

Mr Bradley Byrnes  
General Manager  
Cabonne Council  
99-101 Bank Street  
MOLONG NSW 2864

**Attention: Heather Nicholls, Deputy General Manager**

Dear Mr Byrnes

**Planning proposal (PP-2022-847) to amend Cabonne Local Environmental Plan 2012-1583 Burrendong Way, Mullion Creek.**

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 21 May 2022 in respect of the planning proposal to rezone land from RU1 Primary Production to R5 Large Lot Residential and change minimum lot size from 100ha to 1ha at Lots D and E DP 33623, 1583 Burrendong Way, Mullion Creek.

As delegate of the Minister for Planning, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination.

I have also agreed, as delegate of the Secretary, the inconsistencies of the planning proposal with applicable directions of the Minister under section 9.1 of the Act being Directions 9.1 Rural Zones and 9.2 Rural Lands are justified in accordance with the terms of the Direction. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant applicable directions of the Minister under section 9.1 of the Act being Direction 4.3 Planning for Bushfire Protection and 4.4 Remediation of Contaminated Land. Council should ensure Direction 4.4 is addressed prior to community consultation and Direction 4.3 prior to the LEP being made.

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

The amending local environmental plan (LEP) is to be finalised within **nine (9)** months. Council should aim to commence the exhibition of the planning proposal as soon as possible.

This will be a map only amendment. Parliamentary Counsel's Office is not responsible for the drafting of map-only amendments to LEPs. Requests for legal drafting for map-only amendments must instead be sent to [mapinstrument.drafting@dpie.nsw.gov.au](mailto:mapinstrument.drafting@dpie.nsw.gov.au). The Department of Planning and Environment Western Region team contact should be copied into the request. The request must include the drafting instruction template, planning proposal and gateway determination. Council's request to draft and finalise the LEP should be made eight weeks in advance of the date the LEP is projected to be made.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2021) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Oyshee Iqbal to assist you. Ms Iqbal can be contacted on 58526800.

Yours sincerely

A handwritten signature in black ink, appearing to read 'G. P. Hopkins', written in a cursive style.

6 June 2022

**Garry Hopkins**  
**Director, Western Region**  
**Local and Regional Planning**

Encl: Gateway determination