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Our Ref: 1004762

Doc ID: 1004762

ABN: 41992 919 200

29 March 2019

[westernregion@planning.nsw.gov.au](mailto:westernregion@planning.nsw.gov.au)

Dear Sir/Madam,

**REQUEST TO MAKE AMENDING LEP  
TO REZONE LOT 650 DP 788871, 75 BELGRAVIA ROAD, MULLION CREEK  
CABONNE LOCAL ENVIRONMENTAL PLAN 2012 (AMENDMENT 9)  
PP\_2018\_CABON\_002\_00**

Cabonne Council requests the making of Cabonne Local Environmental Plan 2012 (Amendment No. 9).

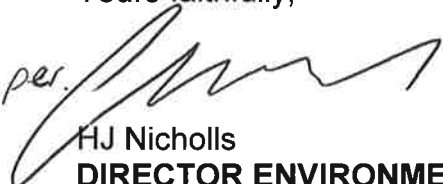
Please find attached for the review of the Western Region Officer of the Department of Planning and Environment, the following documents:

- Parliamentary Counsel Opinion (ref: e2019-038.d02)
- Local Environmental Plan amending document
- Local Environmental Plan amending map and cover sheet (signed)
- The departments tracking sheet
- Council report and extract of the relevant meeting minutes.

The delegate signing the amending Local Environmental Plan is Heather Nicholls, Acting General Manager, Cabonne Council.

Please advise if any additional information is required to enable the finalisation of the rezoning proposal. Should you have any further enquiries, please contact Council's Town Planner Chris Eldred on 6392 3249.

Yours faithfully,

*per.* 

HJ Nicholls  
**DIRECTOR ENVIRONMENTAL SERVICES**

## Attachment 5 –Plan making reporting template when Council is authorised to make the local environmental plan

### Reporting template for LEP amendments where Council is authorised to make the plan

#### Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- Planning proposal authority (PPA) is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the PPA should add additional rows to **Table 2** to include this information
- The PPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP tracking system, LEPs Online, is kept up to date
- A copy of this completed report must be provided to the department with the PPA's request to have the LEP notified

**Table 1 – To be completed by the department**

Stage	Date/Details
Planning Proposal Number	PP 2018 CABON 002 00
Date Sent to DPE under s3.34	10 October 2018
Date considered at LEP Review Panel	NA
Gateway determination date	25 October 2018

**Table 2 – To be completed by the PPA**

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited	29/1/19 - 26/2/19	
Date of public hearing (if held)	N/A.	
Date Council requested draft LEP from PCO	4/3/19	
Date draft LEP received from PCO	18/3/19	
Date Council requested final PCO Opinion	18/3/19	
Date Council received final PCO Opinion	21/3/19	
Date Council provided/requested GIS data or maps.	6/3/19	
Date ePlanning confirmed mapping is suitable and sent to PCO.	28/3/19	
LEP Finalisation date (Date LEP made by GM (or other) under delegation)	29/3/19	
Date sent to DPE requesting notification	29/3/19	

**Table 3 – To be completed by the department**

Stage	Date/Details
Notification Date and details	

**Additional relevant information:**



New South Wales

**PARLIAMENTARY COUNSEL**

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*Opinion*

Environmental Planning and Assessment Act 1979  
Proposed Cabonne Local Environmental Plan 2012 (Amendment No 9)

Your ref: PP\_2018\_CABON\_002\_00/IRF18/5604  
Our ref: e2019-038.d02

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In my opinion the attached draft environmental planning instrument may legally be made.

When the environmental planning instrument is made, a map cover sheet that lists the final form of the maps adopted by the instrument should be signed by the person making the instrument.

A handwritten signature in black ink, appearing to read 'A O'Callaghan'.

(A O'CALLAGHAN)  
Parliamentary Counsel  
21 March 2019



New South Wales

## **Cabonne Local Environmental Plan 2012 (Amendment No 9)**

under the

**Environmental Planning and Assessment Act 1979**

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

A handwritten signature in cursive script, appearing to read 'Heather Nicholls'.

.....  
Heather Nicholls, Acting General Manager  
Cabonne Council as delegate for the Minister of Planning  
29-03-2019

## **Cabonne Local Environmental Plan 2012 (Amendment No 9)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Plan**

This Plan is *Cabonne Local Environmental Plan 2012 (Amendment No 9)*.

### **2 Commencement**

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

### **3 Land to which Plan applies**

This Plan applies to Lot 650, DP 788871, 75 Belgravia Road, Mullion Creek.

### **4 Maps**

The maps adopted by *Cabonne Local Environmental Plan 2012* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

Environmental Planning and Assessment Act 1979

## Cabonne Local Environmental Plan 2012 (Amendment No 9)

**Cabonne Council**  
101 Bank St  
Molong NSW 2866

### Map Cover Sheet

The following map sheets are revoked:

Map Sheet	Map Identification Number
Land Zoning Map LZN_004C	1400_COM_LZN_004C_020_20121023
Lot Size Map LSZ_004C	1400_COM_LSZ_004C_020_20120903

The following map sheets are adopted:

Map Sheet	Map Identification Number
Land Zoning Map LZN_004C	1400_COM_LZN_004C_020_20190305
Lot Size Map LSZ_004C	1400_COM_LSZ_004C_020_20190305



Certified by Heather Nicholls

[Title of Council Delegate] [Date]

Acting General Manager  
Cabonne Council

29/3/2019

Minister for Planning and Environment [Date]

**ITEM 22 - PLANNING PROPOSAL - 75 BELGRAVIA ROAD, MULLION CREEK**

**REPORT IN BRIEF**

<b>Reason For Report</b>	To obtain council resolution to proceed to amend Cabonne Local Environmental Plan 2012
<b>Policy Implications</b>	Nil
<b>Budget Implications</b>	Nil
<b>IPR Linkage</b>	4.5.1.c - Provide appropriate mechanisms for democracy and participation for Cabonne residents
<b>Annexures</b>	Nil
<b>File Number</b>	\\OFFICIAL RECORDS LIBRARY\LAND USE AND PLANNING\PLANNING\AMENDMENT 9 TO LEP 2012 - Lot 650 DP 788871 - 75 Belgravia Road Mullion Creek - 998642

**RECOMMENDATION**

THAT pursuant to section 3.36 of the Environmental Planning & Assessment Act 1979, council forward the Planning Proposal to the Department of Planning and Environment for the Minister to make a Local Environmental Plan to rezone Lot 650 DP 788871, being 75 Belgravia Road, Mullion Creek from RU1 Primary Production to R5 Large Lot Residential with a minimum lot size of 2ha.

**ACTING DIRECTOR OF ENVIRONMENTAL SERVICES REPORT**

Council at its meeting of 25 September 2018 resolved to support a request from RM Mullion Creek to amend the Cabonne Local Environmental Plan 2012 to rezone Lot 650 DP 788871, being 75 Belgravia Road, Mullion Creek from RU1 Primary Production to R5 Large Lot Residential with a minimum lot size of 2ha.

The proposal was forwarded to the department on 10 October 2018 and a Gateway Determination was issued by the department on 25 October 2018.

The planning proposal was placed upon public exhibition for a period of 28 days from 29 January 2019 until 26 February 2018. During the exhibition period the Planning Proposal and all relevant documents were available at the council's Molong office, Orange Library and through council's web site. Notification was made through public advertisement placed in the Central Western Daily newspaper, and by correspondence to adjoining landowners.

As required by the Gateway determination, the planning proposal was forwarded to NSW DPI – Water, NSW Office Environment and Heritage, NSW Rural Fire Service and NSW Local Land Services- Central Tablelands, with submissions to be received by Cabonne Council by 5 December 2018.

By the close of the notification phase no community submissions had been received by council. Responses from NSW Office of Environment and Heritage and RFS were provided, generally in agreement of the rezoning proposal.

The Council may now consider to resolve to proceed with the amendment to the local planning provisions, in accordance with the submitted Planning Proposal, and issued Gateway Determination.



Extract from the minutes of the ordinary meeting of Council held on 26 March 2019.

**ITEM 22 - PLANNING PROPOSAL - 75 BELGRAVIA ROAD, MULLION CREEK**

**MOTION** (Batten/Oldham)

THAT pursuant to section 3.36 of the Environmental Planning & Assessment Act 1979, council forward the Planning Proposal to the Department of Planning and Environment for the Minister to make a Local Environmental Plan to rezone Lot 650 DP 788871, being 75 Belgravia Road, Mullion Creek from RU1 Primary Production to R5 Large Lot Residential with a minimum lot size of 2ha.

Carried