



IRF26/4019

Plan finalisation 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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1 Introduction

1.1 Overview

1.1.1 Name of draft LEP

Leeton Local Environmental Plan 2014 (Map Amendment No. 3).

The draft LEP rezones land at 3-9 Brobenah Road (Lot 330 DP 751742 and Lot 3 DP 1067105), Leeton to R3 Medium Density Residential and applies a minimum lot size of 300m2 for subdivision for the site.

1.1.2 Site description

Table 1 Site description

Site Description	The planning proposal (Attachment A) applies to land at 3 and 9 Brobenah Road, Leeton
Type	Site
Council / LGA	Leeton Shire Council
LGA	Leeton

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 (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.

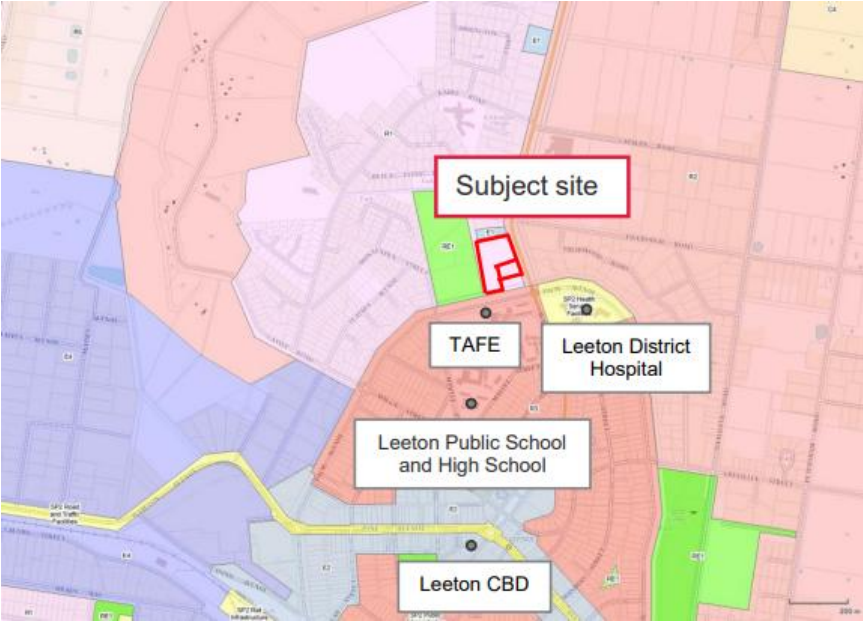


Figure 2 Site context outlined in red (Source: NSW Spatial Viewer, 2025)

1.1.3 Purpose of plan

The table below outlines the current and proposed controls for the LEP.

Table 2 Current and proposed controls

Control	Current	Proposed
Zone	R1 General Residential	R3 Medium Density Residential
Minimum lot size	750m2	300m2
Number of dwellings	9 (approx.)	20

1.1.4 State electorate and local member

The site falls within the Murray state electorate. Helen Dalton MP is the State Member.

The site falls within the Farrer federal electorate. Susan Ley MP is the Federal Member.

To the team’s knowledge, neither MP has made any written representations regarding the proposal.

There are no donations or gifts to disclose, and a political donation disclosure is not required.

There have been no meetings or communications with registered lobbyists with respect to this proposal.

2 Gateway determination and alterations

The Gateway determination issued on 22/07/2025 (**Attachment B**) determined that the proposal should proceed subject to conditions. Council has met all the Gateway determination conditions.

In accordance with the Gateway determination (as altered) the proposal is due to be finalised on 5/05/2026.

3 Public exhibition

In accordance with the Gateway determination, the proposal was publicly exhibited by Council from 1/11/2025 to 28/11/2025, as required by section 29 of the *Local Government Act 1993*.

The Department notes following exhibition of the planning proposal on the portal, the planning proposal was further exhibited in paper form at local businesses for the community to comment. This exhibition took place from 1/11/2025 to 16/01/2026.

A total of 3 community and 1 agency submission were received. No submissions objected to the proposal.

As per gateway condition (4), a public meeting was not required following public exhibition.

3.1 Submissions during exhibition

There were 3 submissions received from community members during public exhibition. These submissions supported the proposal or did not object.

Key issues identified in Council's Post Exhibition Report (**Attachment C**) include:

- Loss of off-leash dog facilities currently provided on site.
- Design and siting of proposed medium density housing on site.
- Concern around how the development would fit into the bigger picture of pathways, roads, shortcuts to town, trees and parks within Leeton.

Council's summary of key issues and responses are included within the Review of Submission (**Attachment D**). Council notes that prior to the redevelopment of the site, it is intended that a suitable off-leash area is established in consultation with the Leeton Community. Council also notes that the site is ideal for the proposed residential housing and that the planning proposal has taken into account the surrounding land-uses, zoning, roads, active transport connect, open space and community facility.

The Department is satisfied that Council has provided an adequate response to submissions.

3.2 Advice from agencies

In accordance with the Gateway determination, Council was required to consult with the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW).

On 24 November 2025, Council received advice from DCCEEW that assessed the flood risk and biodiversity concerns on site. The advice noted:

- Based on the best available information on flood risk on the site, in the Leeton Flood Study Review (adopted in 2025), the planning proposal is considered largely consistent with the NSW Local Planning Direction 4.1 Flooding. Any inconsistency is regarded as minor significance.
- DCCEEW supports Council approach to increasing housing density in existing urban areas and notes that the potential for significant impacts to threatened species and communities from future land use is low.

DCCEEW notes that the proposal lacked sufficient evidence to support the conclusion that biodiversity matters and impacts would be low. DCCEEW completed its own assessment to provide advice on this matter.

The Department is satisfied that no further work is required to satisfy DCCEEW advice.

3.3 Post-exhibition Council agreement

3.3.1 Council resolved changes

At Council’s Ordinary Meeting on 24/02/2026, Council resolved to proceed with the planning proposal, as amended prior to exhibition with the following specific change:

- Update the minimum subdivision lot size standard to identify a 300m2 minimum lot size provision to apply to the site.

4 Department’s assessment

The proposal has been subject to detailed review and assessment through the Department’s Gateway determination (**Attachment B**) and subsequent planning proposal processes. It has also been subject to a high level of public consultation and engagement.

The following reassesses the proposal against relevant Section 9.1 Directions, SEPPs, Regional and District Plans and Council’s Local Strategic Planning Statement. It also reassesses any potential key impacts associated with the proposal (as modified).

As outlined in the Gateway determination report (**Attachment E**), the planning proposal submitted to the Department for finalisation:

- Remains consistent with the regional plans relating to the site.
- Remains consistent with the Council’s Local Strategic Planning Statement.
- Remains consistent with all relevant SEPPs.

The following tables identify whether the proposal is consistent with the assessment undertaken at the Gateway determination stage. Where the proposal is inconsistent with this assessment, requires further analysis or requires reconsideration of any unresolved matters these are addressed in Section 4.1

Table 3 Summary of strategic assessment

	Consistent with Gateway determination report Assessment	
Regional Plan	☒ Yes	☐ No, refer to section 4.1
Local Strategic Planning Statement	☒ Yes	☐ No, refer to section 4.1
Section 9.1 Ministerial Directions	☐ Yes	☒ No, refer to section 4.1
State Environmental Planning Policies (SEPPs)	☒ Yes	☐ No, refer to section 4.1

Table 4 Summary of site-specific assessment

Site-specific assessment	Consistent with Gateway determination report Assessment	
Social and economic impacts	☒ Yes	☐ No, refer to section 4.1
Environmental impacts	☐ Yes	☒ No, refer to section 4.1
Infrastructure	☒ Yes	☐ No, refer to section 4.1

4.1 Detailed assessment

The following section provides details of the Department's assessment of key matters and any recommended revisions to the planning proposal to make it suitable.

Minimum subdivision

The Gateway determination required the planning proposal to be updated to 'identify an appropriate minimum lot size for the site' (condition (1)(a)). As a result, the planning proposal has been updated to identify a 300m² minimum subdivision lot size applying to the site.

The identification of a 300m² minimum lot size aligns with recommendations for minimum lot size controls on this site within the Leeton Local Housing Strategy (LHS), Leeton Housing Strategy Implementation Plan (LHSIP) and the Departments Gateway assessment report.

The proposed minimum lot size is considered appropriate given the strategic alignment with local strategies and will enable the delivery of density based on analysis of the site's opportunities and constraints within the LHSIP.

Flooding

The Gateway determination required that the planning proposal be updated to provide 'maps showing flood impacts to the site and further justifications to resolve inconsistencies with Ministerial Direction 4.1 Flooding' (condition (1)(b)). Following the update, consultation with DCCEE was also required to consider the impacts of flooding on site (condition 3).

The planning proposal was updated, and additional information (or Leeton Flood Study Review) (**Attachment A**) was provided to discuss flood behaviour on the site including peak flood depths, flood function, hazard classification, access and evacuation as well as provides the associated maps supporting the findings. This additional information, has considered flood risks on site based on results from the Leeton 2025 Draft Flood Study Review (now finalised) rather than Council's Floodplain Riaks Management Study and Plan (CFRMS&P) 2015, as assessed against in the planning proposal pre gateway.

The additional flood information found:

- The site is not subject to flooding from any waterways and does not provide conveyance or storage function during floods.
- There is a localised patch of inundation that occurs as a result of accumulated runoff, to depths of less than 0.2m in the 1% AEP event.
- Inundation occurs under existing conditions in the swale drain/nature strip between the eastern site boundary and Brobenah Road.
- A site-specific stormwater management plan offers a feasible solution (from a flooding perspective) to remove both areas of inundation but redirecting runoff into a piped system on/beside Brobenah Road. In addition, it is considered feasible to ensure the driveway is designed and located so as to pass over the swale whole allowing sufficient conveyance beneath (e.g.) through a culvert to avoid any inundation in the driveway.

- Increasing the residential density at the site is not considered to increase the number of occupants at risk as:
 - The site is largely above the 1% AEP level and could feasibly be development to be above the PMF level
 - There is access to the south should evacuation be required, nothing the shallow inundation of Brobenah Road and Palm Avenue is classified as H1, with no restrictions.
- The planning proposal is consistent with Ministerial Direction 4.1 Flooding given the above findings, with the major finding being that the site is not classified as Flood Storage (as previously defined in the CFRMS&P).

As discussed in Section 3.2 of this report, consultation with DCCEEW occurred in November 2025. In this consultation, DCCEEW noted that any inconsistency with Direction 4.1 Flooding is regarded as minor significance given the additional information provided represent the best available information on flood risk at the subject site.

The Department is satisfied that the planning proposal has been adequately updated as per the Gateway conditions and consistency with Direction 4.1 Flooding has now been justified.

5 Post-assessment consultation

The Department consulted with the following stakeholders after the assessment.

Table 5 Consultation following the Department's assessment

Stakeholder	Consultation	The Department is satisfied with the draft LEP
Mapping	Two maps have been prepared by the Department's ePlanning team and meet the technical requirements. Council was consulted on the draft maps on 2/4/2026 (Attachment F)	☒ Yes ☐ No, see below for details
Council	Council was consulted on the terms of the draft instrument under clause 3.36(1) of the <i>Environmental Planning and Assessment Act 1979</i> (Attachment G). Council confirmed on 13/04/2026 that it approved the draft and that the plan should be made (Attachment H).	☒ Yes ☐ No, see below for details

6 Recommendation

It is recommended that the Secretary's delegate:

- Determine that the draft LEP's inconsistency with section 9.1 Direction 4.1 Flooding is justified in accordance with the terms of the Direction.

It is recommended that the Minister's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act because:

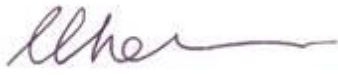
- The draft LEP has strategic merit being consistent with Leeton Local Strategic Planning Statement, Leeton Housing Strategy 2024 and Leeton Housing Strategy Implementation Plan 2025
- It is consistent with the Gateway Determination
- Issues raised during consultation have been addressed, and there are no outstanding agency objections to the proposal.



28/4/26

Tim Collins

Manager, Local Planning and Council Support (Southern, Western and Macarthur Region)



7/5/2026

Chantelle Chow

Director, Local Planning and Council Support (Southern, Western and Macarthur Region)

Assessment officer

Jordan Clarkson

Planning Officer, Local Planning and Council Support (Southern, Western and Macarthur Region)

02 9407 2131

Attachments

Attachment	Document
A	Planning Proposal October 2025
B	Gateway determination 22 July 2025
C	Council post-exhibition report and minutes 24 February 2026
D	Review of Submissions Table
E	Gateway determination report 22 July 2025
F	Council consultation on draft LEP maps 2 April 2026
G	Council consultation of draft LEP 7 April 2026
H	Council confirmation of draft LEP 13 April 2026