



Planning & Infrastructure

Mr A Piggott
General Manager
Kyogle Council
PO Box 11
KYOGLÉ NSW 2474

Our ref: PP_2013_KYOGL_002_00 (13/18988)

Dear Mr Piggott

Planning proposal to amend Kyogle Local Environmental Plan 2012

I am writing in response to your Council's letter dated 14 November 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend Kyogle LEP 2012 by adding provisions to enable rural boundary adjustments and subdivision of split zoned lots, to create lots in rural zones which are less than the minimum lot size shown on the Lot Size Map.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

Council will need to obtain the agreement of the Director General to comply with the requirements of the s117 Direction 4.4 Planning for Bushfire Protection. Council should ensure that this occurs prior to the plan being made.

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Paul Garnett of the Northern Region office of the department on 02 6641 6607.

Yours sincerely


Stephen Murray

**Regional Director
Northern Region**

Planning Operations and Regional Delivery

26 November 2013

Gateway Determination

Planning proposal (Department Ref: PP_2013_KYOGL_002_00): to amend Kyogle LEP 2012 by adding provisions to enable rural boundary adjustments and subdivision of split zoned lots, to create lots in rural zones which are less than the minimum lot size shown on the Lot Size Map.

I, the Regional Director, Northern Region at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Kyogle Local Environmental Plan (LEP) 2012 to add provisions to enable rural boundary adjustments and subdivision of split zoned lots, to create lots in rural zones which are less than the minimum lot size shown on the Lot Size Map, should proceed subject to the following conditions:

1. Prior to undertaking community consultation, Council is to amend the 'Objectives or Intended Outcomes' or the 'Explanation of Provisions' within the planning proposal to ensure that the intended outcomes of each clause is consistent with the wording of the draft clauses. A plain English explanation of the intent of each clause is to be included in the 'Explanation of Provisions' section of the planning proposal.
2. Council is to consult with the NSW Rural Fire Service as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs* (Department of Planning & Infrastructure 2013) and must be made publicly available for a minimum of **14 days**; and
 - (b) the relevant planning 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 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning & Infrastructure 2013).
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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 timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 26th day of November 2013.



Stephen Murray
Regional Director
Northern Region

Planning Operations and Regional Delivery
Department of Planning and Infrastructure

Delegate of the Minister for Planning and
Infrastructure



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Kyogle Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_KYOGL_002_00	Planning proposal to amend Kyogle LEP 2012 by adding provisions to enable rural boundary adjustments and subdivision of split zoned lots, to create lots in rural zones which are less than the minimum lot size shown on the Lot Size Map.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 26 November 2013


Stephen Murray
Regional Director
Northern Regional
Planning Operations and Regional Delivery
Department of Planning and Infrastructure