



IRF25/1210

Gateway determination report – PP-2025-984

Rezoning of Lot 330 DP 751742 and Lot 3 DP
1067105, Brobenah Road Leeton

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure 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
Attachment A – Draft Planning Proposal, 10 February 2025
Attachment B – Council Report and Resolution, 6 May 2025
Attachment C – Leeton Housing Strategy, July 2024
Attachment D – Leeton Housing Strategy Implementation Plan 2025

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Leeton
PPA	Leeton Shire Council
NAME	Rezone land from R1 to R3 and remove minimum lot size
NUMBER	PP-2025-984
LEP TO BE AMENDED	Leeton Local Environmental Plan 2014
ADDRESS	3 Brobenah Road, Leeton 9 Brobenah Road, Leeton
DESCRIPTION	Lot 330 DP 751742 Lot 3 DP 1067105
RECEIVED	27/05/2025
FILE NO.	IRF25/210
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The objectives of the planning proposal are to:

- rezone land and remove the minimum lot size to enable medium density residential subdivision and development
- provide well-located housing near goods and services which support daily needs

The land has an approximate area of 1.51 hectares and will have a potential yield of 20 lots.

The objectives of the proposal adequately explain the intent of the proposal.

1.3 Explanation of provisions

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

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	R1 General Residential	R3 Medium Density Residential

Control	Current	Proposed
Minimum lot size	750m ²	Nil
Number of dwellings	9 (approx.)	20

The planning proposal contains an explanation of provisions which adequately explain how the objectives of the proposal will be achieved.

Development Proposal

Council has considered several redevelopment options for this site and adopted a preferred option of medium density housing in the form of small lot Torrens title subdivision with terraces. The planning proposal notes that a Development Application is currently being prepared for the subdivision and will be lodged shortly known as the Brobenah Road Housing Project.

Department Comment

The Department notes that the surrounding R3 zoned land around the site has a minimum lot size of 500m² however Council has proposed no minimum lot size for this site. Further discussion on this matter is provided in Section 2 of this report.

As Council proposes to subdivide the site for residential development, a minimum lot size is required to align with the surrounding area and ensure that future landowners have appropriate planning controls to guide their development.

1.4 Site description and surrounding area

The subject site is comprised of Lot 330 DP 751742 and Lot 3 DP 1067105, located approximately 800m north of Leeton CBD. The site has an approximate area of 1.51 hectares with a 135.15m frontage to Brobenah Road and is Council-owned land. While Lot 330 DP 751742 is currently used for a public purpose, it is classified as operational land.



Figure 1: Subject site, outlined blue (Source: Spatial Digital Twin Explorer, 2025)

The site is currently used for a single private residence at Lot 3 DP 1067105 and a community facility, office premises and public recreational space at Lot 330 DP 751742. The northern part of this lot is subject to an active development consent for subdivision into three lots (DA 141/2023 issued 2 July 2024). The planning proposal cites that Lot 330 DP 751742 was previously used as a caravan park.

Adjoining the site is a child-care facility, neighbourhood shops, and a sports field. Surrounding uses to the south also include Leeton Public School and High School, TAFE NSW Leeton, and Leeton District Hospital.

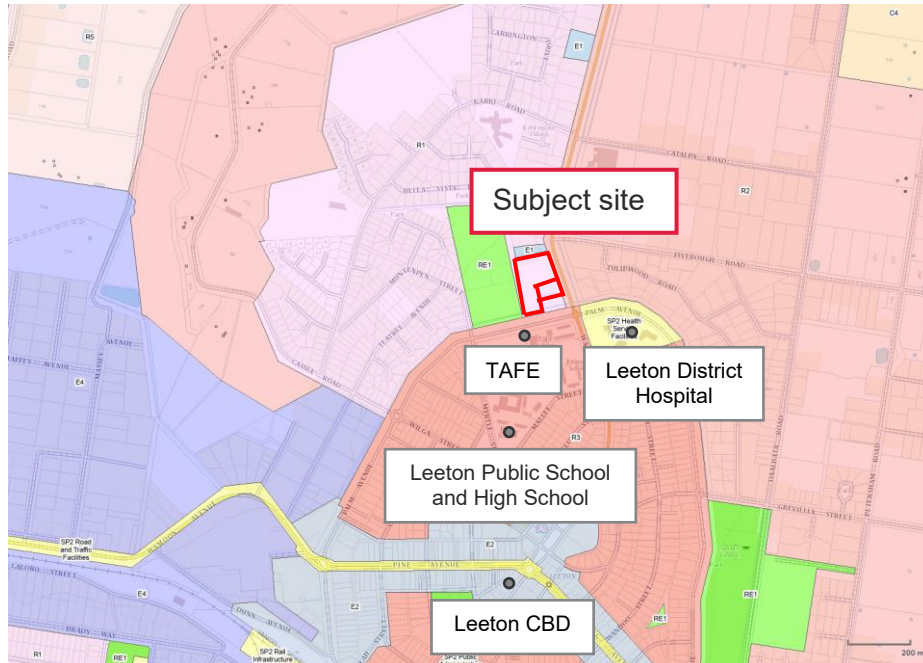


Figure 2: Site context outlined red (Source: NSW Spatial Viewer, 2025)

1.5 Mapping

The planning proposal includes existing maps which are of an insufficient quality and not suitable for community consultation. These maps are to be updated to improve readability and are also to be accompanied with proposed mapping showing the amendments sought to zoning and lot size maps. A condition on the Gateway determination has been imposed requiring these map amendments to the planning proposal prior to public exhibition.

2 Need for the planning proposal

The planning proposal is a direct result of the Leeton Housing Strategy 2024 (LHS) and Leeton Housing Strategy Implementation Plan 2025 (LHSIP). The LHS and LHSIP identify the site as a key growth area for providing additional brownfield and greenfield development opportunities on existing residentially zoned land.

Section 6.3 of the LHS recommends the site be rezoned from R1 General Residential to R3 Medium Density Residential with a minimum lot size of 300m². However, the LHSIP, which outlines the development requirements for nominated growth areas, recommends the site retain the R1 zone whilst reducing the minimum lot size to 300m² only. Given this, the proposed amendments to rezone the site and remove the minimum lot size requirement are inconsistent with the recommendations of the LHS and LHSIP.

The planning proposal lacks justification in departing from the recommended amendments identified in the LHS and LHSIP.

In considering the need for the rezoning, it is noted that the R1 and R3 zones under the current LEP both permit the same range of residential uses, including for medium density housing types. While the proposed rezoning to R3 would not achieve greater flexibility in this regard, it is deemed to have sufficient merit as it would more appropriately align with the recommended minimum lot size reduction envisioned for the site.

The proposed removal of the minimum lot size requirement at the site is not supported in the LHS or LHSIP. While the LHS generally acknowledges removal of the requirement may be suitable in R3 zones across the LGA, the LHSIP has identified a minimum lot size of 300m² as the appropriate density based on an analysis of the site's opportunities and constraints.

While the removal of a minimum lot size may provide greater flexibility on subdivision layout, further assessment on the potential environmental impacts and servicing requirements of the increased density has not been completed to determine its suitability. As Council proposes to subdivide the site for residential development, a minimum lot size is required to ensure that future landowners have appropriate planning controls to guide their development and that a suitable lot density is achieved on the site.

Based on the assessment above, a condition of gateway determination has been imposed requiring the identification of an appropriate minimum lot size on the site prior to exhibition.

3 Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Riverina Murray Regional Plan 2041.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 1: Protect, connect and enhance biodiversity throughout the region	The planning proposal is consistent with the objective as the site is already zoned for residential use and is largely cleared of native vegetation. It is not mapped as containing terrestrial biodiversity under the Leeton LEP. Any potential impacts can be considered at development application stage.
Objective 3: Increase natural hazard resilience	<p>The planning proposal is generally consistent with the objective.</p> <p>The objective aims to ensure the location of new development is commensurate to the risks of natural hazards, including bushfire, salinity and flooding.</p> <p>While the site includes land that is flood prone, Council's Flood Study 2015 and Floodplain Risk Management Study and Plan 2019 identify the flooding impact as low hazard and may be suitable for development, subject to compliance with flood planning requirements at the DA stage. Further assessment of this issue is provided in Section 3.3 and 4.1 of this report.</p>
Objective 5: Ensure housing supply, diversity, affordability and resilience	<p>The planning proposal is consistent with the objective.</p> <p>The proposed changes to the planning controls on the site will provide for more diverse housing. It will capitalise on infill development opportunities located near main streets, open spaces and services.</p>

Regional Plan Objectives	Justification
Objective 8: Provide for short-term accommodation	<p>The planning proposal is generally consistent with the objective.</p> <p>The objective identifies workers' accommodation sites such as caravan parks as an important source of seasonal housing.</p> <p>The proposed rezoning from R1 to R3 would result in the use becoming prohibited development. While Council's strategies acknowledge a lack of workers' accommodation, it has identified medium density residential development as the most appropriate use of the site and the best means of addressing housing demand in the area. Given the availability of appropriately zoned land in other parts of the LGA, the proposal is not considered to constrain the development of new sources of workers' accommodation and it will deliver affordable housing instead.</p>
Objective 9: Plan for resilient places that respect local character	<p>The planning proposal is consistent with the objective.</p> <p>The site is not located on land of Aboriginal or non-Aboriginal heritage significance and will not adversely impact any items of heritage significance within the vicinity, including the locally listed Leeton Public School and High School.</p>
Objective 11: Plan for integrated and resilient utility infrastructure	<p>The planning proposal is consistent with the objective as it prioritises infill development opportunities to maximise existing infrastructure.</p>

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 5 Local strategic planning assessment

Local Strategies	Justification
Leeton Local Strategic Planning Statement	<p>The planning proposal aligns with Actions 1 and 3 of Priority Five – Housing as it provides for greater housing choice by reviewing existing planning controls.</p>
Leeton Housing Strategy 2024 (LHS)	<p>The planning proposal is a result of the LHS and LHSIP. The strategies have not been formally endorsed by DPHI; however, comments were provided to Council during exhibition.</p>
Leeton Housing Strategy Implementation Plan 2025 (LHSIP)	<p>The planning proposal is inconsistent with the LHSIP, which recommends the site retain the existing R1 General Residential zone, with a reduction to a minimum lot size of 300m² only.</p> <p>In considering the need for the rezoning, the proposed R3 Medium Density Residential zone is deemed to have sufficient merit as it would more appropriately align with the recommended minimum lot size reduction envisioned for the site.</p> <p>The proposed removal of the minimum lot size requirement has not been supported with further justification. As Council proposes to subdivide the site for residential development, a minimum lot size is required to ensure that future landowners have appropriate planning controls to guide their development and that a suitable lot density is achieved on the site. A condition of gateway determination has been</p>

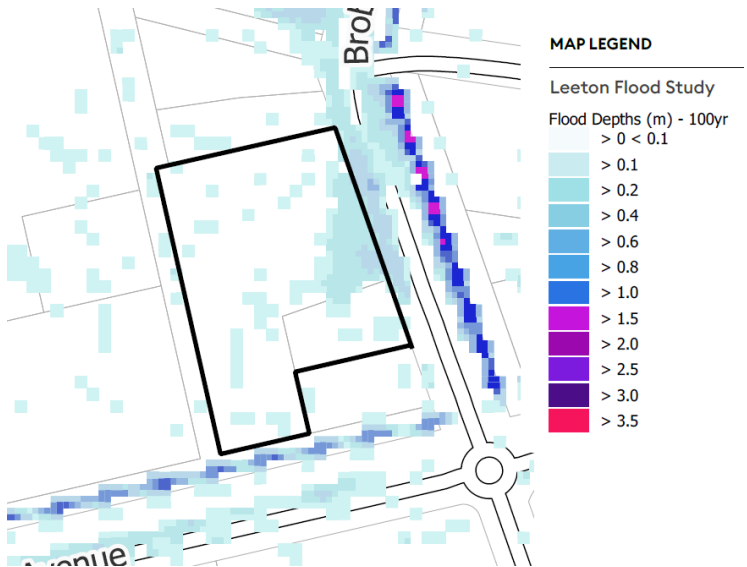
imposed requiring the identification of an appropriate minimum lot size on the site prior to exhibition.

For further discussion, see section 2.

3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed overleaf:

Table 6 9.1 Ministerial Direction assessment

Directions	Consistency	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Consistent	The planning proposal is considered consistent with the relevant regional plan. See discussion in section 3.1.
4.1 Flooding	Inconsistent	<p>Direction 4.1 aims to ensure development of flood prone land is consistent with NSW flood planning policy and considers potential flood impacts on and off the subject site.</p> <p>The site is identified in Council's Flood Study 2015 as low hazard and located in a flood storage area. The following is an excerpt from Council's LHSIP depicting the extent of the 1% AEP on the site (Figure 3).</p>  <p>MAP LEGEND Leeton Flood Study Flood Depths (m) - 100yr > 0 < 0.1 > 0.1 > 0.2 > 0.4 > 0.6 > 0.8 > 1.0 > 1.5 > 2.0 > 2.5 > 3.0 > 3.5</p> <p>Figure 3: 1% AEP flood map (Source: LHSIP, 2025)</p> <p>Per Direction 4.1(1)(d), planning proposals must give effect to any Council adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005.</p> <p>Section 3.3.8 of Council's Floodplain Risk Management Study and Plan (FRMS&P) cautions against development in flood storage areas. It also states that if development is proposed, it should be supported by site-specific development controls to minimise flood risk. While the site is already zoned for residential use and detailed design measures may be addressed at DA stage, it is noted that any future</p>

Directions	Consistency	Reasons for Consistency or Inconsistency
		<p>subdivision in accordance with the proposed amendments would be restricted under Council's current DCP controls.</p> <p>The planning proposal does not address this discrepancy and instead states it is capable of complying with Council's flood planning requirements. Given this, the proposal is inconsistent with the direction as it does not adequately give effect to the Flood Study and FRMS&P.</p> <p>To resolve this inconsistency, further justification is required prior to exhibition and consultation is required with Department of Climate Change, Environment, Energy and Water (DCCEEW).</p>
5.1 Integrating Land Use and Transport	Consistent	<p>Direction 5.1 aims to ensure land use locations improve access to housing, jobs, and services and reduce dependence on cars.</p> <p>The site is located within 800m of Leeton CBD and will allow for increased lot densities near employment, services and public facilities in an existing urban area. While the site is minimally serviced by public transport, its inclusion in the LHS is aligned with active transport improvements identified in the Leeton Active Transport Plan 2023, including shared path upgrades on Brobenah Road.</p>
6.1 Residential Zones	Consistent	<p>Direction 6.1 aims to broaden housing diversity, make efficient use of infrastructure and services, and minimise the environmental impacts of residential development.</p> <p>The planning proposal is consistent with this direction as it intends to rezone the site from R1 to R3 and remove the minimum lot size. This aims to facilitate medium density housing opportunities.</p>

While the following listed directions apply to all planning proposals, the proposal does not seek to alter the Leeton LEP 2014 in a manner that would be inconsistent with the objectives and requirements of the directions, including:

- 1.3 Approval and Referral Requirements
- 1.4 Site Specific Provisions
- 3.1 Conservation Zones
- 3.2 Heritage Conservation
- 3.5 Recreation Vehicle Areas
- 4.4 Remediation of Contaminated Land
- 5.2 Reserving Land for Public Purposes
- 6.2 Caravan Parks and Manufactured Home Estates

3.4 State environmental planning policies (SEPPs)

The planning proposal does not trigger the application of any SEPP at this stage and the subject site is not specified within any land application areas.

4 Site-specific assessment

4.1 Environmental

The following provides an assessment of the potential environmental impacts associated with the proposal.

4.1.1 Groundwater Vulnerability

The northern part of the site is identified as groundwater vulnerable under the Leeton LEP (Figure 4). The planning proposal states that adverse impacts to surface water quality or groundwater resources would be unlikely, given its distance from waterways, drinking water catchments and environmentally sensitive areas. Further assessment of any potential impacts can be undertaken at the DA stage.



Figure 4: Groundwater Vulnerability Map (Source: NSW Spatial Viewer, 2025)

4.1.2 Flooding

The site is identified in Council's Flood Study 2015 and Floodplain Risk Management Study and Plan 2019 as low hazard and located in a flood storage area. As discussed in Section 3.3, further justification and consultation with DCCEEW is required to resolve inconsistencies with Ministerial Direction 4.1 Flooding. The proposal lacks mapping showing the site's flood characteristics. A Gateway condition requires this to be included prior to exhibition.

4.2 Social and economic

The planning proposal will allow greater flexibility in developing medium density housing to accommodate a broader range of households. The LHS also identifies Council-owned land as an opportunity to deliver affordable housing pilot projects to the community. The provision of greater lot densities near Leeton CBD will also strengthen the economic viability of existing centres.

4.3 Infrastructure

The site is currently serviced by existing access roadways, electricity, water sewer, and other essential services. While a potential yield of 20 lots has been identified for the site, Council have confirmed existing services are adequate to support the density increase and can be managed at the DA stage.

5 Consultation

5.1 Community

The planning proposal is categorised as a standard proposal under the LEP Making Guidelines (August 2023). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

5.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- NSW Department of Climate Change, Energy, the Environment and Water

6 Timeframe

Council proposes a 10 month timeframe to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard.

The Department recommends an LEP completion date of 5 May 2026 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

The Department recommends that Council not be authorised to be the local plan-making authority for this proposal as it is the landowner seeking to redevelop the site.

8 Recommendation

It is recommended the delegate of the Secretary:

- note that the consistency with section 9.1 Directions 4.1 Flooding is unresolved and will require further justification.

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

The following conditions are recommended to be included on the Gateway determination:

1. the planning proposal is to be updated to:
 - a) identify an appropriate minimum lot size for the site.
 - b) include maps showing flood impacts to the site and provide further justification to resolve inconsistencies with Ministerial Direction 4.1 Flooding.

- c) update existing maps to be clear and suitable for community consultation and include proposed zoning and lot size maps.
2. consultation is required with the following public agencies:
 - NSW Department of Climate Change, Energy, the Environment and Water
3. prior to community consultation, the planning proposal is to be revised to address conditions 1 and 2 and forwarded to the Department for review and approval.
4. the planning proposal should be made available for community consultation for a minimum of 20 working days.
5. given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 5 May 2026 be included on the Gateway.



4/7/25

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22/7/2025

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