



## Department of Planning, Housing and Infrastructure

Mr Bradley Burns  
General Manager  
Cabonne Shire Council  
99-101 Bank Street  
Molong NSW 2866

Our ref: IRF24/2353

Dear Mr Burns

### **Planning proposal PP-2023-2772 to amend Cabonne Local Environmental Plan 2012**

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) received on 17 September 2024 in respect of the planning proposal to Rezone land from RU1 Primary Production to E4 General Industrial and reduce the minimum lot size from 100ha to 4,000m<sup>2</sup> at 3772 The Escort Way, Cudal

As delegate of the Minister for Planning and Public Spaces, 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 inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the Act 9.1 Rural Land and 9.2 Rural Zones are justified in accordance with the terms of the Direction.

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 1.4 Site specific provisions, 3.2 Heritage Conservation, 4.3 Planning for Bushfire Protection, 4.4 Remediation of Contaminated land. Council should ensure this occurs prior to public exhibition.

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 proposed local environmental plan (LEP) is to be finalised on or before 24 October 2025. Council should aim to commence the exhibition of the planning proposal as soon as possible. Should Council seek to make a proposed LEP, the request to draft the LEP should be made directly to Parliamentary Counsel's Office well in advance of the date the LEP is projected to be made. A copy of the request should be forwarded to the Department of Planning, Housing and Infrastructure.

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 relevant Department of Planning, Housing and Infrastructure team contact should be copied into the request. The request must include the drafting instruction template, planning proposal and gateway determination.

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, Housing and Infrastructure, August 2023) 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 Jenna McNabb to assist you. Ms McNabb can be contacted on 5852 6811.

Yours sincerely



11/11/2024

**Chantelle Chow**

**Acting Director, Southern, Western and Macarthur Region  
Local Planning and Council Support**

Encl: Gateway determination