

## Gateway Determination

***Planning proposal (Department Ref: PP\_2020\_KYOGL\_001\_00): to activate the Kyogle central business district by facilitating the redevelopment of commercial premises, permitting certain residential uses in the Kyogle CBD, requiring active street frontages in the B2 Zone and allowing certain temporary uses as exempt development.***

I, the Director, Northern Region at the Department of Planning, Industry and Environment, 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 Kyogle Local Environmental Plan (LEP) 2012 to activate the Kyogle central business district by facilitating the redevelopment of commercial premises, permitting certain residential uses in the Kyogle CBD, requiring active street frontages in the B2 Zone and allowing certain temporary uses as exempt development should proceed subject to the following conditions:

1. Prior to public exhibition, the proposal is to be amended to:
  - (a) include consideration of Section 9.1 Direction 2.6 Remediation of contaminated land;
  - (b) replace references to the proposed definition of 'artisan workshop' with 'light industry' in Part 2 Explanation of provisions;
  - (c) alter the section relating to the new clause 6.xx Protection of non-residential uses in Zone B2 from effects of residential development to identify the impact of new residential uses will be assessed through an appropriate head of consideration; and
  - (d) identify that the proposed temporary use of buildings for retailing or exhibition of agricultural produce, locally produced (packaged) food and drink products, art, craft products and events, community and tourism services and promotion will be exempt development rather than development without consent.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 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 section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).

3. Consultation is required with the Biodiversity and Conservation Division of the Department Planning, Industry and Environment under section 3.34(2)(d) of the Act. name of public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.
4. 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).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions 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 section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
  - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **6 months** following the date of the Gateway determination.

Dated 17 day of November 2020.



**Jeremy Gray**  
**Director, Northern Region**  
**Local and Regional Planning**  
**Department of Planning, Industry and**  
**Environment**

**Delegate of the Minister for Planning**  
**and Public Spaces**