

Mr G Kennett
General Manager
Kyogle Shire Council
PO Box 11
KYOGLÉ NSW 2474

Our ref: PP_2017_KYOGL_004_00 (16/16169)

Dear Mr Kennett

Planning proposal to amend Kyogle Local Environmental Plan (LEP) 2012

I am writing in response to your Council's request for a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 (the Act) in respect of the planning proposal to integrate and rezone all deferred land into Kyogle LEP 2012, apply associated development standards and consolidate rural lands into the RU1 Primary Production Zone.

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

As you are aware the application of rural zones in accordance with the E Zone Final Recommendations Report is a temporary measure until such time as investigations are completed to identify appropriate E Zones or additional mapped planning controls. As such, in accordance with section 59(4) of the EP&A Act, Council is required to prepare and submit a Planning Proposal which seeks to apply E Zones and / or additional mapped planning controls in accordance with the Final Recommendations Report. The Planning Proposal is to be submitted within 12 months of this LEP being finalised.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with S117 Directions 2.3 Heritage Conservation, 4.3 Flood Prone Land, 5.10 Implementation of Regional Plans, and 6.2 Reserving Land for Public Purposes are justified in accordance with the terms of the directions. In relation to S117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the creation of land for public purposes on the basis that it reflects the existing public recreation use of the Kyogle showground and sportsfields. No further approval is required in relation to these Directions.

Council will still need to obtain the agreement of the Department's Secretary to comply with the requirements of S117 Direction 4.4 Planning for Bush Fire Protection. Council should ensure this occurs prior to the plan being made.

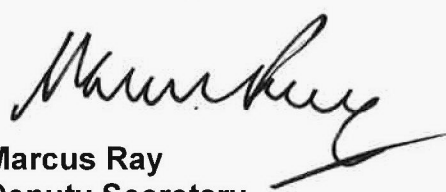
Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has accepted this delegation. Consistent with the Secretary's letter of 1 March 2016 planning matters which relate to the implementation of the *Northern Councils E Zone Review Final Recommendations* (the 'Final Recommendations') will remain with the Department. I have therefore decided not 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 for the Department of Planning and Environment to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

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 Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Mr Paul Garnett of the Department's Northern Region office to assist you. Mr Garnett can be contacted on (02) 6641 6607.

Yours sincerely



Marcus Ray
Deputy Secretary
Planning Services

07/06/2017
Encl:
Gateway Determination