Mr Bradley Byrnes Our ref: IRF24/675

General Manager

Cabonne Shire Council

99-101 Bank Street

Molong NSW 2866

**Attention: Richard Pamplin, Department Leader – Development Services**

Dear Mr Byrnes

**Planning proposal (PP-2024-969) 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 8 May 2024 in respect of the planning proposal to amend Schedule 1 of the Cabonne Local Environmental Plan 2012 for an additional permitted use of a child care facility at 21 Noble Street, Eugowra, also described as Lot 150 DP750182.

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 direction of the Minister under section 9.1 of the Act: 1.4 Site Specific Provisions is considered to be justified as minor and 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: 4.1 Flooding and 4.3 Planning for Bushfire Protection. Council should ensure this occurs 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 proposed local environmental plan (LEP) is to be finalised on or before 28 March 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.

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 Gary Hinder to assist you. Mr Hinder can be contacted on 02 9873 8547.

Yours sincerely

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Chantelle Chow

A/Director, Southern, Western and Macarthur Region

**Local Planning and Council Support**

Encl: Gateway determination