



IRF23/2418

## Gateway determination report – PP-2023-1630

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Planning Proposal – Amend Greater Hume LEP 2012  
for reclassification of public land at Commercial Street,  
Walla Walla

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# Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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**Table 1 Reports and plans supporting the proposal**

Relevant reports and plans
Planning Proposal – Amend Greater Hume LEP 2012 for reclassification of certain public land
Greater Hume Local Strategic Planning Statement 2020
Greater Hume Community Strategic Plan 2022-32
Council Agenda July – Land Reclassification Report – PP-2023-1630
Minutes of Ordinary Meeting of Greater Hume Council on Wednesday 19 July 2023
Walla Walla Floodplain Risk Management Study and Plan – Final Report (October 2017)

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	Greater Hume
<b>PPA</b>	Greater Hume Shire Council
<b>NAME</b>	Reclassification of public land at Commercial Street, Walla Walla
<b>NUMBER</b>	PP-2023-1630
<b>LEP TO BE AMENDED</b>	Greater Hume Local Environmental Plan (LEP) 2012
<b>ADDRESS</b>	Commercial Street, Walla Walla
<b>DESCRIPTION</b>	Part Lot 5812 DP 1181658
<b>RECEIVED</b>	1/08/2023
<b>FILE NO.</b>	IRF23/2418
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objective of the planning proposal is to:

- Reclassify Council owned land located in Commercial Street, Walla Walla from 'Community' to 'Operational' to facilitate business expansion of the adjoining landowner at 104 Commercial Street, Walla Walla.

The objective of this planning proposal is clear and adequate.

## 1.3 Explanation of provisions

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved. The planning proposal involves the reclassification of Council owned land from 'Community' to 'Operational' as follows:

**Schedule 4 Classification and reclassification of public land**

Insert the following entry into Part 1:

**Part 1 Land classified, or reclassified, as operational land – no interests changed****Column 1  
Locality**

Walla Walla

**Column 2  
Description**

Part Lot 5 DP1181685 identified as “Operational Land” on the Land Reclassification (Part Lots) Map .

## 1.4 Site description and surrounding area

The subject site (Figure 1) is a rectangular strip of land with an area of approximately 456m<sup>2</sup> situated on the eastern side of Commercial Street, Walla Walla. The site comprises part of Lot 5812 DP1181658. Given the site’s frontage to Commercial Street, it is occasionally used as an informal thoroughfare to access the Walla Walla Sportsground Complex to the east, but otherwise it has no formal use.

The adjoining land to the north of the subject site is currently occupied by PJN Steel Fabrication, who is the proponent of this planning proposal. The proposal is to reclassify the subject site to facilitate expansion of the steel fabrication business. To the south is vacant land which is under Council consideration for a 44-lot subdivision (DA10.2023.53.1).



**Figure 1 Subject site (source: Planning proposal)**

The parent lot (Lot 5812 DP 1181658) is an irregular shaped parcel with an area of 1.062ha and has legal frontage along the western boundary to Commercial Street, although a formal road has not been constructed (Figure 2).



**Figure 2 Site context – (a) whole of Lot 5812 DP1181658 & (b) existing steel fabrication business (source: Planning proposal)**

The ultimate transfer of the subject site to private ownership would not adversely affect access to Council's recreation uses to the east as those areas are officially accessed through a road from William Street (see Figure 3). The subject land is not an official road to the Walla Walla sports facilities; there is no driveway from Commercial Street and no road or formal track behind the steel fabrication property.



**Figure 3 Context - Access to the Walla Walla Sports Ground via William Street (Source: Google Maps)**

## 1.5 Mapping

Given a part lot is being reclassified a Land Reclassification (Part Lots) Map will be required. The Gateway determination has been conditioned to require the planning proposal to be amended to include the intent to map the site, prior to public exhibition.

## 2 Need for the planning proposal

The planning proposal is required to reclassify the subject site from 'Community' to 'Operational' land under the *Local Government Act 1993* to enable Council to sell the subject site to facilitate expansion of an adjoining business. As the subject site is currently classified as 'Community' land owned by Council, reclassification of the site to 'Operational' through an amendment to the Greater



Hume LEP 2012 is the only way to achieve the objectives and intended outcome of the planning proposal.

The proposal includes an assessment against the *LEP practice note PN 16-001 – Classification and reclassification of public land through a local environmental plan* checklist. This assessment is adequate and includes confirmation the land does not include interests that need to be discharged.

## 3 Strategic assessment

### 3.1 Regional Plan

The planning proposal demonstrates consistency with the *Riverina Murray Regional Plan 2036*, with relevance to:

- Goal 4 – Strong, connected and healthy communities.
- Direction 22: Promote the growth of regional cities and local centres.
- Direction 23: Build resilience in towns and villages.

The Regional Plan 2036 has been superseded by the *Riverina Murray Regional Plan 2041* (RMRP 2041). As such, the planning proposal is not inconsistent with the relevant strategies in the RMRP 2041.

### 3.2 Local

The planning proposal states it is consistent with the Greater Hume Local Strategic Planning Statement, as stated in the table below:

**Table 5 Local Strategic Planning Statement assessment**

Local Priority	Justification
Housing Choice	Planning proposal has no impact on housing choice.
Vibrant Places	Consistent. Planning proposal aims to promote local business activity.
Utility Infrastructure	Not applicable.
Agricultural Lands	Planning proposal has no impact on agricultural lands.
Agribusiness Value Add	Consistent. The business expansion anticipated following the finalisation of the planning proposal will support agribusiness.
Industry	Consistent. The planning proposal will facilitate local industrial growth.
Solar and Forestry	Planning proposal has no impact on solar and forestry.
Natural Environment	The subject site is not mapped as biodiversity value. The retention of existing trees is to be considered at the Development Application stage.
Climate Change and Natural Hazards	Not applicable.

The planning proposal is also generally consistent with the Greater Hume Community Strategic Plan 2022-32.

### 3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant Section 9.1 Directions is discussed below:

**Table 6 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Consistent	The planning proposal has demonstrated general consistency with the <i>Riverina Murray Regional Plan 2036</i> . However, the planning proposal is also not inconsistent with the relevant strategies in the RMRP 2041.
4.4 Remediation of Contaminated Land	Consistent	<p>The planning proposal does not apply to land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997.</p> <p>It is noted that consideration of contamination is required in the assessment of any future development on the subject site.</p>
5.2 Reserving Land for Public Purposes	Inconsistent, but justified.	<p>The planning proposal seeks to reclassify council-owned land from 'Community' to 'Operational'. The direction requires that a <i>planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Planning Secretary</i>.</p> <p>The planning proposal did not include information about the existing plan of management for the site, but it does note that the subject site is not currently used for public recreation purposes and does not form an integral part of the Walla Walla sporting complex.</p> <p>There is no inconsistency with the 9.1 direction or need for Secretary's agreement.</p>

### 3.4 State environmental planning policies (SEPPs)

There are no relevant SEPPs that apply to the planning proposal.

## 4 Site-specific assessment

### 4.1 Environmental

There are no potential environmental impacts associated with the proposal.

### 4.2 Social and economic

The reclassification of the subject site to operational is likely to result in the sale of the subject land to an adjoining landowner. This is likely to have a positive social and economic impact for the



Walla Walla community due to the associated business expansion. The loss of public open space is unlikely to have a social impact due the subject site's limited use, combined with the proponent's commitment to improving access to the nearby Walla Walla Sportsground complex. Council's reinvestment of the funds received from the sale of the subject land would also have a positive social impact.

## 4.3 Infrastructure

The planning proposal does not create any additional demand for public infrastructure.

# 5 Consultation

## 5.1 Community

Council proposes a community consultation period of 10 working days, consistent with LEP practice note *PN 16-001 Classification and reclassification of public land through a local environmental plan*. The community consultation period is appropriate and is a condition on the Gateway determination.

LEP practice note PN 16-001 requires a public hearing to be held in accordance with section 29 of the *Local Government Act 1993* and section 3.34(2)(e) of the *Environmental Planning and Assessment Act 1979*. This has also been included as a condition of the Gateway determination.

## 5.2 Agencies

The proposal does not specifically identify whether agencies will be consulted. Consultation with public authorities or government agencies under section 3.34(2)(d) of the Act is not recommended to be included as part of the Gateway determination.

# 6 Timeframe

Council proposes a 9 month time frame to complete the LEP.

In accordance with the LEP Making Guideline, the planning proposal is categorised as 'basic' and should be finalised by 12 March 2024.

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

# 7 Local plan-making authority

While the planning proposal involves the reclassification of Council-owned land, there are no interests being discharged as part of the proposal and therefore it is recommended that Council should be the Local Plan-Making Authority.

# 8 Recommendation

It is recommended the delegate of the Minister for Planning and Public Spaces determine that the planning proposal should proceed subject to the following conditions:

1. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 of the Act as follows:
  - (a) The planning proposal is categorised as 'Basic' as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2023) and must be made publicly available for a minimum of 10 working 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 Guideline* (Department of Planning and Environment, 2023).
2. No consultation is required with public authorities or government agencies under section 3.34(2)(d) of the Act.
  3. A public hearing is required to be held into the matter under section 3.34(2)(e) of the Act.
  4. The LEP should be completed by 12 March 2024.
  5. Council should be authorised to be the local-plan making authority.



14/09/2023

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18/9/23

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