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Our ref: PP_2010_KYOGL_001_00 (09/02920)

Mr Arthur Piggott
General Manager
Kyogle Council
PO Box 11
KYOGLE NSW 2474

Dear Mr Piggott,

Re: Kyogle Local Environmental Plan No 18

I refer to the letter from the Kyogle Council ("the Council") to the Department, dated 22 April 2010, requesting a Gateway Determination under section 56 of the *Environmental Planning and Assessment Act 1979* ("EP&A Act") for the draft Kyogle Local Environmental Plan No 18 ("draft LEP") that had previously been exhibited by Council.

I am writing to notify you that I have determined, as the delegate of the Director-General, under clause 12(2) of the *Environmental Planning and Assessment Regulation 2000* that the former LEP plan making provisions cease to apply to the draft LEP. The current provisions of Part 3 of the EP&A Act now apply.

Furthermore, I have, as the delegate for the Minister for Planning, determined under clause 122 (2) of Schedule 6 to the EP&A Act to dispense with all the conditions precedent up to section 59(1) of the EP&A Act for the making of this draft LEP. The draft LEP may be submitted to the Minister subject to the Council satisfying the following requirements:

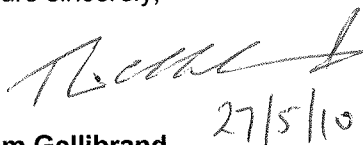
- Undertake consultation with the Heritage Branch of the Department of Planning;
- Revise the heritage schedules in the draft LEP to identify only those items which appear on the State Heritage Register as "State" items; and
- Consider any submissions made concerning the draft LEP when it was publicly exhibited under the former provisions, prepare a report of the public hearing, and submit the report to the Department.

Council is encouraged to finalise the LEP within 6 months of the week following the date of this letter. Council's request for the Department 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 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 Jenny Gwynne of the Regional Office of the Department on 02 6641 6000.

Yours sincerely,



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal