

PLANNING PROPOSAL

Proposed amendment to Kyogle Local Environmental Plan 2012

Amendment No. 13 – Rezoning at 6399 Kyogle Road

15 March 2017



Introduction

Overview

This Planning Proposal explains the intended effect and justification for the proposed amendment to the *Kyogle Local Environmental Plan 2012* (KLEP), herein referred to as the LEP Amendment. The amendment has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the relevant Department of Planning and Environment guidelines including *A guide to preparing planning proposals, 2012* (the Guideline).

The Land Use Zones that currently apply to the subject land are Zones RU1 Primary Production and RU2 Rural Landscape. Council at its Ordinary Meeting of 12 December 2016 resolved to prepare an amendment to the KLEP to amend the Land Use Zone to Zone IN1 General Industrial. The proposed LEP Amendment is intended to facilitate the making of a development application that will seek consent to the establishment of a **truck depot**.

The proposed LEP amendment has been the subject of a report to the Council's Ordinary Meeting of 12 December 2016 which addressed the circumstances and benefits of the proposed amendment. Council resolved to prepare a Planning Proposal and forward it to the Department of Planning for Gateway Determination. A copy of the Council resolution is included at Attachment A. There are no other supplementary reports that are relied on for this Planning Proposal which has been prepared in support of a requested Gateway Determination to proceed with the proposed LEP Amendment under Section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Preparation of Planning Proposal

This Planning Proposal has been prepared by Kyogle Council staff and is based on the report put to Council at its Ordinary Meeting of 12 December 2016, and its unanimous resolution to proceed with the proposed LEP Amendment. The proposed LEP Amendment, if it is to proceed, will be the 13th amendment undertaken by Kyogle Council to its KLEP.

Site Identification

The proposed LEP Amendment applies to a parcel of land located at 6399 Kyogle Road which has the real property description Lot 2 DP 1220463; the site is shown in Figure 1 below.



Figure 1 Land affected by Planning Proposal

The subject site is approximately 5 hectares in area and has approximately 300 metres of frontage to Kyogle Road. The subject site was developed some years ago for the purposes of a bulk storage and distribution facility and the infrastructure and buildings remain on the site. The proposed use of the facility is for the purposes of a depot to support an existing earthmoving and heavy haulage business as well as the continued use of the bulk storage and distribution facilities. A photograph of the subject site is shown in Figure 2 below.



Figure 2 Site viewed from Kyogle Road entrance

Existing Planning Controls

The KLEP commenced on 11 February 2013 and is in the format of the NSW Standard Instrument for LEPs. Existing planning controls that are to be affected by the proposed LEP Amendment are summarised in Table 1 below. There are no other provisions affected and no other new provisions proposed as part of the proposed LEP Amendment.

Table 1 Existing Planning Controls

Section of KLEP	Comment
Land Zoning Map-Sheet LZN_003D	The subject land is currently shown on the map as being within Zones RU1 and RU2.
Land Zoning Map-Sheet LZN_004C	The subject land is currently shown on the map as being within Zones RU1 and RU2.

The Planning Proposal seeks to alter the Land Use Zone of the land from Zones RU1 and RU2 to Zone IN1 General Industrial.

Part 1 – Objectives and Intended Outcomes

Objectives

The objective of the proposed amendment is to:

- 1) Apply a Land Use Zone that reflects the strategic intent and desirable use of the land.
- 2) Provide for the efficient use of land and infrastructure and an opportunity for economic development.

Intended Outcomes

The intended outcomes of the proposed amendment are:

- 1) Application of a Land Use Zone that is appropriate for its location and strategic development potential.
- 2) Gazettal of a statutory mechanism that will enable a development application to be made for the development and use of the site for the purpose of a **truck depot**.

Part 2 – Explanation of Provisions

It is proposed to alter the Land Use Zones that apply to the subject site. This will involve amendment of two map sheets as well as the Map Cover Sheet. The proposed amendments are identified in

Table 2 below.

Table 2 Proposed amendment to Kyogle Local Environmental Plan 2012

Section of KLEP	Proposed Amendment
Map Cover Sheet	Amended to reflect new Map Identification Number
Land Zoning Map-Sheet LZN_003D	Land Use Zone applying to the land to be IN1 General Industrial.
Land Zoning Map-Sheet LZN_004C	Land Use Zone applying to the land to be IN1 General Industrial.

Part 3 – Justification

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of any strategic study or report?

Yes. The land is identified in Figure 7 of the Kyogle Local Growth Management Strategy 2008 (LGMS) as being in a proposed industrial zone.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The proposed use of the site as a truck depot is prohibited in Zones RU1 and RU2. Therefore, the only way to provide an opportunity to allow an application for development consent to be made is to amend the KLEP through a Planning Proposal. The Planning Proposal will also realise the strategic intent for the land by applying a Zone that reflects its preferred use, that is; employment land in the *Far North Coast Regional Strategy* (FNCRS) and proposed industrial land in the LGMS.

3. Is there a net community benefit?

The Planning Proposal is expected to result in the following community benefits:

- More efficient use of land and infrastructure.
- Potential for economic growth and job creation.
- Creation of additional industrial zoned land around Kyogle.

Consequently, it is considered that this Planning Proposal will have a net community benefit.

Section B – Relationship to the strategic planning framework

4. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Far North Coast Regional Strategy 2006-2031

The FNCRS contains the following Aims:

- *Ensure the provision of adequate land for new business and industry that is well linked to transport and services, takes advantage of the opportunities arising from the upgrading of the Pacific Highway and which will support the creation of the projected additional 32 500 jobs needed in the Region.*
- *Contain areas for potential future development to within the Town and Village Growth Boundary.*

The Planning Proposal is consistent with these Aims.

The Town and Village Growth Boundary Map Sheet 5 – Kyogle in the FNCRS identifies the site as being within the Town and Village Growth Boundary and is designated as 'Employment Lands'.

Therefore, the Planning Proposal is consistent with the Maps and Aims of the FNCRS.

Draft North Coast Regional Plan

The NSW State Government has prepared the *Draft North Coast Regional Plan* (NCRP), which is planned to supersede the FNCRS. The NCRP was publicly exhibited during 2016. This Planning Proposal is consistent with Direction 4.4 of the NCRP which is 'Provide well located and serviced supplies of employment land to expand industry investment opportunities'.

5. Is the Planning Proposal consistent with the Council's Community Strategic Plan, or other local strategic plan?

Kyogle Community Strategic Plan 2016-2026

The Planning Proposal is consistent with the vision of the KCSP 2016-2026 (KCSP) which is:

Working together to balance Environment, Lifestyle and Opportunity

Key issues and challenges that were identified in the KCSP include limited employment opportunities within the local government area. The Planning Proposal will assist to create employment opportunities.

The Planning Proposal is consistent with the following *Community Strategic Plan 2016-2026* strategy:

- *Identify and create opportunities for economic development.*

6. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

An assessment of the consistency of the Planning Proposal with relevant State Environmental Planning Policies is summarised below in Table 3.

Table 3 Summary of Planning Proposal Consistency with SEPPs

SEPP Title	Planning Proposal Consistency
State Environmental Planning Policy (State and Regional Development) 2011	The Planning Proposal does not affect the ongoing operation of the SEPP on any referred to land or development.
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	Not applicable to Planning Proposal.
State Environmental Planning Policy (Urban Renewal) 2010	Not applicable to Planning Proposal.
State Environmental Planning Policy (Affordable Rental Housing) 2009	Not applicable to Planning Proposal.
State Environmental Planning Policy (Western Sydney Parklands) 2009	Not applicable to Planning Proposal.
SEPP (Exempt and Complying Development Codes) 2008	The Planning Proposal does not affect the ongoing operation of the SEPP on any referred to land or development.
State Environmental Planning Policy (Western Sydney Employment Area) 2009	Not applicable to Planning Proposal.
State Environmental Planning Policy (Rural Lands) 2008	Consistent. As the Planning Proposal proposes to alter the zone of rural zoned land, the SEPP is applicable to the Planning Proposal. The Planning Proposal is consistent with the Rural Planning Principles of the SEPP because the proposed rezoning will not remove or restrict the use of rural land for rural (including agricultural) purposes. This is because the majority of the land is already developed for industrial/commercial purposes and is not used for agricultural purposes. The part of the land that is not currently developed is utilised for grazing purposes. This part of the land is sloping and it is expected that this will not be developed in future for industrial purposes to the unsuitable topography.
State Environmental Planning Policy (Kosciuszko National	Not applicable to Planning Proposal.

Proposed Amendment to the Kyogle Local Environmental Plan 2012
Amendment No. 13- 6399 Kyogle Road rezoning

SEPP Title	Planning Proposal Consistency
Park - Alpine Resorts) 2007	
State Environmental Planning Policy (Infrastructure) 2007	The Planning Proposal does not affect the ongoing operation of the SEPP on any referred to land or development.
State Environmental Planning Policy (Temporary Structures) 2007	The SEPP provisions applying to temporary structures are not affected by the Planning Proposal.
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable to Planning Proposal.
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	Not applicable to Planning Proposal.
State Environmental Planning Policy (Major Development) 2005	Not applicable to Planning Proposal.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Not applicable to Planning Proposal.
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Not applicable to Planning Proposal.
State Environmental Planning Policy No. 71 - Coastal Protection	Not applicable to Planning Proposal.
State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development	Not applicable to Planning Proposal.
State Environmental Planning Policy 70 - Affordable Housing (Revised Schemes)	Not applicable to Planning Proposal.
State Environmental Planning Policy No. 64 - Advertising and Signage	The SEPP provisions applying to advertising and signage are not affected by the Planning Proposal.
State Environmental Planning Policy No. 62 - Sustainable Aquaculture	Not applicable to Planning Proposal.
State Environmental Planning Policy No. 55 - Remediation of Land	The Planning Proposal does not affect the ongoing operation of the SEPP. Any development applications that are submitted as a result of the proposed LEP Amendment will need to consider the issue of contaminated land as required by the SEPP.
State Environmental Planning Policy No. 52 - Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable to Planning Proposal.
State Environmental Planning Policy (Integration and Repeals) 2016	Not applicable to Planning Proposal.
State Environmental Planning Policy No. 47 - Moore Park Showground	Not applicable to Planning Proposal.

Proposed Amendment to the Kyogle Local Environmental Plan 2012
Amendment No. 13- 6399 Kyogle Road rezoning

SEPP Title	Planning Proposal Consistency
State Environmental Planning Policy No. 44 - Koala Habitat Protection	The SEPP provisions applying to koala habitat protection are not affected by the Planning Proposal.
State Environmental Planning Policy No. 36 - Manufactured Home Estates	Not applicable to Planning Proposal.
State Environmental Planning Policy No. 21 - Caravan Parks	The Planning Proposal does not affect the operation of the SEPP.
State Environmental Planning Policy No. 33 - Hazardous and Offensive Development	The SEPP is not applicable to the Planning Proposal as a truck depot is not considered to be a potentially hazardous or offensive industry.
State Environmental Planning Policy No. 30 - Intensive Agriculture	Not applicable to Planning Proposal.
State Environmental Planning Policy (Kurnell Peninsula) 1989	Not applicable to Planning Proposal.
State Environmental Planning Policy No. 26 - Littoral Rainforests	Not applicable to Planning Proposal.
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	Not applicable to Planning Proposal.
State Environmental Planning Policy No. 19 - Bushland in Urban Areas	Not applicable to Planning Proposal.
State Environmental Planning Policy No. 14 - Coastal Wetlands	Not applicable to Planning Proposal.
State Environmental Planning Policy No. 1 - Development Standards	Not applicable due to Clause 1.9 of KLEP.

7. Is the Planning Proposal consistent with the applicable Ministerial Directions (Section 117 directions)?

An assessment of the consistency of the Planning Proposal with applicable Section 117(2) Directions is provided in Table 4 below.

Table 4 Summary of Planning Proposal Consistency with s117 Directions

Section 117 Direction	Planning Proposal Consistency
1. Employment and Resources	
1.1 Business and Industrial Zones	Consistent. Parts a) - e) of this Direction are applicable as the Planning Proposal affects land in a proposed industrial Zone. The Planning Proposal is consistent with these parts of the Direction as; a) It gives effect to the relevant objectives of the Direction, which is to encourage employment growth in suitable locations. b) It retains the land for industrial use. c) It does not reduce the total potential floor area for employment

Proposed Amendment to the Kyogle Local Environmental Plan 2012
Amendment No. 13- 6399 Kyogle Road rezoning

Section 117 Direction	Planning Proposal Consistency
	uses or public services. d) It does not reduce the total potential floor area for industrial uses. e) It is in accordance with the North Coast Regional Strategy which identifies the land as future employment land.
1.2 Rural Zones	Inconsistent but justified. Although the Planning Proposal is inconsistent with the Direction it is justified as the land is identified on the Town and Village Growth Boundary Map (Sheet 5- Kyogle) in the Far North Coast Regional Strategy 2006-2031 as being within the Town and Village Growth Boundary and as Employment Land.
1.3 Mining, Petroleum Production and Extractive Industries	The Direction is not applicable to the Planning Proposal.
1.4 Oyster Aquaculture	The Direction is not applicable to the Planning Proposal.
1.5 Rural Lands	Consistent. The Planning Proposal is consistent with the Direction as it is consistent with the Rural Planning Principles identified in the State Environmental Planning Policy (Rural Lands) 2008, as discussed in Table 3.
2. Environment and Heritage	
2.1 Environment Protection Zones	This Direction is not applicable as the Planning Proposal does not affect land in an existing or proposed environment protection Zone.
2.2 Coastal Protection	The Direction does not apply to the Planning Proposal.
2.3 Heritage Conservation	Consistent. The Planning Proposal does not affect State or existing KLEP heritage provisions.
2.4 Recreation Vehicle Areas	Consistent. This Planning Proposal does not enable land to be developed for the purpose of a recreation vehicle area.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	This Direction is not applicable as the Planning Proposal does not introduce or alter any Environmental Zones or Overlays.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	This Direction is not applicable as the Planning Proposal does not affect land in an existing or proposed residential Zone.
3.2 Caravan Parks and Manufactured Home Estates	Consistent. The Planning Proposal does not eliminate provisions that permit development of caravan parks. The Planning Proposal does not alter the zone of any existing caravan parks.
3.3 Home Occupations	Consistent. The Planning Proposal does not affect the provisions that relate to home occupations.

Section 117 Direction	Planning Proposal Consistency
3.4 Integrating Land Use and Transport	Consistent. Consistent. This Direction requires that a Planning Proposal must locate Zones and include provisions that give effect to and are consistent with the aims, objectives and principles of: a) <i>Improving Transport Choice- Guidelines for planning and development, and</i> b) <i>The Right Place for Business and Services Planning Policy.</i> The Planning Proposal is consistent with the aims and objectives of these publications as it promotes the use of a site that is already developed for industrial and transport purposes and is located adjacent an area Zoned for industrial development.
3.5 Development Near Licensed Aerodromes	This Direction is not applicable as the Planning Proposal does not create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.
3.6 Shooting Ranges	This Direction is not applicable as the subject site is not applicable as the subject land is not adjacent to a shooting range.
4. Hazard and Risk	
4.1 Acid Sulfate Soils	This Direction is not applicable as no Acid Sulfate Soil Planning Maps apply to the Kyogle Council local government area.
4.2 Mine Subsidence and Unstable Land	This Direction is not applicable as the Planning Proposal does not permit development on land that is within a mine subsidence district or that has been identified as unstable.
4.3 Flood Prone Land	Consistent. Existing flood prone land provisions in KLEP are not affected by the Planning Proposal.
4.4 Planning for Bushfire Protection	Consistent. This Direction is applicable as part of the subject site is mapped as bushfire prone land. The Planning Proposal is consistent as it does not introduce controls that place inappropriate developments in hazardous areas. The part of the land that is already developed is not mapped as bushfire prone land, and industrial development is not considered to be highly vulnerable to bushfire hazard. Furthermore, the part of the land that is mapped as bushfire prone land is sloping land that appears unsuitable for industrial development.
5. Regional Planning	
5.1 Implementation of Regional Strategies	Consistent. The Planning Proposal is consistent with the Far North Coast Regional Strategy as discussed in Part 4 of Section B.
5.2 Sydney Drinking Water Catchments	The Direction does not apply to the Planning proposal.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	This Direction is not applicable as the site is within the Town Growth Boundary as shown on the Regional Strategy Map of the Far North Coast Regional Strategy.
5.4 Commercial and Retail Development along the	This Direction is not applicable as the Planning Proposal does not relate to land in the vicinity of the existing or proposed alignment of the Pacific

Section 117 Direction	Planning Proposal Consistency
Pacific Highway, North Coast	Highway.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18/06/10)	-
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	-
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	-
5.8 Second Sydney Airport: Badgerys Creek	The Direction does not apply to the Planning Proposal.
5.9 North West Rail Link Corridor Strategy	The Direction does not apply to the Planning Proposal.
5.10 Implementation of Regional Plans	This Direction does not apply to the Planning Proposal as the North Coast Regional Plan has not been released.
6. Local Plan Making	
6.1 Approval and Referral Requirements	Consistent. The Planning Proposal does not alter any existing concurrence, consultation or referral requirements.
6.2 Reserving Land for Public Purposes	Consistent. The Planning Proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.
6.3 Site Specific Provisions	This Direction is not applicable as the Planning Proposal does not seek to allow a particular development to be carried out.
7. Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	The Direction is not applicable to the Planning Proposal.
7.2 Implementation of Greater Macarthur Land Release Investigation	The Direction is not applicable to the Planning Proposal.

Section C – Environmental, social and economic impacts

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal?

It is unlikely that critical habitat or threatened species, populations or ecological communities or their habitats will be affected by the Planning Proposal as the subject site is already developed for bulk storage and heavy haulage purposes with the residue being cleared grazing land. The subject site contains no habitat areas or watercourses.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The most likely issue associated with the proposed Zone change is potential amenity impacts on a dwelling situated at 6367 Kyogle Road which is located within 100 metres of the existing development. Noise impacts will

be examined in more detail at the development application stage and is not considered grounds for refusal to support the current planning proposal given the identification of the site as proposed employment/industrial land in the FNCRS and the LGMS.

Traffic impacts are not expected to be an issue. The site has previously operated as a heavy haulage and distribution facility. The site has frontage to and access from Kyogle Road which is a regional classified road. This road is considered to be of adequate standard to accommodate traffic generated by the proposed use. There is an existing turning lane that appears to have been constructed to serve the previous grain storage and heavy haulage establishment. Detailed traffic management requirements will be addressed as part of the DA process. This will include referral to RMS for comment regarding any vehicle access requirements.

10. How has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal will facilitate the development of industrial uses on the site which is not expected to create social or economic impacts that are of a substantial or significantly adverse nature or scale.

Section D – State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?

Yes: the site is accessed via a regional classified road being Kyogle Road. This road is considered to be of adequate standard to accommodate traffic likely to be generated by the proposed use of the land. The site already benefits from a turning lane that was constructed as a condition of consent to the previous use of the site as a grain storage and distribution facility.

The site is not service by reticulated water or sewerage however the site is already developed as a bulk storage and heavy haulage establishment and is therefore considered to have the necessary infrastructure in terms of water supply and effluent management.

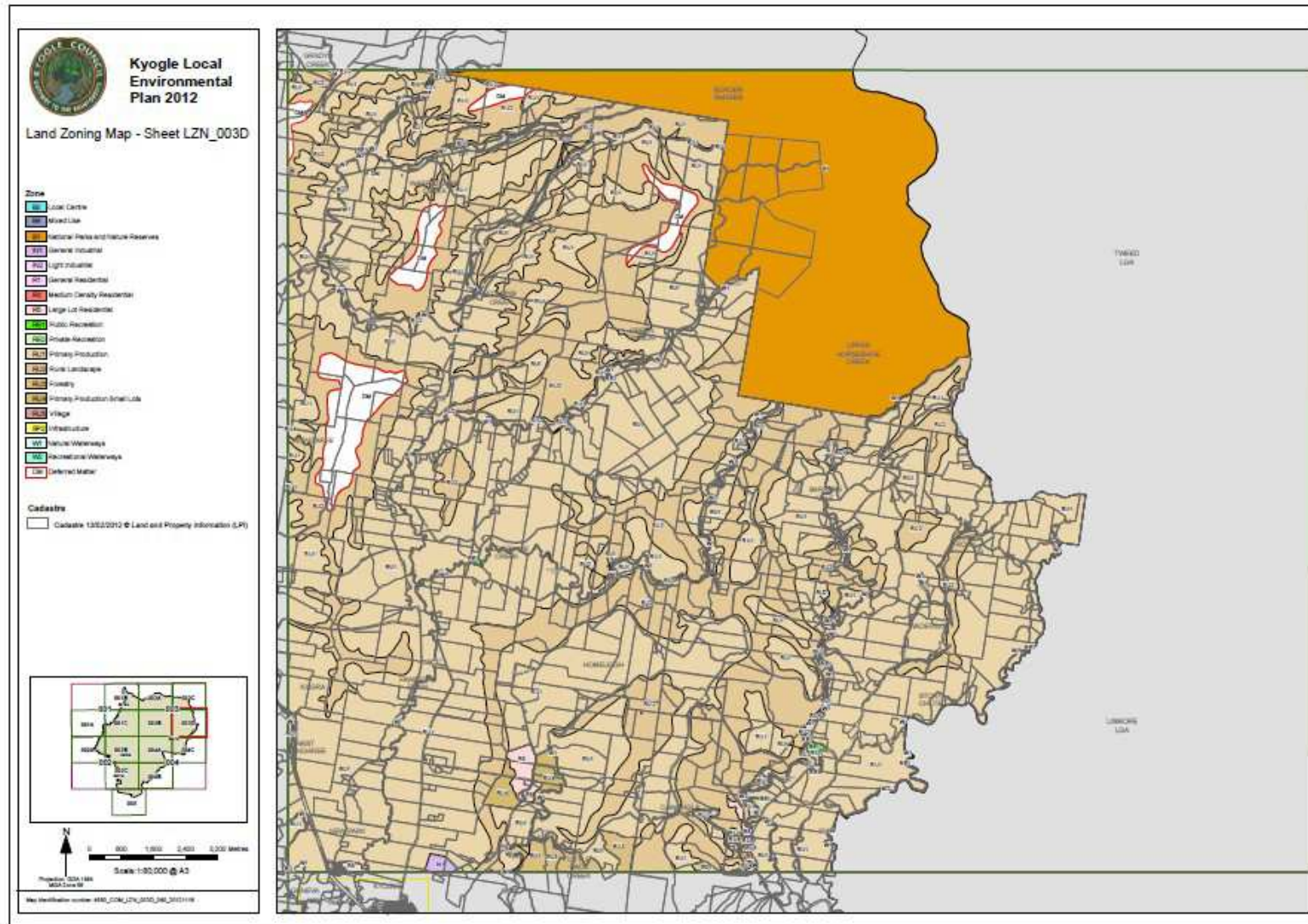
12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation will be undertaken with relevant agencies following the gateway determination stage of the LEP amendment.

Part 4 – Mapping

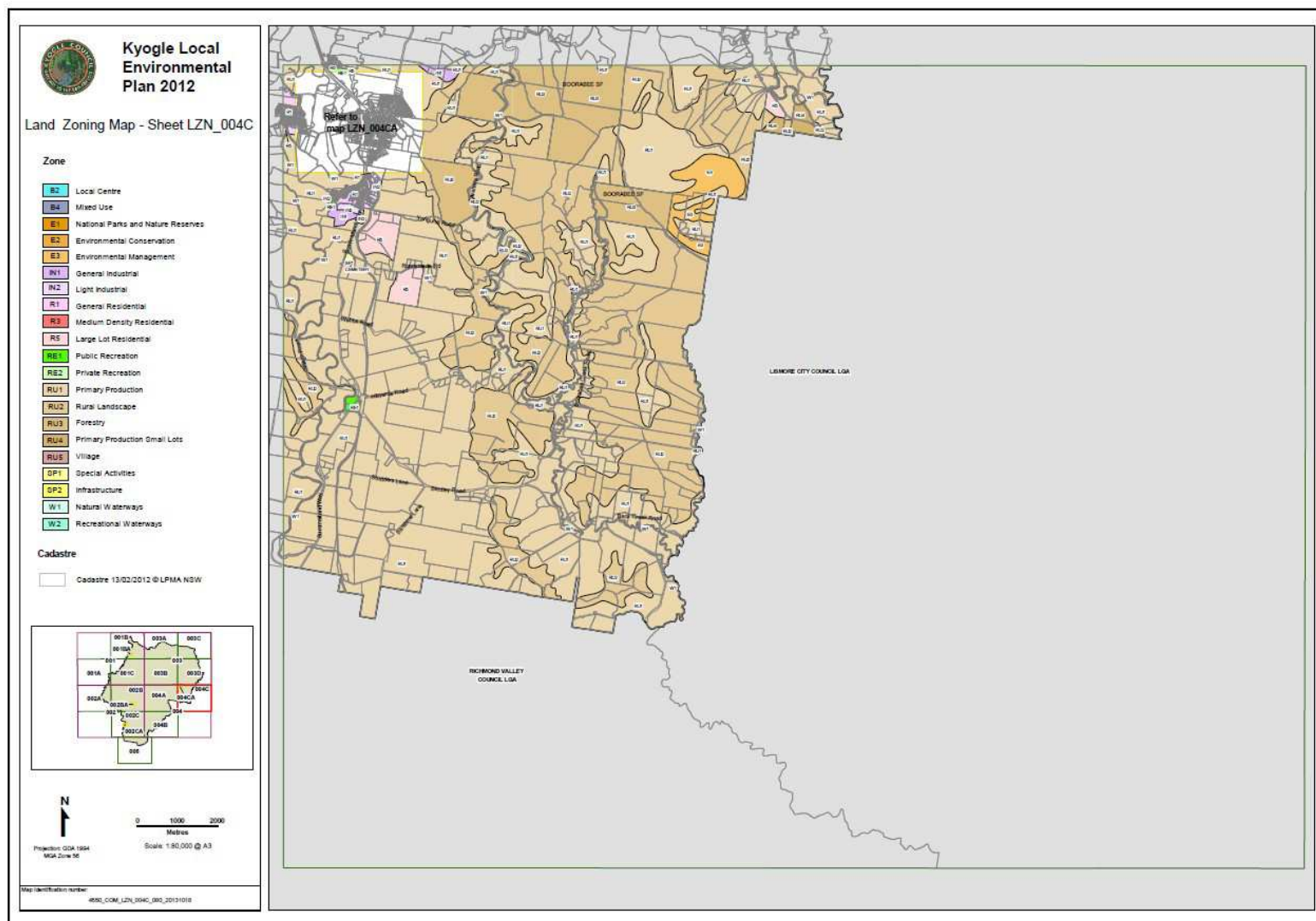
The proposed LEP Amendment requires changes to KLEP Map Sheets LZN_004C and LZN_003D. Existing and proposed maps are shown on the following pages.

Proposed Amendment to the Kyogle Local Environmental Plan 2012
Amendment No. 13- 6399 Kyogle Road rezoning



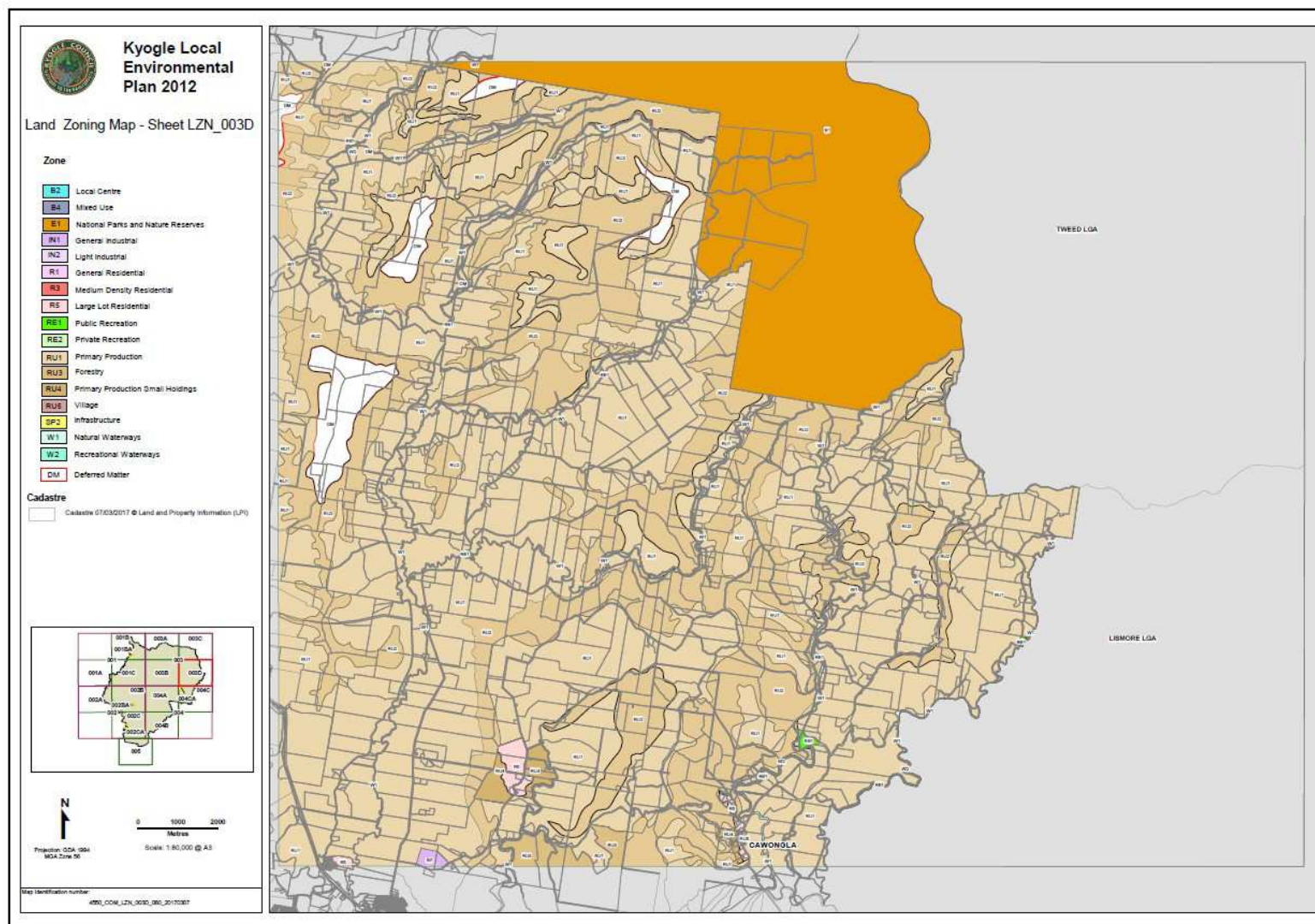
Current Land Zoning Map LZN_003D

Proposed Amendment to the Kyogle Local Environmental Plan 2012
Amendment No. 13- 6399 Kyogle Road rezoning



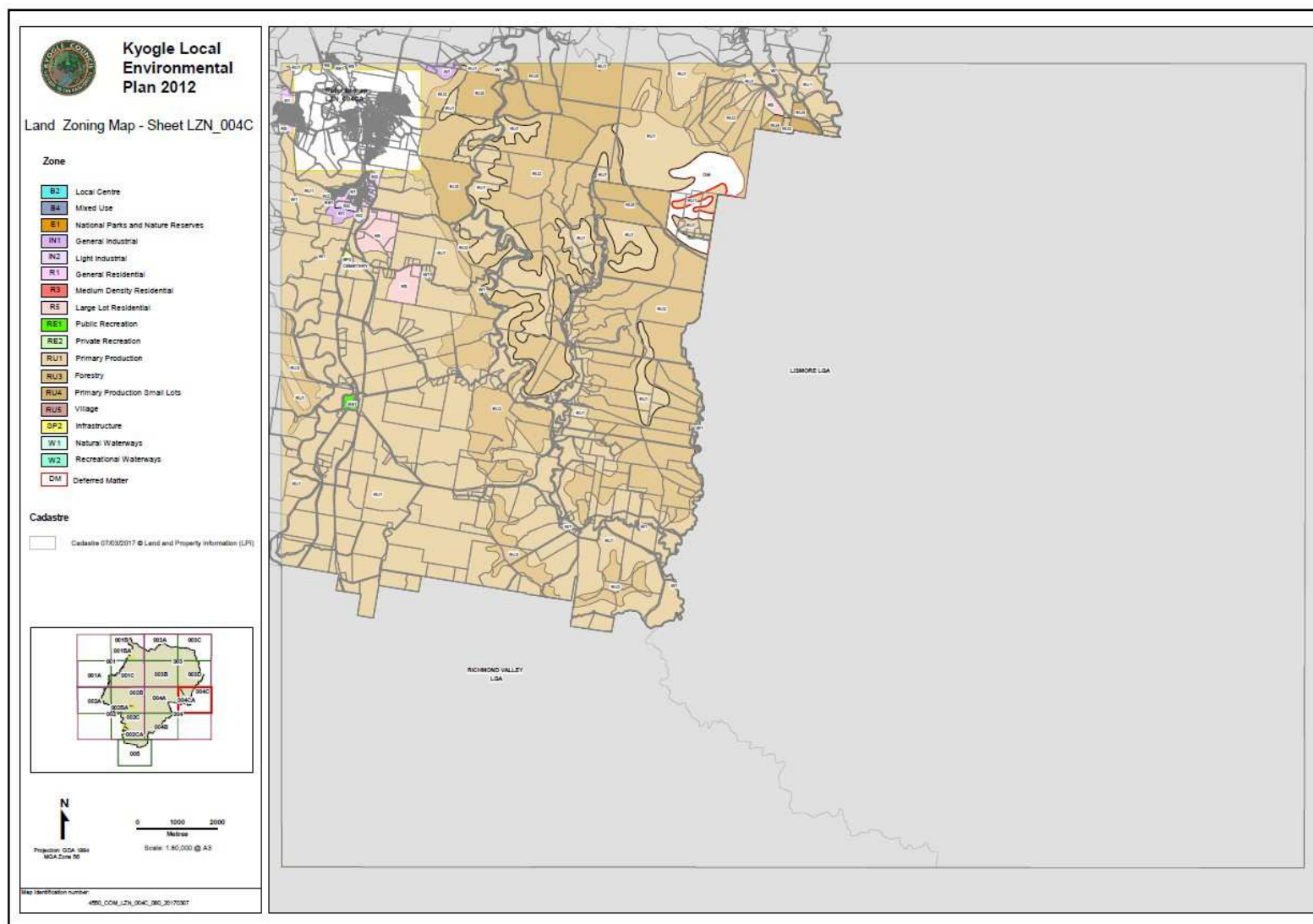
Current Land Zoning Map LZN_003D

Proposed Amendment to the Kyogle Local Environmental Plan 2012
Amendment No. 13- 6399 Kyogle Road rezoning



Proposed Land Zoning Map LZN_003D

Proposed Amendment to the Kyogle Local Environmental Plan 2012
Amendment No. 13- 6399 Kyogle Road rezoning



Proposed Land Zoning Map LZN_004C

Part 5 – Community Consultation

Community consultation on the planning proposal will be undertaken in accordance with Section 5.5.2 of the 'Guide to preparing local environmental plans' and will involve:

1. Placing a notice in the Richmond River Express Examiner which is a newspaper circulated in the local government area.
2. Placing a notice and relevant documents on Council's website.
3. Sending a letter to owners of adjoining land advising them of the proposed LEP amendment and seeking their comments.

The period of notification is expected to run for a period of 30 days.

Part 6 – Project Timeline

The indicative timeline for the completion of the planning proposal is as shown in Table 5.

Table 5 Indicative Planning Proposal Timeline

Plan Making Step	Estimated Completion
Commencement of Gateway determination	30 March 2017.
Government agency consultation	To be as specified in the Gateway determination. The anticipated timeframe is 21 days and is expected to be undertaken concurrently with the public exhibition period.
Commencement and completion for public exhibition period.	12 April 2017 – 11 May 2017 (30 days)
Public hearings	Not applicable
Consideration of submissions	12 May 2017- 22 May 2017
Further Consideration by Council	12 June 2017
Date of submission to the Department to finalise	19 June 2017
Anticipated date the Council makes the LEP, if delegated	To be determined
Anticipated date Council will forward making of the LEP to the Department for notification	To be determined

Attachments

Attachment A – Council Ordinary Meeting Minute 12 December 2016

Agenda Report

TITLE **PLANNING PROPOSAL TO AMEND THE KYOGLE LOCAL ENVIRONMENTAL PLAN 2012 TO REZONE LAND AT 6367-6399 KYOGLE ROAD, KYOGLE TO ZONE IN1 GENERAL INDUSTRY**

REPORT BY: **PLANNING AND ENVIRONMENTAL SERVICES**

CONTACT: **DIRECTOR PLANNING AND ENVIRONMENTAL SERVICES**

RESOLVED

Moved by Councillor Janet Wilson, seconded by Councillor Lindsay Passfield.

That Council:

1. Receives and notes the report on the proposed amendment to the KLEP to rezone land at Lot 2 DP 1220463, 6367-6399 Kyogle Road, Kyogle to IN1 General Industry Zone.
2. Resolves to amend the *Kyogle Local Environmental Plan 2012* (KLEP) through the preparation of a Planning Proposal generally in accordance with the changes outlined in this report.
3. Authorises the General Manager to prepare a Planning Proposal consistent with the contents of this report and submit the Planning Proposal to the Department of Planning and Environment (the Department) for review and Gateway Determination.
4. On receipt of a Gateway Determination stating that Council may proceed with the LEP amendment, authorises the General Manager to make any necessary changes to the Planning Proposal in accordance with the requirements of the Department and undertake the necessary administrative procedures of the LEP amendment process in accordance with the provisions of Part 3 Division 4 of the EP&A Act, including public consultation.
5. On conclusion of public consultation, consider a further report outlining the outcomes of consultation including submissions received.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE - Maggie May

Councillor Lindsay Passfield called for a division under section 375A of the *Local Government Act 1993*.

FOR	AGAINST
Cr Danielle Mulholland	
Cr John Burley	

Proposed Amendment to the Kyogle Local Environmental Plan 2012
Amendment No. 13- 6399 Kyogle Road rezoning

Cr Janet Wilson	
Cr Hayden Doolan	
Cr Earle Grundy	
Cr Kylie Thomas	
Cr Lindsay Passfield	
Cr Robert Dwyer	

ABSENT. DID NOT VOTE - Maggie May