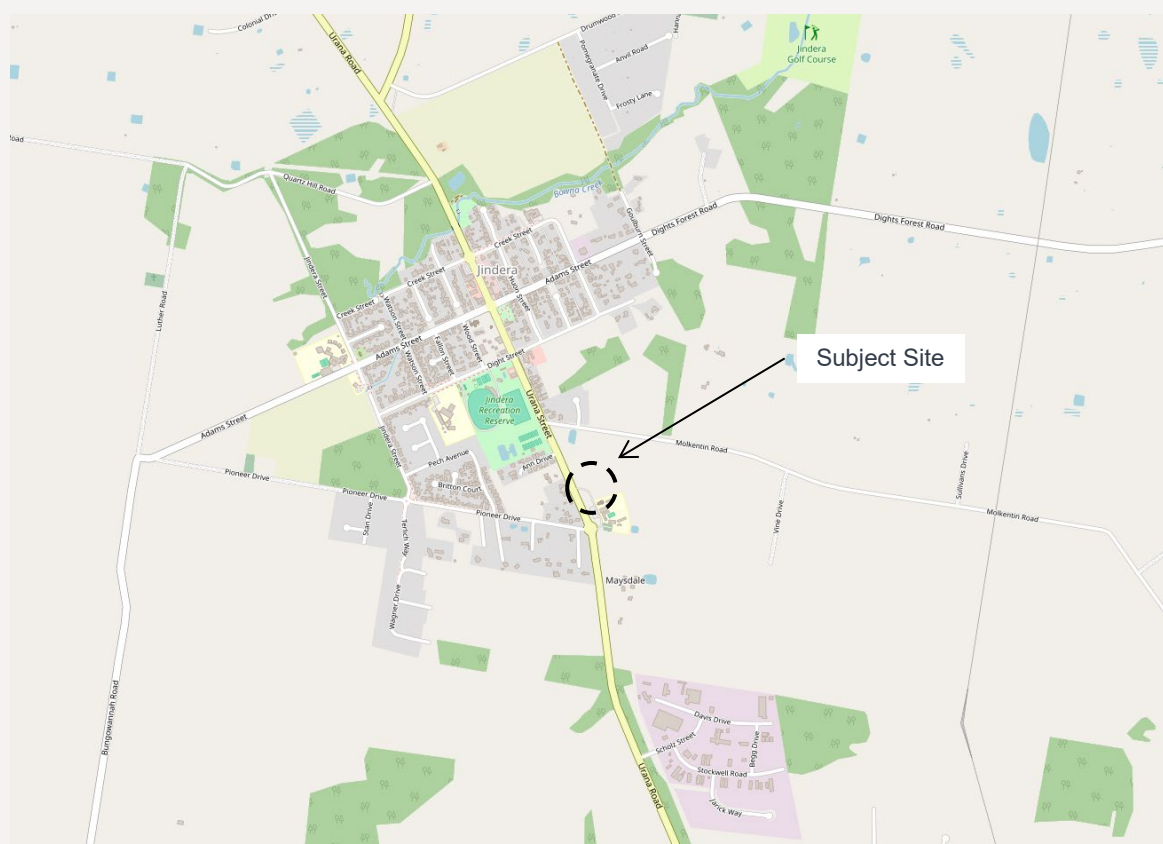
## 2. Site Analysis

### 2.1. Site Details & Locality

The subject site comprises a single parcel of land described as Part Lot 2, DP801591 and addressed as 197 Urana Street, Jindera ("the subject site"), which is contained within the Greater Hume Local Government Area (LGA).

The site is centrally located and is approximately 1 kilometre south east of the main commercial centre of Jindera and forms part of the broader site commonly known as the St Mary MacKillop College.

The location of the site is shown at **Figure 2**.



**Figure 7 | Location of the subject site (outlined) in context to Jindera**  
(Source: Open Street Map, 2024)

### 2.2. Site Description

The subject site is irregular in shape with access to both Urana Street to the west and Mulkentin Road to the north via an approximate 40m wide access handle. The property has a total area of 8.05 hectares.

The site is improved and has been developed for the St Mary MacKillop College (K-12) inclusive of a main reception/administration building, as well as associated classroom buildings, amenities buildings and associated outdoor recreation facilities such as basketball courts and football oval. An associated church and cemetery also adjoin the school and form part of the overall site.

The topography of the land is gently undulating and slopes downwards towards Dog Trap Creek to the rear of the site. Vegetation on-site consists largely of non-native grasses/lawned areas, as well as

planted landscaping inclusive of planted garden beds and ornamental trees. Several scattered paddock trees also exist across the property.

Given the site's central location, the property has access to all reticulated infrastructure and services including gas, electricity, reticulated water, sewerage and telecommunications. It is noted that an overhead electricity line currently bisects the subject land in a general east-west direction. Vehicular access to the site is currently available from the adjoining Urana Street, which is accessed via two existing concrete driveway crossovers.

As outlined above, the subject Planning Proposal relates to the north western portion of the site on largely cleared land adjacent to Urana Street.

An aerial image of the property and infrastructure servicing plans are provided in **Figures 3 and 4**. Photographs of the subject land and surrounds are also provided below.

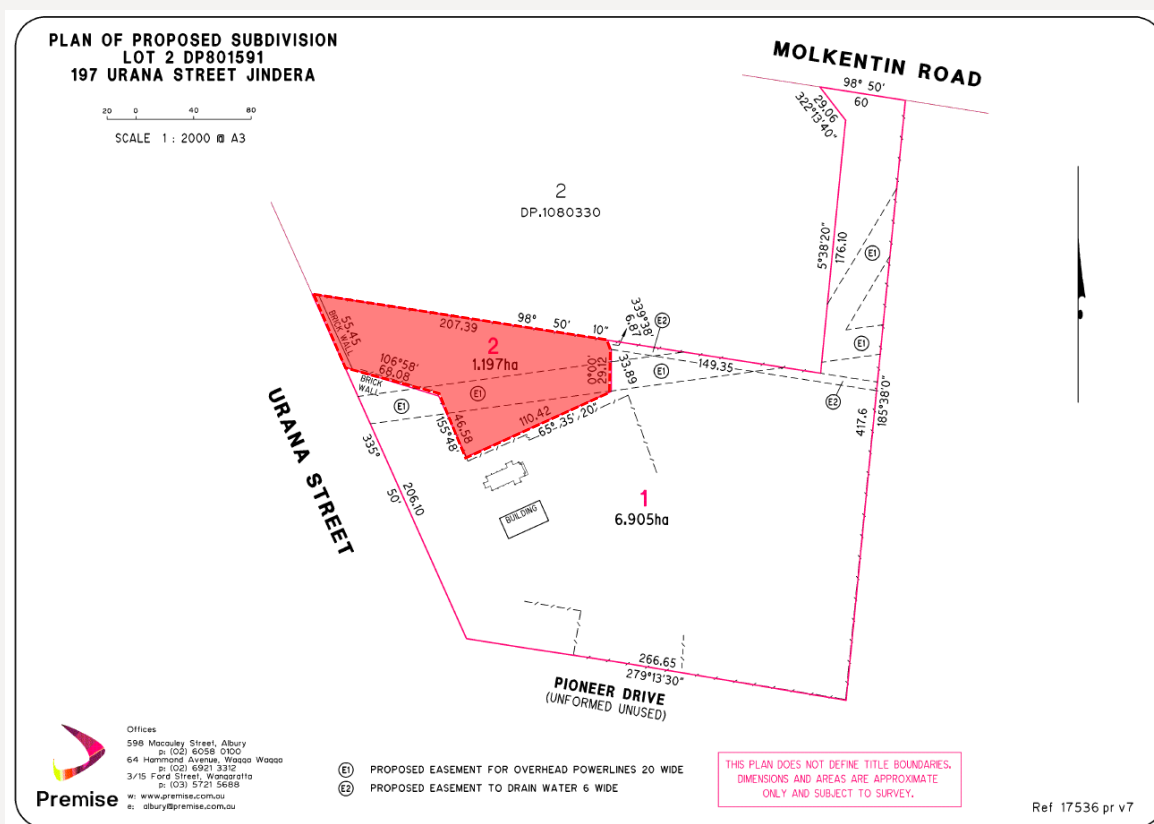


**Figure 8 | Aerial view of the entire site (red outline) and the area subject to the Planning Proposal (blue outline)(Source: Nearmap, October 2024).**





**Figure 9 | Aerial photograph of the proposed rezoning site Zoomed In (Source: Nearmap, October 2024).**



**Figure 10 | Area of proposed rezoning limited to Proposed Lot 2 (Source: Premises, 2024).**





Figure 11 | View of subject land to be rezoned looking north east



Figure 12 | View of subject land to be rezoned looking north west towards Urana Street





**Figure 13 | View of subject land to be rezoned looking north**



**Figure 14 | Existing Crown Land Road Reserve to be transferred to Council and upgraded for flood mitigation works**





**Figure 15 | Adjoining St Mary MacKillop School contained on-site**



**Figure 16 | Adjoining Church contained on-site**





**Figure 17 | Existing St Mary's Cemetery contained on-site**



### 3. Planning Proposal

This section of the report addresses the Department of Planning's document titled *Local Environmental Plan Making Guideline* and Section 3.33 of the EP&A Act. Specifically, this section provides:

- Objectives and intended outcomes;
- Explanation of provisions;
- Justification;
- Mapping
- Community consultation; and
- Project timeline.

#### 3.1. Objectives and Intended Outcomes

The objective of this Planning Proposal is to amend the *Greater Hume Local Environmental Plan 2012* by rezoning 1.197ha of land in the north western corner of Part Lot 2, DP801591 and addressed as 197 Urana Street, Jindera from RU4 Primary Production Small Lots to RU5 Village. The Planning Proposal also seeks to undertake a consequential amendment to the Minimum Lot Size map by reducing the minimum lot size of this land from 8 hectares down to 600m<sup>2</sup>.

As part of the Gateway Determination, DPHI recommended the LEP also be amended to include a reference to a proposed split zone clause.

A split zone clause is commonly applied in regional Council LEPs to allow flexibility in the subdivision of a lot where more than one zone applies. Examples of such a clause are available within the *Albury Local Environmental Plan 2010* (Clause 4.1B) and *Wagga Wagga Local Environmental Plan 2010* (Clause 4.1A).

The objectives of this clause are the same within both of these example LEP's as follows:

- to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1,*
- to ensure that the subdivision occurs in a manner that promotes suitable land use and development.*

This will allow flexibility in applying the minimum lot size provision to the residual lot when subdividing a lot with a split zone and provides a long-term solution for similar situations in the future across the broader LGA.

The purpose of the rezoning is to allow for the development of this land for the purposes of seniors housing in response to ongoing and predicted demand for aged care housing. This will involve the construction of a number of freestanding dwellings, which will be accessed via a centralised access road.

A concept plan showing the proposed development outcomes sought on-site are identified in the following figure. It is noted that these works will be subject to a separate Development Application.



Figure 18 | Proposed Site Plan

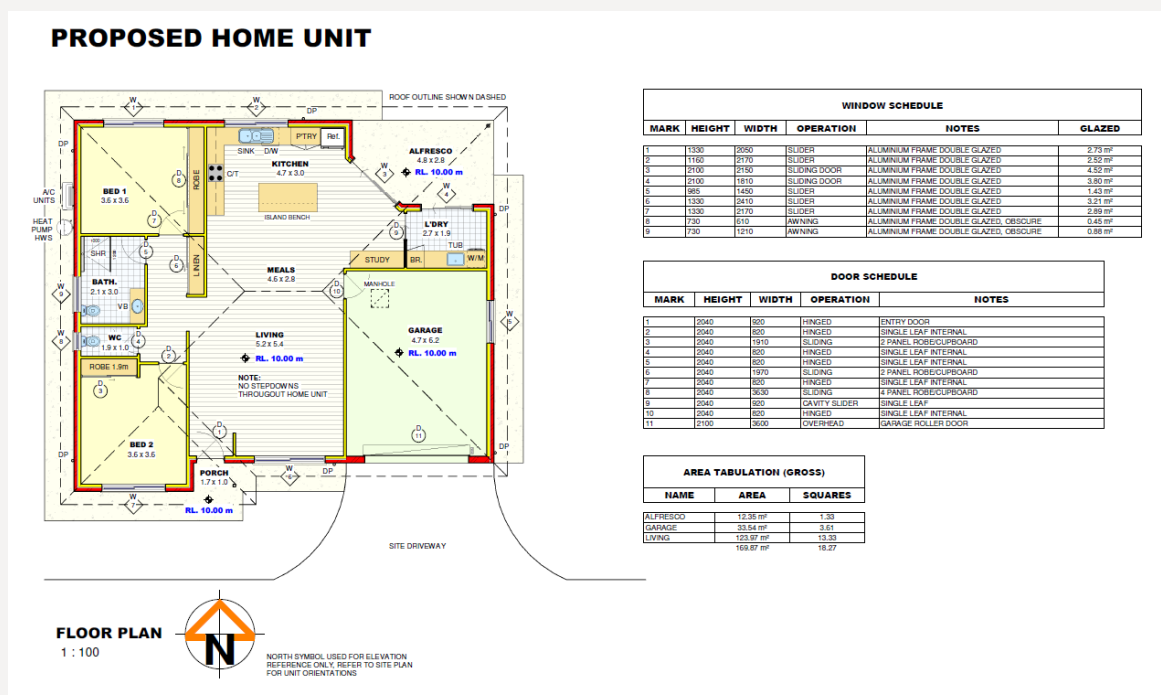


Figure 19 | Conceptual Floor Plan

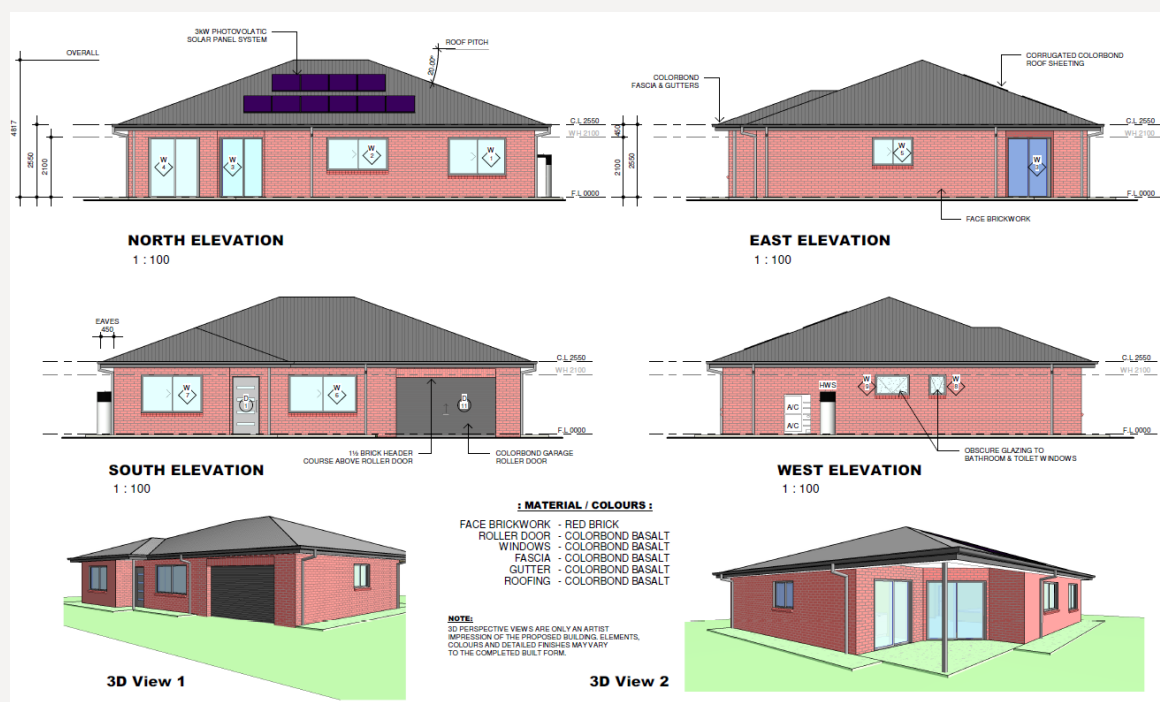


Figure 20 | Conceptual Building Elevations

### 3.2. Explanation of Provisions

The intended outcomes discussed above and within this report will be achieved by amending the LEP as follows.

- 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.
- 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<sup>2</sup>.
- Introduce a split zone clause to provide flexibility in the application of Clause 4.1 and allow the subdivision of a lot where more than one zone applies. The final wording of the clause is to be determined by Parliamentary Counsel during the finalisation of the planning proposal.

However, the following draft wording is suggested to apply to each lot that contains:

- Land in an employment, mixed use, recreation, residential or special purpose zone, or land in Zone RU1 Primary Production, Zone RU4 Primary Production Small Lots or Zone RU5 Village, that has an area not less than the minimum size shown on the Lot Size Map in relation to that land, and*
- all of the Land in Zone C1 National Parks and Nature Reserves, Zone C2 Environmental Conservation, Zone W1 Natural Waterways, or Zone W2 Recreational Waterways.*

Plans showing the proposed mapping changes sought by the Planning Proposal are provided below.

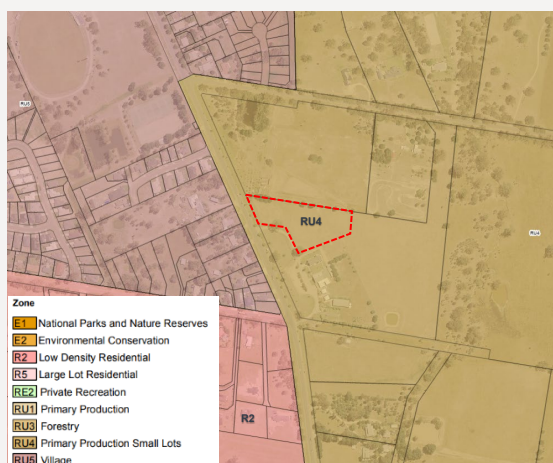


Figure 21 | Land Zoning Map (Existing)

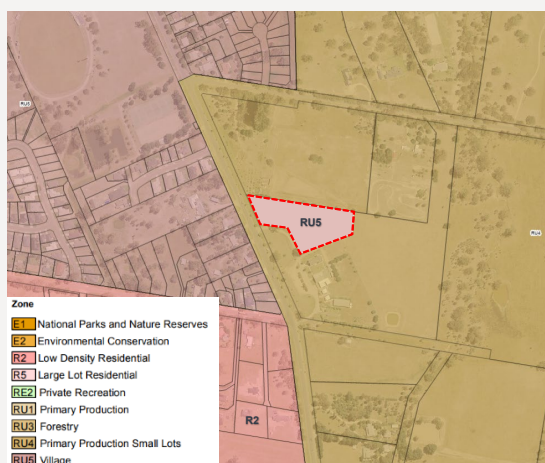


Figure 22 | Land Zoning Map (Proposed)

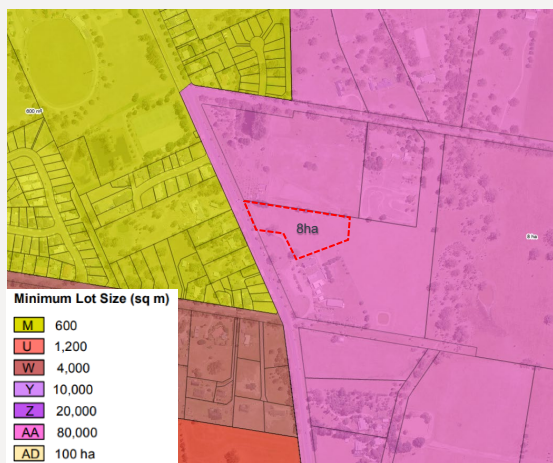


Figure 23 | Lot Size Map (Existing)

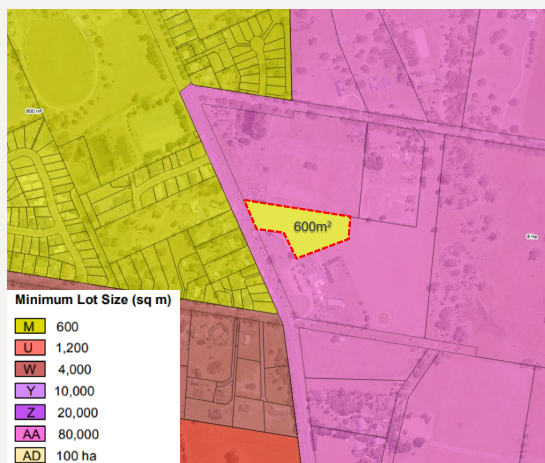


Figure 24 | Lot Size Map (Proposed)

As outlined in Section 3.1 above, the purpose of the proposed rezoning is to allow for the development of this land for the purposes of seniors housing in response to ongoing and predicted demand for aged care housing.

### 3.3. Justification

This section of the Planning Proposal sets out the justification for the intended outcomes and provisions, identifies the strategic planning context and outlines what the community benefit will be.

#### 3.3.1 Section A - Need for the Planning Proposal

##### **Q1. Is the planning proposal a result of an endorsed Local Strategic Planning Statement (LSPS), strategic study or report?**

The Planning Proposal is not the result of any specific strategy or report, but is however generally consistent with the *Greater Hume Local Strategic Planning Statement*.

Further details regarding both of these strategic plans are provided below.

##### Greater Hume Local Strategic Planning Statement

The *Greater Hume Local Strategic Planning Statement* (LSPS) sets the land use framework on a local scale for Greater Hume Council's economic, social and environmental land use needs over the next 20 years. It addresses the planning and development issues of strategic significance to the Council through planning priorities and actions, spatial land use direction and guidance.

The LSPS gives effect to the *Riverina Murray Regional Plan 2041* implementing the directions and actions at a local level. It is also informed by other State-wide and regional policies including *Future Transport Plan 2056* and the *NSW State Infrastructure Strategy 2018 – 2038*.

The vision statement the LSPS outlines the following:

*Greater Hume will continue to recognize the importance of the regional cities of Albury, Wodonga and Wagga Wagga and our community's ability to access higher level services, such as higher education, health services and employment. Recognising and enhancing this connection will be a key driver to the success of Greater Hume.*

*Our towns and villages will capitalise on growth opportunities so that they continue to service our rural communities. Our towns will offer a variety of housing choice to retain the ageing population but will also provide an alternate rural lifestyle that will attract people to the area. As our towns continue to support new growth, our economic base will diversify. Our townships will be vibrant active places to visit and live providing a variety of basic economic and community services, within a rural heritage town setting, resilient to effects of climate change.*

To achieve this 20-year vision for Greater Hume, Council has identified nine planning priorities to focus future strategic planning consistent with the recommendations of the RMRP and Council's Community Strategic Plan 2017-2030.

The Planning Proposal is consistent with the following relevant planning priorities outlined in **Table 3**.

**Table 3 | Consideration of Greater Hume Local Strategic Planning Statement**

Planning Priorities	Consistency
<b>Planning Priority One – Housing and Land Supply</b>	
<u>Recommendations:</u> <ul style="list-style-type: none"> <li>Monitor the uptake of residential land in the towns and villages and investigate future residential areas (as identified on the town maps). These areas will:</li> </ul>	<p>The Planning Proposal has been prepared in response to demand for new aged care seniors housing and seeks to further develop currently</p>

Planning Priorities	Consistency
<ul style="list-style-type: none"> <li><i>Be located to avoid areas that are identified as important agricultural land or areas that create potential for land use conflict;</i></li> <li><i>Align with the utility infrastructure network and its capabilities;</i></li> <li><i>Avoid or mitigate the impacts of hazards, including the implications of climate change;</i></li> <li><i>Protect areas with high environmental value and/ or cultural heritage value and important biodiversity corridors;</i></li> <li><i>Not hinder development or urban expansion and will contribute to the function of existing townships;</i></li> <li><i>Create new neighbourhoods that are environmentally sustainable, socially inclusive, easy to get to, healthy and safe.</i></li> </ul> <p><u>Actions:</u></p> <ol style="list-style-type: none"> <li><i>For the RU4 zoning in Jindera and other townships investigate the feasibility of increasing the density within the RU4 zoning</i></li> </ol>	<p>under-utilised land for more intensive development purposes.</p> <p>The land is centrally located and can be appropriately serviced with all infrastructure and utilities.</p> <p>The land is also largely unconstrained from an environmental and natural hazard perspective, with the exception of a flooding, which has been addressed via the preparation of a site-specific flood impact assessment.</p> <p>In summary, the development directly responds to Action Item 4 by rezoning this land from RU4 to residential (RU5 Village). This will add additional residential land supply to Jindera, which is currently experiencing high demands for residential land.</p>

### Planning Priority Three – Utility Infrastructure

<p><u>Recommendations:</u></p> <ul style="list-style-type: none"> <li><i>Align residential and commercial growth with water and waste water capabilities.;</i></li> </ul> <p><u>Actions:</u></p> <ol style="list-style-type: none"> <li><i>Complete an Integrated Water Management Plan to ensure future water and sewer aligns with future growth.</i></li> </ol>	<p>The subject land is centrally located and adjoins urban development immediately to the west, which has been developed for general residential purposes.</p> <p>Therefore, the subject land can be readily serviced with all relevant infrastructure and services including water, sewerage, stormwater, roads, electricity, gas and telecommunications.</p> <p>It is also noted that Council in consultation with the NSW Public Works are currently preparing an Integrated Water Cycle Management Plan for Jindera.</p>
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### Planning Priority Four – Agricultural Lands

<p><u>Recommendations:</u></p>	<p>Whilst it is acknowledged that the subject land is zoned RU4 Primary Production Small Lots, the subject</p>
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Planning Priorities	Consistency
<ul style="list-style-type: none"> <li>• <i>Protect important agricultural lands in local planning controls.</i></li> <li>• <i>To avoid agricultural land fragmentation and maintain the existing rural lands minimum lot size provisions in the Greater Hume Local Environmental Plan.</i></li> <li>• <i>Manage land use conflict on agricultural land by:</i> <ul style="list-style-type: none"> <li>○ <i>In the case of nuisance complaints supporting pre-existing, lawfully operating agricultural land uses</i></li> <li>○ <i>Avoid locating incompatible land uses in and adjacent to agricultural production areas</i></li> <li>○ <i>Restrict the encroachment of incompatible land uses;</i></li> <li>○ <i>Ensure that land use standards for minimum subdivision sizes in the LEP reflect trends and enable a productive agricultural sector</i></li> </ul> </li> </ul> <p><u>Actions:</u></p> <ol style="list-style-type: none"> <li>2. <i>On review of the Greater Hume Local Environment Plan investigate the appropriateness of minimum lots sizes rural zones through undertaking a strategic analysis of agricultural land and practices</i></li> </ol>	<p>land is not used for any productive agricultural activity, and has been developed as a school.</p> <p>The subject land is already fragmented, small in size and is surrounded by urban development.</p> <p>Consequently, the rezoning of this land for urban purposes will be consistent with adjoining development to the west.</p> <p>The rezoning and development of this land for residential purposes will also not adversely affect any nearby or surrounding agricultural activities given that none exist.</p>

### Planning Priority Nine – Climate Change and Natural Hazards

<p><u>Rationale:</u></p> <p><i>Council have already undertaken extensive flood planning work through the preparation of the Culcairn, Henty, Holbrook, Jindera and Walla Walla flood studies, to understand the extent of these major rain and flooding events. These studies identify the high and low flooding hazard areas, these areas indicate whether land is or is not suitable for more intensive development. Ensuring the findings of these studies are replicated in local planning controls will be necessary to manage community expectations and development on land subject to inundation.</i></p> <p><u>Actions:</u></p> <ol style="list-style-type: none"> <li>1. <i>Undertake LEP and DCP amendments to implement recommendations from existing Floodplain Risk Management Studies and Plans identified above</i></li> </ol>	<p>The Planning Proposal is generally consistent with the rationale and Actions of this Planning Priority.</p> <p>As will be demonstrated in the enclosed site specific flood assessment, the proposed rezoning of this portion of land is consistent with the broad principles of the Jindera Floodplain Risk Management Study and Plan.</p> <p>This will ensure that the future development of the land appropriately responds to climate change impacts, namely flooding.</p>
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### Jindera Residential Land Use Strategy

Greater Hume Council in conjunction with the NSW DPIE recently finalised the *Jindera Residential Land Use Strategy*, which will guide the future growth and development of the Jindera Township for the next 20-30 years.

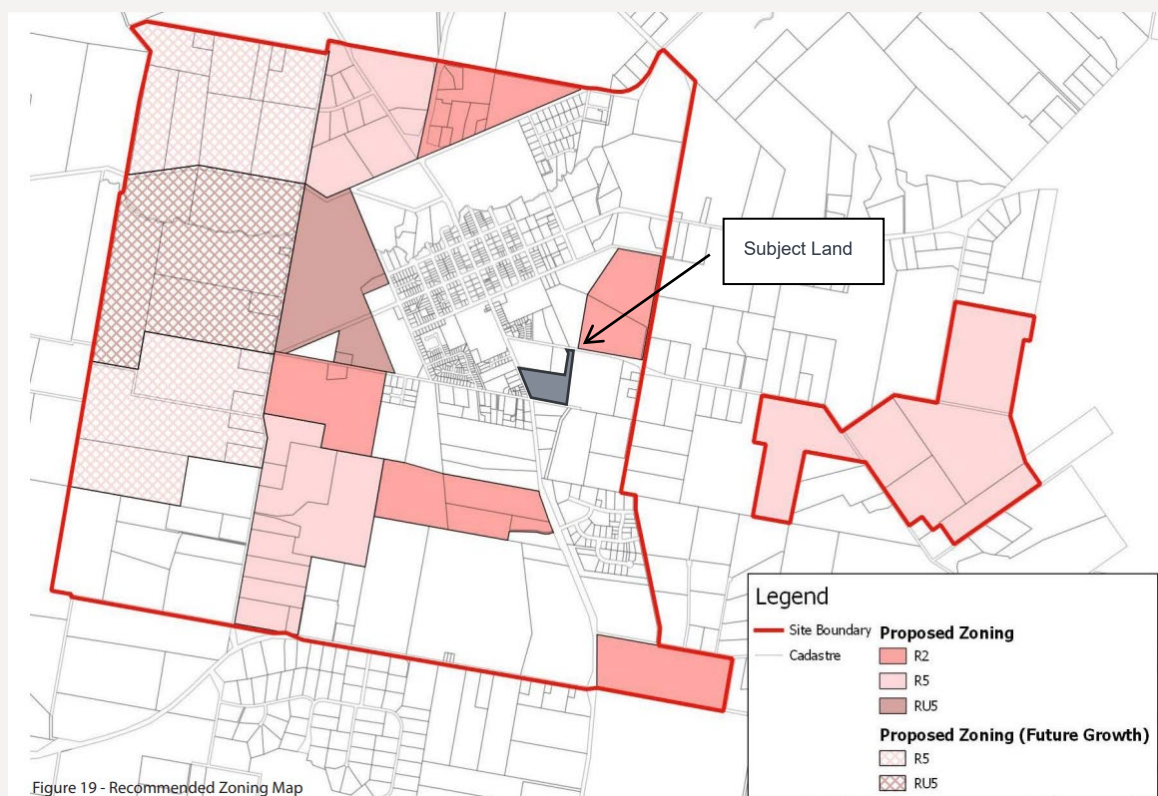
The preparation of this Strategy was in response to Jindera's sustained and ongoing population growth, which has seen Jindera grow at an average annual rate of 4.46% since 2010. Based on current growth rates and population projections, Jindera is estimated to grow from 2,222 people in 2016 to 8,000 people by 2050.

Residential demand since 2018 has seen an average of 35 new dwellings constructed in Jindera per annum in response to ongoing and sustained growth. This demand has occurred across all sectors of the residential land market.

As part of the preparation of the Strategy, a constraints and opportunities analysis was undertaken, as well as an assessment of existing residential supply and demand and infrastructure servicing capacities and constraints.

Following the completion of this, the Strategy identified recommended zoning changes to accommodate future development. It is acknowledged that the subject land was not identified as part of these recommendations, due primarily to the fact that the land is flood prone.

Notwithstanding, following the preparation of a site-specific flood assessment, a number of flood mitigation works can be undertaken to allow a portion of the land to now be developed for residential purposes. Given the relatively small amount of development proposed (10 dwellings) and the strong demand for residential housing within the Jindera, the rezoning of this land will not be inconsistent with the broader objective of this Strategy to achieve residential outcomes.



**Figure 25 | Jindera Residential Land Use Strategy – Recommended Zoning Map**



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

The Planning Proposal is considered the best means of achieving the objectives or intended outcomes as it will allow for the development of the land for seniors housing purposes, which is generally compatible with the surrounding area.

As outlined above, the subject land is zoned RU4 Primary Production Small Lots despite being centrally located within Jindera. It is understood that the zoning of this land as RU4 is in recognition of the flood constraints of the land.

The range of permitted land uses within the RU4 zone is limited and primarily aimed at achieving rural/small scale agricultural outcomes. Consequently, development for the purposes of seniors housing/aged care housing is prohibited in this zone.

The proposed option of rezoning this portion of land is considered to be the best means of achieving the objectives or intended outcomes of the Planning Proposal as it is the simplest and neatest method as it only relates to the subject land.

Nonetheless, a number of other alternative options have been investigated and these are outlined below.

The first option includes listing the land, or a portion of the land as an Additional Permitted Use within Schedule 1 of the LEP. Specifically, this would involve the identification of 'Seniors Housing' as a permitted use for this land, despite the RU4 zoning. This option will achieve a similar outcome to rezoning the land and may be an option should Council and/or the Department seek to retain the RU4 zoning for the eastern side of Urana Street.

The downside of this option is that the land could not be subdivided off from the remainder of the site as it would still retain an 8 hectare minimum lot size. Similarly, following a review of the LEP, it is noted that there is currently only 1 other item listed within Schedule 1. This indicates a general preference by Council to not use this Schedule and instead rely on the zoning of the land to achieve development outcomes.

The second option involves a general amendment to the Land Use Table of the RU4 zone to allow for seniors housing to be permitted with consent under Item 3. This option is not preferred as the implications of this change would be far reaching and would apply to all RU4 zoned land across the entire Council area. Potentially this could result in similar requests for other seniors housing developments in isolated or remote locations, which is considered to be inappropriate.

Similarly, the inclusion of seniors housing within the Land Use Table is not considered appropriate as it would be inconsistent with the objectives of this zone, which large aim to achieve sustainable primary industry and other compatible land uses. A seniors housing development is not considered compatible to agricultural activities. Therefore, this option is not preferred and not considered a good planning outcome.

The last option is the 'do nothing approach', which would retain the status quo and mean that the land retains an existing RU4 zoning, thereby prohibiting the use of the land for seniors housing. This option is not preferred as it would not allow development and would require the landowner to acquire land elsewhere, which may not be as strategically well positioned and would add additional costs to any subsequent development.

Therefore, the rezoning of the land via a site-specific Planning Proposal is considered the best option as it will allow for the further development of the site consistent with the surrounding context and setting of the area, whilst not conflicting with the general aims and objectives of the RU4 zone.

Similarly, the inclusion of the proposed split zone has been included in accordance with the condition of the Gateway Determination. In the absence of this clause, any land that contains a split zone will not be able to be subdivided unless it achieves the relevant minimum lot size requirements of the zone.

### 3.3.2 Section B – Relationship to Strategic Planning Framework

#### Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

The *Riverina Murray Regional Plan 2041* was adopted by the NSW government in 2022 and is the relevant regional strategy that provides the strategic planning framework to guide decision-making and development in the Riverina Murray region for the next 20 years.

The Regional Plan is structured into by three (3) key parts, with 18 underlying objectives including:

- Part 1 – Environment.
- Part 2 – Communities and Places
- Part 3 – Economy

Each of these parts and objectives is supported by a number of different strategies and actions, which seek to achieve the objectives of the goal.

An assessment of the Planning Proposal against the relevant goals, directions and actions of the Regional Plan is undertaken in **Attachment C**.

In summary the Planning Proposal is consistent, or where applicable, justifiably inconsistent with relevant goals, directions and actions of the Regional Plan as detailed in **Attachment C**.

#### Q4. Is the planning proposal consistent with a Council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Consideration of the *Greater Hume Local Strategic Planning Statement* has been addressed in Section 3.3.1 of the Planning Proposal.

The *Greater Hume Community Strategic Plan 2017-2030* (CSP) is Council's local community strategic planning document. The CSP is based on four Strategic Directions and Themes:

- Theme 1 - Leadership and Communication.
- Theme 2 - Healthy Lifestyle.
- Theme 3 - Growth and Sustainability.
- Theme 4 - Good Infrastructure and facilities.

The subject Planning Proposal is consistent with the following outcomes and strategies under Theme 3 - Growth and Sustainability:

*Our Outcome is that towns and villages in the shire are revitalised:*

*Strategy: Development a new Strategic Land Use Plan for the shire.*

*Measuring our progress:*

- New Strategic Land Use Plan.

*Strategy: Develop a new Resident Attraction Strategy for GHS and expand new residential estates.*

*Measuring our progress:*

- Population growth.
- Increased number of new housing approvals.

**Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?**

The Planning Proposal is consistent with other relevant State or Regional studies and strategic including *A 20 Year Economic Vision for Regional NSW*, which was refreshed in 2021.

The foreword to the Strategy states: *The 20 Year Economic Vision for Regional NSW is the NSW Government's plan to drive sustainable, long-term economic growth in regional NSW. It is the roadmap to unlock significant economic potential in regional NSW.*

For the purposes of this Strategy, the Greater Hume Local Government Area is located within the 'Growth Centre'. The overarching objective for Growth Centres is outlined as follows: *"The future focus for Growth Centres includes opportunities to improve connectivity, ensure water and energy security, and support both engine and emerging industries with the right regulatory settings, research and development and investment attraction."*

Accordingly, the proposal will achieve the Priority Actions and underlying principles of *A 20 Year Economic Vision for Regional NSW* as it will support residential development and economic growth.

**Q6. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

**Attachment D** 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.

Notwithstanding, an assessment has been provided in **Attachment D** outlining whether the Planning Proposal is consistent, or where applicable, justifiably inconsistent with relevant SEPP's.

**Q7. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 Directions)?**

Section 9.1 (formerly s. 117) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) provides for the Minister for Planning and Homes 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 s.9.1 Directions is undertaken in **Attachment E**. In summary, the Planning Proposal is either consistent, or justifiably inconsistent with the relevant Directions. Where there is an inconsistency, it has been justified utilising the provisions within each of the Directions.

### 3.3.3 Section C – Environmental, Social and Economic Impact

**Q8. 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 proposed rezoning and subsequent development of the land will not result in any disturbance of habitat areas or natural features of the area because it relates to a single parcel of land that comprises non-native vegetation (both groundcovers and overstorey vegetation) as identified in the State Vegetation Mapping (Figure 26). Similarly, the subject land is not located on Council's Terrestrial Biodiversity Map (Figure 27).

It is acknowledged however that as part of the future development of this land, approximately 6 trees (River Red Gums and Holy Oaks) within the adjoining Crown Road Reserve to the south will need to be removed to achieve relevant flood mitigation works.

Their future removal is considered appropriate in this instance as approximately half of the trees are non-native and appear to have germinated from the adjoining school site, whilst the remaining native trees are relatively juvenile in age and are in relatively poor condition. Specifically, the western most tree (Figure 14) is bifurcated and has a large split in its base. Whilst this vegetation will provide occasional foraging habitat for woodland birds, there is more high quality habitat located to the east of the site, which is protected by Council's Terrestrial Biodiversity Mapping.

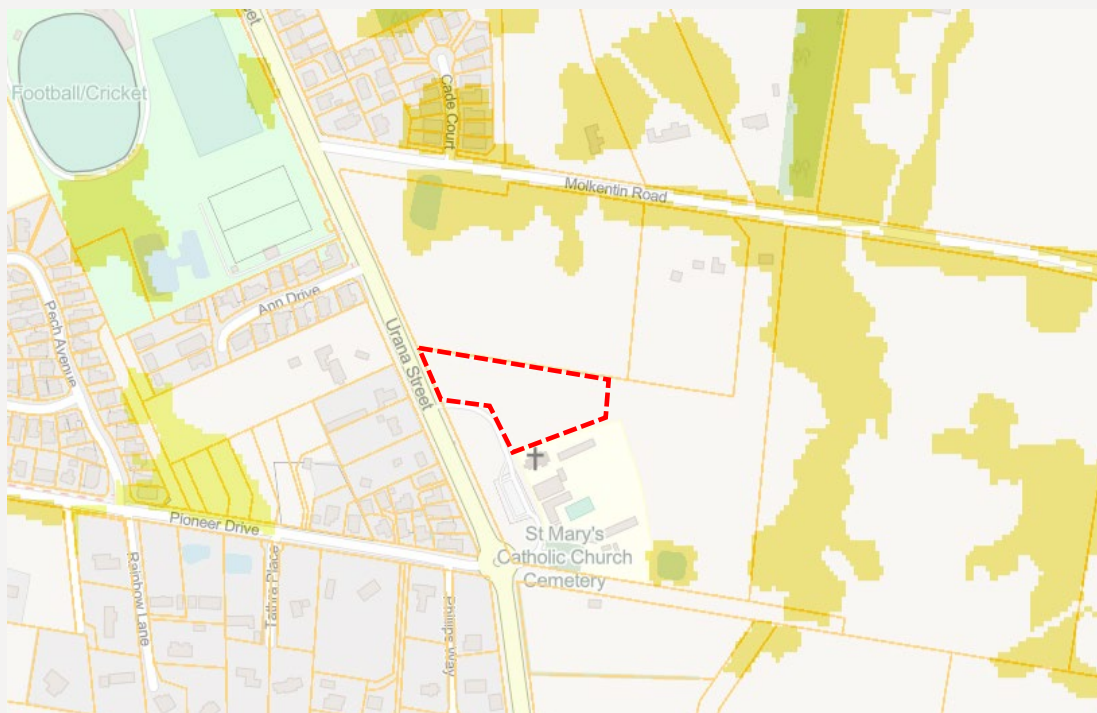


Figure 26 | State Vegetation Map

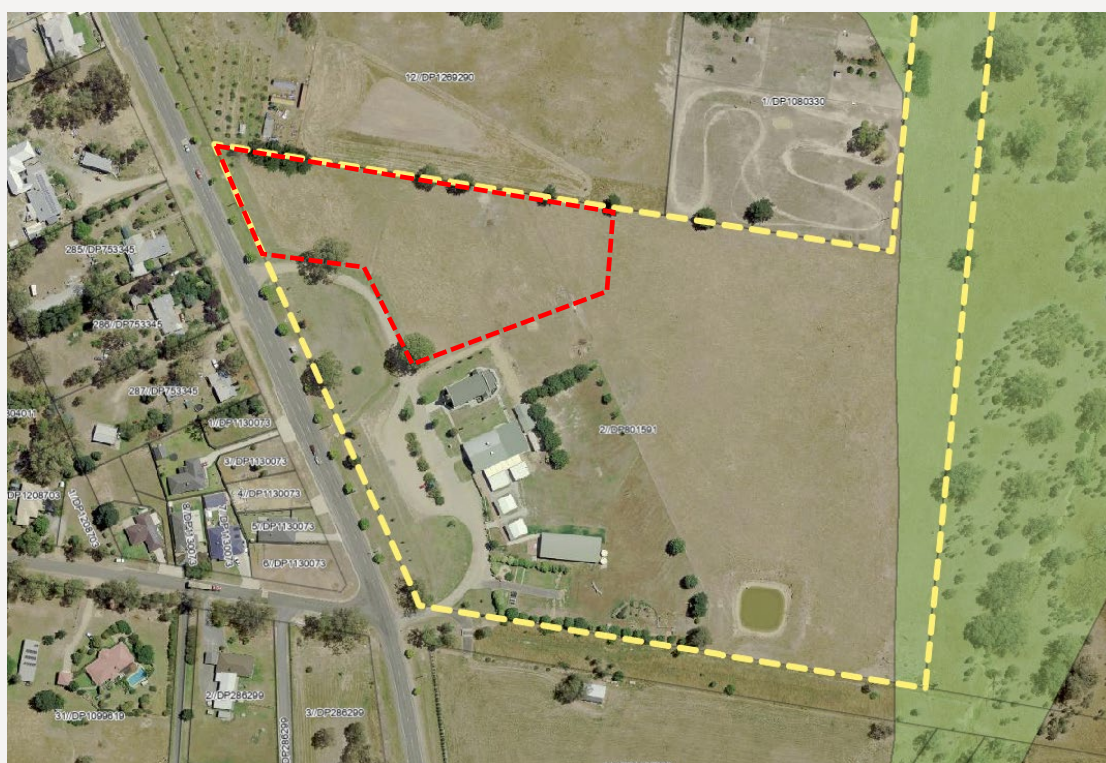


Figure 27 | Terrestrial Biodiversity Map



**Q9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

Land Contamination

The subject land is not expected to be contaminated in accordance with the provisions of Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021. This has included a review of historical aerial photographs.

As demonstrated below, the site has been historically used for broadacre grazing purposes inclusive of no buildings or structures, until the site was initially developed for the purposes of a school in circa 1996, being nearly 30 years ago.

Consequently, matters regarding land contamination have been considered as part of previous Development Applications submitted for the site. Similarly, following an inspection of the property, the land shows no signs of contamination and is not currently used for a potential contaminating activity.

Lastly, the subject land is not identified on either Council's or the NSW EPA's contaminated land register. Consequently, further assessment of matters regarding contamination is not considered necessary in this instance.



**Figure 28 | Aerial Photograph dated 3 October 1961 indicating area to be rezoned**



Figure 29 | Aerial Photograph dated 25 April 1975 indicating area to be rezoned

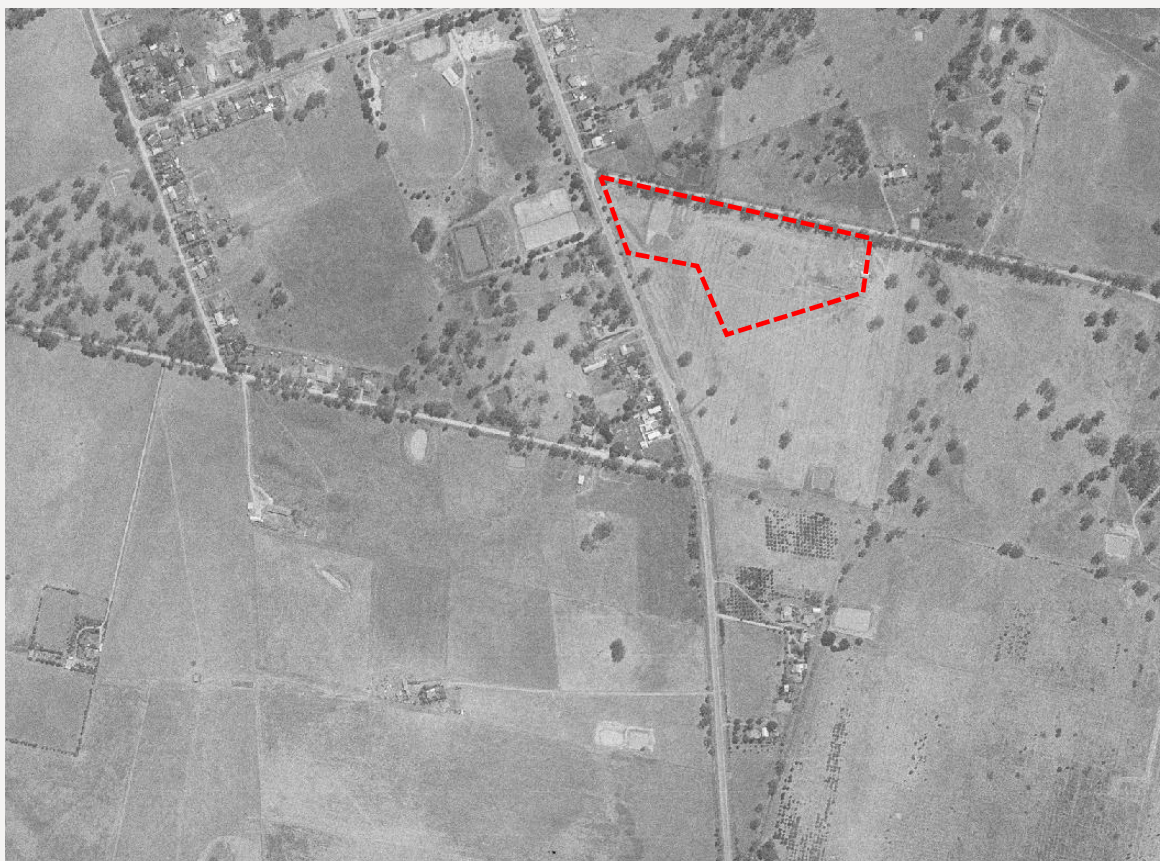


Figure 30 | Aerial Photograph dated 16 February 1987 indicating area to be rezoned





Figure 31 | Aerial Photograph dated 14 February 1996 indicating area to be rezoned

## Flooding

The primary environmental constraint affecting the site is flooding as the property is subject to the 1 in 100 Year Flood event as outlined within the *Jindera Floodplain Risk Management Study and Plan*.

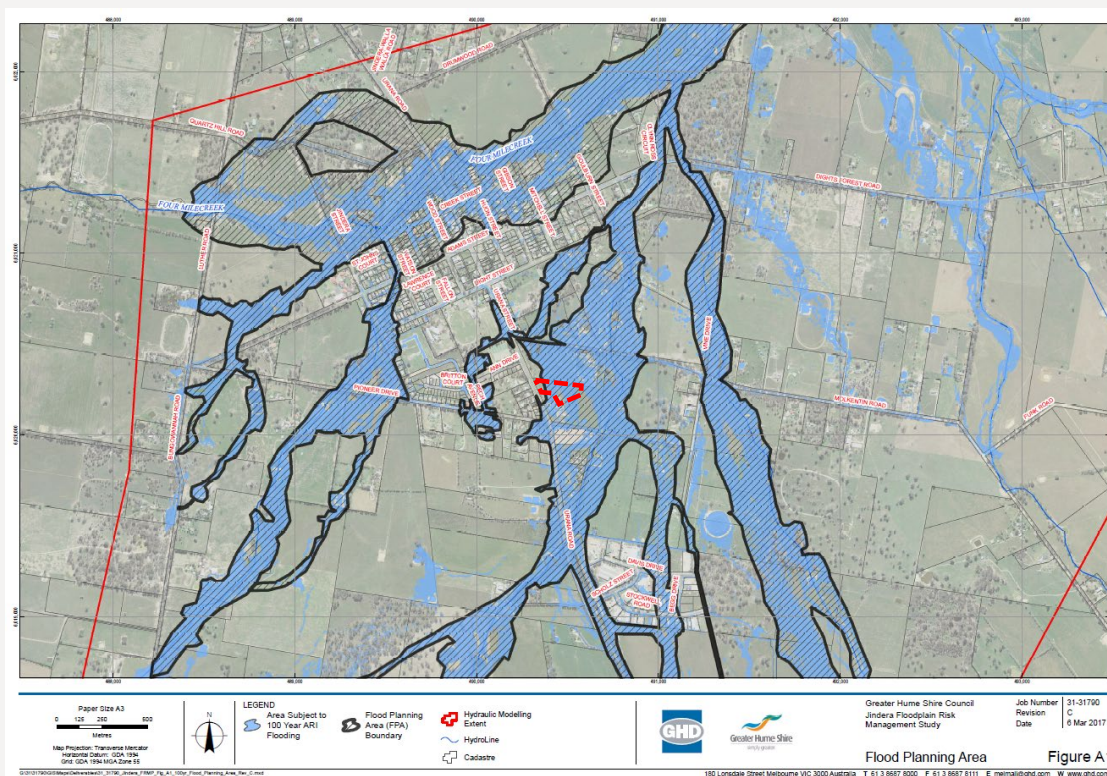


Figure 32 | Flood Planning Area indicating the area to be rezoned



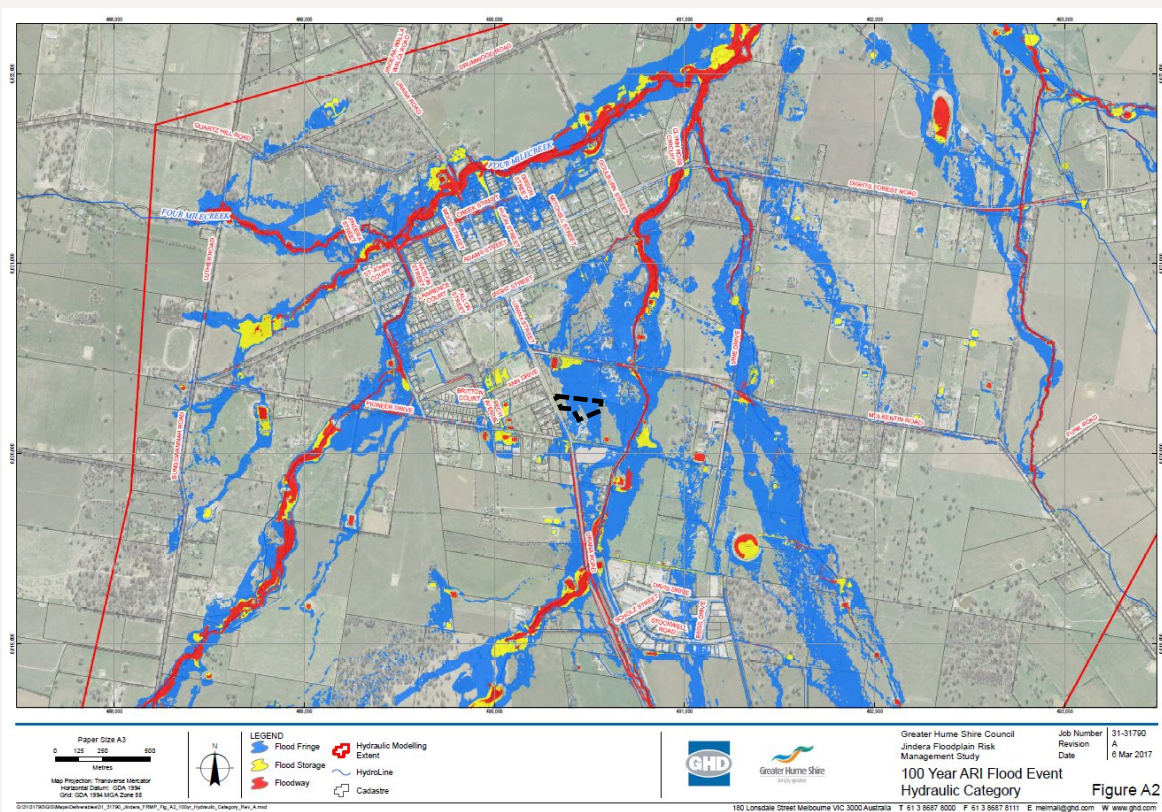


Figure 33 | 100 Year ARI – Hydraulic Categories

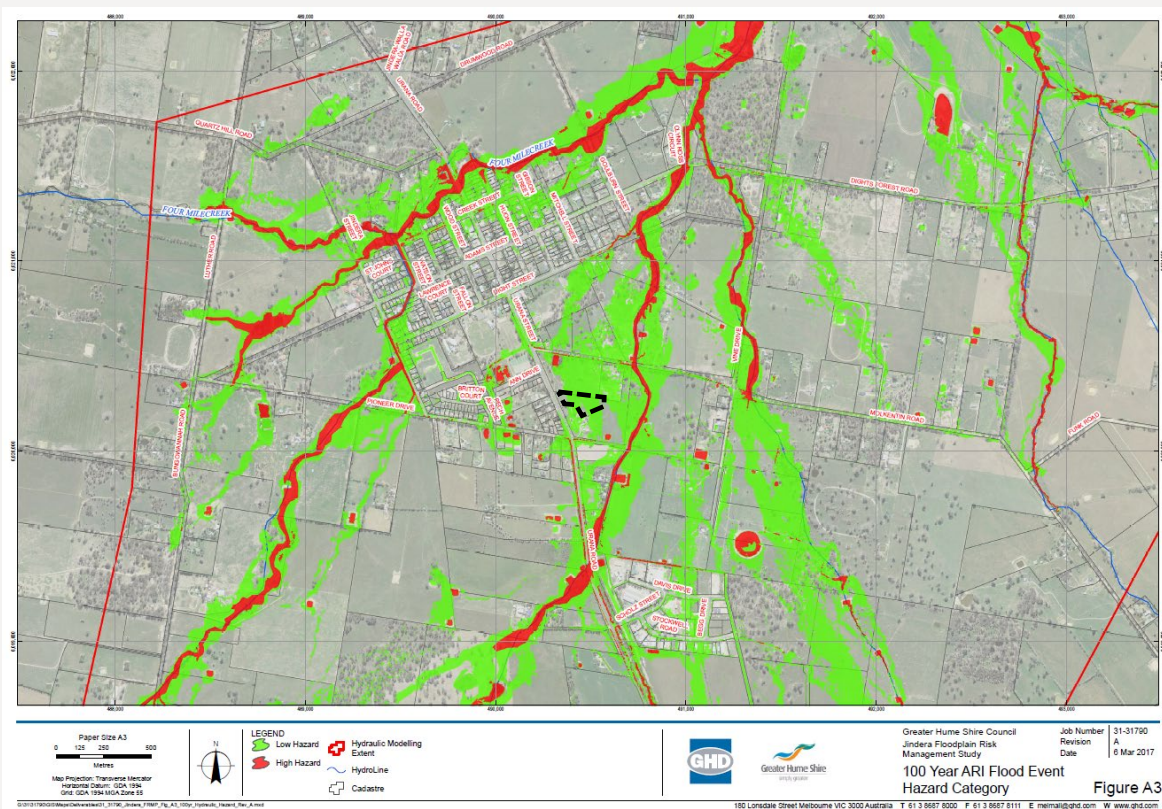


Figure 34 | 100 Year ARI – Hazard Categories



In response, a site-specific Flood Impact Assessment has been prepared by GHD and is included in **Appendix D**. As part of the preparation of this Assessment, consultation was undertaken with NSW Biodiversity Conservation and Science – Floodplain Management.

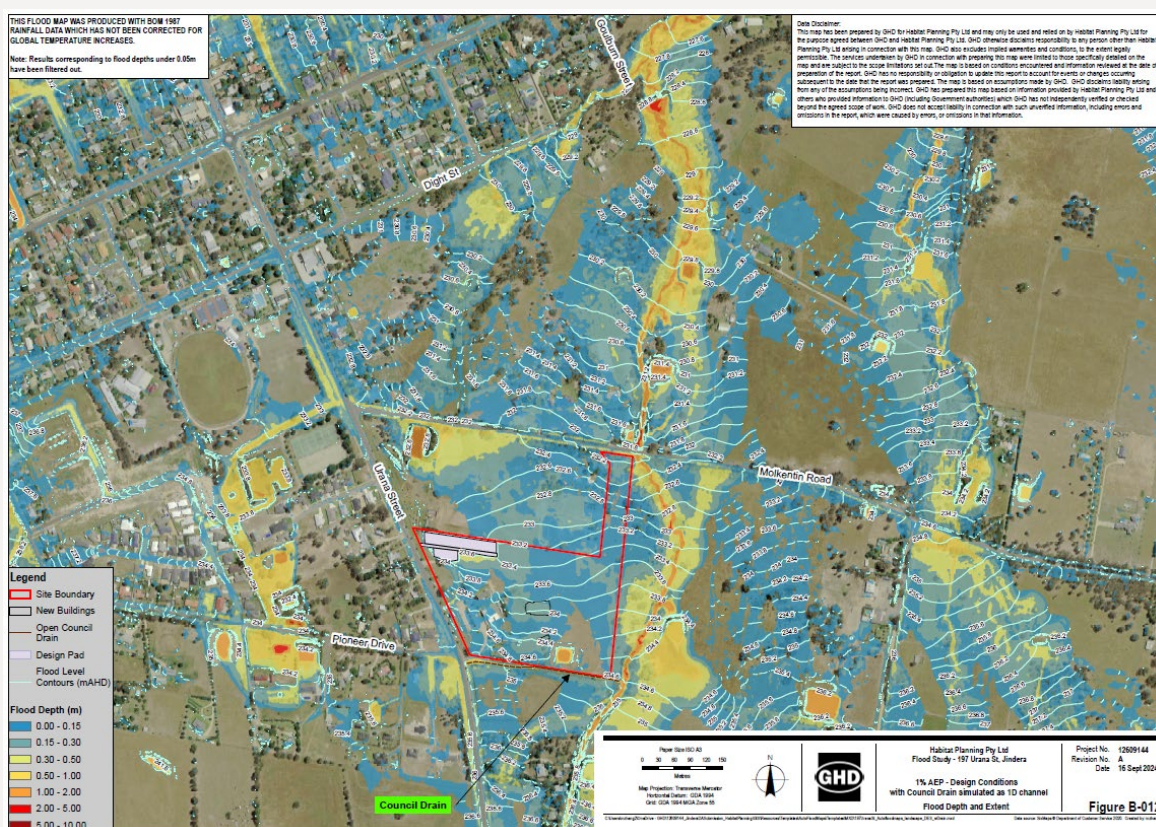
Specifically, the site specific Flood Study and proposed rezoning do not derogate from the recommendations of the Jindera Floodplain Risk Management Study and Plan.

The report and additional addendum have confirmed that subject to the completion of flood mitigation works within the adjoining Crown Road Reserve to the south, the area of proposed works is now located outside of the area of flood affectation, subject to the imposition of minimum finished floor levels of on each of the future dwellings.

Furthermore, the enclosed flood modelling incorporating upgrades to the adjoining road reserve, will provide some benefit on existing conditions as it reduces the potential flood impact on 44 Molkentin Road by approximately 6mm.

See enclosed Flood Study and responses to Section 9.1 Ministerial Direction 4.1 in **Appendix C** for further information regarding flooding.

It is confirmed that there are no other environmental effects associated with the proposed development.



**Figure 35 | 100 Year ARI – Modelled Flood Depth and Extent following flood mitigation works**



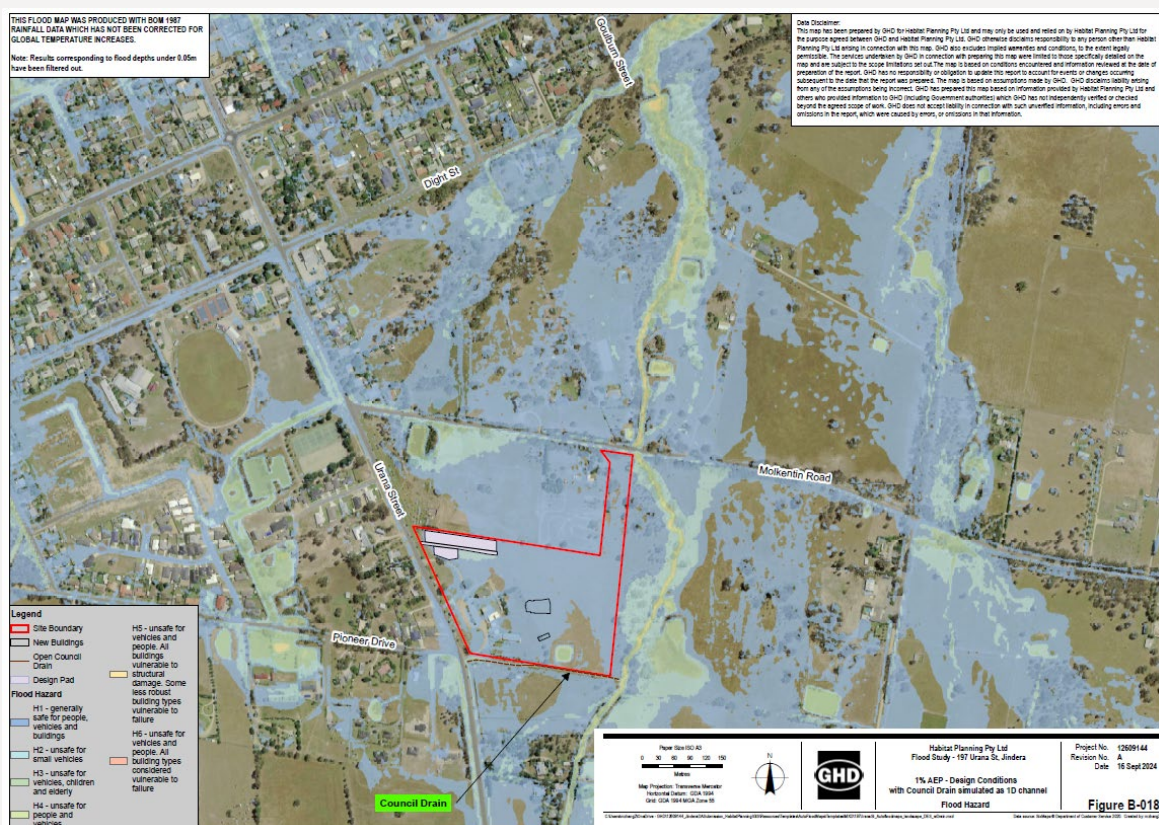


Figure 36 | 100 Year ARI – Modelled Flood Hazard following flood mitigation works

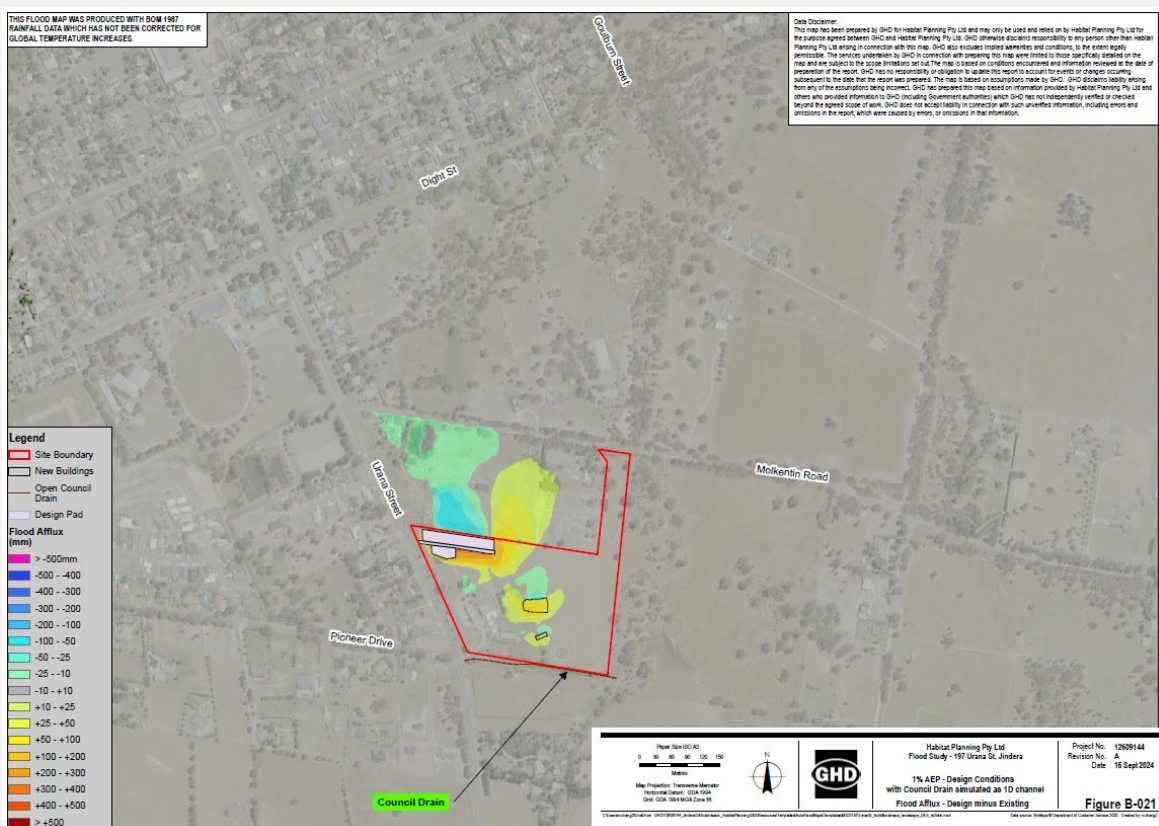


Figure 37 | 100 Year ARI – Modelled Flood Afflux – Design Minus Existing following flood mitigation works



## Bushfire

A portion of the subject land is identified as being bushfire prone of the Greater Hume Bushfire Prone Land Map ("Vegetation Buffer"). Therefore, consideration of matters regarding bushfire have been assessed as part of this proposal and are considered appropriate in this instance.

Whilst it is acknowledged that part of the site is identified as being bushfire prone, the area of proposed rezoning as identified within Figure 37 below is located outside of this hazard on cleared land adjacent to urban development to the south and west.

The land is serviced with all urban infrastructure and utilities and access to and from the site is located away from the hazard. Further consideration of bushfire will be undertaken as part of a future Development Application.

Whilst it is noted that Seniors housing within the meaning of former *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* is classified as Designated Development, the applicant is not seeking approval under this SEPP.



**Figure 38 | Extract of Greater Hume Bushfire Prone Land Map**

### Q10. Has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal will have a generally positive social and economic impact as it seeks to facilitate the development of an unused portion of land.

Specifically, the proposed rezoning seeks to facilitate the construction of a seniors housing development within a central location of Jindera. The site is strategically located and adjoins an existing school and church, as well as residential development on the opposite side of Urana Street.

The provision of additional housing will have the dual benefit of providing additional housing within Jindera, as well as providing housing for seniors, with demand for this type of housing expected to increase into the future.

More broadly, the development will support economic growth and jobs during the construction phase by employing local trades, builders and suppliers.

Similarly, following the completion of a site-specific flood assessment, it has been demonstrated that the proposed rezoning and development of this land will not create any issues in terms of flooding and will actually slightly improve flooding conditions for the adjoining land to the north at 44 Molkenntin Road following the completion of flood mitigation works within an adjoining Crown Road Reserve located to the south of the site.

It is expected that further consideration of social and environmental impacts will be assessed as part of any subsequent Development Application submitted for the site.

### 3.3.5 Section D – State and Commonwealth Interests

#### Q11. Is there adequate public infrastructure for the planning proposal?

The subject land is centrally located and already partially developed for a church and a school. Consequently, the subject land can be adequately serviced with relevant infrastructure including reticulated water, sewerage, drainage, gas, electricity and telecommunications.

These services will be augmented and extended as part of the subject works and Council have confirmed that there is ample capacity within this infrastructure to service the development.

As outlined above, the proposed rezoning will require the upgrading of an existing drainage channel located on the southern side of the subject land. Council have confirmed that the upgrade of this channel will not only benefit the subject development, but other urban development located further up the catchment.

#### Q12. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

Pre-lodgement discussions have been undertaken with relevant and affected agencies, who have confirmed that the proposed rezoning has strategic merit. Similarly, both Crown Lands and the NSW Biodiversity Conservation and Science – Floodplain Management are generally supportive of the enclosed flood risk assessment subject to further detailed consideration as part of the Planning Proposal process.

It is expected that further consultation will be undertaken with these agencies, as well as other agencies as part of the Planning Proposal process.

See Section 3.5 of this proposal for further details regarding consultation.

### 3.4. Mapping

The Planning Proposal seeks to achieve the following:

- 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.
- 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<sup>2</sup>.

This will require an amendment to the following LEP maps:

- Land Zoning Map – Sheet LZN\_002C
- Lot Size Map – Sheet LSZ\_002C

Plans showing the proposed changes sought by the Planning Proposal are provided in Figures 1-4.

All mapping will be undertaken in accordance with the NSW Department of Planning & Environment's Guideline titled: *Standard Technical Requirements for Spatial Datasets and Maps*, Version 2, August 2017.

### 3.5. Community Consultation

The Planning Proposal will be exhibited in accordance with the requirements of Part 1, Division 1, Clause 4 of Schedule 1 of the EP&A Act, the NSW Department of Planning and Environment's: *A Guide to Preparing Local Environmental Plans* and any conditions of the Gateway Determination (to be issued).

As the Planning Proposal is categorised as a 'standard' proposal, it expected to be placed on public exhibition for 20 days or as otherwise outlined in Council's Community Participation Plan.

Written notification of the community consultation will be provided in a local newspaper and on Councils' website. In addition to this, any affected landowner/s adjoining the subject land will be notified in writing, as well as any Public Authorities, Government Agencies and other key stakeholders as determined by the Gateway Determination.

The future consultation process is expected to include:

- written notification to landowners adjoining the subject land.
- public notices to be provided in local media, including in a local newspaper and on 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).

The written notice will contain:

- a brief description of the intended outcomes of the Planning Proposal.
- an indication of the land which is affected by the proposal.
- information on where and when the Planning Proposal can be inspected.
- the name and address of Council for the receipt of submissions.
- the closing date for submissions; and
- confirmation whether the Minister has chosen to delegate Plan Making powers to Council.

During the public exhibition period the following documents will be placed on public exhibition:

- the Planning Proposal.
- the Gateway Determination.
- any technical information relied upon by the Planning Proposal.
- relevant council reports.

An electronic copy of all of the above information to be placed on public exhibition will be made available to the public free of charge.

At the conclusion of the public exhibition period Council staff will consider submissions made with respect to the Planning Proposal and will prepare a report to Council.

### 3.6. Project Timeline

The project timeline for the Planning Proposal is outlined in **Table 4**.

It is noted however, that there are many factors that can influence compliance with the timeframe including Council staffing resources, the cycle of Council meetings and submissions received, and issues raised. Consequently, the timeframe should be regarded as indicative only.

**Table 4 | Project Timeline (indicative)**

Project Milestone	Anticipated Timeframe
<b>Lodgement</b> Lodge Planning Proposal with council and make any necessary adjustments or changes prior to council accepting the plan	8 weeks for council to review and provide any comments regarding the submitted Planning Proposal and for the report to be updated.  End of October 2024 – Start of January 2025
<b>Council Report (seeking Gateway Determination)</b> Council planning officers to prepare a report to council seeking council endorsement of the Planning Proposal and referral to the NSW DPHI seeking the issuing of a Gateway Determination.	2 weeks to prepare council report and include on council agenda.  End of February – Mid March 2025
<b>Request Gateway Determination</b> Council to request a Gateway Determination from the NSW DPHI to proceed to Planning Proposal to public exhibition (including any delegation of plan-making powers to council)	2 weeks following Council resolution and request for a Gateway determination.  Late April 2025
<b>Public Exhibition</b> Undertake public exhibition of Planning Proposal in accordance with the conditions of the Gateway Determination.	Place a public notice in the paper and 4 weeks to publicly exhibit the Planning Proposal.  June 2025
<b>Consider Submissions &amp; Finalise Document</b> Council planning officers to consider, respond and report on submissions received and issues raised (if any) and where necessary, recommended relevant changes to the Planning Proposal.	4 weeks to collate, consider and respond to submissions received (if any).  July – August 2025
<b>Council Report (consideration of submissions)</b> Council planning officers to prepare a report to council post public exhibition that considers any submissions received.	4 weeks to prepare council report and include on council agenda.  August 2025

<b>Submission to NSW DPHI/Parliamentary Counsel</b> Forward Planning Proposal to NSW DPHI/Parliamentary Counsel (if delegated) for finalisation following public exhibition.	4 weeks September 2025
<b>Notification</b> Finalisation/gazettal of Planning Proposal	2 weeks October 2025



## 4. Conclusion

The Planning Proposal seeks to amend the *Greater Hume Local Environmental Plan 2012* by rezoning 1.197ha of land in 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. The Planning Proposal also seeks to undertake a consequential amendment to the Minimum Lot Size map by reducing the minimum lot size from 8 hectares down to 600m<sup>2</sup>.

As part of the Gateway Determination, DPHI recommended the LEP also be amended to include a reference to a proposed split zone clause.

The report has been prepared to address the requirements of the Environmental Planning and Assessment Act 1979 (EP&A Act), as well as satisfying the requirements of the NSW Department of Planning & Environment's guideline titled: *Local Environmental Plan Making Guideline* (August 2023).

This Planning Proposal (and accompanying Development Application) provides an analysis of the physical and strategic planning constraints and opportunities of the site and considers the relevant environmental, social and economic impacts of the proposal and its strategic merit.

The Planning Proposal has strategic merit and is in the public interest for the following reasons:

- The proposal is generally consistent with the strategic planning framework including State, Regional and local planning strategies for Jindera and the broader Greater Hume.
- The resultant 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.
- The outcomes sought by the Planning Proposal seek to reflect the natural hazards and constraints of the land.
- Development of the land as sought by this Planning Proposal can be integrated with adjoining residential and educational development to the north, south and west.
- The development is proposed in response to increasing demands for seniors housing and small lot housing in close proximity to infrastructure and services.
- There will be a net benefit for the Jindera community through additional seniors housing.
- The subject land can be provided with all urban services.

Therefore, the proposed amendment to the LEP is appropriate and well-considered and warrants the support of Council before proceeding to a Gateway Determination.

## Attachment A: Pre-Lodgement Advice

## Attachment B: Consistency with Riverina-Murray Regional Plan 2041

Table 5 | Consistency with Riverina-Murray Regional Plan 2041

Part, Objective and Actions	Relevance to Planning Proposal	Consistency
<b>Part 1 – Environment</b>		
Objective 1 – Protect, connect and enhance biodiversity throughout the region.	The subject land is developed and semi-urban in nature and not considered to contain any significant biodiversity values.	<p>The area of proposed rezoning is cleared and comprises non-native paddock grasses that provide no environmental value.</p> <p>Whilst it is acknowledged that the adjoining Crown Road Reserve located to the south which is to be upgraded does contain several trees, their removal is considered appropriate in this instance.</p> <p>Of the six (6) trees to be removed, approximately half of the trees are non-native and appear to have germinated from the adjoining school site, whilst the remaining native trees are relatively juvenile in age and are in relatively poor condition. Specifically, the western most tree (Figure 13) is bifurcated and has a large split in its base. Whilst this vegetation will provide occasional foraging habitat for woodland birds, there is more high quality habitat located to the east of the site, which is protected by Council's Terrestrial Biodiversity Mapping.</p>
Objective 2 – Manage development impacts within riverine environments	The subject land does not adjoin any riverine environments.	N/A

Part, Objective and Actions	Relevance to Planning Proposal	Consistency
Objective 3 – Increase natural hazard resilience	Yes, as the subject land is identified as being flood prone in the Jindera Flood Study.	<p>The subject land is not bushfire prone, nor is it expected to be contaminated.</p> <p>The property is however identified as being flood prone on the Jindera Flood Study and therefore consideration of this Objective is required.</p> <p>Although the Planning Proposal seeks to rezone a portion of flood prone land, the works are proposed in accordance with the recommendations of a site-specific Flood Risk Assessment, which is contained in Appendix E.</p> <p>More specifically, the land is only located in an area of flood fringe and low hazard and the enclosed Flood Risk Assessment outlines a number of mitigation measures and works that will not only ensure that the future development of the proposed area to be rezoned is flood free, but that the development of this land will not adversely affect any adjoining land. In this instance, the flood impacts on adjoining land to the north east will actually be improved.</p> <p>In addition, any future dwellings constructed on-site will be required to achieve a minimum finished floor level.</p> <p>See response to Section 9.1 Direction 4.1 and the enclosed Flood Risk Assessment for further details.</p>

Part, Objective and Actions	Relevance to Planning Proposal	Consistency
<b>Part 2 – Communities and places</b>		
Objective 4 – Support Aboriginal aspirations through land use planning.	Not yet applicable, as the subject land is not known to contain any culturally significant land.	The subject land is centrally located and highly disturbed following previous and historic agricultural activities, which included significance ground disturbance. Furthermore, there are no trees in the area of proposed rezoning and the likelihood of items of cultural significance being found on-site is considered to be low.
Objective 5 – Ensure housing supply, diversity, affordability and resilience.	Applicable as the proposal seeks to achieve residential outcomes.	<p>The Planning Proposal seeks to rezone land currently zoned RU4 Primary Production Small Lots to RU5 Village to allow for its development for seniors housing purposes.</p> <p>The township of Jindera has been recently experiencing ongoing and sustained population growth of approximately 4% per annum given its proximity to the larger regional centres of Albury and Wodonga.</p> <p>In response, Council has prepared a Residential Land Use Strategy to encourage and provide additional housing supply within Jindera to keep up with demand.</p> <p>Furthermore, consistent with both local and nation-wide trends, the broader population of Greater Hume is experiencing an ageing population. The rezoning and future development of this land will therefore increase the</p>

Part, Objective and Actions	Relevance to Planning Proposal	Consistency
		amount of residential zoned land, as well as the supply and diversity of housing available for residents.
Objective 6 – Support housing in regional cities and their sub-regions	The subject land is located within the sub-region of Jindera, which adjoins the regional city of Albury.	<p>As outlined above, the township of Jindera has been experiencing ongoing and sustained residential growth over the last 10 years and has become a satellite suburb of the adjoining larger regional centre of Albury.</p> <p>The provision of additional housing supply will not only support housing demand within Greater Hume, but to a lesser extent will also reduce pressures on housing within the larger centre of Albury as it will provide a seniors housing option within a smaller township, which will avoid older residents having to relocate to Albury.</p>
Objective 7 – Provide for appropriate rural residential development.	Not applicable, the proposal does not relate to rural residential development	N/A
Objective 8 – Provide for short-term accommodation	Not applicable, the land is intended for permanent accommodation.	N/A
Objective 9 – Plan for resilient places that respect local character	The subject land is not heritage listed nor does it adjoin any heritage listed items.	Although the subject land is not heritage listed nor does it adjoin any heritage items, the proposed seniors housing development has been designed to ensure consistency with the surrounding built form in terms of building heights,



Part, Objective and Actions	Relevance to Planning Proposal	Consistency
		setbacks, materials and landscaping. The buildings will integrate with its surrounds, whilst not detracting the existing values of the area.
Objective 10 – Improve connections between Murray River communities	Not relevant, as the proposal does not relate to connections between Murray River Communities	N/A
Objective 11 – Plan for integrated and resilient utility infrastructure	Not relevant, as the proposal does not relate to utility infrastructure.	N/A
<b>Part 3 - Economy</b>		
Objective 12 – Strategically plan for rural industries	Not relevant, as the proposal does not relate to rural industries	N/A
Objective 13 – Support the transition to net zero by 2050	Not relevant, as the proposal does not relate to energy use.	N/A
Objective 14 – Protecting and promoting industrial and manufacturing land	The proposal does not seek to achieve industrial or manufacturing outcomes and the site does not adjoin land zoned for these purposes.	N/A

Part, Objective and Actions	Relevance to Planning Proposal	Consistency
Objective 15 – Support the economic vitality of CBDs and main streets	The subject land is located within the main street of Jindera.	<p>Although the subject land is located within the main street of Jindera, it is located outside of the main commercial centre.</p> <p>Notwithstanding, the provision of seniors housing within a highly accessible location within walking distance of key infrastructure and services such as shopping, health care and community facilities is considered to support the economic vitality of the main commercial area of Jindera.</p> <p>The provision of additional housing in this location will also broadly support the provision of trades, jobs and employment, which will have a positive economic benefit.</p>
Objective 16 – Support the visitor economy	Not relevant, as the proposal does not relate to tourism.	N/A
Objective 17 – Strategically plan for health and education precincts	Not relevant as the proposal does not relate to health and education precincts	N/A
Objective 18 – Integrate transport and land use planning	Access to and from the subject site will need to be considered.	While of a small development scale, the subject site does derive access from the adjoining Urana Street, which is designated as a Regional Road.

Part, Objective and Actions	Relevance to Planning Proposal	Consistency
		The future development of this land will require the construction of a new driveway crossover, which will be constructed in accordance with relevant Transport for NSW requirements.

## Attachment C: Consistency with State Environmental Planning Policies



Table 6 I Consistency with State Environmental Planning Policies

Policy	Applicable to Planning Proposal	Consistency
<b>State Environmental Planning Policy (Biodiversity and Conservation) 2021</b>		
Chapter 2 – Vegetation in non-rural areas	Applies to part of the Greater Hume Local Government Area	Yes, the proposed upgrade of the adjoining Crown Road Reserve will require the removal of up to six (6) trees. Further discussion regarding this is previously addressed within this report and will be subject to a future Development Application.
Chapter 3 – Koala habitat protection 2020	Not applicable as the subject land is not identified as a prescribed zone.	Not applicable to the current Planning Proposal.
Chapter 4 – Koala habitat protection 2021	Not applicable as the subject land is not identified as a prescribed zone within the 2021 SEPP.	Not applicable to the current Planning Proposal.
Chapter 5 – River Murray lands	Applies to part of the Greater Hume Local Government Area	Not applicable to the subject land.
Chapter 6 – Bushland in urban areas	Not applicable to the Greater Hume Local Government Area.	Not applicable.

Policy	Applicable to Planning Proposal	Consistency
Chapter 7 – Canal estate development	Not applicable to the Greater Hume Local Government Area.	Not applicable.
Chapter 8 – Sydney drinking water catchment	Not applicable to the Greater Hume Local Government Area.	Not applicable.
Chapter 9 – Hawkesbury-Nepean River	Not applicable to the Greater Hume Local Government Area.	Not applicable.
Chapter 10 – Sydney Harbour Catchment	Not applicable to the Greater Hume Local Government Area.	Not applicable.
Chapter 11 – Georges River Catchment	Not applicable to the Greater Hume Local Government Area.	Not applicable.
Chapter 12 – Willandra Lakes Region World Heritage Property	Not applicable to the Greater Hume Local Government Area.	Not applicable.
<b>State Environmental Planning Policy (Sustainable Buildings) 2022</b>	Applies to all land in the State.	Not applicable to the current Planning Proposal.

Policy	Applicable to Planning Proposal	Consistency
<b>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</b>	Applies to all land in the State.	The Planning Proposal does not conflict with the aims and functions of this SEPP with respect to exempt and complying development provisions.
<b>State Environmental Planning Policy (Housing) 2021</b>		
Chapter 2 – Affordable housing	Applies to all land in the State.	Not applicable to the current Planning Proposal.
Chapter 3 – Diverse housing	Applies to all land in the State.	Whilst it is acknowledged that Housing or Seniors or Persons with a Disability is outlined in Part 5 of Chapter 3 of this SEPP, the applicant is not applying under the provisions of this SEPP.
Chapter 4 – Design of Residential Apartment Development	Applies to all land in the State.	Not applicable to the current Planning Proposal.
<b>State Environmental Planning Policy (Industry and Employment) 2021</b>		
Chapter 2 – Western Sydney employment area	Not applicable to the Greater Hume Local Government Area.	Not applicable.
Chapter 3 – Advertising and signage	Applies to all land in the State.	Not applicable to the current Planning Proposal.

Policy	Applicable to Planning Proposal	Consistency
<b>State Environmental Planning Policy (Planning Systems) 2021</b>		
Chapter 2 – State and Regional Development	Applies to all land in the State.	Not applicable to the current Planning Proposal.
Chapter 3 – Aboriginal land	Not applicable to the Greater Hume Local Government Area.	Not applicable.
Chapter 4 – Concurrences and consents	Applies to all land in the State.	Not applicable to the current Planning Proposal.
<b>State Environmental Planning Policy (Precincts – Central River City) 2021</b>		
Chapter 2 – State significant precincts	Applies to all land in the State.	Not applicable to the current Planning Proposal.
Chapter 3 – Sydney region growth centres	Not applicable to the Greater Hume Local Government Area.	Not applicable.
Chapter 4 – Homebush Bay area	Not applicable to the Greater Hume Local Government Area.	Not applicable.



Policy	Applicable to Planning Proposal	Consistency
Chapter 5 – Kurnell Peninsula	Not applicable to the Greater Hume Local Government Area.	Not applicable.
Chapter 6 – Urban renewal precincts	Not applicable to the Greater Hume Local Government Area.	Not applicable.
<b>State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021</b>		
Chapter 2 – State significant precincts	Applies to all land in the State.	Not applicable to the current Planning Proposal.
Chapter 3 – Darling Harbour	Not applicable to the Greater Hume Local Government Area.	Not applicable.
Chapter 4 – City West	Not applicable to the Greater Hume Local Government Area.	Not applicable.
Chapter 5 – Walsh Bay	Not applicable to the Greater Hume Local Government Area.	Not applicable.

Policy	Applicable to Planning Proposal	Consistency
Chapter 6 – Cooks Cove	Not applicable to the Greater Hume Local Government Area.	Not applicable.
Chapter 7 – Moore Park Showground	Not applicable to the Greater Hume Local Government Area.	Not applicable.
<b>State Environmental Planning Policy (Precincts – Regional) 2021</b>		
Chapter 2 – State significant precincts	Applies to all land in the State.	Not applicable to the current Planning Proposal.
Chapter 3 – Activation precincts	Not applicable to the Greater Hume Local Government Area.	Not applicable.
Chapter 4 – Kosciuszko National Park and alpine resorts	Not applicable to the Greater Hume Local Government Area.	Not applicable.
Chapter 5 – Gosford city centre	Not applicable to the Greater Hume Local Government Area.	Not applicable.
<b>State Environmental Planning Policy (Precincts – Western Parkland City) 2021</b>		

Policy	Applicable to Planning Proposal	Consistency
Chapter 2 – State significant precincts	Applies to all land in the State.	Not applicable to the current Planning Proposal.
Chapter 3 – Sydney region growth centres	Not applicable to the Greater Hume Local Government Area.	Not applicable.
Chapter 4 – Western Sydney Aerotropolis	Not applicable to the Greater Hume Local Government Area.	Not applicable.
Chapter 5 – Penrith Lakes Scheme	Not applicable to the Greater Hume Local Government Area.	Not applicable.
Chapter 6 – St Mary's	Not applicable to the Greater Hume Local Government Area.	Not applicable.
Chapter 7 – Western Sydney Parklands	Not applicable to the Greater Hume Local Government Area.	Not applicable.
<b>State Environmental Planning Policy (Primary Production) 2021</b>		

Policy	Applicable to Planning Proposal	Consistency
Chapter 2 – Primary production and rural development	Yes, as the subject land is identified as being State Significant Agricultural Land (SSAL) on the draft SSAL Map.	<p>Whilst it is acknowledged that the subject land is identified on the draft SSAL Map, for the purposes of Section 2.8 of this Clause, no land has been identified within Schedule 1 of this SEPP.</p> <p>Specifically, the SSAL mapping is still in draft format and is yet to be finalised despite being publicly exhibited in January 2022. Furthermore, a portion of the subject land is already developed for the purposes of a school, church and cemetery with the remainder of the site not used for any productive agricultural purposes given its small size and central location surrounded by urban development.</p> <p>Consequently, the subject Planning Proposal is generally consistent with this SEPP as it will not adversely affect productive agricultural land.</p>
Chapter 3 – Central Coast plateau areas	Not applicable to the Greater Hume Local Government Area.	Not applicable.
<b>State Environmental Planning Policy (Resilience and Hazards) 2021</b>		
Chapter 2 – Coastal management	Not applicable to the Albury Local Government Area.	Not applicable.
Chapter 3 – Hazardous and offensive development	Applies to all land in the State.	Not applicable to the current Planning Proposal.



Policy	Applicable to Planning Proposal	Consistency
Chapter 4 – Remediation of land	Applies to all land in the State.	Not applicable as clause 6 Contamination and remediation to be considered in zoning or rezoning proposal was repealed on 17 April 2020.
<b>State Environmental Planning Policy (Resources and Energy) 2021</b>		
Chapter 2 – Mining, petroleum production and extractive industries	Applies to all land in the State.	The Planning Proposal does not conflict with the aims, permissibility, development assessment requirements relating to mining, petroleum production and extractive industries as provided for in the SEPP.
Chapter 3 – Extractive industries in Sydney area	Not applicable to the Greater Hume Local Government Area.	Not applicable.
<b>State Environmental Planning Policy (Transport and Infrastructure) 2021</b>		
Chapter 2 – Infrastructure	Applies to all land in the State.	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.
Chapter 3 – Educational establishments and child care facilities	Applies to all land in the State.	Not applicable to the current Planning Proposal.

Policy	Applicable to Planning Proposal	Consistency
Chapter 4 – Major infrastructure corridors	Not applicable to the Greater Hume Local Government Area.	Not applicable.
Chapter 5 – Three ports – Port Botany, Port Kembla and Newcastle	Not applicable to the Greater Hume Local Government Area.	Not applicable.
Chapter 6 – Moorebank Freight Intermodal Precinct	Not applicable to the Greater Hume Local Government Area.	Not applicable.
<b>Draft State Environmental Planning Policies</b>		
Environment SEPP	Not applicable to the Greater Hume Local Government Area.	Not applicable.
Corridor Protection SEPP	Not applicable to the Greater Hume Local Government Area.	Not applicable.

## Attachment D: Consistency with Section 9.1 Ministerial Directions

Table 7 | Consistency with Ministerial Directions

No.	Title	Applicable to Planning Proposal	Consistency
<b>1. Planning Systems</b>			
1.1	Implementation of Regional Plans	Yes, as this Direction applies to all Planning Proposals that apply to land where a Regional Plan has been prepared.	The Planning Proposal is consistent with the goals, directions and actions as contained within the <i>Riverina Murray Regional Plan 2041</i> . A full response in relation to this Regional Plan has been provided as <b>Attachment B</b> .
1.2	Development of Aboriginal Land Council Land	Not applicable, as the subject land is not identified on the Land Application Map of State Environmental Planning Policy (Aboriginal Land) 2019	Not applicable.
1.3	Approval and Referral Requirements	Yes, as this Direction applies to all Planning Proposals.	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'.
1.4	Site Specific Provisions	Not applicable, as the subject Planning Proposal does not seek to introduce any site specific provisions.	Not applicable.



No.	Title	Applicable to Planning Proposal	Consistency
1.4A	Exclusion of Development Standards for Variation	Not applicable, as the Planning proposal does not seek to introduce or alter an existing exclusion to clause 4.6 of a Standard Instrument LEP	Not applicable.
<b>1. Planning Systems – Place Based</b>			
1.5	Parramatta Road Corridor Urban Transformation Strategy	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.
1.6	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.
1.7	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.

No.	Title	Applicable to Planning Proposal	Consistency
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.
1.10	Implementation of Western Sydney Aerotropolis Plan	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.
1.11	Implementation of Bayside West Precincts 2036 Plan	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.

No.	Title	Applicable to Planning Proposal	Consistency
1.14	Implementation of Greater Macarthur 2040	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.
1.15	Implementation of the Pymont Peninsula Place Strategy	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.
1.16	North West Rail Link Corridor Strategy	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.
1.17	Implementation of Bays West Place Strategy	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.
1.18	Implementation of the Macquarie Park Innovation Precinct	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.
1.19	Implementation of the Westmead Place Strategy	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.

No.	Title	Applicable to Planning Proposal	Consistency
1.20	Implementation of the Camellia-Rosehill Place Strategy	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.
1.21	Implementation of South West Growth Area Structure Plan	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.
1.22	Implementation of the Cherrybrook Station Place Strategy	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.
<b>Design and Place</b>			
Nil	N/A	This Focus Area was blank when the Directions were made	N/A
<b>Biodiversity and Conservation</b>			
3.1	Conservation Zones	Yes, as this Direction applies to all Planning Proposals.	The Planning Proposal is consistent with this Direction because it does not involve land identified as environmentally sensitive and does not seek to reduce the environmental protection standards that apply to the land.



No.	Title	Applicable to Planning Proposal	Consistency
3.2	Heritage Conservation	Yes, as this Direction applies to all Planning Proposals.	The Planning Proposal is consistent with this direction because it does not affect existing provisions within LEP relating to the protection of known European and Aboriginal heritage.
3.3	Sydney Drinking Water Catchment	Not applicable, as the land is not located within the Sydney Drinking Water Catchment.	Not applicable.
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs.	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.
3.5	Recreation Vehicle Areas	Yes, as this Direction applies to all Planning Proposals.	The Planning Proposal is consistent with this 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> .
3.6	Strategic Conservation Planning	Not applicable, as the Planning Proposal does not relate to land under State Environmental Planning Policy (Biodiversity and Conservation) 2021 identified as 'avoided land' or a 'strategic conservation area'.	Not applicable.

No.	Title	Applicable to Planning Proposal	Consistency
3.7	Public Bushland	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.
3.8	Willandra Lakes Region	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.
3.9	Sydney Harbour Foreshores and Waterways Area	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.
3.10	Water Catchment Protection	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.
<b>Resilience and Hazards</b>			
4.1	Flooding	Yes, as a portion of the subject land is identified as being flood prone.	<p>The Planning Proposal is generally consistent with the objectives of this Direction despite seeking to rezone flood prone land.</p> <p>The general objectives of this Direction are to:</p> <p><i>(a) ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</i></p>

No.	Title	Applicable to Planning Proposal	Consistency
			<p><i>(b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land.</i></p> <p>The subject Planning Proposal is consistent with these objectives as a site-specific Flood Risk Assessment has been prepared, which has addressed the requirements of the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005. Furthermore, the site specific flood assessment has considered and addressed potential flood concerns for both development on-site, as well as considering potential off-site flooding impacts.</p> <p>In summary, a number of mitigations measures were recommended that ensures that future development on-site will be located above the relevant flood height. Similarly, the proposed flood mitigation works will also actually improve flooding impacts for adjoining neighbours to the north.</p> <p>The Planning Proposal is also consistent with the requirements of subclause (1)(a)-(d) of this Direction as follows:</p> <ul style="list-style-type: none"> <li>• The NSW Flood Prone Land Policy has been appropriately considered as part of the enclosed Flood Risk Assessment.</li> <li>• The principles of the NSW Floodplain Development Manual 2005 have been appropriately considered as part of the enclosed Flood Risk Assessment.</li> <li>• Consideration has been given to the Land Use Planning Guideline 2021 as part of the enclosed Flood Risk Assessment.</li> <li>• The enclosed site-specific Flood Risk Assessment is consistent with and does not derogate from the aims and objectives of the Jindera Floodplain Risk Management Study and Plan.</li> </ul>

No.	Title	Applicable to Planning Proposal	Consistency
			<p>The Planning Proposal is also consistent with the requirements of subclause (3)(a)-(h) of this Direction as follows:</p> <ul style="list-style-type: none"> <li>• The Planning Proposal does not seek to rezone land classified as being within a Floodway.</li> <li>• The rezoning and subsequent development of this land will not result in an increase in flood risk for adjoining properties located off-site and in fact will be improved following the completion of flood mitigation works to the adjoining drainage channel located to the south within a Crown Road Reserve.</li> </ul> <p>Specifically, these works will result in a reduction of the impact on 44 Molkentin Road (from previously approx. 35 mm to approx. 10 mm in the 1% AEP event) in the design case, without any upgrade of the drainage channel. An upgrade of the channel as recommended will provide additional benefit by reducing the impact on this property to approximately 6 mm.</p> <ul style="list-style-type: none"> <li>• The subject land to be rezoned is not identified as a high hazard area and is only classified as low hazard.</li> <li>• Whilst it is acknowledged that the Planning Proposal seeks to increase residential development density, the area of proposed rezoning has been limited to only the north western corner of the property, being the area of land that is least constrained from flooding. The remainder of the land will remain rurally zoned and the proposal only seeks to develop this land for 10 freestanding dwellings plus a small community centre.</li> <li>• Similar to the item above, although the proposal seeks to rezone land, which will be developed for the purposes of seniors housing, this is considered satisfactory in this instance. As outlined above, the Planning Proposal only seeks to rezone a small portion of the site with the remainder to be retained within a rural zone.</li> </ul>

No.	Title	Applicable to Planning Proposal	Consistency
			<p>A site specific Flood Risk Assessment has been prepared for the site, which has confirmed that the area of works will be flood free following the completion of recommended flood mitigation works. Furthermore, the area of land proposed to be rezoned has been chosen as it immediately adjoins the sealed and flood free Urana Street, which provide direct access away from the flooding hazard. This road is higher than the surrounding environment and will provide readily available access during times of a flood event.</p> <p>Furthermore, any future dwellings to be constructed on-site will have a dedicated minimum Finished Floor Level above the 1 in 100 Year flood event and the buildings will be constructed of flood compatible materials. Lastly, it is noted that should the adjoining drainage channel to the south be upgraded beyond what is recommended in the enclosed Flood Risk Assessment, then the flooding risks across the broader site will be even further reduced.</p> <ul style="list-style-type: none"> <li>Any future works on the land to be rezoned will be the subject a separate Development Application to Council.</li> <li>The proposed rezoning and subsequent development of this land for seniors housing purposes is not expected to increase government spending on emergency management services, flood mitigation and emergency responses measures as the land will become flood free and is highly accessible during times of a flood.</li> <li>The application does not seek approval to use the site for hazardous industries or hazardous storage establishments.</li> </ul> <p>No special flood considerations apply to the land as per the requirements of Clause 5.22 of the LEP.</p>



No.	Title	Applicable to Planning Proposal	Consistency
			<p>Lastly, the Planning Proposal is generally consistent with the principles of the adopted Jindera Floodplain Risk Management Study and Plan, which seek to allow the development of land on flood free land, or where relevant flood mitigation measures have been adopted.</p> <p>The broad principles of this Study align with NSW flood policies to reduce impacts on future development, as well as avoiding impacts on adjoining land by changing the flood behaviour.</p> <p>As outlined above, the intention of the rezoning of the land is to just directly focus on the proposed development site rather the entire wider site. Further consideration of the broader flood impacts of the entire site will be considered as part of a separate total township wide review of the Jindera Floodplain Risk Management Study and Plan.</p> <p>For these reasons, the Planning Proposal is considered justifiably inconsistent with this Direction. See enclosed site-specific Flood Risk Assessment for further details.</p>
4.2	Coastal Management	Not applicable as the subject land is not located in a coastal management area.	Not applicable.
4.3	Planning for Bushfire Protection	Yes, as a portion of the subject land is identified as being bushfire prone.	The Planning Proposal is generally consistent with the objectives of this Direction. Whilst it is acknowledged that a portion of the subject land is identified as being bushfire prone on the Greater Hume Bushfire Prone Land Map (Vegetation Buffer), the area of proposed rezoning is located outside of this area and is surrounded by urban development to the south and west.

No.	Title	Applicable to Planning Proposal	Consistency
			<p>Similarly, although the ultimate objective of the Planning Proposal is to develop the land to be rezoned for seniors housing purposes, the land immediately adjoins urban development to the south (school/church) and west (residential housing). The site also adjoins the sealed Urana Street, which leads away from the hazard and the property is connected to urban infrastructure and services.</p> <p>Lastly, the development can achieve the relevant requirements of Planning for Bushfire Protection Guidelines 2019 in terms of Asset Protection Zones, access and water supply.</p>
4.4	Remediation of Contaminated Land	Yes, as the subject land has historically been used for broadacre agriculture (grazing)	<p>The proposed development is generally consistent with this Direction as the subject land has been used as a school since circa 1996, being nearly 30 years ago.</p> <p>Similarly, following an inspection of the property, the land shows no signs of contamination and is not currently used for a potential contaminating activity.</p> <p>Lastly, the subject land is not identified on either Council's or the NSW EPA's contaminated land register.</p>
4.5	Acid Sulphate Soils	Not applicable, as the subject land is not identified as containing acid sulphate soils.	Not applicable.
4.6	Mine Subsidence & Unstable Land	Not applicable, as the subject land is not within a Mine Subsistence District.	Not applicable.

No.	Title	Applicable to Planning Proposal	Consistency
<b>Transport and Infrastructure</b>			
5.1	Integrating Land Use and Transport	Yes, as the Planning Proposal seeks to alter or remove a zone relating to urban land	<p>The Planning Proposal is generally consistent with this Direction despite seeking to rezone land for residential purposes.</p> <p>The Planning Proposal does not conflict with the aims or objectives of the two reference Transport studies outlined in this Direction and the level of traffic is not expected to create any adverse impacts as it will directly connect to the adjoining Urana Street, which is well sealed and has excellent site lines.</p> <p>Whilst an opportunity exists to connect the seniors housing to the existing internal driveway servicing the school and church, it is recommended that a separate driveway be constructed instead to avoid potential minimising or conflicts internally within the site.</p> <p>Further details regarding traffic and access will be addressed as part of any subsequent Development Application submitted for the site.</p>
5.2	Reserving Land for Public Purposes	Yes, as this Direction applies to all Planning Proposals.	The Planning Proposal is consistent with this Direction because it does not create, alter or reduce any provisions relating to land for public acquisition purposes.
5.3	Development Near Regulated Airports and Defence Airfields	Not applicable, the planning proposal does not seek to create, alter or remove a zone or	Not applicable.

No.	Title	Applicable to Planning Proposal	Consistency
		a provision relating to land near a regulated airport which includes a defence airfield.	
5.4	Shooting Ranges	Not applicable, as the subject land is not located in the vicinity of a shooting range.	Not applicable.
5.5	High pressure dangerous goods pipelines	Not applicable, the subject land does not contain a relevant pipeline.	Not applicable.

### Housing

6.1	Residential Zones	Yes, as the Planning Proposal seeks to rezone land RU5 Village for residential purposes.	<p>The Planning Proposal is consistent with this Direction as it seeks to rezone approximately 1.197 hectares of land to RU5 Village, which will be developed for the purposes of seniors housing.</p> <p>The proposal will achieve the following broad objectives:</p> <ul style="list-style-type: none"> <li>• The development will support a variety and diversity of housing within the residential housing market;</li> <li>• The proposal will make more efficient use of utilities and infrastructure</li> <li>• The subject land is centrally located and will encourage infill development, thereby reducing pressures on the urban fringe; and</li> <li>• The proposed seniors housing dwellings are of a generally high quality design and will be subject to a future development application.</li> </ul>
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No.	Title	Applicable to Planning Proposal	Consistency
6.2	Caravan Parks & Manufactured Home Estates	Yes, as this Direction applies to all Planning Proposals.	The Planning Proposal is consistent with this Direction as it does not reduce the opportunities for caravan parks and manufactured homes estates on the subject land.

#### Industry and Employment

7.1	Business and Industrial Zones	Not applicable, as the Planning Proposal does not seek to achieve business or industrial outcomes.	Not applicable.
7.2	Reduction in non-hosted short term rental accommodation period	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable, as the subject land is not located within proximity to the Pacific Highway.	Not applicable.

#### Resources and Energy



No.	Title	Applicable to Planning Proposal	Consistency
8.1	Mining, Petroleum Production and Extractive Industries	Not applicable as the Planning Proposal does not impact on mining, petroleum or extractive industries.	<p>The subject planning proposal will not:</p> <p>(a) prohibit the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or</p> <p>(b) restrict the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.</p>

#### Primary Production

9.1	Rural Zones	Yes, as the Planning Proposal will affect land within an existing or proposed rural zone.	<p>The Planning Proposal seeks to rezone land from a rural zone (RU4) to a residential zone (RU5) and therefore the provisions of Direction 9.1 apply.</p> <p>Notwithstanding, the Planning Proposal is considered to be justifiably inconsistent with the aims and objectives of this Direction for the reasons outlined below:</p> <ul style="list-style-type: none"> <li>The proposed rezonings sought by this Planning Proposal are justified and generally consistent with the recommendations of the Jindera Residential Land Use Strategy, which seeks to increase the supply of residential zoned land.</li> </ul> <p>Whilst this land is not expressly identified in this plan, the Land Use Strategy does seek to facilitate the development of land for residential purposes that is centrally located and unconstrained from hazards. Following the completion of a site-specific flood assessment, the land is now considered flood free and the site has readily available access to services.</p>
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No.	Title	Applicable to Planning Proposal	Consistency
			<ul style="list-style-type: none"> <li>• The land is not used for any kind of agricultural activities and is already partly developed for the purposes of a school, church and cemetery. Consequently, the rezoning will not result in the loss of agricultural land.</li> <li>• The land is highly fragmented and small in size and is surrounded by urban development to the south and west.</li> <li>• The rezoning and development of this land will not create any potential land use conflicts with adjoining land given the central location of the site and the use of surrounding land.</li> <li>• rezoning of this land is consistent with the general land use pattern and zoning of adjoining land and will result in a more logical zoning layout whilst allowing for coordinated growth and development.</li> <li>• The inconsistency with this Direction is considered of minor significance as it only seeks to rezone 1.3ha of rural zoned land.</li> </ul> <p>See response to Direction 9.2 below for further details.</p>
9.2	Rural Lands	Yes, as the Planning Proposal will affect land within an existing or proposed rural zone.	<p>The Planning Proposal seeks to rezone land from a rural zone (RU4) to a residential zone (RU5) and therefore the provisions of Direction 9.2 apply.</p> <p>Notwithstanding, the Planning Proposal is considered to be justifiably inconsistent with the aims and objectives of this Direction for the reasons outlined below:</p> <ul style="list-style-type: none"> <li>• The proposed rezoning sought by this Planning Proposal is generally justified and consistent with the broad objectives of the Jindera Residential Land Use Strategy.</li> </ul>

No.	Title	Applicable to Planning Proposal	Consistency
			<ul style="list-style-type: none"> <li>• The inconsistency with this Direction is considered of minor significance as it only seeks to rezone 1.3ha of rural zoned land.</li> <li>• The subject land does not comprise agricultural land as it has already been partially developed for a school, church and cemetery.</li> </ul> <p>The Planning Proposal still retains consistency with the objectives of this Direction as follows:</p> <ul style="list-style-type: none"> <li>• The proposed rezoning although reducing the amount of rural zoned land will continue to protect the agricultural production value of rural land elsewhere in Greater Hume. Specifically, the land to be rezoned is highly urbanised and fragmented and separated from other surrounding rural land.</li> <li>• The land proposed to be rezoned is not considered to be state significance and will not adversely affect the social, economic and environmental welfare of the State. Whilst it is acknowledged that this land is identified on the Draft SSAL Map, it is noted that this mapping has remained in draft since 2021 and represents land that is already developed for urban purposes.</li> <li>• The proposed land to be rezoned is already highly fragmented and adjoins other urban development to the south and west. Consequently, the rezoning of this land is not expected to create any land use conflicts with adjoining rural zoned land as it does not immediately adjoin any productive agricultural land.</li> <li>• The rezoning of this land is not expected to adversely affect the viability of adjoining rural zoned land as it largely adjoins rural lifestyle and/or urban land.</li> <li>• The proposal will not derogate from the actions outlined in the NSW Right to Farm Policy.</li> </ul> <p>The Planning Proposal also responds to the matters for consideration of this Direction as follows:</p>

No.	Title	Applicable to Planning Proposal	Consistency
			<ul style="list-style-type: none"> <li>The proposed outcomes sought by this Planning Proposal are generally consistent with relevant state, regional and local strategic plans that seek to encourage population and housing growth within defined areas.</li> <li>The subject land proposed to be rezoned is considered to be of low agricultural significance and has traditionally only been used for low-scale broadacre grazing.</li> <li>The subject land proposed to be rezoned does not contain any environmental features such as biodiversity, heritage or water resources.</li> <li>The proposed rezoning of the land is considered appropriate given the natural and physical features of the land.</li> <li>The proposed rezonings will not adversely affect the ability of adjoining landowners to continue undertaking agricultural activities.</li> <li>The land will not result in the fragmentation of productive agricultural land, but rather seeks to rezone land that is already highly fragmented and surrounded by urban development.</li> <li>The proposed rezonings will have an overall positive social, economic and environmental impact on the local community as it will provide additional opportunities for seniors housing in a central location.</li> </ul> <p>See response to Direction 9.1 for further details.</p>
9.3	Oyster Aquaculture	Not applicable as the subject site is not identified as a 'Priority Oyster Aquaculture Area' and is not identified in the <i>NSW Oyster Industry Sustainable Aquaculture Strategy</i> (2006)	Not applicable.

No.	Title	Applicable to Planning Proposal	Consistency
9.4	Farmland of State & Regional Significance on the NSW Far North Coast	Not applicable, does not apply to the Greater Hume Local Government Area.	Not applicable.



## Attachment E: Flood Risk Assessment