

## Planning Services

### Gateway determination report

<b>LGA</b>	Greater Hume LGA
<b>PPA</b>	Greater Hume Council
<b>NAME</b>	Planning proposal to reclassify four lots in Jindera from community to operational land (0 homes, 0 jobs)
<b>NUMBER</b>	PP 2019 GHUME 001 00
<b>LEP TO BE AMENDED</b>	Greater Hume LEP 2012
<b>ADDRESS</b>	Britton Court, Jindera 33 Pech Avenue, Jindera 9 Klein Court, Jindera Pioneer Drive, Jindera
<b>DESCRIPTION</b>	Lot 42 DP 1132425 Lot 61 DP 1194500 Lot 89 DP 1228879 Lot 67 DP 1195450
<b>RECEIVED</b>	17 December 2018
<b>FILE NO.</b>	IRF19/132
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## INTRODUCTION

### Description of planning proposal

The planning proposal seeks to amend the Greater Hume LEP 2012 (GHLEP 2012) to reclassify four lots in Jindera from community to operational land.

### Site description

The planning proposal applies to the following land:

- Lot 42 DP 1132425, Britton Court, Jindera (Lot 42)
- Lot 61 DP 1194500, 33 Pech Avenue, Jindera (Lot 61)
- Lot 89 DP 1228879, 9 Klein Court, Jindera (Lot 89)
- Lot 67 DP 1195450, Pioneer Drive, Jindera (Lot 67)

Lots 42, 61 and 89 are situated within an existing residential area. As shown in **Figures 1 – 3**, each of these lots are vacant.



**Figure 1: Aerial photograph of Lot 42 DP 1132425**

Source: [maps.six.nsw.gov.au](https://maps.six.nsw.gov.au)



**Figure 2: Aerial photograph of Lot 61 DP 1194500**

Source: [maps.six.nsw.gov.au](https://maps.six.nsw.gov.au)





**Figure 3: Aerial photograph of Lot 89 DP 1228879**

Source: maps.six.nsw.gov.au

Lot 67 is separated from the adjoining residential area by Jindera Street. As shown in **Figure 4**, the northern and south eastern portions of the site are heavily vegetated.



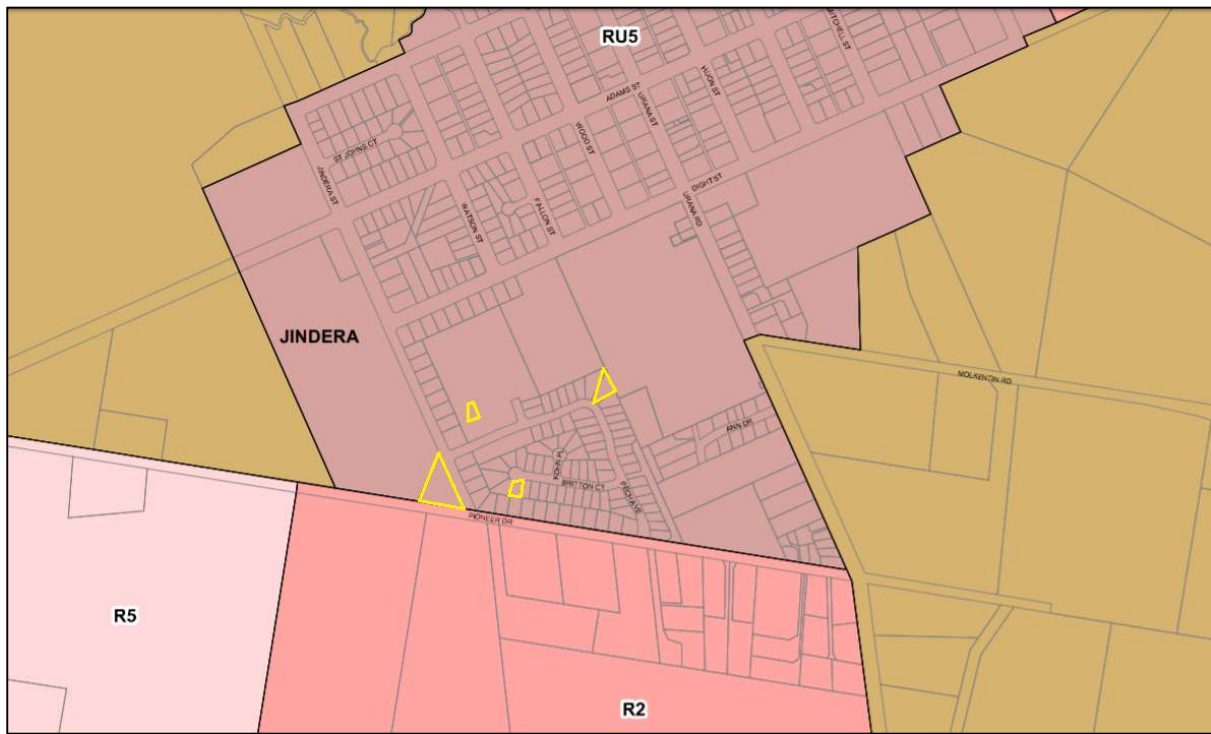
**Figure 4: Aerial photograph of Lot 67 DP 1195450**

Source: maps.six.nsw.gov.au

### **Existing planning controls**

Each lot proposed to be reclassified is zoned RU5 Village with a 600 square metre Minimum Lot Size. Figure 5 shows the zoning of each lot as per Land Zoning Map LZN\_002C.





**Figure 5: Land Zoning Map LZN\_002C**

Source: legislation.nsw.gov.au

### **Surrounding area**

The subject lots are located within the town of Jindera. With the exception of Lot 67, the subject lots are within an existing residential subdivision on the southern edge of Jindera. **Figure 6** shows the lots within the context of the surrounding area.



**Figure 6: Aerial photograph of the subject lots and surrounding area**

Source: maps.six.nsw.gov.au

## **Summary of recommendation**

It is recommended that the planning proposal proceed subject to the following conditions:

- The planning proposal is to be updated prior to community consultation to clearly identify any interests in the land which will not be discharged as part of the proposal;
- Community consultation is required for a minimum of 28 days; and
- The timeframe for completing the LEP is to be 12 months.

## **PROPOSAL**

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### **Objectives or intended outcomes**

The intended outcome of the planning proposal is to facilitate the sale of the lots 42, 61, 67 and 89 by reclassifying them from community to operational land. Council intends to utilise the funds realised through the sale of the lots to invest in community facilities within the Jindera Recreation Reserve.

### **Explanation of provisions**

The planning proposal states that it will achieve the intended outcome by amending the GHLEP in accordance with clause 5.2 Classification and reclassification of public land.

In addition to reclassifying the subject lots from community to operational, the planning proposal seeks to cease the description of Lots 42, 61 and 89 as public reserves and to discharge restrictions on the use of land applying Lots 42, 61 and 89. Lot 67 is not described as a public reserve and no interests in the land are proposed to be discharged as part of the proposal.

In accordance with clause 5.2 (5) of the GHLEP 2012 public land described in Part 2 of Schedule 4 of the GHLEP 2012 ceases to be a public reserve and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land, except for those specified in Column 3.

Accordingly, it is understood that the planning proposal seeks to amend the GHLEP 2012 as follows:

- List Lots 42, 61 and 89 in Part 2 of Schedule 4 of the GHLEP 2012; and
- List Lot 67 in Part 1 of Schedule 4 of the GHLEP 2012.

The planning proposal should be updated prior to community consultation to clearly identify any interests in the land which will not be discharged as part of the proposal.

### **Mapping**

The planning proposal includes aerial photographs which are considered suitable for community consultation. No LEP maps will be amended as part of the planning proposal.

## **NEED FOR THE PLANNING PROPOSAL**

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The planning proposal states that the subject lots were dedicated to Council to meet public open space and drainage requirements at the time of subdivision.

Council considers Lots 42, 61 and 89 to be poorly located for use as public open space, noting 'pocket parks' are no longer an efficient means of meeting the community's need for public open space.

Lot 67 was dedicated to Council to meet drainage requirements which have since been met by drainage works undertaken to the west of the site.

As noted above, Council intends to utilise the funds realised through the sale of the lots to invest in community facilities within the Jindera Recreation Reserve.

Council's justification for reclassifying the land and removing its public reserve status is considered adequate. Accordingly, it is recommended that the planning proposal be supported to proceed as it will facilitate the development of Lots 42, 61, 67 and 89 in a manner that is consistent with the zoning of the land and will enable Council to invest in community facilities within the nearby recreation reserve.

The planning proposal is the only means of achieving the intended outcome of reclassifying the lots from community to operational land in accordance with the requirements of the Local Government Act 1993 and Environmental Planning and Assessment Act 1979.

## **STRATEGIC ASSESSMENT**

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### **State**

There is no applicable state strategic planning framework.

### **Regional**

Land in the Greater Hume LGA is subject to the Riverina Murray Regional Plan 2036. The planning proposal identifies the following Directions as applicable:

- Direction 21: Align and protect utility infrastructure investment
- Direction 22: Promote the growth of regional cities and local centres
- Direction 23: Build resilience in towns and villages
- Direction 25: Build housing capacity to meet demand
- Direction 26: Provide greater housing choice
- Direction 28: Deliver healthy built environments and improved urban design

Direction 25 is considered relevant to determining the strategic merit of the planning proposal.

The subject area is characterised by residential land uses with access to existing infrastructure and services. The planning proposal will facilitate the development of land within this area for residential purposes and therefore is considered to be consistent with intent of Direction 25 and the overall intent of the Regional Plan.

### **Local**

The Greater Hume Strategic Land Use Plan 2007-2030 identifies the ongoing maintenance and embellishment of the Jindera recreation reserve and encouraging infill development as key land use planning outcomes for Jindera. The planning proposal will facilitate both of these outcomes and is therefore considered to be consistent with the plan.

## **Section 9.1 Ministerial Directions**

### **3.1 Residential Zones**

The planning proposal identifies Direction 3.1 Residential Zones as applicable as the proposal will affect land within a zone in which significant residential development is permitted.

The planning proposal is consistent with the terms of this Direction as it does not consume greenfield land on the urban fringe; makes efficient use of existing infrastructure and services; does not alter existing provisions requiring land to be adequately serviced prior to permitting residential development; or reduce the permissible density of the land.

**Recommendation:** The Secretary's delegate can be satisfied that the planning proposal is consistent with this Direction.

#### 5.10 Implementation of Regional Plans

The planning proposal identifies Direction 5.10 Implementation of Regional Plans as applicable as the proposal relates to land subject to the Riverina Murray Regional Plan 2036.

The planning proposal is consistent with the terms of this Direction as the proposal is generally consistent with the Riverina Murray Regional Plan 2036.

**Recommendation:** The Secretary's delegate can be satisfied that the planning proposal is consistent with this Direction.

#### 6.2 Reserving Land for a Public Purpose

The planning proposal identifies Direction 6.2 Reserving Land for Public Purposes as applicable as the proposal relates to land reserved for public purposes.

The planning proposal seeks to reclassify Lots 42, 61, 67 and 89 from community to operational land remove the public reserve status of Lots 42, 61 and 89. In accordance with the terms of the Direction, a planning proposal must not reduce existing reservations of land for public purposes without the approval of Secretary.

As noted above, Council's justification for reclassifying the land and removing its public reserve status is considered adequate as it will facilitate the development of Lots 42, 61, 67 and 89 in a manner that is consistent with the zoning of the land and will enable Council to invest in community facilities within the nearby recreation reserve.

**Recommendation:** The Secretary's delegate issue a Gateway determination allowing the planning proposal to proceed.

#### Additional Directions

The planning proposal identifies 7 additional Directions as applicable. An assessment of the planning proposal against the following identified Section 9.1 Ministerial Directions indicates that they do not apply to the proposal as it does not relate to the matters addressed by each Direction.

- 2.1 Environmental Protection Zones
- 2.3 Heritage Conservation
- 2.4 Recreation Vehicle Areas
- 3.2 Caravan Parks & Manufactured Home Estates
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 6.1 Approval and Referral Requirements

#### **State environmental planning policies (SEPPs)**

There are no SEPPs applicable to the planning proposal.

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## **SITE-SPECIFIC ASSESSMENT**



## **Social**

As noted above, Council intends to utilise the funds realised through the sale of the lots to invest in community facilities within the Jindera Recreation Reserve. These works will have a positive social outcome by providing additional community facilities for the town's population.

## **Environmental**

Lots 42, 61 and 89 are situated within an existing residential area. These lots are not affected by important environmental values, cultural or heritage significance or natural hazards.

Lot 67 is identified on Terrestrial Biodiversity Map BIO\_002. Given Lot 67 is zoned for urban purposes, the impacts of any future development on the site which is facilitated by its reclassification from community to operational land can be considered at the development assessment stage.

## **Economic**

The proposal is not considered to have any adverse economic impacts. The subject lots are within an established residential area with access to essential infrastructure and services.

## **CONSULTATION**

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### **Community**

In accordance with LEP practice note PN 16-001, planning proposals to reclassify public land must be publicly exhibited for at least 28 days.

Council is also required to hold a public hearing when reclassifying land from community to operational in accordance section 29 of the Local Government Act 1993.

### **Agencies**

Council has not proposed any consultation with government agencies. Given the subject land is zoned for urban purposes, consultation with government agencies is not considered necessary.

## **TIME FRAME**

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The planning proposal indicates that community consultation and the finalisation of Council's role in the plan-making process can be completed within 18 weeks of the date a Gateway determination is issued.

It is recommended that the timeframe for completing the LEP be 12 months given the Governor's approval is required to make the LEP and the planning proposal needs to be revised prior community consultation to identify any interests in the land which will not be discharged as part of the proposal.

## **LOCAL PLAN-MAKING AUTHORITY**

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In accordance with LEP practice note PN 16-001, planning proposals which seek to remove the public reserve status and/ or discharge any interests affecting public land require the Governor's approval.

Accordingly, Council may not be the local plan-making authority with regard to the planning proposal.



## CONCLUSION

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The planning proposal is supported to proceed subject to conditions requiring that it be updated prior to community consultation to identify any interests in the land which will not be discharged as part of the proposal.

The planning proposal will facilitate the sale and subsequent development of land in Jindera in a manner consistent with the zoning and enable Council to invest in community facilities for a nearby recreation reserve.

## RECOMMENDATION

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

1. The planning proposal is to be updated prior to community consultation to clearly identify any interests in the land which will not be discharged as part of the proposal.
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
3. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should not be authorised to be the local plan-making authority to make this plan.



24/01/2019

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01/02/2019

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