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Environment

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Gateway determination report – PP_2019_LEETO_001_00

Rezone Lot 742, DP 751745, 98 Acacia Avenue,
Leeton from RE1 Public Recreation to RE2 Private
Recreation

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans

Leeton Shire Council Meeting Agenda and Minutes – 28 October 2020

1 Planning Proposal

1.1 Overview and objectives of planning proposal

Table 2 Planning proposal details

LGA	Leeton Shire Council
PPA	Leeton Shire Council
NAME	Rezone Lot 742, DP 751745, 98 Acacia Avenue, Leeton from RE1 Public Recreation to RE2 Private Recreation
NUMBER	PP_2019_LEETO_001_00
LEP TO BE AMENDED	Leeton Local Environmental Plan 2014
ADDRESS	98 Acacia Avenue, Leeton
DESCRIPTION	Lot 742, DP 751745
RECEIVED	4/10/2019
FILE NO.	IRF20/5974
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

The planning proposal contains objectives and intended outcomes on page 11, that adequately explain the intent of the proposal.

The objective of the planning proposal is to maximise the potential of the subject land by rezoning to allow additional land uses. The ultimate intent is to permit Tourist and Visitor Accommodation and Registered Club with consent to facilitate the redevelopment of the demolished clubhouse on the subject land to support the functioning of the broader surrounding recreation precinct.

The objective of this planning proposal is clear and adequate.

1.2 Explanation of provisions

The planning proposal seeks to amend the Leeton LEP 2014 per the changes in Table 3 below:

Table 3 Current and Proposed controls

Control	Current	Proposed
Zone	RE1 Public Recreation	RE2 Private Recreation

The planning proposal identifies that the objective of the proposal will be achieved by amending **Land Zoning Map Sheets LZN_014E and LZN_014F to show the subject land as zoned RE2 Private Recreation.**

The explanation of provisions is clear and does not require amendment prior to public exhibition.

1.3 Site description and surrounding area

The subject land is legally described as Lot 742 in DP 751745 and located at 98 Acacia Avenue, Leeton NSW. The land is owned by Leeton Shire Council and is classified as Operational Land under the Local Government Act 1993. The land is rectangular in shape and has an area of 4,325.08m². The land is currently vacant and contains few scattered trees along the eastern and western boundaries (see Figure 1). The land is adjoined to the east and south by the Leeton Golf Course, west by the Leeton Showground and north by residential development (see Figure 2).



Figure 1 Subject site (source: Planning Proposal Report, 2020)



Figure 2 Site context (source: ePlanning Spatial Viewer, December 2020)

1.4 Mapping

The planning proposal requires amendment to Land Zoning Map Sheets LZN_014E and LZN_014F.

The planning proposal contains extract of the Leeton LEP 2014 land zoning map that shows the subject land, but the zoning colour depicted on the subject land is incorrect (see Page 13).

The correct existing land zoning map showing the subject land has been provided in Figure 3.

The planning proposal does not include mapping showing the proposed changes to the land zoning maps.

A condition is recommended to require the planning proposal to be updated to include mapping that correctly and clearly show the existing and proposed zoning of the subject land prior to community consultation.

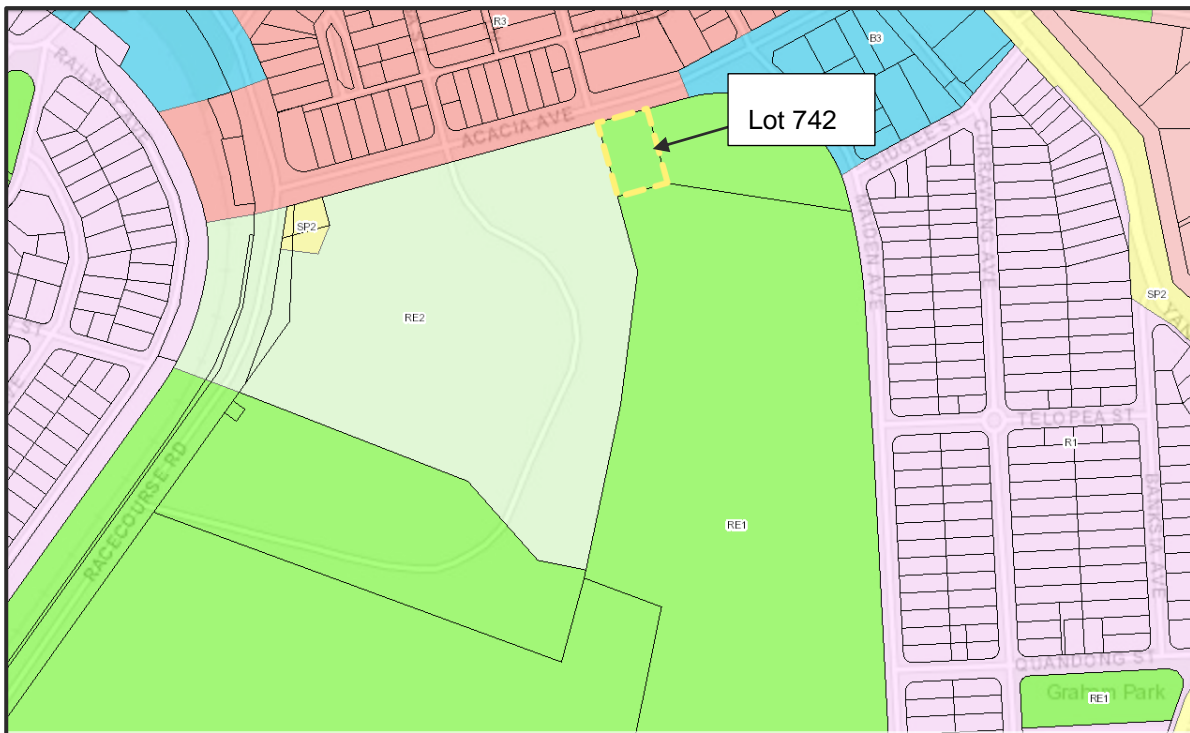


Figure 3 Current zoning map (sources: ePlanning Spatial View, December 2020)

2 Need for the planning proposal

The need for the proposed amendment is adequately discussed in Part 3, Section A (pg. 11-16) of the planning proposal report. The planning proposal states that the proposed rezoning will help maximise the potentials of the subject land by allowing additional uses. Specifically, the rezoning is intended to facilitate the redevelopment of a clubhouse on the subject land to support the use and development of the broader surrounding recreation precinct, which encompasses the Leeton Golf Course and Leeton Showground. The proposed rezoning also has the potential to support other recreation related uses such as tourist and visitor accommodation in the precinct. The planning proposal indicates that the proposed amendment will help maintain and/or increase the economic and social contribution of the golfing industry to the LGA.

However, these complementary recreational uses are prohibited by the current RE1 Public Recreation zoning of the subject land. Therefore, it is agreed that there is the need for the planning proposal, and the proposed rezoning is the best means for achieving the intended outcomes.

3 Strategic assessment

3.1 Regional Plan

The planning proposal provides an assessment against the Riverina Murray Regional Plan on pages 16 and 17. Table 4 provides an assessment of the planning proposal against relevant Goals of the regional plan.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
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Goal 1: A growing and diverse economy	The planning proposal is consistent with this Goal as it will support tourism opportunities and provide economic benefits such as employment in Leeton and across the LGA.
Goal 4 Strong, connected and healthy communities	The planning proposal is consistent with this Goal as it facilitates redevelopment of a key recreational facility to support a broader recreation precinct with social and health benefits to the local community.

3.2 Local

The planning proposal states that it is consistent with the relevant local plan (pages 17-18). The planning proposal does not provide an assessment of the proposal's consistency with the Leeton Local Strategic Planning Statement. A condition is recommended to require the planning proposal to be updated to provide a detailed assessment of the planning proposal against the Leeton LSPS.

Table 5 provides assessment of the proposal against the relevant local strategic plans.

Table 5 Local strategic planning assessment

Local Strategies	Justification
Leeton Local Strategic Planning Statement	<p>The planning proposal has not undertaken assessment against the Leeton LSPS as it was submitted for Gateway Determination prior to its preparation. However, the planning proposal remains consistent with the Leeton LSPS as it facilitates developments that will support and sustain the functioning of a broader recreation precinct with tourism and community benefits. Specifically, the planning proposal supports the following planning priorities of the LSPS:</p> <ul style="list-style-type: none"> • Planning Priority 3 – Promote tourism opportunities • Planning Priority 6 – Ensure the community has access to liveable neighbourhoods and quality open space.
Strategic Community Plan entitled Leeton on the Go, Our Community Strategic Plan – Toward 2030	The planning proposal is consistent with this plan as it will promote active, healthy lifestyle and increase tourism attractions and opportunities in the town.

3.3 Section 9.1 Ministerial Directions

The planning proposal provides a detailed assessment against section 9.1 Directions in Attachment 4 (pages 41-61). The planning proposal identified that Direction 6.2 – Reserving Land for Public Purposes is not applicable and therefore does not provide assessment against this Direction. A condition has been recommended to ensure the planning proposal is updated to include assessment of the proposal against Direction 6.2.

The planning proposal's consistency with relevant section 9.1 Directions is discussed in Table 6 below.

Table 6 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
2.6 Remediation of Contaminated Land. The aims are to reduce risk of harm to human health and the environment and ensure consideration of contamination and remediation.	Yes	<p>This Direction applies when it is proposed to carry out development for recreational purposes. The subject land previously contained a clubhouse which could have exposed the land to contaminants. The planning proposal states the clubhouse was demolished in accordance with EPA and Workcover requirements. In addition, the site has been historically used for recreation purposes making it suitable for the intended future use. The planning proposal indicates that future development applications on the subject land will be subject to merit assessment against provisions of SEPP No 55.</p> <p>Note: The planning proposal did not include an assessment against this Direction. A condition has been recommended to update the planning proposal to provide an assessment against the Direction.</p>
3.4 Integrating Land Use and Transport. The aim is to ensure urban development achieves specified planning objectives.	Yes	The Direction applies as the planning proposal will alter or remove a zone or provision relating to urban land. The planning proposal is consistent with the Direction as the subject land is serviced by the local road and active transport network and is accessible by multiple transport options including walking, cycling and public transport.
5.10 Implementation of Regional Plans. The aim is to give legal effect to the Regional Plans.	Yes	The Direction applies to all planning proposals. The proposal is consistent with the Direction (see discussion in Section 3.1 of this report).
6.1 Approval and Referral Requirements. The aim is to ensure LEP provisions encourage efficient and appropriate assessment of development	Yes	The Direction applies to all planning proposals. The proposal is consistent with the Direction as it does not intend to introduce any new referral or consultation requirements.

6.2 Reserving Land for Public Purposes. The aim is to reserve land for public purposes and facilitate the removal of reservations where land is no longer required for acquisition.	No	The Direction applies to all planning proposals. The planning proposal is inconsistent with the Direction as it proposes to alter or reduce existing zonings or reservations of land for public purposes. The loss of the public open space land is justified as it is an operational land that has not been formally reserved for public purposes. Moreover, the proposal will facilitate the development of a key recreational facility to support the functioning of the surrounding public recreation precinct. Therefore, the inconsistency with the Direction is of minor significance in accordance with the terms of the Direction. Note: The planning proposal identified this Direction as 'not applicable' and a condition has been recommended to update the planning proposal to provide an assessment against the Direction.
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3.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in Table 7 below. The planning proposal has undertaken its own assessment against applicable SEPPs in Attachment 3 (pages 27-40). In conclusion, the planning proposal identifies the one SEPP (SEPP No 55 Remediation of Land) as being applicable.

Table 7 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Proposal	Complies
SEPP No 55 – Remediation of Land	Reduce the risk of harm to human health and the environment	<p>The subject land previously contained a clubhouse which could have exposed the land to contaminants. The planning proposal states the clubhouse was demolished in accordance with EPA and Workcover requirements. In addition, the site has been historically used for recreation purposes making it suitable for the intended future use. The planning proposal indicates that future development applications on the subject land will be subject to merit assessment against provisions of this SEPP.</p> <p>The above actions and measures are considered consistent with the requirements of the SEPP.</p>	Yes

4 Site-specific assessment

The planning proposal provides site-specific assessment of the proposal in Section C, page 19. The assessment is considered appropriate as discussed below.

4.1 Environmental

Table 8 provides an assessment of the potential environmental impacts associated with the proposal.

Table 8 Environmental impact assessment

Environmental Impact	Assessment
Natural environment	The subject land is predominantly cleared and contains a few scattered trees. Therefore, the proposal is unlikely to impact threatened species, populations or ecological communities, or their habitats. Any vegetation removal can be adequately assessed at the development application stage.
Surrounding uses	The intended recreational use of the subject land is complementary to the surrounding uses and as such unlikely to result in any adverse amenity impacts.

4.2 Social and economic

Table 9 provides an assessment of the potential social and economic impacts associated with the proposal.

Table 9 Social and economic impact assessment

Social and Economic Impact	Assessment
Community	The planning proposal will facilitate the development of a major recreational facility which has flow on social benefits including promoting active, healthy lifestyle and community cohesion.
Tourism and employment	The planning proposal will help sustain important recreational facilities that provide tourism and local employment opportunities. This means that the proposal will have positive impact on the local economy.
Anti-social behaviours and violence	The planning proposal can allow for development of licenced premises which have potential to drive anti-social and violent behaviours. The planning proposal notes that the potential and extent of such adverse impacts can be adequately considered and addressed at the development application stage.

4.3 Infrastructure

Table 10 provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal.

Table 10 Infrastructure assessment

Infrastructure	Assessment
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Road and parking	The proposal has the potential to increase traffic and parking demands in the area. While the planning proposal does not discuss transport infrastructure provision requirements of the proposal, it is considered that any required adjustments can be adequately addressed at the development application stage.
Sewer, water and stormwater	The subject land will have adequate access to appropriate infrastructure and services as it is located within the urban boundary of Leeton. These services can be extended to service new developments from the planning proposal as part of subsequent development applications.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate, and forms to the conditions of the Gateway determination.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted. It is agreed that Council does not need to specifically consult with government agencies as part of the gateway determination. Any necessary agency consultation can be undertaken at the development application stage.

6 Timeframe

Council's proposed time frame to complete the LEP is not definitive as it does not provide time for certain stages in the plan making process (see Page 21). The planning proposal allocates a period of 17 weeks to complete the plan making tasks up to submission to the Department for finalisation. However, no timelines have been provided for drafting, making and notification of the LEP.

The Department recommends a time frame of 9 months to provide Council adequate time to complete the LEP while accomplishing its commitment to reduce processing times. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the planning proposal will support the surrounding public recreation precinct and is of local and low risk nature, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment Summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The proposal would facilitate recreational and tourism-related facilities in a suitable location
- There are no inconsistencies with relevant local and regional plans and SEPPs
- The inconsistency with Direction 6.2 Reserving Land for Public Purposes is minor and justified
- The proposal will provide social and economic benefits
- The proposal is unlikely to cause any adverse environmental or infrastructure impacts

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 6.2 Reserving Land for Public Purposes are minor and justified.

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

1. Prior to public consultation, the planning proposal is to be updated to:
 - include maps that correctly and clearly show the existing and proposed zoning of the subject land
 - provide assessment of the proposal against Section 9.1 Ministerial Direction 2.6 Remediation of Contaminated Land and 6.2 Reserving Land for Public Purposes.
 - provide commentary of the planning proposal against the Leeton Local Strategic Planning Statement
2. Prior to community consultation, the planning proposal is to be revised to address condition 1 and forwarded to the Department for administrative purposes.
3. The planning proposal should be made available for community consultation for a minimum of 28 days.
4. The planning proposal must be exhibited **2 months** from the date of the Gateway determination.
5. The planning proposal must be reported to council for a final recommendation **6 months** from the date of the Gateway determination.
6. The timeframe for completing the LEP is to be **9 months** from the date of the Gateway determination.
7. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



(Signature)

13/01/2021 (Date)

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(Signature)

13 January 2021

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