

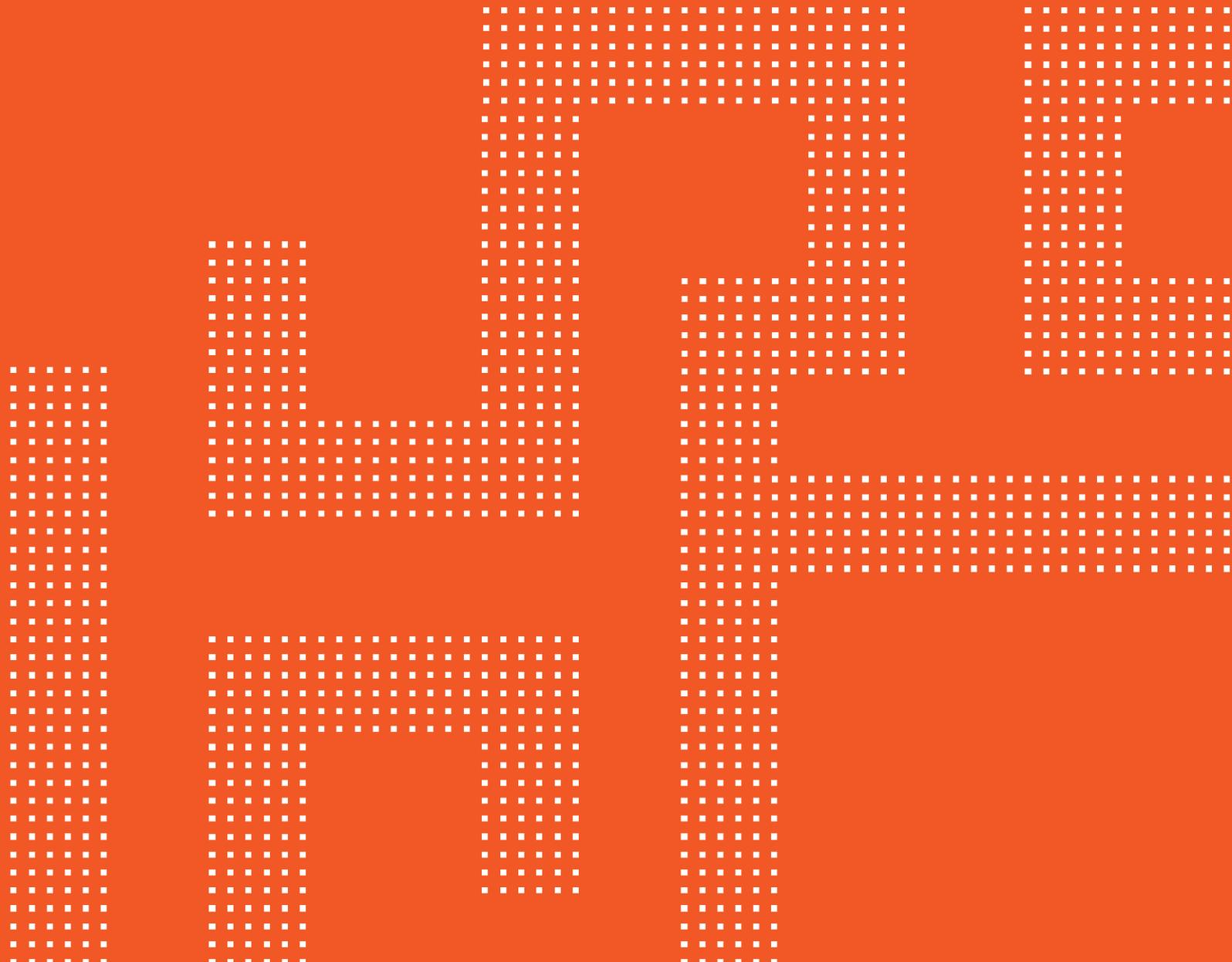
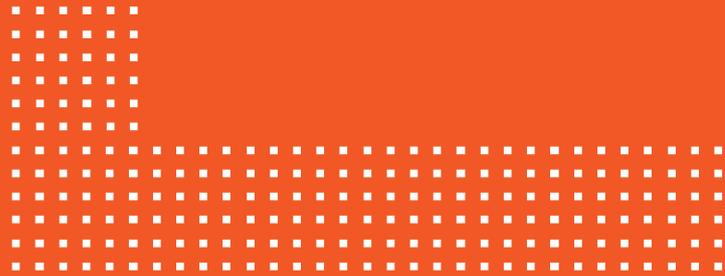
habitat planning

Planning Proposal

Lot 42 DP1132425 - Britton Court
Lot 61 DP1194500 - 33 Pech Avenue
Lot 89 DP1228879 – 9 Klein Court
Lot 67 DP1195450 – Pioneer Drive
Jindera

Reclassification from 'community land' to
'operational land'

December 2018





Prepared for

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Document Control

Version	Date	Purpose	Approved
A		Draft for client review	WH
B	04/07/18	Final for Gateway	WH
C	04/12/18	Revised final	WH



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- B. Consistency with State Environmental Planning Policies
- C. Consistency with Ministerial Directions
- D. Consistency with *Riverina Murray Regional Plan 2036*

Introduction

This is a Planning Proposal seeking an amendment to the *Greater Hume Local Environmental Plan 2012* (GHLEP) that will facilitate the sale of surplus land not required for public open space or drainage purposes in Jindera. Specifically the amendment proposes to reclassify from 'community land' to 'operational land' the following lots:

- Lot 42 DP1132425 - Britton Court, Jindera
- Lot 61 DP1194500 - 33 Pech Avenue, Jindera
- Lot 89 DP1228879 – 9 Klein Court, Jindera
- Lot 67 DP1195450 – Pioneer Drive, Jindera

With the exception of the Pioneer Drive lot, the lots are part of older residential subdivisions in Jindera when the requirements for public open space were generally met by a developer dedicating a lot or lots within a residential estate to Council. The Pioneer Drive lot was created for drainage purposes as part of a residential subdivision along the western side of Pioneer Drive.

Figure 1 shows the location of the subject lots within the context of Jindera. Figures 2, 3, 4 and 5 provide an aerial view of each lot placing within the context of their immediate surrounds.

The Planning Proposal has been structured and prepared in accordance with the Department of Planning and Environment's (DPE) *A guide to preparing Planning Proposals* ("the Guide"). Consideration has also been given to the requirements of DPE's LEP Practice note (PN 16-001) relating to the *Classification and reclassification of public land through a local environmental plan* (see Attachment 'A').

PART 1. Intended outcomes

The intended outcome of the Planning Proposal is to allow Council to dispose of the lots, being surplus to public open space and drainage needs in Jindera. It is likely the lots will then be developed for residential purposes. The funds realised through the sale of the lots are to be reinvested in community facilities within the Jindera Recreation Reserve.

PART 2. Explanation of the provisions

Public land is managed under the *Local Government Act 1993* (LG Act) and is classified as either 'community land' or 'operational land'.

Three of the lots have been dedicated to Council as a consequence of residential subdivision by way of a developer contribution towards the provision of open space. The fourth was proposed for drainage purposes. Having passed into Council's hands, by default the lots are classified as 'community land'.

'Community land' must not be sold, exchanged or otherwise disposed of by Council. There are no special restrictions on Council powers to manage, develop, dispose, or change the nature and use of 'operational land'.

Clause 5.2 of the GHLEP provides Council with the opportunity to classify or reclassify public land for the purposes of the LG Act. The mechanism for changing the classification of public land is a Local Environmental Plan (LEP). The process for preparing an LEP is a Planning Proposal.

The intended outcome of the Planning Proposal will be achieved by reclassifying the four lots from 'community land' to 'operational land'.

PART 3. Justification

This section of the Planning Proposal sets out the justification for the intended outcomes and provisions, and the process for their implementation. The questions to which responses have been provided are taken from the Guide.

Section A. Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

No.

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

The intended outcome of reclassifying the land can only be achieved via a planning proposal.

Section B. Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

The *Riverina Murray Regional Plan 2036* (RMRP) was adopted by the NSW government in 2017. The Minister's foreword to the document states that the RMRP "*encompasses a vision, goals, directions and actions that were developed with the community and stakeholders to deliver greater prosperity for this important region.*"

An assessment of the directions contained within the RMRP as they relate to the Planning Proposal is undertaken at Attachment 'D'. In summary, this assessment concludes that the Planning Proposal does not contradict the overall purpose of the RMRP or any Direction relating to the management of land by councils under the LG Act.

Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

There are a number of local strategic influences that are relevant to the Planning Proposal.

Community Strategic Plan 2017-2030

The *Live A Greater Life* community strategic plan for the Shire describes itself as an outline of "*our community's main priorities and aspirations for the future and describes the strategies for achieving these aims.*" The strategy is based around four themes and an

assessment of the proposal against the strategic outcomes for these is undertaken in Table 1.

Table 1

Key outcomes	Response
<p>Theme 1 – Leadership & communication</p> <p>1.1 Leadership and advocacy is demonstrated and encouraged in our communities.</p> <p>1.2 There is open and two way communication both with communities and within our communities, the community is consulted on decisions that affect them and consultation processes are inclusive.</p> <p>1.3 Residents feel a sense of belonging, are able to reach their potential, work productively, and there is a sense of mutual respect, inclusiveness, ownership and pride in their community.</p>	<p>The four lots will never be required for the purpose they were intended. For the three lots intended for public open space, it would an inefficient use of Council resources if they were to be established and maintained for this purpose. Council is demonstrating leadership by liquidating this resource and reinvesting in the central Recreation Reserve that is more accessible to all members of the Jindera community. This is consistent with the strategy to Plan and lead good governance having a clear framework for strategic planning, policies, procedures and services standards, and financial sustainability with effective financial management that is transparent and accountable.</p> <p>The process of reclassifying the lots to facilitate their sale is a public one and members of the community will be able to participate in this process if they choose. This is consistent with the strategy to Accessible and inclusive Communications Strategy and active use of the Community Engagement Tool including the effective use of current and emerging digital technologies.</p>
<p>Theme 2 – Healthy lifestyle</p> <p>2.1 Welcoming, resilient and involved communities.</p> <p>2.2 We have the services to promote and deliver health and wellbeing for all ages.</p> <p>2.3 Volunteering is inclusive, well acknowledged and supported.</p> <p>2.4 Residents feel safe.</p>	<p>Not retaining the three lots for the purposes of public open space could be seen to conflict with this outcome. Local residents will need to travel further to access public open space however this will only apply to a small number of residents as the Jindera Recreation Reserve is in close proximity of all four lots.</p>
<p>Theme 3 – Growth & sustainability</p> <p>3.1 We have prosperous and diverse local businesses and a growing economy.</p> <p>3.2 Our towns and villages are revitalised.</p> <p>3.3 Increased number of visitors enjoy our shire.</p>	<p>The Planning Proposal is generally consistent with these broad aspirational outcomes as the reclassification of the four lots and their subsequent sale will result in at least four additional dwellings within the estates they are located.</p> <p>It will be particularly consistent with the strategy to Develop a New Resident Attraction Strategy for GHS & expand new residential estates for this reason.</p>

<p>Theme 4 – Good infrastructure & facilities</p> <p>3.1 Infrastructure and facilities meet the needs of our communities.</p> <p>3.2 Our natural and built environments are protected and enjoyed by our communities.</p> <p>3.3 We minimise the impact on the environment.</p>	<p>The Planning Proposal could be considered contrary to these outcomes based on the loss of open space opportunities. This is particularly relevant to the strategy to Engage the community to develop Recreation Plans describing accessible and age friendly public facilities in our spaces and places (including Parks Playgrounds and Reserves).</p> <p>Small ‘pocket parks’ (generally <1,000m²) usually have limited value for recreation purposes as they are too small to accommodate a range of uses, equipment and play experiences and their proliferation is less functional from a maintenance perspective.</p> <p>The lot in Pioneer Drive is no longer required for the purposes of drainage as this has been catered for elsewhere.</p> <p>However it is Council’s intention to invest the funds generated by the sale of the four lots in facilities within the nearby Recreation Reserve, including a children’s playground. These actions are consistent with this element of the Community Plan.</p>
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Greater Hume Strategic Land Use Plan 2007-2030

There are no specific strategic references in this plan to public land and in particular small pockets of open space within residential estates. The Strategic Land Use Plan for Jindera does however express the needs to “*maintain and continue to embellish recreation reserve.*” The reinvestment of the funds generated by the sale of the four lots into the Jindera Recreation Reserve is consistent with this direction.

Q5. *Is the planning proposal consistent with applicable State Environmental Planning Policies?*

Attachment ‘A’ 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.

The assessment concludes that the Planning Proposal is not inconsistent with any of the relevant SEPP’s.

Q6. *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

Section 117 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) provides for the Minister for Planning 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 S117 Directions is undertaken in Attachment ‘B’. In summary, the Planning Proposal is either consistent or has some minor inconsistencies with the relevant Directions. Where there is an inconsistency, it has been justified utilising the provisions within each of the Directions.

Section C. Environmental, social & economic impact

Q7. *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 Planning Proposal relates to four small parcels of land located within the town boundary of Jindera. The lots are located in an urban area and as such no longer exhibit any attributes relating to the natural environment. Consequently there are no threatened species or their habitat that can be affected by the proposal.

Q8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

The development of the four lots for residential purposes will generate additional passenger vehicle traffic within the estate. All streets where the lots are located, as well as nearby collector roads, have been designed as if the lots would have been developed in any case.

The lots have been extensively disturbed through urban use for more than 100 years and is not located within proximity of a water course. Consequently an interrogation of the site for Aboriginal archaeology is not necessary as part of the Planning Proposal.

Q9. *Has the planning proposal adequately addressed any social and economic effects?*

There will be a positive social and economic effect for the Jindera community stemming the Planning Proposal through the development of the four lots for residential purposes and the resulting increase in population. The loss of the land as potential public open space and drainage is not considered to have a detrimental social impact as the large Recreation Reserve is nearby and accessible through the estate. There will be a positive social impact through the reinvestment of funds realised from the sale of the four lots into facilities within the Recreation Reserve, including a children's playground.

Section D. State & Commonwealth interests

Q10. *Is there adequate public infrastructure for the planning proposal?*

The four lots were created as part of urban residential subdivisions and thus have access to all urban infrastructure. There is capacity within this infrastructure to accommodate the demands created by the future development of the four lots.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

No public authorities have been consulted prior to submitting the Planning Proposal to Council for support and subsequent request for a Gateway Determination.

MAPPING

The following maps and figures are provided in support of the Planning Proposal.

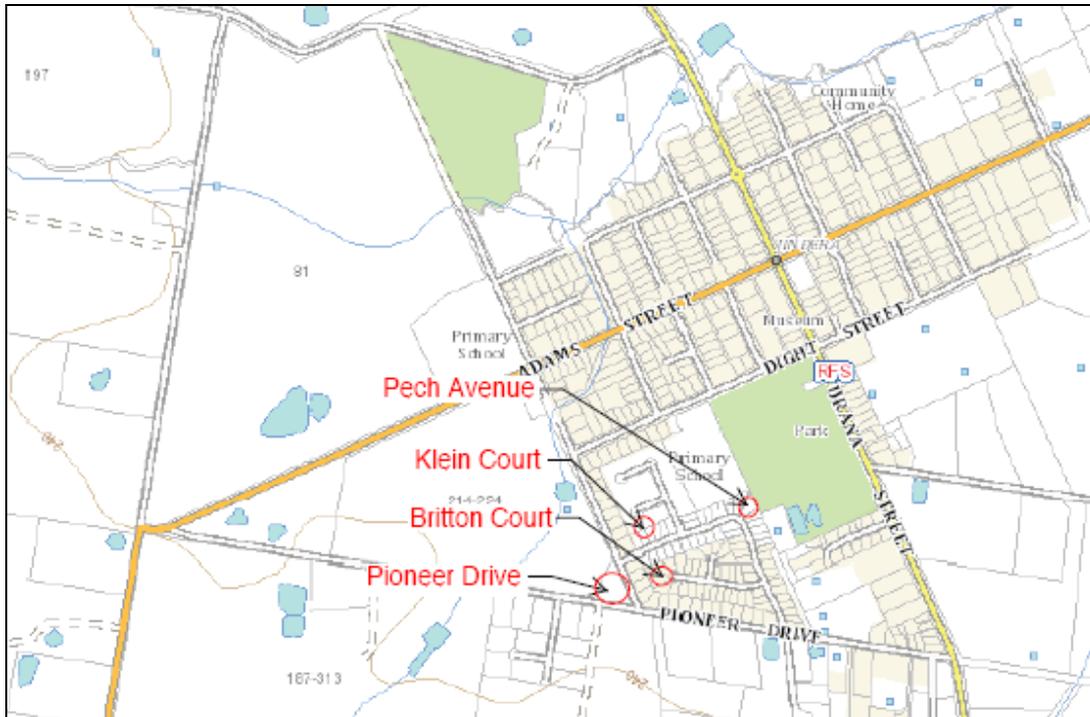


FIGURE 1: Location of the four lots within the context of Jindera (Source: SIX Maps)



FIGURE 2: The Britton Court lot within the context of its immediate surrounds (Source: SIX Maps)

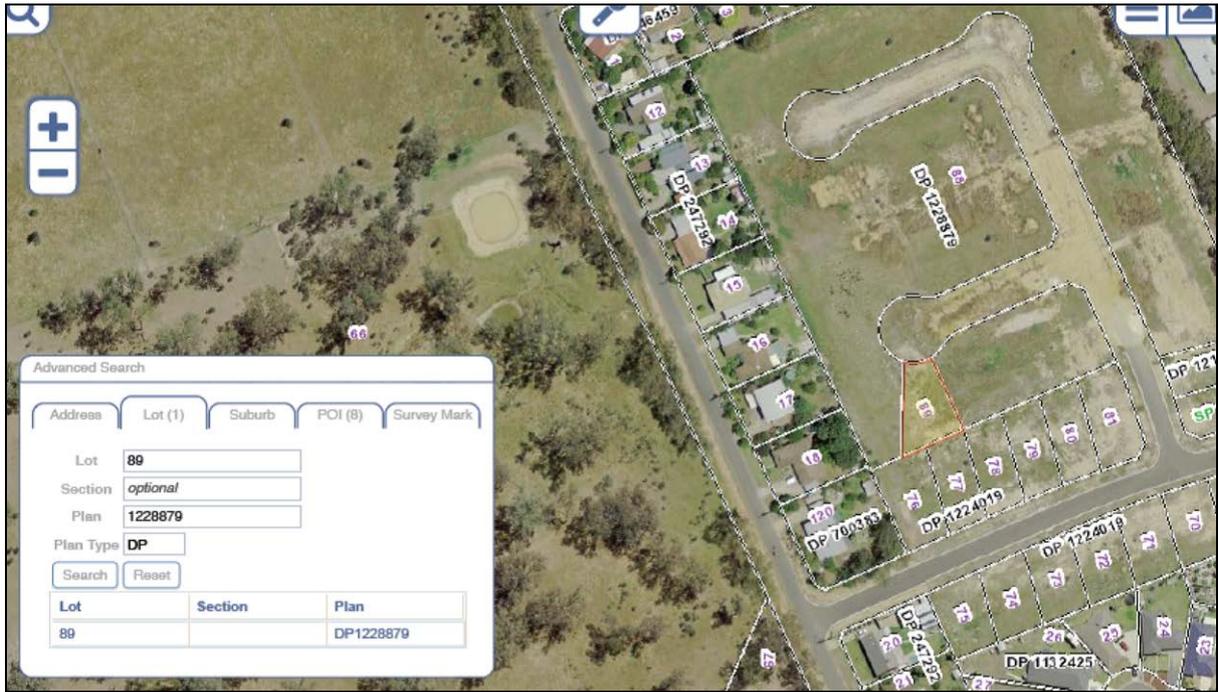


FIGURE 3: The Klein Court lot within the context of its immediate surrounds (Source: SIX Maps)

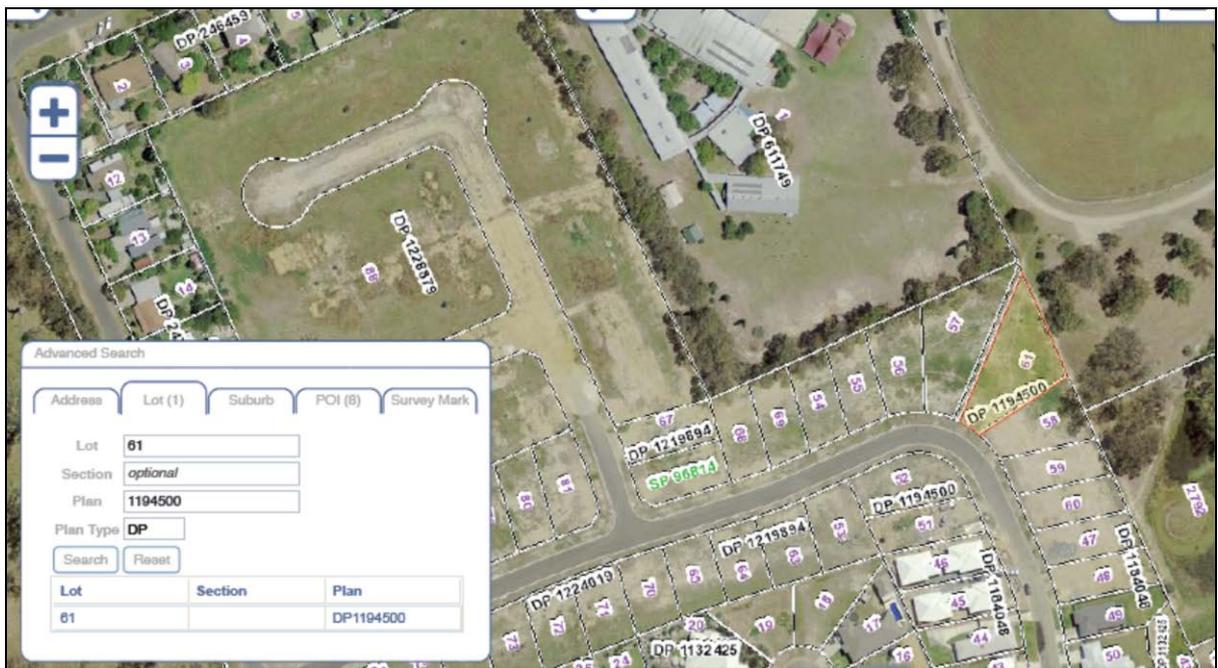


FIGURE 4: The Pech Avenue lot within the context of its immediate surrounds (Source: SIX Maps)

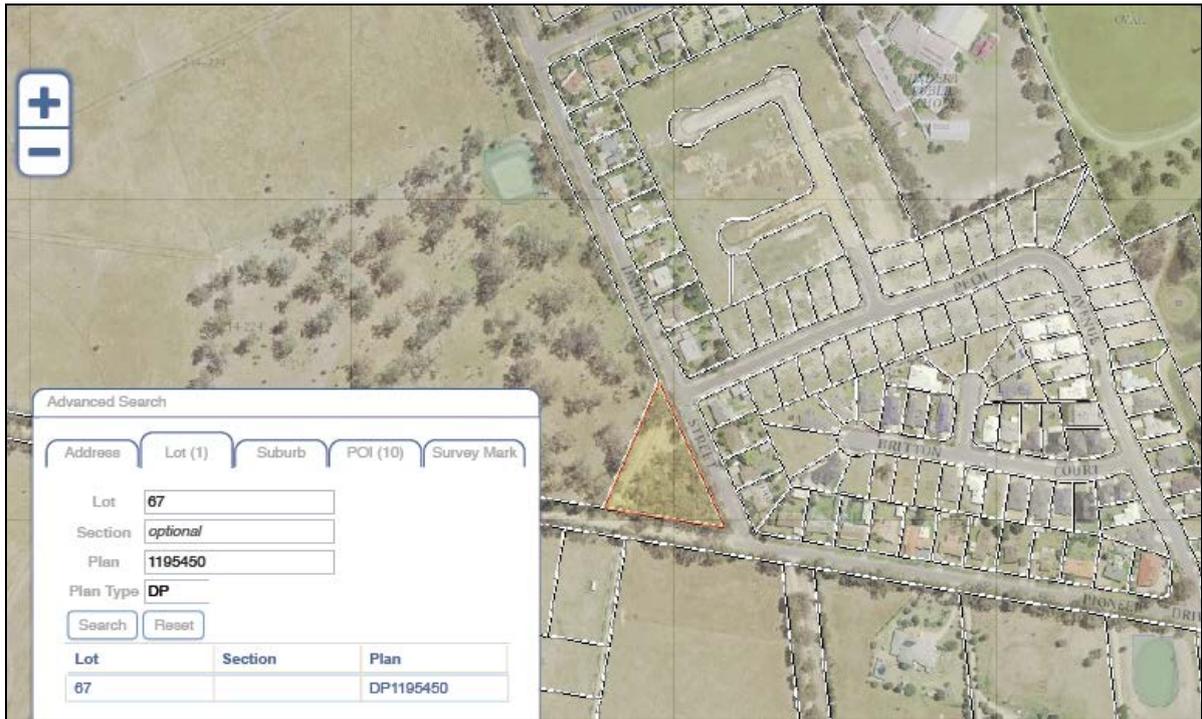


FIGURE 5: The Pioneer Drive lot within the context of its immediate surrounds (Source: SIX Maps)

PART 4. Community consultation

The Planning Proposal will be subject to public exhibition following the Gateway process. The Gateway determination will specify the community consultation that must be undertaken for the Planning Proposal, if any. As such, the exact consultation requirements are not known at this stage.

This Planning Proposal will be exhibited for a period of 28 days in accordance with the requirements of section 57 of the EP&A Act and the Guide. At a minimum, the future consultation process is expected to include:

- written notification to landowners adjoining the subject land;
- consultation with relevant Government Departments and agencies, service providers and other key stakeholders, as determined in the Gateway determination;
- 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).

Further, as the Planning Proposal relates to the reclassification on land, the LG Act requires that a Public Hearing must be held in accordance with Clause 57 of the EP&A Act.

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

PART 5. Project Timeline

The project timeline for the Planning Proposal is outlined in Table 1. There are many factors that can influence adherence with the timeframe including the cycle of Council meetings, consequences of agency consultation (if required) and outcomes from public exhibition. Consequently the timeframe should be regarded as indicative only.

TABLE 1: – Project timeline

Milestone	Date/timeframe
Anticipated commencement date (date of Gateway determination)	4 weeks following Council resolution to request Gateway determination.
Anticipated timeframe for the completion of required studies	No required studies are anticipated.
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	6 weeks from Gateway determination.
Commencement and completion dates for public exhibition period	6 weeks from Gateway determination.
Dates for public hearing (if required)	At some point within the public exhibition period.
Timeframe for consideration of submissions	2 weeks following completion of exhibition.
Timeframe for the consideration of a proposal post exhibition	4 weeks following completion of exhibition.
Anticipated date RPA will make the plan (if delegated)	To be determined by Gateway determination.
Anticipated date RPA will forward to the department for notification (if delegated).	To be confirmed.

Conclusion

The Planning Proposal is to allow Council to dispose of four lots in Jindera considered surplus to open space and drainage needs. An amendment to the GHLEP is necessary to achieve this outcome as the lots are currently classified as 'community' under the LG Act.

In summary, the Planning Proposal is considered to have merit because:

- the four lots are surplus to open space and drainage needs in Jindera;
- the location of the three lots intended for open space is poor having regard for the accessibility of local open space in Jindera;
- the open space needs of residents in proximity of the three lots east of Jindera Street can be met by the nearby Recreation Reserve;
- having regard for the 'highest and best' use of the circumstances of the four lots, residential is preferred to open space or drainage;
- the function of the lot intended for drainage has been met elsewhere;
- there will be a net social benefit for the Jindera community through the embellishment of facilities within the Recreation Reserve resulting from the sale of the lots;
- it will assist Council in the management of public land; and
- it is generally consistent with the broader strategic planning framework for Jindera.

Attachment 'A'

Consistency with State Environmental Planning
Policies

No.	Title	Consistency
1	Development Standards	Not applicable since gazettal of GHLEP.
14	Coastal Wetlands	Not applicable to the local government area of Greater Hume.
19	Bushland in Urban Areas	Not applicable to the local government area of Greater Hume.
21	Caravan Parks	The Planning Proposal does not conflict with the aims, development consent requirements, number of sites being used for long term or short term residents, permissibility of moveable dwellings where caravan parks or camping grounds are also permitted, and subdivision of caravan parks for lease purposes as provided in the SEPP.
26	Littoral Rainforests	Not applicable to the local government area of Greater Hume.
30	Intensive Agriculture	Not relevant as 'intensive agriculture' is prohibited in the RU5 zone.
33	Hazardous & Offensive Development	Not relevant as 'industries' are prohibited in the RU5 zone.
36	Manufactured Home Estate	The Planning Proposal does not conflict with the aims, strategies, development consent, assessment and location provisions as provided in the SEPP.
44	Koala Habitat Protection	Not applicable as the total area of land involved does not exceed the threshold of one hectare.
47	Moore Park Showground	Not applicable to the local government area of Greater Hume.
50	Canal Estate Development	The Planning Proposal does not conflict with the aims and canal estate development prohibitions as provided in the SEPP.
52	Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable to the local government area of Greater Hume.
55	Remediation of Land	As the Planning Proposal will create the opportunity for residential development, Clause 6 of this SEPP requires Council to consider whether the subject land is potentially contaminated. Despite being public land, the four lots are already zoned RU5 and deemed suitable for residential development along with all others in the estate. For this reason the considerations under this SEPP are satisfied.
62	Sustainable Aquaculture	Not relevant as 'aquaculture' (as a subset of 'agriculture') is prohibited within the RU5 zone.
64	Advertising & Signage	The Planning Proposal does not conflict with the aims, development consent requirements and assessment criteria for advertising and signage as provided in the SEPP.
65	Design Quality of Residential Flat Development	The Planning Proposal does not conflict with the aims, development consent, assessment, information and notification requirements as provided in the SEPP.
70	Affordable Housing (Revised Schemes)	Not applicable to the local government area of Greater Hume.
71	Coastal Protection	Not applicable to the local government area of Greater Hume.

No.	Title	Consistency
	Affordable Rental Housing 2009	The Planning Proposal does not conflict with the aims and functions of this SEPP as changes do not discriminate against the provision of affordable housing (and consequently affordable rental housing). The GHLEP cannot influence the provision of rental housing.
	Building Sustainability Index (BASIX) 2004	The Planning Proposal does not conflict with the aims and development consent requirements relating to BASIX affected building(s) that seeks to reduce water consumption, greenhouse gas emissions and improve thermal performance as provided in the SEPP.
	Coastal Management 2018	Not applicable to the local government area of Greater Hume.
	Educational Establishments & Child Care Facilities 2017	The Planning Proposal does not conflict with the aims, permissibility, development assessment requirements relating to educational establishments and child care facilities as provided in the SEPP.
	Exempt & Complying Development Codes 2008	The Planning Proposal does not conflict with the aims and functions of this SEPP with respect to exempt and complying development provisions.
	Housing for Seniors & People with a Disability 2004	The Planning Proposal does not conflict with the aims, development consent, location, design, development standards, service, assessment, and information requirements as provided in the SEPP.
	Infrastructure 2007	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.
	Integration & Appeals 2016	Not applicable to the proposal.
	Kosciuszko National Park – Alpine Resorts 2007	Not applicable to the local government area of Greater Hume.
	Kurnell Peninsula 1989	Not applicable to the local government area of Greater Hume.
	Mining, Petroleum Production & Extractive Industries 2007	The Planning Proposal does not conflict with the aims, permissibility, development assessment requirements relating to mining, petroleum production and extractive industries as provided in the SEPP.
	Miscellaneous Consent Provisions 2007	The Planning Proposal does not conflict with the aims, permissibility, development assessment requirements relating to temporary structures as provided in the SEPP.
	Murray Regional Environmental Plan No. 2 – Riverine Land	The subject land is within the area to which MREP2 applies. The SEPP requires a Planning Proposal to consider a number of planning principles and this is undertaken in Attachment 'C'. This assessment concludes that the Planning Proposal does not contradict the general planning principles of MREP2 as it will have little to no impact on the riverine environment.
	Penrith Lakes Scheme 1989	Not applicable to the local government area of Greater Hume.
	Rural Lands 2008	Not applicable because the proposal does not involve rural land.

No.	Title	Consistency
	State & Regional Development 2011	Not applicable as the Planning Proposal is not for State significant development.
	State Significant Precincts	Not applicable as the subject land is not within a State significant precinct.
	Sydney Drinking Water Catchment 2011	Not applicable to the local government area of Greater Hume.
	Sydney Region Growth Centres 2006	Not applicable to the local government area of Greater Hume.
	Four Ports 2013	Not applicable to the local government area of Greater Hume.
	Urban Renewal 2010	Not applicable as the subject land is not within a nominated urban renewal precinct.
	Vegetation in Non-Rural Areas 2017	Not applicable to the local government area of Greater Hume or the RU5 zone.
	Western Sydney Employment Area 2009	Not applicable to the local government area of Greater Hume.
	Western Sydney Parklands 2009	Not applicable to the local government area of Greater Hume.

Attachment 'B'

Consistency with Ministerial Directions

No.	Title	Consistency
1. Employment and Resources		
1.1	Business & Industrial Zones	Not applicable as the Planning Proposal does not involve business or industrial zones.
1.2	Rural Zones	Not applicable as the Planning Proposal does not affect any rural zone.
1.3	Mining, Petroleum Production & Extractive Industries	Not applicable as the Planning Proposal does not impact on mining.
1.4	Oyster Aquaculture	Not applicable as the subject land is not within a Priority Oyster Aquaculture Area.
1.5	Rural Lands	Not applicable as the Planning Proposal does not affect any rural or environmental protection zone.
2. Environment and Heritage		
2.1	Environment Protection Zones	<p>This direction requires consideration because it applies to all Planning Proposals.</p> <p>Three of the lots in the Planning Proposal are consistent with the direction because they are not identified as “<i>environmentally sensitive areas</i>” and are not zoned for environment protection.</p> <p>Whilst the fourth lot in Pioneer Drive is not within an environment protection zone, it is mapped for ‘biodiversity’ on the Terrestrial Biodiversity map in the GHLEP. This lot could therefore be considered inconsistent with the direction as it is intended to be sold once reclassified to ‘operational’ and the underlying zone in RU5. This inconsistency is justified as the lot is of ‘minor significance’ being less than 0.5 hectares in area.</p>
2.2	Coastal Protection	Not applicable as the subject land is not within a coastal zone.
2.3	Heritage Conservation	<p>This direction requires consideration because it applies to all Planning Proposals.</p> <p>The Planning Proposal is consistent with this direction because it does not seek to vary the existing provisions in the GHLEP at clause 5.10 that already facilitate the conservation of “<i>items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance</i>” or Aboriginal objects.</p>
2.4	Recreation Vehicle Areas	<p>This direction requires consideration because it applies to all Planning Proposals.</p> <p>The Planning Proposal is consistent with the 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>.</p>
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable.

3. Housing Infrastructure and Urban Development		
3.1	Residential Zones	<p>This direction requires consideration because the Planning Proposal affects land in an existing residential zone.</p> <p>The Planning Proposal is consistent with this direction because it will provide the opportunity for a greater choice and supply of housing in Jindera and make use of existing urban infrastructure. In addition, the GHLEP already contains a provision (clause 6.7) requiring development to be adequately serviced.</p>
3.2	Caravan Parks & Manufactured Home Estates	<p>This direction requires consideration because it applies to all Planning Proposals.</p> <p>The Planning Proposal is consistent with this direction because it does not reduce the opportunities for caravan parks and manufactured homes estates on the subject land.</p>
3.3	Home Occupations	<p>This direction requires consideration because it applies to all Planning Proposals.</p> <p>The Planning Proposal will not prevent future dwellings being used for 'home occupations' and hence is consistent with this direction.</p>
3.4	Integrating Land Use and Transport	<p>This direction requires consideration because the Planning Proposal is altering a provision relating to urban land.</p> <p>The reclassification of the four lots to 'operational' will have no impact on transport arrangements in Jindera.</p>
3.5	Development Near Licensed Aerodromes	Not applicable as none of the lots are in the vicinity of a licensed aerodrome.
3.6	Shooting Ranges	Not applicable as none of the lots are in the vicinity of a shooting range.
4. Hazard and Risk		
4.1	Acid Sulphate Soils	Not applicable as none of the lots contain acid sulphate soils.
4.2	Mine Subsidence & Unstable Land	Not applicable as none of the lots are within Mine Subsistence District.
4.3	Flood Prone Land	Not applicable as none of the lots are mapped in the Jindera Floodplain Risk Management Study as flood prone.
4.4	Planning for Bushfire Protection	Not applicable as none of the lots are mapped as bushfire prone.
5. Regional Planning		
5.1	Implementation of Regional Strategies	Revoked in 2017.
5.2	Sydney Drinking Water Catchment	Not applicable as the lots are not within the Sydney Drinking Water Catchment.
5.3	Farmland of State & Regional Significance on the NSW Far North Coast	Not applicable as the lots are not within one of the local government areas nominated in this direction.
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable as none of the lots are near the Pacific Highway.

5.5	Development in the Vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Revoked in 2010.
5.6	Sydney to Canberra Corridor	Revoked in 2008.
5.7	Central Coast	Revoked in 2008.
5.8	Second Sydney Airport: Badgerys Creek	Not applicable as none of the lots are near the site for a second Sydney airport.
5.9	North West Rail Link Corridor Strategy	Not applicable as none of the lots are near this corridor.
5.10	Implementation of Regional Plans	This direction requires consideration because it applies to all Planning Proposals. The Planning Proposal complies with this direction because it is consistent with the <i>Riverina Murray Regional Plan 2036</i> (see Attachment 'D').
6.	Local Plan Making	
6.1	Approval and Referral Requirements	This direction requires consideration because it applies to all Planning Proposals. The Planning Proposal is consistent with this direction because it does not propose any referral requirements or nominate any development as 'designated development'.
6.2	Reserving Land for Public Purposes	This direction requires consideration because it applies to all Planning Proposals. The Planning Proposal is inconsistent with this direction because it proposes to remove the designation of the four lots for public purposes (in this case open space and drainage) and the approval of the Director-General of the Department of Planning has not been given. This inconsistency is considered justified on the basis it is of 'minor significance' and the Director-General's authority to that effect will be sought at the Gateway stage of the Planning Proposal.
6.3	Site Specific Provisions	Not applicable as the proposal does not propose any site specific provisions.
7.	Metropolitan Planning	
7.1	Implementation of A Plan for Growing Sydney	Not applicable as the lots are not within one of the local government areas nominated in this direction.
7.2	Implementation of Greater Macarthur Land Release Investigation	Not applicable as the lots are not within one of the local government areas nominated in this direction.
7.3	Parramatta Road Corridor Urban Transformation Strategy	Not applicable as the lots are not within one of the local government areas nominated in this direction.
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable as the lots are not within the North West Priority Growth Area.

7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable as the lots are not within the Greater Parramatta Priority Growth Area.
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable as the lots are not within the Wollondilly Shire Council.

Attachment 'C'

Matters to be addressed under LEP practice note
PN 16-001

MATTERS TO BE ADDRESSED	RESPONSE
The current and proposed classification of the land.	The four lots are currently classified 'community' and proposed to be classified 'operational'.
Whether the land is a 'public reserve' (defined in the LG Act).	Three of the four lots are designated as a 'public reserve'.
The strategic and site specific merits of the reclassification and evidence to support this.	<p>The four lots are surplus to Council requirement for local open space and drainage in Jindera. The lots were created and dedicated to Council as part of the subdivision process for residential purposes. Three of the lots are poorly sited for the purposes of open space and the fourth is deemed by Council engineers to be no longer necessary to assist with drainage in the vicinity.</p> <p>The lots are proposed to be sold by Council for residential development following reclassification with the funds realised to go towards further embellishment of the nearby Recreation Reserve (including a children's playground).</p>
Whether the planning proposal is the result of a strategic study or report.	No.
Whether the planning proposal is consistent with council's community plan or other local strategic plan.	See the response to Question 4 in the Planning Proposal.
<p>A summary of council's interests in the land, including:</p> <ul style="list-style-type: none"> • How and when the land was first acquired (e.g. Was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution) • If council does not own the land, the land owner's consent; • The nature of any trusts, dedications etc. 	<p>The lots were created and dedicated to Council more than 20 years ago as part of the subdivision process for a residential estate.</p> <p>Council owns the lots.</p> <p>None applicable.</p>
Whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why.	Not applicable.
The effect of the reclassification (including, the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged).	See the Planning Proposal.
Evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. Electronic title searches, notice in a government gazette, trust documents).	Lots 42, 61 and 89 are dedicated reserves. Lot 67 is not (see attached titles).
Current use(s) of the land, and whether uses are authorised or unauthorised.	The lots are vacant and unused.

MATTERS TO BE ADDRESSED	RESPONSE
Current or proposed lease or agreements applying to the land, together with their duration, terms and controls.	None.
Current or proposed business dealings (e.g. Agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time).	Council intends to sell the four lots shortly after their reclassification.
Any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy).	No rezoning of the lots is proposed. They are already within the RU5 zone.
How council may or will benefit financially, and how these funds will be used.	The funds raised through the sale of the lots will be invested in facilities at the nearby Recreation Reserve.
How council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal.	Council has given an undertaking that the funds realised from the sale will be expended within the Jindera Recreation Reserve.
A Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot.	The reclassification applies to the whole of all four lots.
Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.	Agencies will be consulted during the public exhibition period.

Attachment 'D'

Consistency with the Riverina-Murray Regional
Plan 2036

Goal, Direction & Action Title	Applicable to the Planning Proposal	Consistency
Goal 1 – A growing and diverse economy		
Direction 1 – Protect the region's diverse and productive agricultural land.	Not applicable, as the subject land is not used for productive agricultural purposes.	N/A
Direction 2 – Promote and grow the agribusiness sector.	Not applicable, as the proposal does not relate to agribusiness.	N/A
Direction 3 – Expand advanced and value-added manufacturing.	Not applicable, as the proposal does not relate to value-added manufacturing.	N/A
Direction 4 – Promote business activities in industrial and commercial areas.	Not applicable, as the proposal does not relate to business activities.	N/A
Direction 5 – Support the growth of the health and aged care sectors.	Not applicable, as the proposal does not relate to the health and aged care sectors.	N/A
Direction 6 – Promote the expansion of education and training opportunities.	Not applicable, as the proposal does not relate to education or training.	N/A
Direction 7 – Promote tourism opportunities.	Not applicable, as the proposal does not relate to tourism.	N/A
Direction 8 – Enhance the economic self-determination of Aboriginal communities.	Not applicable, as the proposal does not relate to Aboriginal communities.	N/A
Direction 9 – Support the forestry industry.	Not applicable, as the proposal does not relate to forestry.	N/A
Direction 10 – Sustainably manage water resources for economic opportunities.	Not applicable as the proposal does not relate to water resources.	N/A

Direction 11 – Promote the diversification of energy supplies through renewable energy generation.	Not applicable as the proposal does not relate to energy supplies.	N/A
Direction 12 – Sustainably manage mineral resources.	Not applicable, as the subject land is not known to contain any significant mineral resources.	N/A
Goal 2 – A healthy environment with pristine waterways		
Direction 13 – Manage and conserve water resources for the environment.	Not applicable, as the subject land is not known to contain any water resources.	N/A
Direction 14 – Manage land uses along key river corridors.	Not applicable as the subject land is not located within a river corridor.	N/A
Direction 15 – Protect and manage the region’s many environmental assets.	Not applicable as the subject land has no environmental assets.	N/A
Direction 16 – Increase resilience to natural hazards and climate change.	Not applicable as the subject land is not mapped as bushfire or flood prone.	N/A
Goal 3 – Efficient transport and infrastructure networks		
Direction 17 – Transform the region into the eastern seaboard’s freight and logistics hub.	Not relevant, as the proposal does not relate to industry or freight.	N/A
Direction 18 – Enhance road and rail freight links.	Not relevant, as the proposal does not relate to freight.	N/A
Direction 19 – Support and protect ongoing access to air travel.	Not relevant, as the proposal will not affect air travel.	N/A
Direction 20 – Identify and protect future transport corridors.	Not relevant to the subject proposal.	N/A

Direction 21 – Align and protect utility infrastructure investment.	Yes, as the proposal will result in vacant land being developed.	All urban infrastructure is currently provided to the four lots and can accommodate the anticipated residential development.
Goal 4 – Strong, connected and healthy communities		
Direction 22 – Promote the growth of regional cities and local centres.	Yes, as the proposal affects land within the Jindera township.	The Planning Proposal will support and promote the growth of Jindera by making available four additional lots for residential development.
Direction 23 – Build resilience in towns and villages.	Yes, as the proposal affects land within the Jindera township.	By providing four additional lots for residential development as a result of the Planning Proposal, the population of Jindera will be increased and this builds resilience. It is noted Jindera is fortunate in that unlike many smaller towns and villages, it is experiencing strong demand for residential development.
Direction 24 – Create a connected and competitive environment for cross-border communities.	Not relevant as Jindera is not a border town.	N/A
Direction 25 – Build housing capacity to meet demand.	Yes, as the proposal is creating the opportunity for residential development.	The Planning Proposal supports this Direction because as a consequence it will increase the supply of vacant residential lots in Jindera. Jindera has demonstrated an ongoing healthy demand for residential land in recent times and this is expected to continue.
Direction 26 – Provide greater housing choice.	Yes, as the proposal is creating the opportunity for residential development.	The four lots in question are located within a developed residential estate and as such will create choice in living environments within Jindera as new vacant lots in this location.
Direction 27 – Manage rural residential development.	Not applicable, as the proposal does not relate to rural residential development.	N/A
Direction 28 – Deliver healthy built environments and improved urban design.	Yes, as the proposal will result in the loss of land dedicated for open space purposes.	Public open space, and access to it, is important for healthy communities. In this case whilst three of the lots were dedicated for this purpose as part of the subdivision on land, they are impractical because of their size and accessibility. The Jindera Recreation Reserve is in close proximity of all lots and a pedestrian link is provided to the estate.
Direction 29 – Protect the region's Aboriginal and historic heritage.	Not relevant as the lots are unlikely to feature items of Aboriginal cultural heritage.	N/A

