

Gateway Determination

Planning proposal (Department Ref: PP-2022-2218): Rezone land to R2 Low Density Residential and change minimum lot size to 2,000m² at 151-159 Pioneer Drive and 1037 Urana Road, Jindera

I, the Director, Western Region at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Greater Hume Local Environmental Plan 2012 to rezone land to R2 Low Density Residential and change minimum lot size to 2,000m² at 151-159 Pioneer Drive and 1037 Urana Road, Jindera should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to include:
 - (a) the correct Lot and DP for 151-159 Pioneer Drive, Jindera being Part Lot 224 DP 1280394
 - (b) a new explanation of provisions: “insert a clause in Greater Hume LEP 2011 with the intent to require the South Jindera Low Density Residential Development Control Plan (DCP) and Contributions Plan (CP) to be updated to include to the subject land before development consent can be granted for subdivision to ensure adequate access provisions for Lot 2 DP240938 and availability of services (unless the DCP and CP have been updated prior to finalisation of the LEP amendment)”.
 - (c) the outcome of Stage 1 preliminary investigation undertaken in accordance with Contaminated Land Planning Guidelines and discussion of the proposal’s consistency with 4.4 Remediation of Contaminated Land.Council is to forward the updated planning proposal to the Department for review and approval prior to proceeding to community consultation.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 28 days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).
3. Consultation is required with DPE – Biodiversity, Conservation and Science Directorate (BCS) under section 3.34(2)(d) of the Act.

DPE – Biodiversity, Conservation and Science Directorate (BCS) is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 28 days to comment on the proposal. This agency consultation can be undertaken concurrently with the public exhibition.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
 - (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. Prior to requesting drafting of the LEP amendment, the draft Development Control Plan and Contributions Plan clause should be forwarded to the Department for review and approval (unless the update to these plans have been completed prior to the finalisation stage).
7. The LEP should be completed within 9 months of the date of the Gateway determination.

Dated

11th day of July

2022.



Garry Hopkins
Director, Western Region
Local and Regional Planning
Department of Planning and Environment

Delegate of the Minister for Planning