

Mr Bradley Byrnes
General Manager
Cabonne Council
99-101 Bank St
Molong NSW 2866

Our ref: PP-2023-417; IRF24/43

Dear Mr Byrnes

Planning proposal (PP-2023-417) 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) and additional information received on 2 January 2024 to rezone land from RU1 to R5 and amend minimum lot size for land at Cargo Road/Sherwin Street, Cargo.

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 Zones and 9.2 Rural Land is justified in accordance with the terms of the Direction.

No further approval is required in relation to the 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, specifically 4.1 Flooding and 4.3 Planning for Bushfire Protection. 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 1 May 2025. Council should aim to commence the exhibition of the planning proposal as soon as possible, subject to the conditions of the Gateway Determination.


As the Parliamentary Counsel's Office is not responsible for the drafting of map-only amendments to LEPs, should Council seek to make a proposed LEP, requests for legal drafting for map-only amendments must be sent to mapinstrument.drafting@dpie.nsw.gov.au. The department's Western Region team should be copied into the email request at westernregion@planning.nsw.gov.au. 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 Simon French to assist you. Simon can be contacted on 02 9274 6276.

Yours sincerely



Garry Hopkins
Director, Western Region
Local and Regional Planning

Encl: Gateway determination

7 March 2024