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3 September 2018

Mr D Pfeiffer Regional Director, Western Department of Planning & Environment PO Box 58 DUBBO NSW 2830

Dear Sir,

REQUEST FOR GATEWAY DETERMINATION
PLANNING PROPOSAL FOR REZONING OF LAND
AT 75 BELGRAVIA ROAD, MULLION CREEK - LOT 650 DP 788871
FROM RU1 PRIMARY PRODUCTION TO R5 LARGE LOT RESIDENTIAL
CABONNE LOCAL ENVIRONMENTAL PLAN 2012 (AMENDMENT 9)

Please find attached a Planning Proposal for inclusion of land at Mullion Creek for rezoning from RU1 Primary Production to R5 Large lot Residential under the Cabonne Local Environmental Plan 2012. A minimum lot size of 2ha is proposed for the subject area.

The 41 ha subject land is identified as Lot 650 in DP 788871, known as 75 Belgravia Road, Mullion Creek and is identified in the *'Blayney, Cabonne and Orange City, Sub Regional Rural and Industrial Land Use Strategy (July 2008)'* as part of Strategy Area 5b. Council seeks delegation for the plan making functions associated with this proposal.

The application is to be initially lodged via email, with hard copies and a CD copy of the Planning Proposal and associated documentation to be provide under separate cover. Also attached to this correspondence is a copy of the department's checklist and evaluation criteria for delegation of plan making.

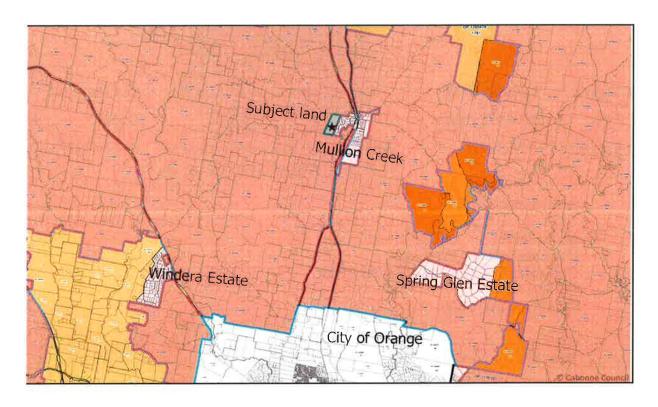
Council requests consideration of the Planning Proposal under the department's Gateway process. Should you have any further enquiries please contact the undersigned during business hours on 6392 3246.

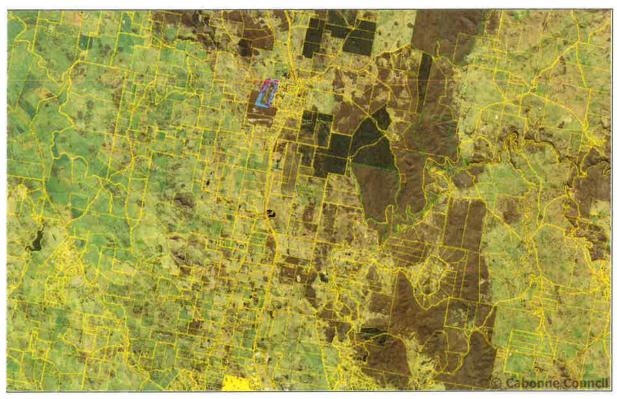
Yours faithfully,

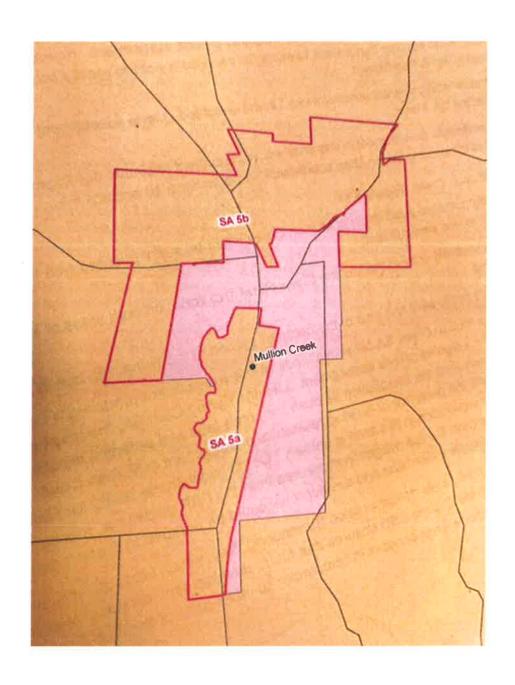
**HJ Nicholls** 

**DIRECTOR ENVIRONMENTAL SERVICES** 

Encl.







Extract – sub regional land use strategy
Subject land forms the southern arm of the SA 5b area

### SA 5 Mullion Creek (Figure 6.5)

The existing lifestyle subdivision at Mullion Creek could be supplemented with further land supply for similar development:

- On the southern entry to the Mullion Creek Rural 1(c) zone, on both sides of Burrendong Way; and
- Expanding north, west and east of the northern section of the Rural 1(c) zoned land (SA 5b).

All parts of the Mullion Creek SA fall within lands whose assessment produced a Constraint Level of 2 in the weighted criteria assessment. Like the Spring Glen SA, the only two contributory constraints are designation as bush fire prone land and potential mineral resource land. Once again, the presence of existing residential development in Mullion Creek means mineral resource exploration in this area is unlikely. Combined with the ability for new lifestyle lots to incorporate bush fire risk mitigation measures from the PBP guidelines, it is considered that further rural lifestyle subdivision and development could be pursued in these locations.

The location of the lifestyle residential area on Burrendong Way, which leads directly southward 10-12 kilometres into the Orange CBD ensures that future development will anjoy relatively good access to its regional-level services in comparison to other parts of the Sub-Region.

Extract from sub regional land use strategy referring to Mullion Creek

SA 5a and 5b areas

### REQUEST FOR INITIAL GATEWAY DETERMINATION

## Relevant Planning Authority Details

Name of relevant planning authority:

Contact Person:

Contact phone number and email:

Cabonne Council

Heather Nicholls

02 6392 3246

heather.nicholls@cabonne.nsw.gov.au

## Planning Proposal Details – attachments

1. LAND INVOLVED
Lot 650 DP 788871, 75 Belgravia Road, Mullion Creek

### Attached / completed

2. MAPS (1 electronic and 2 hard copy)

• Location map

• Existing zoning map

3. PHOTOS

• Aerial photos

4. COMPLETE PLANNING PROPOSAL

(1 electronic and 2 hard copy)

• Attached pro forma

5. PLANNING PROPOSAL HAS BEEN SUPPORTED BY COUNCIL

Signed for and on behalf of Cabonne Council

Attached copy of report

Wich 3 September 2018

(NB Application will be initially submitted via email. Hard copies and CD of the documentation will be provided under separate cover via postal delivery.)

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# Attachment 4 – Evaluation criteria for the delegation of plan making functions

Local Government Area	Cabonne Shire Council
Name of draft LEP	Cabonne Local Environmental Plan 2012 - Amendment 9
Address of land	Lot 650 DP 788871, 75 Belgravia Road, Mullion Creek
Intent of draft LEP	To rezone Lot 650 DP 788871, 75 Belgravia Road, Mullion Creek, from RU1 Primary Production to R5 Large Lot Residential under the provisions of Cabonne Local Environmental Plan 2012, and to provide a minimum lot size over that land of 2ha.
Additional Supporting	Please refer to the attached Planning Proposal and also the
Points / information	council planning report.

# Evaluation criteria for the issuing of an Authorisation

	Council		Department		
(NOTE – where the matter is identified as relevant and the		response		assessment	
requirement has not been met, council is attach information to explain why the matter has not been addressed)	Y/N	Not Relevant	Agree	Disagree	
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Υ				
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y				
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Υ				
Does the planning proposal contain details related to proposed consultation?	Υ				
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Secretary?	Y				
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Υ				
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?					
Minor Mapping Error Amendments					
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?	N				
Heritage LEPs					
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?	N				
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?	N				
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?	N				

Reclassifications			
Is there an associated spot rezoning with the reclassification?		NA	
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		NA	
Is the planning proposal proposed to rectify an anomaly in a classification?		NA	
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		NA	
Has Council confirmed whether there are any trusts, estates, interests, dedications, conditions, restrictions or covenants on the public land and included a copy of the title with the planning proposal?		NA	
Has council confirmed that there will be no change or extinguishment of interests and that the proposal does not require the Governor's approval?		NA	
Has the council identified that it will exhibit the planning proposal in accordance with the Department's Practice Note regarding classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?		NA	
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		NA	
Spot Rezonings			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?		NA	
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?		NA	
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	N		
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		NA	
Does the planning proposal create an exception to a mapped development standard?		NA	
Section 73A matters			
Does the proposed instrument a) correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a	N		
formatting error?; b) address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or c) deal with matters that do not warrant compliance with the	Y		

conditions precedent for the making of the instrument	Υ		
because they will not have any significant adverse impact			
on the environment or adjoining land?			
(Note – the Minister / GSC (or Delegate) will need to form			
an Opinion under section 73(A)(1)(c) of the Act in order for			
a matter in this category to proceed).			

## PROJECT TIMELINE - MULLION CREEK SA 5b PLANNING PROPOSAL

No	Task	Commencement	Completion
1	Gateway Determination Obtain Gateway Determination	October 2018	October 2018
2	Public Exhibition Agency and community consultation to be undertaken as part of the formal public exhibition of the planning proposal in accordance with any conditions of the Gateway Determination	November 2018	December 2018
3	Consider submissions and document finalization Following the public exhibition council staff are to consider, respond and report to council on any submissions received and issues raised, and make any relevant changes to the planning proposal.  This process will determine amongst other things the following:  Whether or not to endorse and/or support the planning proposal  Whether or not to endorse the planning proposal (as (exhibited): or  Whether or not to endorse the planning proposal (as amended)	February 2019	February 2019
4	Submission to the Department and/or Parliamentary Counsel Council to forward the planning proposal to the department and / or Parliamentary Counsel following public exhibition (including and changes made)	March 2019	March 2019
5	Notification Notification of LEP amendment being made	April 2019	April 2019

# Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

#### 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
- RPA is to fill in details in Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to Table 2 to include this information
- The RPA 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 is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table1 – to be completed by the department

Stage	Date/details
Planning Proposal Number	
Date sent to department	
Date considered at LEP Review Panel	
Gateway Determination date	

Table 2 – To be completed by the RPA

Stage	Date/details	Notified Reg off
Dates draft LEP exhibited		
Date of public hearing(if held)		
Date sent to PCO seeking		
Opinion		
Date Opinion received		
Date council resolved to adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP & I requesting notification		

Table 3 – to be completed by the department

Stage	Date/ details	
Notification date and details		

#### Additional relevant information: