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Our Ref:

Doc ID: 967873

ABN: 41992 919 200

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.

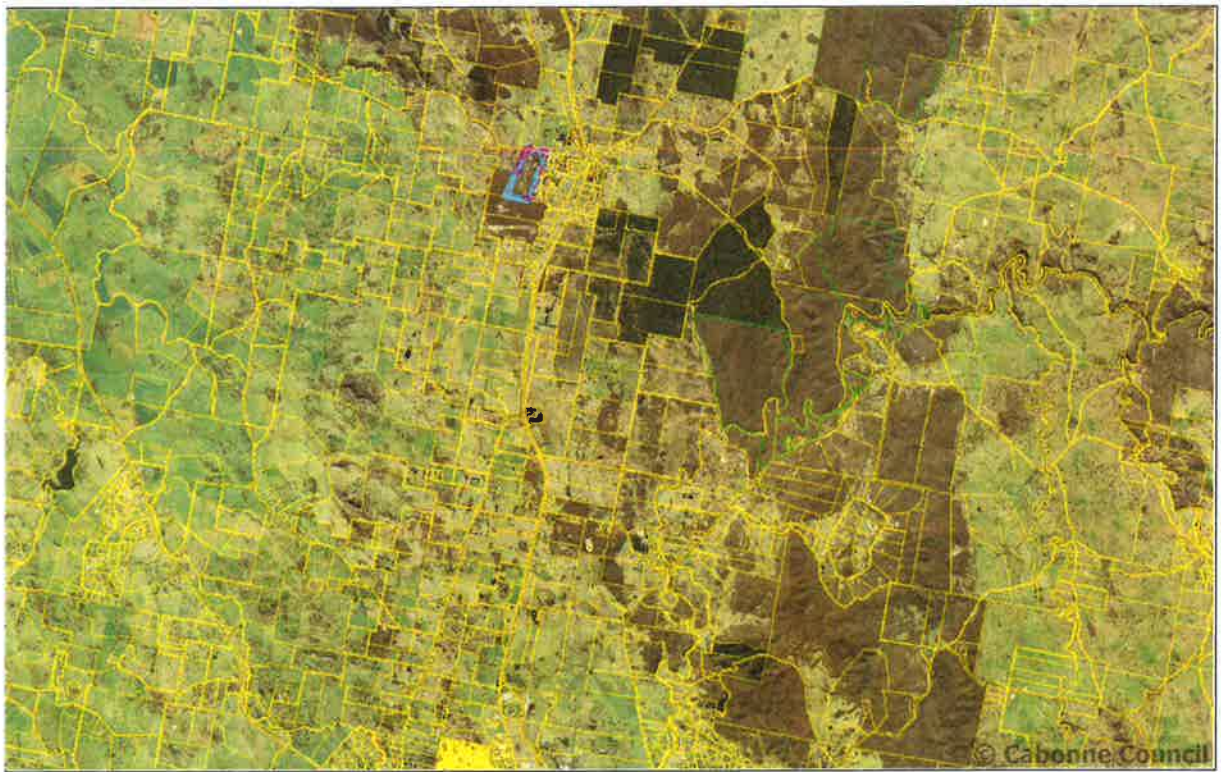
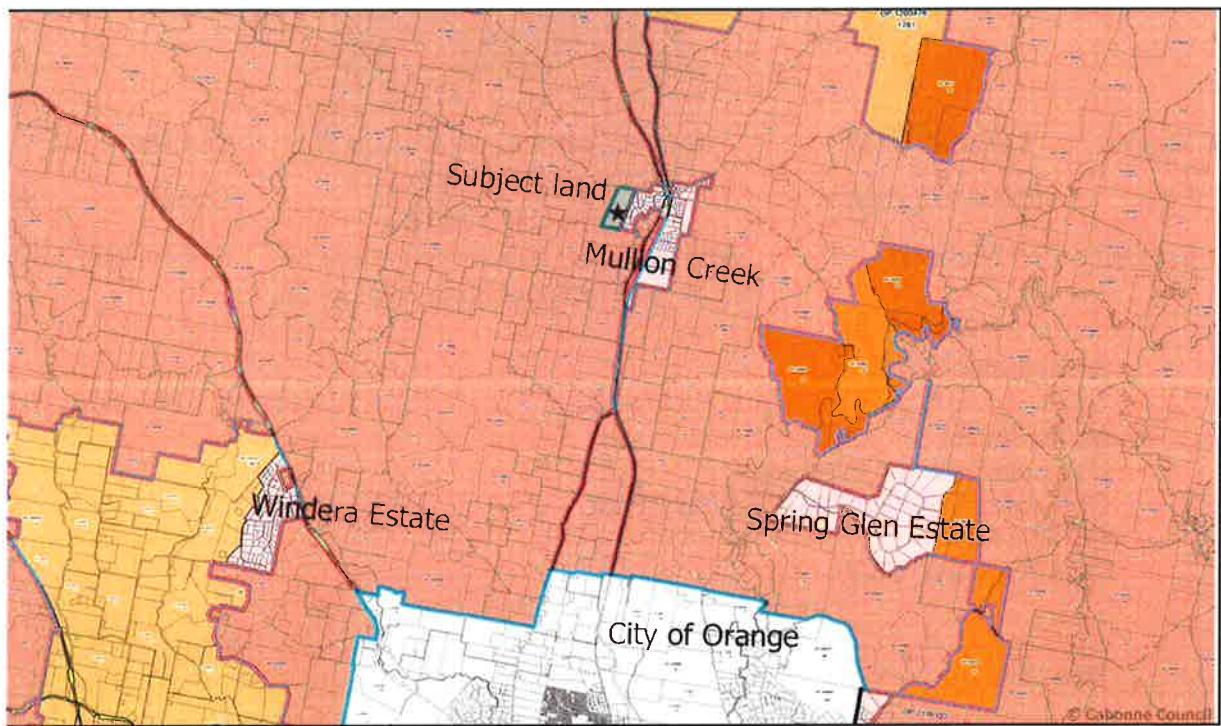
The 41 ha subject land is identified as Lot 650 in DP 788871, known as 75 Belgravia Road, Mullion Creek and is identified in the *'Blayney, Cabonne and Orange City, Sub Regional Rural and Industrial Land Use Strategy (July 2008)'* as part of Strategy Area 5b. Council seeks delegation for the plan making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

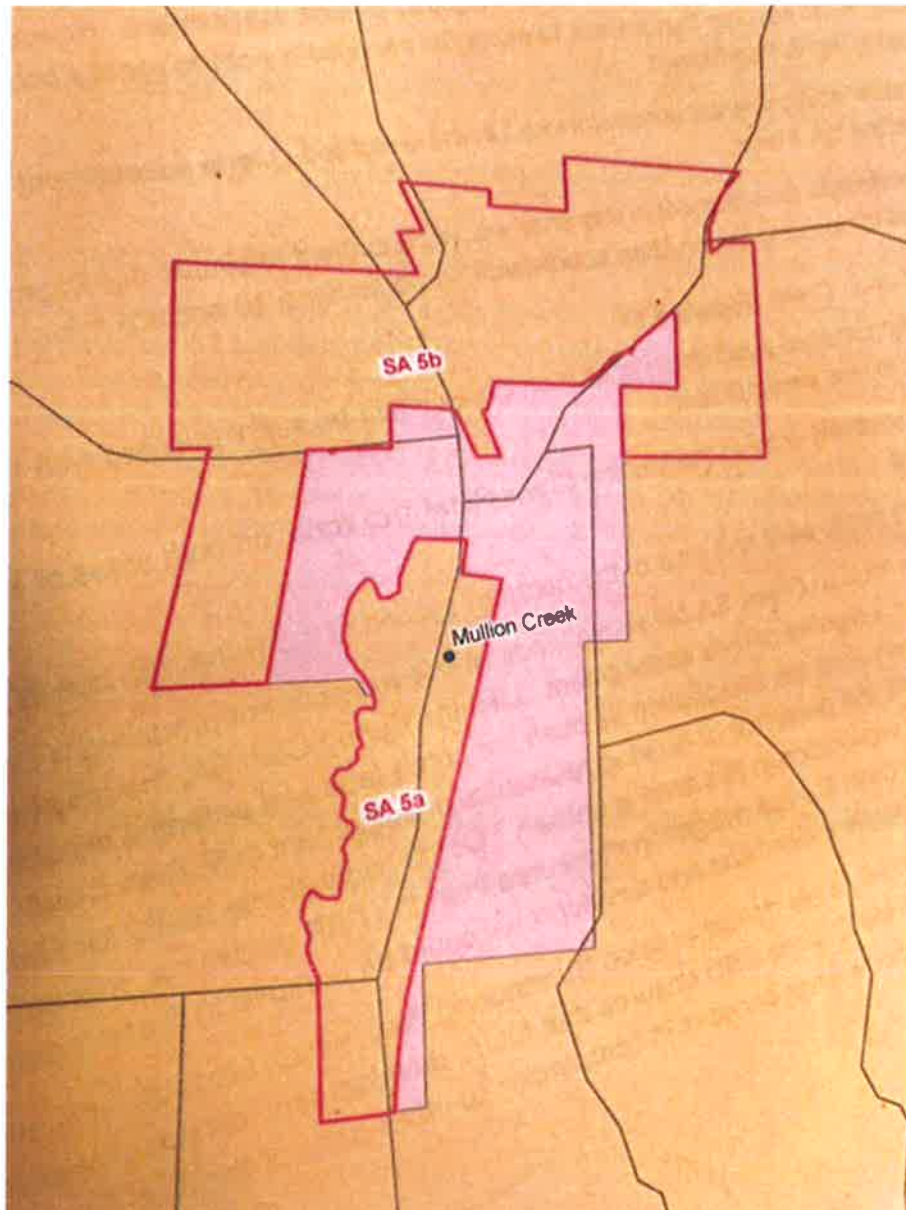
The application is to be initially lodged via email, with hard copies and a CD copy of the Planning Proposal and associated documentation to be provide under separate cover. Also attached to this correspondence is a copy of the department's checklist and evaluation criteria for delegation of plan making.

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 **enjoy 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:	Cabonne Council
Contact Person:	Heather Nicholls
Contact phone number and email:	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)

x

- Location map
- Existing zoning map

x

x

3. PHOTOS

- Aerial photos

x

4. COMPLETE PLANNING PROPOSAL

(1 electronic and 2 hard copy)

x

- Attached pro forma

x

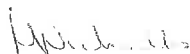
5. PLANNING PROPOSAL HAS BEEN SUPPORTED BY COUNCIL

x

- Attached copy of report

x

Signed for and on behalf of Cabonne Council



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.)

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 Points / information	Please refer to the attached Planning Proposal and also the council planning report.

Evaluation criteria for the issuing of an Authorisation

(NOTE – where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not Relevant	Agree	Disagree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
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?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
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?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
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			

conditions precedent for the making of the instrument 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).	Y			
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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	<p>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.</p> <p>This process will determine amongst other things the following:</p> <ul style="list-style-type: none"> • 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: