

**ITEM 8.13 AMENDMENT TO THE LEETON LOCAL ENVIRONMENTAL PLAN 2014 –
ADDITIONAL PERMITTED RESIDENTIAL USES IN THE B3 COMMERCIAL
CORE ZONE**

RECORD NUMBER	18/457
RELATED FILE NUMBER	EF16/17
AUTHOR/S	Manager Planning, Building and Health
APPROVER/S	Director Environment and Engineering

SUMMARY/PURPOSE

The purpose of this report is to seek a Council resolution to adopt the final amendment to the Leeton Local Environmental Plan 2014, permitting the use of a greater range of residential accommodation in the B3 Commercial Core zone.

RECOMMENDATION

THAT Council resolves to adopt the Leeton Local Environmental Plan 2014 (Amendment No 2) which applies to land within the Zone B3 Commercial Core and changes the Leeton LEP 2014 by inserting in the land use table for Zone B3:

1. A new objective which states *"To provide residential housing if adequate amenity will be provided for residents and the land will not be required for commercial or retail use"*,
 2. The following additional land uses *"Dwelling houses;"*, *"Hostels;"*, *"Multi dwelling housing;"*, *"Residential flat buildings;"* and *"Seniors Housing;"* as development permitted with consent.
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REPORT

(a) Background

Council originally considered a report and resolved to amend the Leeton Local Environmental Plan 2014 (LEP) at its meeting on 26 July 2017.

After this meeting a Planning Proposal was prepared and submitted to the Department of Planning for consideration in February 2018 and consent was granted to Council to seek public submissions or comment on the proposed changes and report back to the Department.

This process was completed and Council resolved at its meeting on 23 May 2018, at the completion of the public exhibition, period to formally request the completion of the proposed amendment.

The proposal was then send to the NSW Parliamentary Counsel for a legal opinion and formal drafting.

(b) Discussion

At the completion of this process the formal application was provided to NSW Planning and Environment who have now advised that Council must provide a formal resolution to adopt the final draft of the amendment.

NSW Parliamentary Counsel have drafted the proposed final draft follows;

1 Name of Plan

This Plan is *Leeton Local Environmental Plan 2014 (Amendment No2)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which this plan applies

This Plan applies to land in Zone B3 Commercial Core under *Leeton Local Environmental Plan 2014*.

4 Amendment Leeton Local Environmental Plan 2014

(1) Land Use Table

Insert the following at the end of Item 1 in Zone B3 Commercial Core:

- To provide residential housing if adequate amenity will be provided for residents and the land will not be required for commercial or retail use.

(2) Land use Table, Zone B3

Insert "Dwelling houses;", "Hostels;", "Multi dwelling housing;", "Residential flat buildings;" and "Seniors Housing;" in item 3 in alphabetical order.

Should Council resolve to adopt this proposed amendment the final stage will be to request its publication on the NSW legislation website.

(c) Options

The final adoption of the proposed amendment will result in changes to the Leeton LEP as resolved by Council at meeting in July 2017 and May 2018.

At this stage it is considered that Council does not have any options.

IMPLICATIONS TO BE ADDRESSED

(a) Financial

Nil

(b) Policy

Nil

(c) Legislative/Statutory

The amendment to change the Leeton LEP will not occur until it has been published on the NSW legislation website.

(d) Risk

Nil

CONSULTATION

(a) External

Public consultation
Council has consulted with both NSW Planning and Environment and NSW Parliamentary Counsel.

(b) Internal

Senior Management Team
Councillors

LINK/S TO THE DELIVERY PROGRAM/OPERATIONAL PLAN (DPOP)

Under the Key Priority Area THEME 4 - "A THRIVING ECONOMY WITH GOOD JOBS" within Council's adopted Delivery Program/Operational Plan – 14 - A community that enjoys a vibrant town centre - 14a is to "Maintain and improve the overall appearance of the main streets - Implement key recommendations of the Leeton CBD masterplan".

ATTACHMENTS

There are no attachments for this report.

Item 8.11 CANCELLATION OF DECEMBER COUNCIL MEETING

18/210

Resolved

THAT Council cancels the December 2018 Ordinary Council Meeting and gives public notice of this decision. In the event of an unexpected urgent item requiring Council approval, an Extraordinary Council meeting shall be convened.

(Moved Cr Nardi, seconded Cr Morris)

ENVIRONMENT AND ENGINEERING MATTERS

**Item 8.12 LOCAL HERITAGE ADVISORY COMMITTEE MEETINGS - 16 AUGUST
2018 AND 18 OCTOBER 2018**

18/211

Resolved

THAT Council formally notes the Local Heritage Advisory Committee meeting minutes held on Thursday 16 August 2018 and Thursday 18 October 2018.

(Moved Cr Weston, seconded Cr Ciccia)

**Item 8.13 AMENDMENT TO THE LEETON LOCAL ENVIRONMENTAL PLAN 2014 –
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18/212

Resolved

THAT Council resolves to adopt the Leeton Local Environmental Plan 2014 (Amendment No 2) which applies to land within the Zone B3 Commercial Core and changes the Leeton LEP 2014 by inserting in the land use table for Zone B3:

1. A new objective which states *"To provide residential housing if adequate amenity will be provided for residents and the land will not be required for commercial or retail use"*,
2. The following additional land uses *"Dwelling houses;"*, *"Hostels;"*, *"Multi dwelling housing;"*, *"Residential flat buildings;"* and *"Seniors Housing;"* as development permitted with consent.

(Moved Cr Kidd, seconded Cr Davidson)