

Item 8.3.3. PLANNING PROPOSAL - BROBENAH ROAD

AUTHOR/S: Manager Planning, Building & Health

APPROVER/S: Director Economic and Community Development

SUMMARY/PURPOSE

The purpose of this planning proposal is to amend the *Leeton Local Environmental Plan 2014* to facilitate the rezoning of land (Lot 330 DP 751742 and Lot 3 DP 1067105) located on Brobenah Road, Leeton, from R1 General Residential to R3 Medium Density Residential. The amendment also seeks to remove the minimum lot size requirement applicable to the site under the current provisions for the R3 zone.

This proposal aims to enable future residential development of the site in a manner consistent with both regional and local strategic planning objectives. It provides a detailed justification for the proposed amendment, demonstrating alignment with relevant State and regional planning policies, consideration of environmental factors, and the potential economic and social benefits for the Leeton community.

RECOMMENDATION

THAT Council resolves to:

1. Endorse the Planning Proposal to amend the *Leeton Local Environmental Plan 2014* to facilitate the rezoning of land (Lot 330 DP 751742 and Lot 3 DP 1067105) located on Brobenah Road, Leeton, from R1 General Residential to R3 Medium Density Residential and to remove the minimum lot size requirement.
 2. Forward the Planning Proposal to the Minister for Planning to request a Gateway determination pursuant to section 3.34 of the *Environmental Planning and Assessment Act 1979* and to request that authorisation be granted to enable Council to exercise delegation as the local plan-making authority under section 3.36 of the *Environmental Planning and Assessment Act 1979*.
-

REPORT

(a) Background

The Planning Proposal (**Attachment 1**) seeks to amend the *Leeton Local Environmental Plan 2014* to facilitate the rezoning of land (Lot 330 DP 751742 and Lot 3 DP 1067105) located on Brobenah Road, Leeton, from R1 General Residential to R3 Medium Density Residential. The amendment also seeks to remove the minimum lot size requirement applicable to the site under the current provisions for the R3 zone.

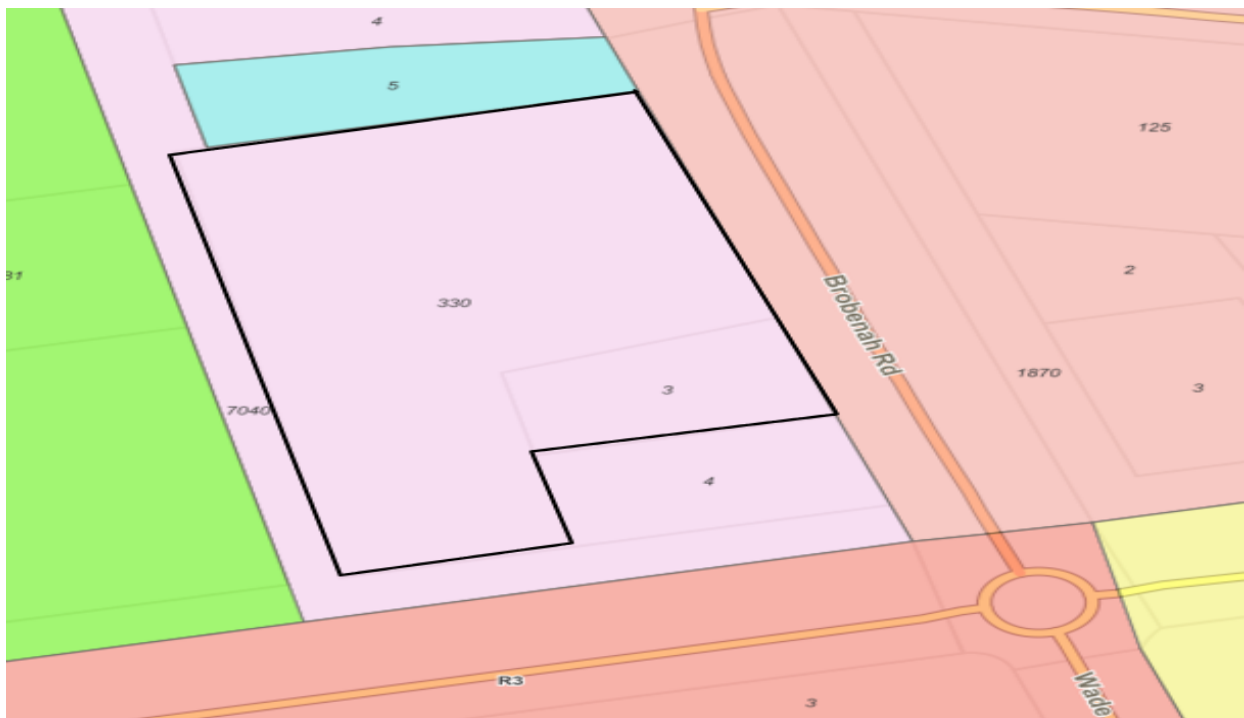
(b) Discussion

The need for the Planning Proposal is a direct result of the Leeton Housing Strategy 2024 and the draft Leeton Housing Strategy Implementation Plan 2025.

Justification for the Planning Proposal (**Attachment 1**) has been provided generally throughout the planning proposal; however the following key reasons underpin the proposed changes to the Leeton LEP 2014:

- The site has a history of higher density living, having previously been used as a caravan park.
- The site is already zoned for general residential purposes.
- The site has a central location in proximity to Leeton Hospital, TAFE, Leeton High School and Public School, Southern Cross Aged Care, Mens Shed and a neighbourhood shop.
- The site has existing access to robust road and active transport networks, open spaces and urban utilities.
- The site is suitably separated from sensitive land-uses.
- All potential environmental and amenity impacts associated with the proposal are able to be suitably mitigated within the site.
- The proposal aligns with the strategic vision for the Leeton Shire and the Murrumbidgee Region by supplying new medium density housing which is in short supply.

The land that is subject to this planning proposal (Lot 330 DP 751742 and Lot 3 DP 1067105) is Council owned and classified as "Operational Land" subject to the provisions of the *Local Government Act 1993*, as amended. Below is a zoning map from the *Leeton Local Environmental Plan 2014 (Leeton LEP 2014)*. The land outlined by the black border is subject to this planning proposal.



The site is zoned R1 General Residential and adjoining land-use comprises a mix of urban land-use zoned R1 General Residential and R3 Medium Density Residential (south), R2 Low Density Residential (east), E1 Local Centre and R1 General Residential (north) and RE1 Public Recreation (west). Nearby land-uses include Leeton Hospital, TAFE, Leeton High School and Public School, Goodstart Early Learning Centre, Southern Cross Aged Care, Leeton Men's Shed and a neighbourhood shop.

Section 3.33(2)(a) of the *EP&A Act 1979* requires a Planning Proposal to include a statement of the objectives or intended outcomes of the proposed amendments.

Objectives

To amend the *Leeton LEP 2014* to:

- Rezone Lot 330 DP 751742 and Lot 3 DP 1067105 Brobenah Road to R3 Medium Density Residential.
- Remove the minimum subdivision lot size applying to Lot 330 DP 751742 and Lot 3 DP 1067105 Brobenah Road.

Intended Outcomes

- Extend the existing R3 Medium Density Residential zone to the north.
- Rationalise the site in the context of adjoining childcare facility, neighbourhood shops, open spaces, roads and active transport connections.
- Provide opportunity for medium density residential subdivision and development, subject to all consent conditions, approvals and licences being granted.

No other changes are proposed to the Leeton LEP 2014.

(c) Options

THAT Council:

1. Endorses the Planning Proposal (**Attachment 1**) to amend the *Leeton Local Environmental Plan 2014* to facilitate the rezoning of land (Lot 330 DP 751742 and Lot 3 DP 1067105) located on Brobenah Road, Leeton, from R1 General Residential to R3 Medium Density Residential and to remove the minimum lot size requirement and forwards the Planning Proposal (**Attachment 1**) to the Minister for Planning to request a Gateway determination pursuant to section 3.34 of the *Environmental Planning and Assessment Act 1979* and to request that authorisation be granted to enable Council to exercise delegation as the local plan-making authority under section 3.36 of the *Environmental Planning and Assessment Act 1979*. **This is the recommended option.**
2. Resolves not to proceed with the Planning Proposal (**Attachment 1**) and proposes another way forward.

IMPLICATIONS TO BE ADDRESSED

(a) Financial

The costs associated with the planning proposal will be covered within the existing Strategic Planning budget.

(b) Policy

Community Engagement Strategy (Incorporating Land Use Community Participation Plan).
Leeton Local Strategic Planning Statement.

Riverina Murray Regional Plan 2041.
Local Environmental Plan Making Guidelines – August 2023.
Leeton Housing Strategy 2024.
Draft Leeton Housing Strategy Implementation Plan 2025.

(c) Legislative/Statutory

Environmental Planning and Assessment Act 1979

(d) Risk

If Council does not make provisions for more R3 medium density residential land, several risks and consequences can arise:

- **Housing Supply Constraints:** There could be a shortage of medium-density housing options, which are often in demand for various demographic groups such as young professionals, retirees, and small families. This could lead to housing affordability issues as demand outstrips supply.
- **Inefficient Land Use:** Medium-density zoning allows for more efficient use of land within urban areas. Without enough R3 zones, there could be underutilisation of existing infrastructure and services in built-up areas.
- **Demographic Shifts:** Failure to accommodate medium-density housing can lead to demographic shifts, such as younger generations moving away due to unaffordable housing, impacting community diversity and vitality.

CONSULTATION

(a) External

State departments e.g. NSW Department of Planning and Environment.
Leeton shire residents.
Leeton and District Local Aboriginal Land Council.

(b) Internal

Senior Management Team.

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

4. Economic Development

4.3 Develop land for housing at Brobenah Road, Leeton (former caravan park) and in Whitton - ideally break even to Council in the long term

5. Planning Building and Health

5.1 Implement strategic landuse planning

5.1.2 Review of the Leeton Local Environmental Plan (LEP) and develop and

implement strategies that will address the availability and affordability of housing and increase development ready land

ATTACHMENTS

1. Planning Proposal - Brobenah Road Leeton [**8.3.3.1** - 42 pages]

10 FEBRUARY 2025



planning proposal

**Lot 330 DP 751742 and Lot 3 DP 1067105
Brobenah Road Leeton**

LEETON SHIRE COUNCIL

Prepared by:
CURRAJONG
205A Clarinda Street
PARKES NSW 2870

CURRAJONG
PLANNING, PROPERTY + PROJECT MANAGEMENT





DOCUMENT CONTROL

PROJECT REPORT DETAILS		
Document Title	Planning Proposal - Lot 330 DP 751742 and Lot 3 DP 1067105, Brobenah Road, Leeton	
Principal Author	Michael Carter, Director, Currajong	
Project Reference	APC240624	

DOCUMENT STATUS	
Issue	A
Status	Final
Date	10 February 2025

DISTRIBUTION RECORD		
Recipient	Distribution Method	Date
Leeton Shire Council	Submitted via NSW Planning Portal - Rev A	

DISCLAIMER

This report has been prepared by Currajong Pty Ltd with all reasonable skill, care and diligence, and taking account of the timescale and resources allocated to it by agreement with the Client. Information reported herein is based on the information provided by the client and has been accepted in good faith as being accurate and valid. This report is for the exclusive use of the client named above. No warranties or guarantees are expressed or should be inferred by any third parties. This report may not be relied upon by other parties without written consent from Currajong Pty Ltd. Currajong Pty Ltd disclaims any responsibility to the Client and others in respect of any matters outside the agreed scope of the work.



EXECUTIVE SUMMARY

Leeton Shire has prepared a Planning Proposal to rezone Lot 330 DP 751742 and Lot 3 DP 1067105 from R1 General Residential to R3 Medium Density Residential and remove the minimum subdivision lot size standard applying to site under the Leeton Local Environmental Plan 2014.

Liveable Leeton 2035 sets the vision for the Leeton Shire - where we are a healthy, safe and connected community that respects people and the environment, enjoying active lives in a strong local economy underpinned by quality, accessible infrastructure, reliable water supplies and strong leadership.

The vision for Leeton Shire is reflected in the Leeton Housing Strategy 2024, which identifies Lot 330 DP 751742 and Lot 3 DP 1067105 as a growth area for medium density housing.

Following consideration of several redevelopment options for the Brobenah Road site, a preferred option of medium density terrace style housing on Torrens Title lots was adopted by Council.

Lot 330 DP 751742 and Lot 3 DP 1067105 has an area of approximately 1.51 hectares and is considered highly suitable for redevelopment for medium density residential purposes, given its central location and access to infrastructure and services.

This Planning Proposal is presented in a form that is consistent with the recommendations of the NSW Department of Planning, Housing and Infrastructure Local Environmental Plan Making Guidelines.

Leeton Shire Council has resolved to request a Gateway Determination from NSW Department of Planning, Housing and Infrastructure for the Planning Proposal to be placed on public exhibition.



TABLE OF CONTENTS

1. PROJECT INTRODUCTION	7	7.1 Explanation of Provisions	22
1.1 Project Overview	7	8. PLANNING PROPOSAL - PART 3	23
1.2 Structure and Form	8	8.1 Need for the Planning Proposal	23
1.3 Supporting Documentation	9	8.2 Relationship to the strategic planning framework	25
2. THE EXISTING ENVIRONMENT	10	8.3 Environmental, Social and Economic Impact	34
2.1 Location and Title	10	8.4 Infrastructure (Local, State and Commonwealth)	37
2.2 Land-use	11	8.5 State and Commonwealth Interests	37
2.3 Surrounding Land-use	12	9. PLANNING PROPOSAL - PART 4	38
2.4 Lot Sizes	13	9.1 Project Mapping	38
2.5 Topography, Slope and Landform	14	10. PLANNING PROPOSAL - PART 5	39
2.6 Hydrology	14	10.1 Consultation - Pre-lodgement Stage	39
2.7 Biodiversity	14	11. PLANNING PROPOSAL - PART 6	40
2.8 Heritage	15	11.1 Project Timeline	40
2.9 Access, Transport and Traffic	15		
2.10 Environmental Hazards	15		
2.11 Infrastructure and Services	16		
3. EXISTING PLANNING FRAMEWORK	17		
3.1 Leeton Local Environmental Plan 2014	17		
3.1 Leeton Shire Development Control Plan 2022	18		
3.2 Leeton Section 7.12 Contributions Plan 2023	18		
4. DESCRIPTION OF THE PROPOSAL	19		
4.1 Description of the Development Proposal	19		
5. STRATEGIC ALIGNMENT	20		
6. PLANNING PROPOSAL - PART 1	21		
6.1 Objectives and Intended Outcomes	21		
7. PLANNING PROPOSAL - PART 2	22		



TABLE OF SUPPORTING INFORMATION

SCHEDULE OF FIGURES

Figure 1 - Site Location Map	10
Figure 2 - Land-use Activities Map	11
Figure 3 - Land-use Map	12
Figure 4 - Land-use Map	13
Figure 5 - Infrastructure and Servicing Map	16
Figure 6 - Leeton LEP 2014 Existing Zoning Map	17
Figure 7 - Project Timeline	41

SCHEDULE OF TABLES

Table 1 - Format of the document	8
Table 2 - Planning Proposal Assessment - Regional Plan	25
Table 3 - Planning Proposal Assessment - Leeton LSPS 2020	26
Table 4 - Preliminary SEPP Assessment	27
Table 5 - SIA Guideline - Social Impact Assessment	35

01

PROJECT INTRODUCTION

PAGE 7

1.1 Project Overview

Housing is the biggest single cost of living pressure in NSW, with mortgage payments and rents representing the largest expense for most households.

Leeton Shire Council is taking action on addressing housing issues in the Leeton Shire, with the completion of the Leeton Housing Strategy 2024 and the Leeton Housing Strategy Implementation Plan 2025.

Both the Leeton Housing Strategy and Implementation Plan recommend a medium density residential development on Lot 330 DP 751742 and Lot 3 DP 1067105, Brobenah Road, Leeton.

The site has a number of benefits for redevelopment, as it comprises a relatively large area of residential zoned land in close proximity to Leeton Hospital, NSW TAFE, the Leeton High School and Public School, Southern Cross Aged Care, Mens Shed and a neighbourhood shop. The site also has existing access to robust road and active transport networks, open spaces and urban utilities.

A number of conceptual redevelopment options for the Brobenah Road site were work-shopped with Council (as landowner) with a preferred option involving medium density housing on Torrens Title lots.

This Planning Proposal has been prepared to rezone Lot 330 DP 751742 and Lot 3 DP 1067105, Brobenah Road, Leeton to R3 Medium Density Residential zone and to remove the minimum subdivision lot size applying to the site, as per the Leeton Local Environmental Plan 2014.

Proposed changes to the Leeton Local Environmental Plan 2014 will allow a Development Application for subdivision to be processed by Leeton Shire Council.

1.2 Structure and Form

The Planning Proposal has been prepared in accordance with the NSW DPPI Local Environmental Plan Guideline, dated August 2023.

Section 2 of the DPPI Local Environmental Plan Guideline includes detailed guidance on what content needs to be included in a Planning Proposal.

Table 1 includes a checklist of all of the information required by the DPPI Local Environmental Plan Guideline and a reference on where the information can be found within this Planning Proposal. The Guideline requires that the Planning Proposal must be prepared to a high standard and complying generally with the requirements detailed in Table 1.

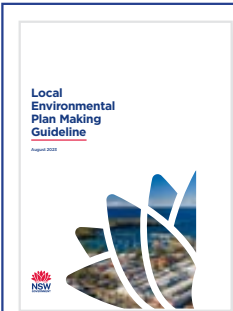


Table 1 - Format of the document

Section No	Section Heading	Description
Section 1	Project Introduction	Section 1 includes introductory information relating to the project, including a project overview and relevant background information.
Section 2	The Existing Environment	Section 2 includes a detailed description of the site, including location, land title and land-use descriptions as well as an assessment of the existing environmental conditions applying to the land.
Section 3	Existing Planning Framework	Section 3 includes a description of the existing planning framework applying to the subject land including provisions under the Leeton Local Environmental Plan (LEP) 2014.
Section 4	Description of the Proposal	Section 4 includes a detailed description of the proposal, including the scope of the proposed changes to the Leeton LEP 2014.
Section 5	Strategic Alignment	Section 5 includes detailed information describing how the planning proposal aligns with the strategic planning framework applying to the subject land.
Section 6	Planning Proposal - Part 1	Section 6 addresses the Part 1 matters for consideration under the DPPI Local Environmental Plan Guideline.
Section 7	Planning Proposal - Part 2	Section 7 addresses the Part 2 matters for consideration under the DPPI Local Environmental Plan Guideline.
Section 8	Planning Proposal - Part 3	Section 8 addresses the Part 3 matters for consideration under the DPPI Local Environmental Plan Guideline.
Section 9	Planning Proposal - Part 4	Section 9 addresses the Part 4 matters for consideration under the DPPI Local Environmental Plan Guideline.
Section 10	Planning Proposal - Part 5	Section 10 addresses the Part 5 matters for consideration under the DPPI Local Environmental Plan Guideline.
Section 11	Planning Proposal - Part 6	Section 10 addresses the Part 6 matters for consideration under the DPPI Local Environmental Plan Guideline.

1.3 Supporting Documentation

The Planning Proposal is supported by a number of strategy documents that have been developed to support the future development of Lot 330 DP 751742 and Lot 3 DP 1067105, Brobenah Road, Leeton. These documents are included as separate reports to the Planning Proposal as a means of demonstrating the strategic merit of the site for rezoning to R3 Medium Density Residential with no minimum subdivision lot size applying to land. A description of these documents is as follows:

Leeton Housing Strategy 2024

The Leeton Housing Strategy 2024 identifies seven (7) growth areas for more detailed investigation, which recommends the Brobenah Road site be developed for medium density housing.



Leeton Housing Strategy implementation Plan 2025

The Leeton Housing Strategy Implementation Plan 2025 undertakes more detailed analysis of the Brobenah Road site. The site is deemed suitable for medium density housing due to its close proximity to Leeton Town Centre, Leeton Hospital, NSW TAFE, Leeton High School and Public School, Southern Cross Aged Care, Leeton Mens Shed, Goodstart Early Learning and Leeton Tourist Supermarket, open spaces, active transport pathways and utilities.



Currajong Development Application Documentation

A Plan of Subdivision and a Statement of Environmental Effects have been prepared for the proposed subdivision of Lot 330 DP 751742 and Lot 3 DP 1067105 Brobenah Road, Leeton into 20 Torrens Title Lots. The DA documentation covers all aspects of the proposal as specified under the NSW Environmental Planning and Assessment Regulation 2021.



02

THE EXISTING ENVIRONMENT

PAGE 10

2.1 Location and Title

The land which is the subject of this Planning Proposal is comprised of Lot 330 DP 751742 and Lot 3 DP 1067105, Brobenah Road, Leeton (the Brobenah Road site).

The site is located approximately 800m north of the Leeton Central Business District (CBD).

The total area of the site is calculated to be approximately 1.51 hectares.

Figure 1 shows the site and its location within the Leeton township.

Figure 1 - Site Location Map



CURRAJONG
PLANNING, PROPERTY • PROJECT MANAGEMENT

2.2 Land-use

The Council owned Brobenah Road site has an area of approximately 1.51 hectares and is relatively flat land with drainage to the adjoining Brobenah Road (east) and a Council managed drainage canal (west).

The subject site is currently zoned R1 General Residential under the Leeton LEP 2014.

Lot 330 DP 751742 was previously used as a caravan park and more recently an off leash area. Several planted trees, internal roads, water services, disused amenities building and parkland seating are established on the site.

Lot 3 DP 1067105 has an existing dwelling and outbuilding (shed) and is currently used as a private residence.

Access to the combined site is from an existing access to Brobenah Road, which is a regional road managed by Leeton Shire Council.

Figure 2 shows the land-use activities currently being undertaken on Lot 330 DP 751742 and Lot 3 DP 1067105.

Figure 2 - Land-use Activities Map



Figure 3 - Land-use Map

2.3 Surrounding Land-use

An analysis of surrounding land-uses has been completed and the following observations are made:

- + Lot 330 DP 751742 and Lot 3 DP 1067105 has a central location in Leeton Township, with orientation to Brobenah Road and Palm Avenue.
- + The land surrounding the site comprise a mix of zones - R1 General Residential and R3 Medium Density Residential (south), R2 Low Density Residential (east), E1 Local Centre and R1 General Residential (north) and RE1 Public Recreation (west).
- + Nearby land-uses include Leeton Hospital, TAFE, Leeton High School and Public School, Goodstart Early Learning Centre, Southern Cross Aged Care, Leeton Mens Shed and a neighbourhood shop.
- + Other notable land-use activities in the area include playing fields to the west.

Figure 3 shows the land-use pattern within the surrounding area.



2.4 Lot Sizes

An analysis of the surrounding minimum subdivision lot sizes has been completed and the following observations are made:

- + Lot 330 DP 751742 and Lot 3 DP 1067105 currently have a 750m² minimum subdivision lot size.
- + The land surrounding the site comprise a mix of minimum allotment sizes - 750m² (north), 4,000m² (east), 500m² (south) and no prescribed minimum size (west).
- + Land further to the south comprising the Leeton Central Business District does not have a prescribed minimum subdivision lot size.
- + A number of isolated sites within proximity, including the adjacent neighbourhood shop do not have a prescribed minimum subdivision lot size.
- + The existing subdivision pattern, particularly the land to the east features a number of allotments which do not comply with the prescribed minimum subdivision lot size (4000m²).

Figure 4 shows the lot size standards applying in the area.

Figure 4 - Land-use Map



2.5 Topography, Slope and Landform

The Brobenah Road site is located on the northern fringe of the elevated areas of Leeton Town Centre.

The site is relatively flat and does not contain any exposed areas that are shown to be causing soil erosion impacts on the land. Any redevelopment is unlikely to significantly impact on soils, erosion or surface water resources.

Review of the CSIRO Acid Sulphate Risk Map and the NSW DPI Naturally Occurring Asbestos Hazard Map indicates a low probability of acid sulphate soils or naturally occurring asbestos at the site.

Based on historic geotechnical reporting undertaken in this area of Leeton, soil conditions are likely to be commensurate with traditional building and road construction.

2.6 Hydrology

The site is relatively flat with drainage to an existing drainage canal managed by Leeton Shire Council (west) as well as to the Brobenah Road drainage system to the east.

The site is sufficiently distanced from existing waterways, drinking water catchments and environmentally sensitive areas.

Part of the site is shown as vulnerable groundwater on Leeton LEP 2014 mapping, with reticulated sewerage being required to be augmented for any redevelopment option.

Any redevelopment is unlikely to impact on surface water quality as no direct impacts on surface water or groundwater resources will result. The likelihood of soil erosion and / or surface water impacts are assessed to be low. Potential hydrology impacts on adjoining property owners are also assessed to be low.

Surface water runoff from the site is capable of being contained within the site for release to legal points of discharge under controlled conditions.

2.7 Biodiversity

The site is not mapped in the Leeton LEP 2014 as containing Terrestrial Biodiversity.

A significance assessment and has been undertaken to determine whether any redevelopment at the site is likely to significantly affect threatened species and / or trigger the NSW Biodiversity Offsets Scheme (BOS).

The potential for the site to significantly affect threatened species is assessed to be low, due to the absence of required habitat for endangered ecological communities. The potential for foraging over the site is also severely restricted given the context and setting of the site. The site is not a declared area of outstanding biodiversity value. Existing vegetation is sparse and mostly planted native species, with clearing of the site unlikely to trigger the BOS.

The potential impacts on the condition, ecological value and significance of fauna and flora on the site are considered to be low and will not change as a result of any redevelopment.

2.8 Heritage

A search of the Aboriginal Heritage Information System (AHIMS) has been completed for the subject land, which showed no Aboriginal sites / places in or near the subject land.

The site is not listed as a heritage item or within a conservation area under the Leeton LEP 2014 or State Heritage Register.

There are no features of the site that are particular rare or have significant heritage value. The proposed development site is relatively well-separated from identified heritage sites / conservation areas.

2.9 Access, Transport and Traffic

The site has an existing access to Brobenah Road, which is a bitumen sealed regional road managed by Leeton Shire Council. This access is shared by the Leeton Mens Shed and other minor land-use activities. A layback access is also established to Lot 3 DP 1067105 that accommodates the existing Council owned dwelling.

The site also adjoins Palm Avenue to the south, however direct access is not readily available, as there is a public car park and irrigation canal that separates the site from Palm Avenue, making access from this road difficult.

Angle parking, kerb and gutter and street lighting is available along Brobenah Road adjoining the site. A public car park also operates from Palm Avenue.

2.10 Environmental Hazards

The site and immediate surrounds comprise a mix of urban land-uses established over 100 years.

- + **Flooding** - A flood study has been completed for Leeton and Yanco, which shows widespread ponding of stormwater in low level catchments. The site is not identified as being located within a high hazard flood prone area. Shallow pooling of stormwater is mapped to occur in the 1% AEP as per Council flood studies.
- + **Bushfire** - According to mapping prepared by the NSW Rural Fire Service, the subject land is not identified as being within a bushfire prone area. Site specific investigations confirm that bushfire risk is not a key constraint to new housing growth in the Brobenah Road site.
- + **Contamination** - There is no evidence of site contamination that would prohibit residential development. Past use of the site as a caravan park and off leash area is unlikely to have site contamination.

02 | THE EXISTING ENVIRONMENT

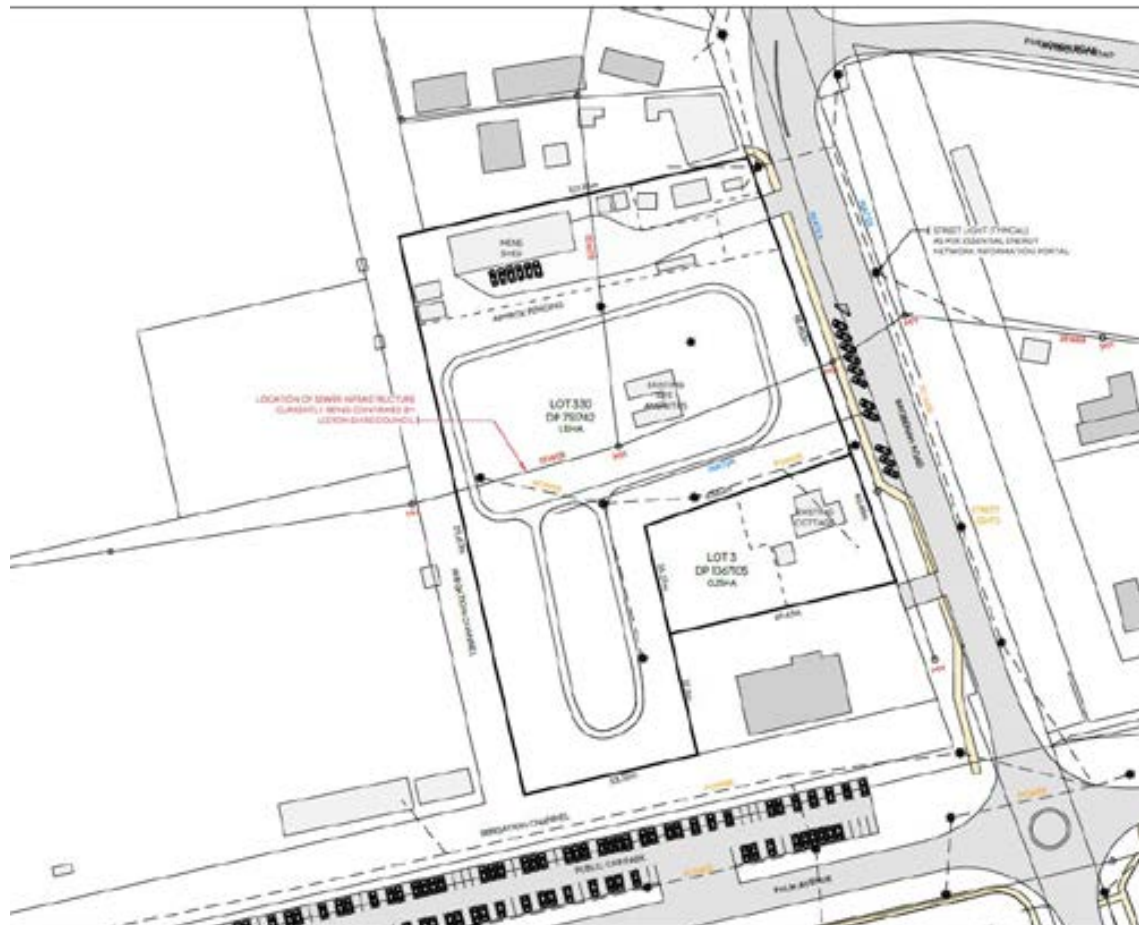
PAGE 16

2.11 Infrastructure and Services

- + **Sewerage** - The Brobenah Road site is already connected to reticulated sewerage in accordance with Leeton Shire Council specifications and requirements. Sewer mains traverse the middle of the site in a east-west direction and also along the northern half of the site. New sewer mains and connections would need to be designed as part of any redevelopment in order to service dwellings. Separation from existing mains is a requirement for redevelopment to ensure integrity of sewer assets and access for maintenance / repairs. Easements for sewer mains would also be necessary to provide access for maintenance / repairs.
- + **Water Supply** - The Brobenah Road site is already connected to reticulated water supply in accordance with Leeton Shire Council specifications and requirements. New water supply connections would need to be designed as part of any redevelopment in order to provide separate connections / meters to dwellings and to comply with the National Construction Code in relation to pressure and flow for firefighting purposes. Water supply mains and hydrants are proposed along new roads.
- + **Public and Private Drainage** - The Brobenah Road site is relatively flat and does not form part of a large drainage catchment or overland flow path. The site drains west to a concrete drainage canal (west) and the Brobenah Road drainage system to the west. It would be necessary for a stormwater management plan to be undertaken as part of any redevelopment process. On-site detention would likely be necessary for medium density options. Easements for drainage may also be necessary to ensure stormwater can drain to a legal point of discharge.

Figure 5 shows the location of existing infrastructure available at the site.

Figure 5 - Infrastructure and Servicing Map



03

PAGE 17

EXISTING PLANNING FRAMEWORK

Figure 6 - Leeton LEP 2014 Existing Zoning Map

3.1 Leeton Local Environmental Plan 2014

The Leeton LEP 2014 is the principal environmental planning instrument applying to the subject land. The Leeton LEP 2014 provides the statutory framework for planning, development and building within the Leeton Shire through zoning controls, development standards and other planning provisions.

The site is zoned R1 General Residential and classified as Operational Land.

Adjoining land-use comprises a mix of urban land-use zoned R1 General Residential and R3 Medium Density Residential (south), R2 Low Density Residential (east), E1 Local Centre and R1 General Residential (north) and RE1 Public Recreation (west).

Nearby land-uses include Leeton Hospital, TAFE, Leeton High School and Public School, Goodstart Early Learning Centre, Southern Cross Aged Care, Leeton Mens Shed and a neighbourhood shop.

Figure 12 shows the existing zoning framework applying to the subject land under the Leeton LEP 2014.



CURRAJONG
PLANNING, PROPERTY • PROJECT MANAGEMENT

03 | EXISTING PLANNING FRAMEWORK

PAGE 18

3.1 Leeton Shire Development Control Plan 2022

The Leeton Shire Development Control Plan (DCP) 2022 applies to the whole of the Leeton Shire and provides detailed planning and design guidelines to support the Leeton LEP 2014.

The Leeton DCP 2022 provides development controls relating to residential, commercial, industrial and associated infrastructure development. There are also a number of site-specific chapters to be considered in the assessment of development applications lodged with Council for particular development types and at particular locations.

The following parts of the Leeton DCP 2022 contain provisions which are likely to be relevant to any future development of the subject land.

- + Part A - Introduction
- + Part B - Design Guidelines
- + Part C - Subdivision Development
- + Part D - Residential Development



3.2 Leeton Section 7.12 Contributions Plan 2023

The Leeton Shire Council Section 7.12 (Fixed Levy) Contributions Plan was adopted by Leeton Shire Council on 1 June 2023. The aim of the plan is to allow the Council to impose a condition on Development Consents that levies a certain percentage of the total cost of the development.

For development projects costing over \$100,000 but less than \$200,000 a contribution amount of 0.5% is levied by Council. For development projects costing over \$200,000, a contribution amount of 1% is levied.

The Leeton Shire Council Section 7.12 (Fixed Levy) Contributions Plan 2023 does not apply to Council-led developments.



DESCRIPTION OF THE PROPOSAL

4.1 Description of the Development Proposal

The Planning Proposal has been prepared to rezone Lot 330 DP 751742 and Lot 3 DP 1067105 to R3 Medium Density Residential, similar to R3 zoned land to the south of Palm Avenue and to remove the existing minimum subdivision lot size applying to the land.

Following consideration of several redevelopment options for the Brobenah Road site by Leeton Shire Council, a preferred option of medium density development on Torrens Title lots was adopted by Council.

A Concept Design Options Report has been prepared for the site, exploring different housing designs for the site. Leeton Shire Council has chosen to develop a small lot torrens title subdivision layout that would allow terrace or villa style housing, with ground floor access to two (2) storey villas.

This style of subdivision / housing is becoming popular with young adults, renters, young couples without children or having the one child and older couples where their children have moved on and they are seeking a smaller dwelling close to shops and health services.

Final design of residential land-use on individual lots would be determined under a Development Application and Construction Certificate process, as follows:

- + Internal roads to allow movement of cars, emergency services vehicles, postal services and garbage truck kerbside pick-up services.
- + Internal streetscape to maximise street tree plantings for shade, lighting and passive surveillance.
- + Buildings designed as detached structures under Torrens Title subdivision.
- + Uniform building envelopes to achieve a consistent building interface and streetscape and solar access to future dwellings, solar collectors on roof profiles and gardens.
- + An open gable roof to cover an alfresco area at the rear of dwellings to promote all-year-round use of outside spaces.
- + Contemporary house type colours and finishes to provide variation along the streetscape.
- + Second storey balconies overlooking public roads and open spaces.
- + Landscaping, including trees and other vegetation to be provided to create high levels of privacy, shade and amenity.

A Development Application has been prepared for the proposed subdivision of Lot 330 DP 751742 and Lot 3 DP 1067105 into 20 Torrens Title lots, which includes the following:

- + Proposed Subdivision Layout Plan.
- + Proposed Servicing Plan.
- + Proposed Landscaping Plan.
- + Statement of Environmental Effects.

It is intended the Development Application would be lodged with Leeton Shire Council for the proposed subdivision of Lot 330 DP 751742 and Lot 3 DP 1067105 into 20 Torrens Title lots on or around the same time as the Planning Proposal.

05

STRATEGIC ALIGNMENT

PAGE 20

The Planning Proposal is consistent with the Riverina Murray Regional Plan 2041, Leeton Housing Strategy 2024 and the Leeton Housing Strategy Implementation Plan 2025.

The Brobenah Road site is ideally suited for medium density land-use, as outlined below:

- + The site has a history of higher density living, having previously used as a caravan park.
- + The site has a central location in proximity to Leeton Hospital, TAFE, Leeton High School and Public School, Southern Cross Aged Care, Mens Shed and a neighbourhood shop.
- + The site has existing access to robust road and active transport networks, open spaces and urban utilities.
- + The site is suitably separated from sensitive land-uses.
- + All potential environmental and amenity impacts associated with the proposal are able to be suitably mitigated within the site.
- + The proposal aligning with the strategic vision for the Leeton Shire and the Riverina Murray Region by supply new medium density housing which is in short supply.

If the Planning Proposal did not proceed, there would be less examples of quality medium density housing in Leeton Shire.

06

PAGE 21

PLANNING PROPOSAL PART 1

Plan Making Guidance - Part 1

The NSW DPHI Local Environmental Plan Making Guidelines require Part 1 of the Planning Proposal to:

- + Provide a clear and concise description of the Planning Proposal and be written in plain English, so it is easily understood by the community.
- + Provide a description of the objectives and intended outcomes of the planning proposal so that they are specific enough to reflect the objective of the proposal yet flexible enough to allow for alternatives.

6.1 Objectives and Intended Outcomes

Section 3.33(2)(a) of the EP&A Act 1979 requires a Planning Proposal to include a statement of the objectives or intended outcomes of the proposed amendments.

Objective

To amend the Leeton LEP 2014 to:

- + Rezone Lot 330 DP 751742 and Lot 3 DP 1067105 Brobenah Road to R3 Medium Density Residential.
- + Remove the minimum subdivision lot size applying to Lot 330 DP 751742 and Lot 3 DP 1067105 Brobenah Road.

Intended Outcomes

- + Extend the existing R3 Medium Density Residential zone to the north.
- + Rationalise the site in the context of adjoining childcare facility, neighbourhood shops, open spaces, roads and active transport connections.
- + Provide opportunity for medium density residential subdivision and development, subject to all consent conditions, approvals and licences being granted.

07

PLANNING PROPOSAL PART 2

Plan Making Guidance - Part 2

The NSW DPHI Local Environmental Plan Making Guidelines require Part 2 of the Planning Proposal to:

- + Provide a detailed statement of how the objectives or intended outcomes will be achieved by amending the LEP.
- + Provide an explanation of provisions, clearly stated and containing enough information on the proposal to assist legal drafting of the LEP.
- + Provide information relating to the proposed zones and / or development standards if known at this stage in the Planning Proposal.

7.1 Explanation of Provisions

Section 3.33(2)(b) of the EP&A Act 1979 requires the Planning Proposal to include an explanation of the provisions that are to be included in the proposed amending instrument.

Intended Provisions

The Planning Proposal seeks to amend the Leeton LEP 2014 by:

- + Rezoning Lot 330 DP 751742 and Lot 3 DP 1067105 Brobenah Road to R3 Medium Density Residential.
- + Removing the minimum subdivision lot size applying to Lot 330 DP 751742 and Lot 3 DP 1067105 Brobenah Road.

No other changes to the Leeton LEP 2014 are proposed.

PLANNING PROPOSAL PART 3

Plan Making Guidance - Part 3

The NSW DPPI Local Environmental Plan Making Guidelines require Part 3 of the Planning Proposal to:

- + Provide a detailed assessment of the proposal's strategic and site-specific merit to determine whether the Planning Proposal should be supported.
- + Integrate findings from supporting studies and investigations.
- + Provide justification for the proposed amendments to the LEP.
- + Consider the interaction between these findings and whether the proposal will align with the strategic planning framework.
- + Consider whether the proposal will have any environmental, social or economic impacts.

The assessment criteria for strategic merit includes:

- + Whether the proposal gives affect to the relevant Regional Plan.
- + Whether the proposal demonstrates consistency with the relevant LSPS or endorsed Strategy.
- + Whether the proposal responds to a change in circumstances that has not been recognised by the existing planning framework.

The LEP should include site-specific merit assessment of:

- + The natural environment on the site and other affected land.
- + Existing, approved and likely future uses of the land.
- + Services and infrastructure requirements of the proposal.

8.1 Need for the Planning Proposal

8.1.1 Is the Planning Proposal a result of any strategic study or report?

The need for the Planning Proposal is a direct result of the Leeton Housing Strategy 2024 and the Leeton Housing Strategy Implementation Plan 2025 prepared by Leeton Shire Council.

Justification for the Planning Proposal has been provided generally throughout this report, however the following key reasons underpin the proposed changes to the Leeton LEP 2014:

- + The site has a history of higher density living, having previously been used as a caravan park.
- + The site is already zoned for general residential purposes.
- + The site has a central location in proximity to Leeton Hospital, TAFE, Leeton High School and Public School, Southern Cross Aged Care, Mens Shed and a neighbourhood shop.
- + The site has existing access to robust road and active transport networks, open spaces and urban utilities.
- + The site is suitably separated from sensitive land-uses.
- + All potential environmental and amenity impacts associated with the proposal are able to be suitably mitigated within the site.
- + The proposal aligns with the strategic vision for the Leeton Shire and the Murrumbidgee Region by supply new medium density housing which is in short supply.

8.1.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The most efficient and effective means of achieving the objectives and intended outcomes of the Planning Proposal are to rezone Lot 330 DP 751742 and Lot 3 DP 1067105 Brobenah Road, Leeton to R3 Medium Density Residential and to remove the existing minimum subdivision lot size applying to the land.

The following alternatives have been considered by Council, but do not provide an appropriate pathway to lead the redevelopment of the site, as described in this Planning Proposal:

- + Use of Clause 4.6 of Leeton Local Environmental Plan 2014 relating to the variation of a development standard or control.
- + Continued reliance on R1 General Residential zone with a Planning Proposal to change in the minimum lot size map only.

8.2 Relationship to the strategic planning framework

8.2.1 Will the planning proposal give effect to the objectives and actions of the applicable regional plan?

The Riverina Murray Regional Plan 2041 establishes a strategic framework, vision and direction for land use, addressing future needs for housing, jobs, infrastructure, a healthy environment, access to green spaces and connected communities. It leverages the region's central location and builds on its strengths to provide smart, efficient and reliable connections that bring residents and visitors closer to jobs, centres, education and the natural environment.

The Riverina Murray Regional Plan 2041 is structured around multiple strategies and collaboration activities, managed under the following themes:

- + Environment.
- + Communities and places.
- + Region-shaping investment.

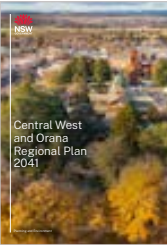
The following objectives are particularly relevant in the context of the Planning Proposal:

- + Objective 5 - Ensure housing supply, diversity, affordability and resilience.
- + Objective 6 - Support housing in regional cities and their sub-regions.
- + Objective 8 - Provide for short-term accommodation.
- + Objective 9 - Plan for resilient places that respect local character.
- + Objective 11 - Plan for integrated and resilient utility infrastructure.

Table 2 includes a brief assessment of the Planning Proposal against the relevant objectives and priorities in the Regional Plan.

Table 2 - Planning Proposal Assessment - Regional Plan

Objective	Preliminary Assessment
5	Implementation of the changes in the Planning Proposal will address an important recommendation in the Leeton Housing Strategy 2024 to increase the supply in medium density housing in strategic sites in Leeton township. Planning and development of the site has been investigated as part of the Leeton Housing Strategy Implementation Plan 2025 and a Concept Options Report tabled with Council in 2024. The Brobenah Road site is well suited to medium density residential housing, given its proximity to Leeton Hospital, TAFE, Leeton High School and Public School, Southern Cross Aged Care, Mens Shed and a neighbourhood shop and access to robust road and active transport networks, open spaces and urban utilities. The Planning Proposal is of a scale that is of local planning significance. Notwithstanding, the proposal is demonstrated to provide leadership on a critical medium density housing services which are lacking in the region.
6	
8	
9	
11	



8.2.2 Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or another endorsed local strategy or strategic plan?

The Leeton Shire Local Strategic Planning Statement (LSPS) 2020 contains planning priorities and actions for a 20-year vision for the Leeton Shire outlining how growth and change will be managed into the future.

In relation to the Brobenah Road site, the Leeton LSPS 2020 identifies the following priorities / actions:

- + Ensure the community has access to diverse housing options.
- + Complete a local housing strategy to ensure adequate supply of diverse housing choices.
- + Review local planning controls to provide greater housing choice by investigating existing density standards and minimum lot sizes.

Table 3 includes an assessment of the Planning priorities / actions in the Leeton LSPS 2020 that are considered to be of particular relevance to the Planning Proposal.

Table 3 - Planning Proposal Assessment - Leeton LSPS 2020

Direction	Preliminary Assessment
Ensure the community has access to diverse housing options.	The need for the Planning Proposal is a direct result of the Leeton Housing Strategy 2024 and the Leeton Housing Strategy Implementation Plan 2025 prepared by Leeton Shire Council. Planning for the site has been investigated as part of the Leeton Housing Strategy Implementation Plan 2025 and a Concept Options Report tabled with Council in 2024. The site is free of hazardous flooding, bushfire prone land or site contamination. The site is well suited to medium density residential housing, given its proximity to Leeton Hospital, TAFE, Leeton High School and Public School, Southern Cross Aged Care, Mens Shed and a neighbourhood shop and access to robust road and active transport networks, open spaces and urban utilities. The changes proposed to the Leeton LEP 2014 are generally considered to be of local significance only to the site and immediate surrounds, and do not create any inconsistencies with the planning priorities and actions contained in the Leeton LSPS 2020.
Complete a local housing strategy to ensure adequate supply of diverse housing choices.	
Review local planning controls to provide greater housing choice by investigating existing density standards and minimum lot sizes.	



08 | PART 3 CONSIDERATIONS

PAGE 27

8.2.3 Is the planning proposal consistent with any other applicable State or regional studies or strategies?

The following strategies / studies have been considered in the preparation of the Planning Proposal:

- + NSW Housing Strategy 2041.
- + Regional Housing Delivery Plan.
- + Future Transport Strategy 2056.
- + NSW Government Architect - Greener Places.
- + State Infrastructure Strategy, a 20 year Economic Vision for Regional NSW.

The Planning Proposal is assessed to be consistent with all relevant State and regional strategies / studies.

8.2.4 Is the planning proposal consistent with applicable State Environmental Planning Policies?

Table 4 shows a list of the State Environmental Planning Policies that have applicability to land within the Leeton LGA.

The table includes an assessment on whether there are provisions within the each SEPP that need to be considered in relation to the Planning Proposal.

Where it is identified that further assessment is required, this work is presented in the following pages.

Table 4 - Preliminary SEPP Assessment

Name of SEPP	Applicability	Further Assessment Warranted?
SEPP (Biodiversity and Conservation) 2021	Applicable	Yes
SEPP (Sustainable Buildings) 2022	Not applicable	No
SEPP (Exempt and Complying Development Codes) 2008	Not applicable	No
SEPP (Housing) 2021	Applicable	Yes
SEPP (Industry and Employment) 2021	Not applicable	No
SEPP (Planning Systems) 2021	Applicable	Yes
SEPP (Primary Production) 2021	Not applicable	No
SEPP (Precincts - Central River City) 2021	Not applicable	No
SEPP (Precincts - Eastern Harbour City) 2021	Not applicable	No
SEPP (Precincts - Western Parkland City) 2021	Not applicable	No
SEPP (Precincts - Regional) 2021	Not applicable	No
SEPP (Resilience and Hazards) 2021	Applicable	Yes
SEPP (Resources and Energy) 2021	Not applicable	No
SEPP (Transport and Infrastructure) 2021	Applicable	Yes

SEPP (Biodiversity and Conservation) 2021

The Biodiversity and Conservation SEPP 2021 aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. Provisions protecting bushland, trees, heritage items, waterways, wetlands and koalas are also included in the SEPP.

The SEPP is applicable to the assessment of the Planning Proposal as it affects land in a non-rural zone and will facilitate a development outcome that is likely to result in the clearing of native vegetation with resulting potential impacts in terms of the biodiversity resources of the land.

The site is largely cleared of native vegetation, the result of use of the land for a caravan park, dwelling-house and urban parkland activities. The site comprises a number of fixed buildings, roads and drainage improvements within cleared areas sown down to Kikuyu grass, surrounded by patches of planted vegetation. As a result, the site is predominately cleared of native vegetation. Habitat value is generally assessed as low.

No clearing of native vegetation as defined under Local Land Services Act 2013 and at levels triggering the BOS is required as part of the Planning Proposal. Assessment of biodiversity impacts under Section 1.7 of the EP&A Act 1979 (which takes into consideration Part 7 of the BC Act 2016) reveals no significant effects on threatened species or their habitats.

Having regard to the above, the Planning Proposal does not create any inconsistencies with the provisions contained in this SEPP.

SEPP (Housing) 2021

This SEPP aims to enable the delivery of diverse housing types, encourage housing that meets the needs of more vulnerable members of the community, and promote the delivery of appropriately designed housing in appropriately planned locations.

The need for the Planning Proposal is a direct result of the Leeton Housing Strategy 2024 and the Leeton Housing Strategy Implementation Plan 2025 prepared by Leeton Shire Council.

The Planning Proposal requests changes to the local planning framework that will enable an optimum development outcome for the Brobenah Road site.

Leeton Shire Council is committed to developing the land into a quality residential subdivision estate that will directly support the creation of new housing opportunities at Leeton in accordance with the principles and provisions of this SEPP.

Development for the purposes of affordable housing, secondary dwellings, group homes, co-living housing, build-to-rent housing, and housing for seniors and people with a disability will all be permissible in the R3 Medium Density Residential zone proposed for the site.

The Planning Proposal is unlikely to create any inconsistencies with the provisions contained in this SEPP.

SEPP (Planning Systems) 2021

The Planning Systems SEPP 2021 provides the framework to determine whether a proposed development is:

- + State Significant Development.
- + State Significant Infrastructure.
- + Regionally Significant Development.

The proposed subdivision of the land into 23 new residential allotments is not identified to meet any of the triggers for State Significant Development and is not State Significant Infrastructure.

The capital investment value of the proposed subdivision works has been costed at less than \$5M, and is therefore not likely to be Regionally Significant Development.

SEPP (Resilience and Hazards) 2021

This SEPP requires that a consent authority must consider the contamination potential of the land, and if the land is contaminated, it is satisfied that the land is suitable for the development in its contaminated state, or that appropriate arrangements have been made to remediate the site prior to the development being carried out.

The Planning Proposal relates only to land which has already been identified by Leeton Shire Council as being suitable for residential purposes.

The following background information has been established by Leeton Shire Council in order to determine the level of assessment required in relation to the issue of potential land contamination at the subject land:

- + The land is not declared to be a significantly contaminated site within the meaning of the Contaminated Land Management Act 1997.
- + The land has not been regulated by the EPA or other regulatory authority in relation to land contamination.
- + There is no history of land-use activities occurring on the land which might give rise to concerns about contamination risk.
- + Site inspection did not identify any earthworks or built improvements which indicate the undertaking of historic land-use activities that could have led to the potential contamination of the land.

On the basis of the above, there is a low likelihood that the site is contaminated and no warrant for further investigations in the form of a Preliminary Contamination Investigation as part of this Planning Proposal.

SEPP (Transport and Infrastructure) 2021

The Transport and Infrastructure SEPP 2021 aims to facilitate the effective delivery of infrastructure across NSW by providing a consistent planning framework for infrastructure provision, and identifying where a more detailed assessment or consultation response may be required for specific types of infrastructure development.

In accordance with Schedule 3 of the SEPP, subdivision developments involving the creation of 200 or more allotments and involving the opening of a public road are identified to be traffic-generating developments of a kind that requires referral to Transport for NSW.

The Planning Proposal relates to a subdivision development that proposes the creation of less than 200 lots and does not require referral to Transport for NSW.

Having regard to the above, the Planning Proposal does not create any inconsistencies with the provisions contained in this SEPP.

8.2.5 Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

An assessment of the Planning Proposal against each applicable Section 9.1 Ministerial Direction is included as follows:

Focus Area 1 - Planning Systems

Direction 1.1 - Implementation of Regional Plans

The Direction applies to the Planning Proposal as it relates to land to which the Riverina Murray Regional Plan 2041 applies. The Direction requires the Planning Proposal to be consistent with the requirements of the Riverina Murray Regional Plan 2041. An assessment against the Regional Plan is included in this Planning Proposal. No inconsistencies have been identified. The Planning Proposal is assessed to be consistent with Ministerial Direction 1.1.

Direction 1.2 - Development of Aboriginal Land Council Land

The Direction does not apply to the Planning Proposal as it does not relate to any land that is shown on the Land Application Map of Chapter 3 of the State Environmental Planning Policy (Planning Systems) 2021.

Direction 1.3 - Approval and Referral Requirements

The Direction generally requires the Planning Proposal not to include provisions requiring concurrence, consultation or referral of a DA to a Minister of a public authority without prior approval. The Planning Proposal seeks to rezone Lot 330 DP 751742 and Lot 3 DP 1067105 from R1 General Residential to R3 Medium Density Residential and to remove the minimum subdivision lot size under the Leeton LEP 2014. The changes proposed to the Leeton LEP 2014 will not alter existing consultation or concurrence obligations prescribed in legislation for new development. The Planning Proposal is assessed to be consistent with Ministerial Direction 1.3.

Direction 1.4 - Site Specific Provisions

The Direction applies when a Planning Proposal will allow a particular development to be carried out. Direction 1.4(1) does not apply because the Planning Proposal does not include a request to introduce or change the permissibility of a land-use on any of the existing zonings that affect Lot 330 DP 751742 and Lot 3 DP

1067105. Direction 1.4(2) requires that the Planning Proposal must contain or refer to drawings that show details of the proposed development. The Planning Proposal is assessed to be consistent with Ministerial Direction 1.4(2).

Focus Area 2 - Planning Systems - Place Based

Ministerial Directions 1.5 to 1.22 are not applicable to the subject land. Further consideration is not considered to be necessary.

Focus Area 2 - Design and Place

This Focus Area was blank when the Directions were made.

Focus Area 3 - Biodiversity and Conservation

Direction 3.1 - Conservation Zones

Direction 3.1(1) requires that a Planning Proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas. Direction 3.1(2) requires that the Planning Proposal must not reduce the conservation standards that apply to the land. The Planning Proposal does not propose any changes of zoning or development on land that is identified as an environmentally sensitive area. The Planning Proposal is consistent with the terms of Ministerial Direction 3.1.

Direction 3.2 - Heritage Conservation

Direction 3.2(1) requires that a Planning Proposal must contain provisions that facilitate the conservation of any environmental heritage items identified in a study of the environmental heritage of the area, Aboriginal objects or places protected under the National Parks and Wildlife Act 1974 or identified by an Aboriginal heritage survey prepared by or on behalf an Aboriginal Land Council, Aboriginal body or public authority.

The planning proposal is assessed to be consistent with this Ministerial Direction for the following reasons:

- + The Planning Proposal does not impact on any known items of Aboriginal cultural heritage significance.
- + The subject land is not mapped in the Leeton LEP 2014 as a heritage item.

- + The Planning Proposal does not change, alter or reduce any of the existing provisions in Leeton LEP 2014 which facilitate the protection and conservation of heritage areas.
- + Clause 5.10 of the Leeton LEP 2014 would continue to apply to any future development on the land.

Direction 3.3 - Sydney Drinking Water Catchments

The Direction does not apply to the Planning Proposal as it does not affect land in any of the Local Government Areas located within the Sydney Drinking Water Catchment.

Direction 3.4 - Application of C2 and C3 zones and Environmental Overlays in Far North Coast LEPs.

The Direction does not apply to the Planning Proposal as it does not affect land on the New South Wales Far North Coast.

Direction 3.5 - Recreation Vehicle Areas

Direction 3.5(1) requires that a Planning Proposal must not enable land to be developed for the purposes of a recreation vehicle area where:

- + The land is within a conservation zone.
- + Where the land comprises a beach or a dune adjacent to or adjoining a beach.
- + Where the land is not within an area or zone referred to in paragraphs (a) or (b) unless the relevant planning authority has taken into consideration the provisions of the guidelines entitled Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of NSW, September, 1985.
- + The provisions of the guidelines entitled Recreation Vehicles Act 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985.

The Planning Proposal is assessed to be consistent with this Ministerial Direction for the following reasons:

- + The proposal does not involve land within a C3 Environmental Management zone.

- + The proposal is to allow the land to be developed for residential land-uses only.

Direction 3.6 - Strategic Conservation Planning

This Direction does not apply to the Planning Proposal as it does not relate to land that is identified as 'avoided land' or a 'strategic conservation area' under State Environmental Planning Policy (Biodiversity and Conservation) 2021.

Direction 3.7 - Public Bushland

This Direction does not apply to the Planning Proposal as it does not relate to land in a prescribed LGA.

Direction 3.8 - Willandra Lakes Region

This Direction does not apply to the Planning Proposal as it does not relate to land identified as the Willandra Lakes World Heritage Property.

Direction 3.9 - Sydney Harbour Foreshores and Waterways area

This Direction does not apply to the Planning Proposal as it does not relate to land within the Foreshores and Waterways Area.

Direction 3.10 - Water Catchment Protection

This Direction does not apply to the Planning Proposal as it does not relate to land within a regulated catchment.

Focus Area 4 - Resilience and Hazards

Direction 4.1 - Flooding

Direction 4.1 requires that a Planning Proposal must include provisions that give effect to and are consistent with:

- + The NSW Flood Prone Land Policy.
- + The principles of the Floodplain Development Manual 2005.
- + The Considering flooding in land use planning guideline 2021.
- + Any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council.

The Planning Proposal is assessed to be consistent with the requirements of Direction 4.1 for the following reasons:

- + The subject land is not located within a floodway or high hazard area.
- + The land is not affected by mainstream flooding, but rather minor stormwater ponding, which can be improved with new development and stormwater management.
- + Stormwater ponding is minor and affects only small parts of the site proposed to be rezoned from R1 General Residential to R3 Medium Density Residential.
- + Robust stormwater drainage structures are to be established at and around the site.
- + No flood related issues are assessed to apply to the safe occupation / efficient evacuation of the site.
- + The proposal is unlikely to result in a significantly increased requirement for government spending on emergency management services, and flood mitigation and emergency response measures, including road infrastructure, flood mitigation infrastructure and utilities.

Direction 4.2 - Coastal Management

The Direction does not apply to the Planning Proposal as it does not affect land within the coastal zone, as defined under the Coastal Management Act 2016.

Direction 4.3 - Planning for Bushfire Protection

The Direction does not apply to the Planning Proposal as it does not affect land that is mapped as bushfire prone land, or land that is within proximity to land that is mapped as bushfire prone land.

Direction 4.4 - Remediation of Contaminated Land

The Direction applies to the Planning Proposal as it relates to land, which is to be used for residential development purposes.

Direction 4.4(l) requires that a Planning Proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land to which this direction applies if the

inclusion of the land in that zone would permit a change of use of the land, unless:

- + The Planning Proposal Authority has considered whether the land is contaminated, and
- + If the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and
- + If the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose.

Direction 4.4(2) requires, before including any land to which this direction applies in a particular zone, the Planning Proposal Authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

The Planning Proposal relates only to land which has already been identified by Leeton Shire Council as being suitable for residential purposes. The following background information has been established by Leeton Shire Council in order to determine the level of assessment required in relation to the issue of potential land contamination at the subject land:

- + The land is not declared to be a significantly contaminated site within the meaning of the Contaminated Land Management Act 1997.
- + The land has not been regulated by the EPA or other regulatory authority in relation to land contamination.
- + There is no history of land-use activities occurring on the land which might give rise to concerns about contamination risk.
- + Site inspection did not identify any earthworks or built improvements which indicate the undertaking of historic land-use activities that could have led to the potential contamination of the land.

The site is considered suitable for medium density residential land-use as proposed in the Planning Proposal. As such, the Planning Proposal does not create any inconsistencies with the provisions contained in this SEPP.

Direction 4.5 - Acid Sulphate Soils

The Direction does not apply to the Planning Proposal as it does not affect land having a probability of containing acid sulfate soils.

Direction 4.6 - Mine Subsidence and Unstable Land

The Direction does not apply to the Planning Proposal as it does not affect land that is within a declared mine subsidence district.

Focus Area 5 - Transport and Infrastructure

Direction 5.1 - Transport and Infrastructure

Direction 5.1(l) requires that a Planning Proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:

- + Improving Transport Choice – Guidelines for planning and development (DUAP 2001).
- + The Right Place for Business and Services – Planning Policy (DUAP 2001).

The Planning Proposal does not create, alter and remove a zoning provision relating to urban land. The development scenario that is to be facilitated by this Planning Proposal is not be expected to compromise the safety or function of the surrounding road network.

Direction 5.1(l) requires that the Planning Proposal must include provisions that give effect to and are consistent with the aims, objectives and principles of:

- + Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and
- + The Right Place for Business and Services – Planning Policy (DUAP 2001).

The Planning Proposal is assessed to be consistent with this Ministerial Direction for the following reasons:

- + Lot 330 DP 751742 and Lot 3 DP 1067105 is located within the Leeton Urban Area.
- + Lot 330 DP 751742 and Lot 3 DP 1067105 has been subject to the Leeton Housing Strategy 2024 and the Leeton Housing Strategy Implementation Plan 2025, which properly consider the necessary transport and infrastructure requirements for a medium density style development on the site.
- + The Planning Proposal does not propose significant changes to the planned uses for the land, which will continue to be for residential purposes.
- + Traffic impacts are assessed to be manageable and within the capacity of the road network.

Direction 5.2 - Reserving land for public purposes

Direction 5.2(l) requires that a 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 (or an officer of the Department nominated by the Secretary).

The Planning Proposal does not reduce the amount of land reserved for public purposes.

Direction 5.3 - Development Near Regulated Airports and Defence Airfields

The Direction does not apply to the Planning Proposal as it does not create, alter or remove a zone or provision relating to land near a regulated airport.

Direction 5.4 - Shooting Ranges

The Direction does not apply to the Planning Proposal as it does not create, alter or remove a zone or provision relating to land adjacent to and / or adjoining an existing shooting range.

Focus Area 6 - Housing

Direction 6.1 - Residential Zones

The Direction applies to the Planning Proposal as it affects land within an existing or proposed residential zone.

Direction 6.1(l) requires the Planning Proposal to include provisions that encourage the provision of housing that will:

- + Broaden the choice of building types and locations available in the housing market, and
- + Make more efficient use of existing infrastructure and services, and
- + Reduce the consumption of land for housing and associated urban development on the urban fringe, and
- + Be of good design.

The Planning Proposal is assessed to be consistent with the requirements of Direction 6.1(l). The proposed subdivision design has been developed to be generally consistent with the Leeton DCP 2022. The Brobenah Road residential subdivision project will contribute to the supply of quality housing opportunities in Leeton.

Direction 6.2(2)(a) requires that the Planning Proposal must contain a requirement that residential development is not permitted until land is adequately serviced or that appropriate arrangements have been made for the servicing of the land. The Planning Proposal is assessed to be consistent with the requirements of this Direction as appropriate arrangements have been made for the supply of all necessary infrastructure and servicing to Brobenah Road site.

Direction 6.2(2)(b) requires that the Planning Proposal not contain provisions which will reduce the permissible residential density of land.

The Planning Proposal requests that changes be made to Leeton LEP 2014 which will have the effect of increasing the permissible density of residential housing on the subject land. The Planning Proposal is consistent with the Direction.

08 | PART 3 CONSIDERATIONS

PAGE 33

Direction 6.2 - Caravan Parks and Manufactured Home Estates

The Planning Proposal does not seek to identify suitable zones, locations and provisions for caravan parks or manufactured home estates. The permissibility of these land-use types in any existing zone under the Leeton LEP 2014 will not be changed as a result of this Planning Proposal. The Planning Proposal is not inconsistent with the requirements of the Direction.

Focus Area 7 - Industry and Employment

Direction 7.1 - Business and Industrial Zones

The Direction does not apply to the Planning Proposal as it does not affect land within an existing or proposed business or industrial zone.

Direction 7.2 - Reduction in non-hosted short-term rental accommodation period

The Direction does not apply to the Planning Proposal as it does not affect land within the Byron LGA.

Direction 7.3 - Commercial and Retail Development along the Pacific Highway, North Coast

The Direction does not apply to the Planning Proposal as it does not affect land within those council areas on the North Coast that the Pacific Highway traverses.

Focus Area 8 - Resources and Energy

Direction 8.1 - Mining, Petroleum Production and Extractive Industries

The Direction does not apply to the Planning Proposal as it does not have the effect of:

- + Prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials.
- + Restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development.

Focus Area 9 - Primary Production

Direction 9.1 - Primary Production

The Direction does not apply to the Planning Proposal as it does not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.

Direction 9.2 - Rural Lands

The Planning Proposal affects land within an existing or proposed rural or conservation zone. It does not propose changes to the existing minimum lot size on land within a rural or conservation zone.

Direction 9.3 - Oyster Aquaculture

This Direction does not apply to the Planning Proposal as it does not affect land within a 'Priority Oyster Aquaculture Area'.

Direction 9.4 - Farmland of State and Regional Significance on the NSW Far North Coast

This Direction does not apply to the Planning Proposal as it does not affect land within a Far North Coast LGA.

8.3 Environmental, Social and Economic Impact

8.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

A review of the Terrestrial Biodiversity Map in the Leeton LEP 2014 confirms the site is not mapped as biodiversity.

The site is largely cleared of native vegetation, the result of use of the land for a caravan park, dwelling-house and urban parkland activities. Habitat value is generally assessed as low.

No clearing of native vegetation as defined under Local Land Services Act 2013 and at levels triggering the BOS is required as part of the Planning Proposal. Assessment of biodiversity impacts under Section 1.7 of the EP&A Act 1979 (which takes into consideration Part 7 of the BC Act 2016) reveals no significant effects on threatened species or their habitats.

8.3.2 Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

- + **Flooding** - A flood study has been completed for Leeton and Yanco, which shows widespread ponding of stormwater in low level catchments. The site is not identified as being located within a high hazard flood prone area. Shallow pooling of stormwater is mapped to occur in the 1% AEP as per Council flood studies. The likely flood impacts on the site are within acceptable limits and that the subdivision of the land for residential purposes is capable of complying with the flood planning requirements of Leeton Shire Council.
- + **Bushfire** - According to mapping prepared by the NSW Rural Fire Service, the subject land is not identified as being within a bushfire prone area. Site specific investigations confirm that bushfire risk is not a key constraint to new housing growth in the Brobenah Road site.
- + **Contamination** - The Planning Proposal relates only to land which has already been identified by Leeton Shire Council as being suitable for residential purposes. There is no evidence of site contamination that would prohibit residential development.

8.3.3 Has the planning proposal adequately addressed any social and economic effects

Social Impact Assessment

An assessment of potential impacts of the Planning Proposal and the resultant medium density development has been undertaken with regards to scoping methodology outlined in the DPHI Social Impact Assessment Guideline 2017 (SIA Guideline).

Table 5 provides an assessment of the Planning Proposal against the criteria in the SIA Guideline.

Table 5 - SIA Guideline - Social Impact Assessment

Matters	Key links to social impacts	Risk of impact without mitigation	Nature of Impact	Explanation
Amenity				
Acoustic	Way of life	Unlikely	Negative	The Planning Proposal is unlikely to generate negative impacts
Visual	Surroundings	Likely	Negative	The Planning Proposal is unlikely to generate negative impacts
Odour	Surroundings	Unlikely	Negative	The Planning Proposal is unlikely to generate negative impacts
Micro climate	Surroundings	Unlikely	Negative	The Planning Proposal is unlikely to generate negative impacts
Access				
Access to property	Way of life	N/A	Nil	The Planning Proposal is unlikely to generate negative impacts
Utilities and public transport	Access to infrastructure, services and facilities	Unlikely	Negative	Existing connections to reticulated water supply, electricity supply and telecommunications are established. New connections to urban service and utilities will be required as part of any subdivision works
Road and rail	Personal and property rights	Likely	Negative	The proposed medium density development of the Brobenah Road site is within the capacity of local road conditions
Built Environment				
Public domain	Community	Likely	Nil	The Planning Proposal does not alter land zoned for public purposes
Public infrastructure	Access to infrastructure, services and facilities	Unlikely	Negative	The Brobenah Road site is within proximity of Leeton CBD, urban services and facilities
Other built assets	Surroundings; Personal and property rights	Unlikely	Nil	The Planning Proposal is unlikely to generate negative impacts
Heritage				
Natural	Way of life	Unlikely	Nil	The Planning Proposal is unlikely to generate negative impacts
Cultural	Community	Unlikely	Nil	The Planning Proposal is unlikely to generate negative impacts
Aboriginal culture	Culture	Unlikely	Negative	The Planning Proposal is unlikely to generate negative impacts
Built	Surroundings	Unlikely	Negative	The Planning Proposal is unlikely to generate negative impacts
Community				
Health	Health and wellbeing	Unlikely	Negative	The Planning Proposal is unlikely to generate negative impacts

08 | PART 3 CONSIDERATIONS

PAGE 36

Matters	Key links to social impacts	Risk of impact without mitigation	Nature of Impact	Explanation
Safety	Surroundings	Likely	Negative	The Planning Proposal has addressed identified safety risks related to flooding
Services and facilities	Way of life, Access to infrastructure, services and facilities	Unlikely	Nil	Existing connections to reticulated water supply, electricity supply and telecommunications are established. New connections to urban service and utilities will be required as part of any subdivision works
Cohesion	Way of life; Community; Culture	Likely	Positive	The Planning Proposal is unlikely to generate impacts
Housing	Way of life, Personal and property rights	Unlikely	Negative	The Planning Proposal will result in a well-designed and construction housing project that is likely to have positive impacts for the local community
Economic				
Natural resource area	Way of life	Unlikely	Negative	The Planning is unlikely to generate negative impacts
Livelihood	Surroundings	Unlikely	Negative	The Planning Proposal is likely to have a positive impact
Opportunity cost	Personal and property rights	Unlikely	Negative	The Planning is unlikely to generate negative impacts
Air				
Air emissions.	Surroundings	Unlikely	Negative	The Planning Proposal is unlikely to generate negative impacts
Biodiversity				
Native vegetation and fauna	Surroundings	Unlikely	Negative	The Planning Proposal is unlikely to generate negative impacts
Land				
Land capability, topography	Surroundings	Unlikely	Negative	The Planning Proposal is unlikely to generate negative impacts
Water				
Quality, availability, hydrological flows	Surroundings	Unlikely	Negative	The Planning Proposal is unlikely to generate negative impacts

Having regard to the findings of the Social Impact Assessment presented in Table 5, it is generally concluded that the proposed changes to the Leeton LEP 2014 are unlikely to be adverse. Only positive changes are expected for the following reasons:

- + Leeton Shire Council's commitment to design and construct a premium residential land subdivision that creates housing opportunity and choice for the Leeton community.
- + Leeton Shire Council's commitment to create a development that is consistent with the Leeton DCP 2022 in terms of the placement of large, standard and compact housing forms.
- + Leeton Shire Council's commitment to the provision of public infrastructure and services.

Economic Impact Assessment

Due to the nature and scale of the Planning Proposal, a detailed Economic Impact Assessment has not been prepared for the Planning Proposal.

The Planning Proposal is not seeking changes to the Leeton LEP 2014 which are likely to create adverse economic consequences.

The Planning Proposal is justified on the basis that it is a long-standing urban land parcel in proximity to Leeton CBD, services and facilities and the residential subdivision project will contribute to the supply of quality housing opportunities in Leeton.

8.4 Infrastructure (Local, State and Commonwealth)

8.4.1 Is there adequate public infrastructure for the Planning Proposal?

The Planning Proposal seeks to amend the Leeton LEP 2014 by rezoning Lot 330 DP 751742 and Lot 3 DP 1067105 to R3 Medium Density Residential, similar to R3 zoned land to the south of Palm Avenue and by removing the minimum subdivision lot size applying to the land.

Existing infrastructure and services are available at the site, including bitumen sealed roads, reticulated water supply electricity supply and telecommunications.

The Planning Proposal does not create an increased demand for public infrastructure and services above or beyond the capabilities of the existing reticulated networks. New connections to urban service and utilities will be required as part of any subdivision works.

8.5 State and Commonwealth Interests

8.5.1 What are the views of state and Federal public authorities and government agencies consulted in order to inform the Gateway determination

State Government Interests

The specific changes that are requested to the Leeton LEP 2014 are likely to have interest to NSW DPHI, Murrumbidgee Irrigation and TfNSW.

Preliminary consultation has been carried out with all these agencies as part of the preparation of the DA for subdivision as well as Leeton Shire Council.

Federal Government Interests

The Planning Proposal is unlikely to be of any particular interest to the Federal Government.

PLANNING PROPOSAL PART 4

Plan Making Guidance - Part 4

The NSW DPHI Local Environmental Plan Making Guidelines provides the following guidance:

- + Mapping must be consistent with the Department's Standard Technical Requirements for Spatial Datasets and Maps, using the same format, symbology, labeling and appropriate scale.
- + All existing and proposed mapping submitted to the Department as part of a Planning Proposal should be accompanied by GIS data. All LEP mapping should commence as early as possible in GIS, particularly with complex planning proposals or Principal LEPs.
- + Mapping may include the subject site and immediate surrounds, current zoning, current development standards and any alternative zones if a change is proposed.
- + Other relevant maps or figures may include maps illustrating changes of development standards, extent of heritage conservation areas, location of specific heritage items, extent of native vegetation, extent of environmental conservation areas and areas to which a local provision will apply.
- + Additional material such as aerial photographs clearly identifying the subject site should also be included where appropriate.

9.1 Project Mapping

The need for the Planning Proposal is a direct result of the Leeton Housing Strategy 2024 and the Leeton Housing Strategy Implementation Plan 2025 prepared by Leeton Shire Council.

The Planning Proposal has been prepared with reference to a Proposed Subdivision Plan, Servicing Plan and a Landscape Plan.

Given the Planning Proposal involves changes to zoning and minimum lot size standards, mapping changes to the Leeton LEP 2014 are required.

10

PAGE 39

PLANNING PROPOSAL PART 5

Plan Making Guidance - Part 5

The NSW DPHI Local Environmental Plan Making Guidelines provides that Part 5 of the Planning should describe:

- + Consultation and outcomes undertaken with council, state agencies or authorities during the pre-lodgement stage.
- + Any community consultation undertaken, or consultation with other key stakeholders
- + The extent of consultation having regard for the public exhibition requirements in Section 1 of the guideline.
- + The required public exhibition period based on the different planning proposal categories.
- + Community consultation will be considered at the Gateway stage, with the Gateway determination confirming the requirements.
- + The Gateway determination may also specify additional information or studies to be finalised before any consultation commences, often to make sure that everyone can make an informed opinion. In some cases, the Gateway determination may require the PPA to submit studies to the Department for review prior to public exhibition.

10.1 Consultation - Pre-lodgement Stage

The Brobenah Road site was recommended in the Leeton Housing Strategy 2024 for medium density housing, which was publicly exhibited in accordance with the Leeton Community Participation Plan 2019.

No submissions / objections to the proposed rezoning of the site was received as a result of community consultation.

11

PAGE 40

PLANNING PROPOSAL PART 6

Plan Making Guidance - Part 6

The NSW DPHI Local Environmental Plan Making Guidelines provides that Part 6 of the Planning Proposal should describe the project timeline as a tool for the Planning Proposal Authority, DPHI and the Parliamentary Counsel's Office to monitor the project through the LEP making process and manage resources accordingly.

As a minimum, the project timeline should describe:

- + Anticipated commencement date (of Gateway determination).
- + Anticipated time frame to finalise the infrastructure studies/plan.
- + Anticipated time frame for completion of any additional technical studies, not completed prior to Gateway.
- + Time frame for public agency consultation.
- + Anticipated dates of public exhibition and, if required, a public hearing.
- + Time frame for submissions to be considered.
- + Time frame for the consideration of a proposal after the exhibition.
- + Date the plan will be made (where council is the LPMA) or date of submission to the Department to finalise the LEP.
- + Date of notification.

11.1 Project Timeline

The Planning Proposal is deemed to fall into the Standard Planning Proposal Category.

An anticipated timeline has been developed for the project and is based on the maximum time frame recommendations provided in the NSW DPHI Local Environmental Plan Making Guidelines for a standard category Planning Proposal.

The timeline is shown in Figure 7.

It may be the Planning Proposal is process quicker than the timeline shown.

Figure 7 - Project Timeline





OCM 24/160

Resolved

THAT Council resolves to:

1. Endorse the Planning Proposal to amend the *Leeton Local Environmental Plan 2014* to facilitate the rezoning of land (Lot 330 DP 751742 and Lot 3 DP 1067105) located on Brobenah Road, Leeton, from R1 General Residential to R3 Medium Density Residential and to remove the minimum lot size requirement.
2. Forward the Planning Proposal to the Minister for Planning to request a Gateway determination pursuant to section 3.34 of the *Environmental Planning and Assessment Act 1979* and to request that authorisation be granted to enable Council to exercise delegation as the local plan-making authority under section 3.36 of the *Environmental Planning and Assessment Act 1979*.

(Moved Cr. George Weston, seconded Cr. Tracey Morris)