

SN/ASS 1060445

14 October 2019

Damien Pfeiffer  
Director, Western Region  
Department of Planning, Industry and Environment  
188 Macquarie Street  
DUBBO NSW 2830



**LEETON**  
SHIRE COUNCIL

Dear Sir

**SUBJECT: SUBMISSION OF PLANNING PROPOSAL TO AMEND LEETON LOCAL ENVIRONMENTAL PLAN 2014 – AMENDMENT TO ADDITIONAL PERMITTED USES SCHEDULE 1**

Council has resolved to prepare a Planning Proposal to amend the Leeton Local Environmental Plan 2014 (LLEP), with inclusion of an additional permitted use under schedule 1 of the LLEP.

This amendment intends to amend Schedule 1 of the LLEP to permit additional land uses on Lot 49 DP1114977, 26 Lake Paddock Drive Leeton.

In accordance with section 3.34 of the Environmental Planning & Assessment Act 1979, Council seeks a Gateway Determination to proceed with the Planning Proposal. Council would also seek authorisation to exercise delegation to make this plan.

In support of this application the following documents are attached for your consideration;

- Gateway Planning Proposal prepared in accordance with Planning Circular PS 16-005 dated August 2016 and "A Guide to Preparing Planning Proposals" dated August 2016 including Council report and resolution dated 28 August 2019 and
- Completed "Information Checklist" from the Guide to Preparing Planning Proposals.

Should you require any further information, please do not hesitate to contact Garry Stoll, Manager Planning, Building & Health on 69530921.

Yours Faithfully

*in par*  
Garry Stoll

**Manager Planning, Building & Health**

## Evaluation criteria for authorising Council to be the local plan-making authority

(NOTE – where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council	Response	Department assessment
	Y/N	Not Relevant	Agree / Disagree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y		
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y		
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y		
Does the planning proposal contain details related to proposed consultation?	Y		
Does the planning proposal give effect to an endorsed regional or sub-regional planning strategy or a local strategy including the LSPS endorsed by the Planning Secretary?		NA	
Does the planning proposal adequately address any consistency with all relevant s. 9.1 Planning Directions?	Y		
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y		
<b>Minor Mapping Error Amendments</b>			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?		NA	
<b>Heritage LEPs</b>			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?		NA	
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		NA	
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		NA	

Reclassifications			
Is there an associated spot rezoning with the reclassification?	N		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?			
Is the planning proposal proposed to rectify an anomaly in a classification?	N		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		NA	
Has Council confirmed whether there are any trusts, estates, interests, dedications, conditions, restrictions or covenants on the public land and included a copy of the title with the planning proposal?		NA	
Has council confirmed that there will be no change or extinguishment of interests and that the proposal does not require the Governor's approval?	Y		
Has the council identified that it will exhibit the planning proposal in accordance with the Department's Practice Note regarding classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?	Y		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?	NO		
Spot Rezonings			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?		NA	
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?		NA	
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	NO		
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		NA	
Does the planning proposal create an exception to a mapped development standard?	Y		

## Section 3.22 matters

Does the proposed instrument

- a) correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?;
- b) address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or
- c) deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land?

N

N

N

(Note – the Minister (or Delegate) will need to form an Opinion under section 3.22(1)(c) of the Act in order for a matter in this category to proceed).

### Notes

- Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the council will be authorised to make the plan, as a matter of local planning significance
- Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Planning Secretary of the Department.

Matters that will be routinely delegated to a Council under administration are confirmed on the Department's website

[www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Planning-and-Zoning/](http://www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Planning-and-Zoning/)

**STEP 1: REQUIRED FOR ALL PROPOSALS**  
(under s3.33(2)(a-e) of the EP&A Act)

- Objectives and intended outcome
- Mapping (including current and proposed zones)
- Community consultation (agencies to be consulted)
- Explanation of provisions
- Justification and process for implementation (including compliance assessment against relevant section 9.1 direction/s)

**STEP 2: MATTERS – CONSIDERED ON A CASE BY CASE BASIS**  
(Depending on complexity of planning proposal and nature of issues)

Planning Matters or Issues	to be considered	N/A
<b>Strategic Planning Context</b>		
Consistent with the relevant regional, district or corridor/precinct plans applying to the site, including any draft regional/district or corridor/precinct plans released or public comment; or	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Consistent with a relevant local council strategy that has been endorsed by the Department; or	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls; or	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Seeking to update the current planning controls if they have not been amended in the last 5 years	<input type="checkbox"/>	<input type="checkbox"/>
<b>Site Description / Context</b>		
Aerial photographs	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Site photos / photomontage	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Traffic and Transport Considerations</b>		
Local traffic and transport	<input type="checkbox"/>	<input type="checkbox"/>
TMAP	<input type="checkbox"/>	<input type="checkbox"/>
Public transport	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cycle and pedestrian movement	<input type="checkbox"/>	<input type="checkbox"/>
<b>Environmental Considerations</b>		
Bushfire Hazard	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Acid sulphate Soil	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Noise impact	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Flora and/or fauna	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Soil stability, erosion, sediment, landslip assessment and subsidence	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Water quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Stormwater management	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Environmental Considerations</b>		
Flooding	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Land/site contamination (SEPP55)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sea level rise	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Urban design Considerations</b>		
Existing site plan (buildings, vegetation, roads, etc)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Building mass/block diagram study (changes in building height and FSR)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Lighting impact	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Development yield analysis (potential yield of lots, houses, employment generation)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Economic Considerations</b>		
Economic impact assessment	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Retail centres hierarchy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Employment land	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Social and Cultural Considerations</b>		
Heritage impact	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Aboriginal archaeology	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Open space management	<input checked="" type="checkbox"/>	<input type="checkbox"/>
European archaeology	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Social and cultural impacts	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stakeholder engagement	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Infrastructure Considerations</b>		
Infrastructure servicing and potential funding arrangements	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Miscellaneous / Additional Considerations</b>		
List any additional studies that should be undertaken post Gateway determination	<input type="checkbox"/>	<input checked="" type="checkbox"/>