Gateway Determination

Planning proposal (Department Ref: PP-2023-2772)*:* Rezone land from RU1 Primary Production to E4 General Industrial and reduce the minimum lot size from 100ha to 4,000m^2, 3732 The Escort Way, Cudal

I, the Acting Director, Southern, Western and Macarthur Region at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Cabonne Local Environmental Plan 2012 to Rezone land from RU1 Primary Production to E4 General Industrial and reduce the minimum lot size from 100ha to 4,000m^2 should proceed subject to the following

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

(a) the planning proposal authority has satisfied all the conditions of the gateway determination;

(b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and

(c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before 24 October 2025.

Gateway Conditions

1. Prior to public exhibition:

   a. The planning proposal should be updated to include mapping clearly showing current and proposed zoning and minimum lot size changes and a revised project timeline.

   b. The planning proposal should be updated to clarify the intent to include additional land uses as permitted with consent on the land as discussed within the planning proposal.

   c. Consultation is required with Heritage NSW to determine the consistency with section 9.1 Direction 3.2 Heritage Conservation

   d. Consultation is required with Rural Fire Service (RFS) to determine the consistency with section 9.1 Direction 4.3 Planning for bushfire protection.

2. Prior to public exhibition, the planning proposal is to be revised to address conditions 1 and 2 and forwarded to the Department for review and approval.

3. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the

Act as follows:

(a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and

(b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).

4. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:

- Transport for NSW (TfNSW)

TfNSW is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.

5. Prior to finalisation, a Preliminary Site Investigation is to be undertaken to determine consistency with section 9.1 Direction 4.4 Remediation of Contaminated Land.

6. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 11 November 2024

Chantelle Chow
Acting Director, Southern, Western
and Macarthur Region
Local Planning and Council Support
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces