



PLANNING PROPOSAL

Proposed amendment to the Kyogle Local Environmental Plan



Amendment No. 15 – Amendment to remove six bridges from Schedule 5
Environmental heritage

3 December 2020

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 3.33 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, 2018* (the Guideline).

This Planning Proposal seeks to remove six bridges from Part 1 Heritage Items of Schedule 5 Environmental Heritage. The specific proposed changes are:

1. Amend Part 1 of Schedule 5 Environmental Heritage to remove the following items:
 - Bridge over Minney's Creek, Clarence Way, Pagan's Flat.
 - Bridge over Fawcetts Creek, Green Pigeon Road, Green Pigeon.
 - Montgomery's Bridge, Iron Pot Creek Road, Ettrick.
 - Bridge over the Clarence River, Bruxner Highway, Tabulam (State controlled).
 - Risk Station Bridge, The Risk Road, The Risk.
 - Bridge over Tooloom Creek, Paddys Flat Road, Paddys Flat
2. Amend the relevant sheets of the Heritage Map to remove the items listed above.

Schedule 5 of the *Kyogle Local Environmental Plan 2012* (the LEP) contains numerous items that have been determined to be of heritage significance to the community. Some of these items are structures or facilities that are owned by Council and serve as public assets and infrastructure, including a number of bridges. Since being listed in the LEP these bridges have suffered damage or deterioration to the point that they no longer provide a satisfactory level of service and their replacement is required, or in two cases, has actually been carried out. As part of its ongoing bridge replacement program Council has recently sought external funding for the replacement of a number of these bridges but have been informed that they are ineligible for funding due to them being heritage listed.

Given some of the bridges have been replaced and for the others their replacement is imminent, it is considered that they no longer require to be listed in Schedule 5 of the LEP. Removal of their heritage listing will also mean they will not be excluded from external funding on the basis of their heritage listing. The proposed LEP Amendment is intended to remove the heritage listing that applies to these bridges as all have either been demolished and replaced or are imminently likely to be.

The proposed LEP amendment has been the subject of a report to Council's Ordinary Meeting 12 October 2020 which addressed the circumstances and benefits of the proposed amendment. Council resolved unanimously to prepare a Planning Proposal and forward it to the Department of Planning, Industry and Environment for Gateway Determination. A copy of the Council resolution is included at Attachment A. There are no other supplementary reports that have been prepared to support this Planning Proposal.

This Planning Proposal is submitted along with a request for a Gateway Determination to proceed with the proposed LEP Amendment under Section 3.34 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Background

The bridges and their heritage significance

Schedule 5 Environmental heritage of the LEP identifies items and places in the LGA that have been determined to be of heritage significance to the local community. Schedule 5 includes a number of bridges that are Council owned and controlled assets as well as a bridge on the Bruxner Highway that is owned and controlled by the State Government. The bridges included in Schedule 5 of the LEP are:

- Minney's Bridge on the Clarence Way at Pagan's Flat.
- Matthew's Bridge on Green Pigeon Road at Green Pigeon.
- Montgomery's Bridge on Iron Pot Creek Road at Ettrick.
- Tabulam Bridge on the Bruxner Highway at Tabulam (State owned and controlled).
- The Risk Station Bridge on The Risk Road at The Risk.
- Paddy's Flat Bridge on Paddy's Flat Road at Paddy's Flat.

The bridges were identified as part of two separate heritage studies in the LGA carried out in 1997 and 2009. The bridges have been determined to be of heritage significance for various reasons which are outlined in the table below:

BRIDGE	HERITAGE VALUE OR SIGNIFICANCE
Minney's Bridge	<ul style="list-style-type: none">a. Significant as the last timber truss bridge to be built in NSW.b. Whilst timber truss bridges are not rare, the incorporation of concrete piers in this bridge is unusual.
Matthew's Bridge	<ul style="list-style-type: none">a. Significant in showing the importance of timber beam bridges in the development of the LGA.b. Was considered a good, representative example of timber beam bridge construction.
Montgomery's Bridge	<ul style="list-style-type: none">a. Significant for showing the need for high-level bridges over creeks in the LGA.b. Steel truss road bridges are uncommon in the LGA.c. Associated with the Montgomery family who owned significant land holdings in the area.
Tabulam Bridge (Bruxner Highway crossing of the Clarence River)	<ul style="list-style-type: none">a. Constructed in 1902, it replaced the previous punt crossing of the Clarence River and provided a significant improvement to the road connection between the North Coast and New England regions.b. Significant as it was designed by one of the leading NSW bridge engineers E W de Burgh, and utilised his truss design.c. Significant as the longest existing de Burgh truss bridge in NSW.d. Timber bridges of this length and design are rare in NSW.

	This bridge was also on the State Heritage list but has been de-listed by the State Government to allow its demolition.
The Risk Station Bridge	<ul style="list-style-type: none"> a. Significant as it shows the importance of timber bridges in the early development of the LGA. b. May have been associated with the development of the Kyogle-Brisbane railway.
Paddy's Flat Bridge	<ul style="list-style-type: none"> a. Paddy's Flat Road and the bridge crossing of Tooloom Creek are significant as they represent an important early transport route in the LGA which gave access to the Tooloom goldfields. b. Was considered a good example of a low-level timber bridge.

Two of the bridges were first listed in LEP No.18 which was gazetted in 2011. Subsequently, heritage items listed in LEP No.18 were transferred to the comprehensive Kyogle LEP when it was adopted in 2012, and the remaining bridges were also included in the comprehensive LEP.

Status or condition of the bridges

One of the Council owned bridges listed in the LEP (Minney's Bridge) has failed and been demolished and replaced with a new bridge. The Tabulam Bridge over the Clarence River is due for imminent demolition by the State Government as part of its Tabulam (Bruxner Highway) bridge replacement project. Council has identified that the remaining four Council owned bridges listed in the LEP require replacement for the reasons outlined in the table below:

BRIDGE	STATUS OR ISSUE
Bridge over Fawcetts Creek, Green Pigeon Road	Currently load limited due to structural deficiencies.
Montgomery's Bridge, Iron Pot Creek Road	Load limited due to structural deficiencies at the time of consideration by Council (October 2020). Subsequently, this bridge has been permanently closed to all vehicular traffic following a safety inspection in November 2020.
The Risk Station Bridge	Currently in very poor condition.
Bridge over Tooloom Creek, Paddy's Flat Road	Deteriorating condition.

Rationale for proposed amendment

Whilst Council has powers under Clause 94 of the *State Environmental Planning Policy (Infrastructure)* to undertake works on its roads and bridges without the need for development consent, heritage listing has recently prevented Council seeking external grant funding for replacement of bridges because the grant funding program excluded items that are heritage listed. To overcome this barrier the bridges need to be removed from Schedule 5 of the LEP. Given all are close to being demolished and replaced, there is no reason to maintain their listing in the LEP.

Part 1 – Objectives and Intended Outcomes

Objectives

The objective of the proposed amendment is:

- A. To remove the bridges from Schedule 5 Environmental Heritage of the LEP to reflect the fact that they have been demolished or are imminently planned for demolition and replacement.

Intended Outcomes

The intended outcomes of the proposed amendment are:

1. The replacement of these bridges with contemporary structures that provide an improved level of service to the community.
2. Improved opportunities for Council to access grant funding to replace these bridges.

Part 2 – Explanation of Provisions

It is proposed to alter a number of KLEP provisions as identified in Table 1 below.

Table 1 Description of proposed amendment to the Kyogle Local Environmental Plan 2012

Section of KLEP	Proposed Amendment
Schedule 5 Environmental Heritage	<p>Remove the following items from Part 1 Heritage items:</p> <ul style="list-style-type: none">• Item I394- Minney's Creek Bridge, Clarence Way, Pagan's Flat.• Item I379- Bridge (over Fawcetts Creek), Green Pigeon Road, Green Pigeon.• Item I388- Montgomery's Bridge, Iron Pot Creek Road, Ettrick.• Item I154- Bridge (over Clarence River), Bruxner Highway, Tabulam.• Item I408- Risk Station Bridge, Risk Road, The Risk.• Item I395- Bridge (over Tooloom Creek), Paddy's Flat Road, Paddy's Flat.
Maps	<p>Amend the Heritage Map to remove the items identified above from the following map sheets:</p> <ul style="list-style-type: none">• Sheet HER_002A (Item I395)• Sheet HER_002CA (Item I154)• Sheet HER_003B (Item I408)• Sheet HER_003D (Item I379)• Sheet HER_004A (Item I388)• Sheet HER_005 (Item I394)

Part 3 – Justification

Section A – Need for the Planning Proposal

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

No. The planning proposal is a result of Council's awareness of current structural and safety issues with the bridges concerned, or the demolition and replacement that has already occurred.

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

Yes, a planning proposal is the best means to achieve the objectives because the bridges have been replaced or are due for replacement (demolition). Council is presently prevented from seeking grant funding for the bridges that require replacement because of their heritage listing.

3. Is there a net community benefit?

The Planning Proposal is expected to result in the ability for Council to seek grant funding for the replacement of the remaining bridges that have not already been replaced, which will mean Council can provide improved infrastructure for the community and industry. The provision of improved transport infrastructure in the rural area of the Kyogle LGA will improve community resilience and assist in effective emergency management and evacuation in the event of bushfire or other natural disaster. 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)?

North Coast Regional Plan

There are no Directions and Actions of the NCRP that are directly relevant to this Planning Proposal however, the proposal is not inconsistent with the NCRP as it will facilitate improved road infrastructure that will benefit the businesses and residents of the Kyogle LGA.

5. Is the Planning Proposal consistent with a Community Strategic Plan or Local Strategic Planning Statement?

Kyogle Council Local Strategic Planning Statement 2020

Yes. The Planning Proposal is consistent with Planning Priority B4 of the Kyogle LSPS, which states- *'Ensure that infrastructure is delivered to meet the needs of the community'*.

The Planning Proposal is also consistent with Action A4.4, which states;

'Identify key local transport infrastructure upgrades and network improvements required to stimulate economic development'.

Kyogle Community Strategic Plan 2016- 2026

Yes. The Planning Proposal is consistent with the following Actions in the CSP:

- Action C3 Ensure responsible asset management.
- Action D1 Identify and document potential transport blockers (e.g. substandard roads, load limited bridges).
- Action D4 Pursue available external funding opportunities (e.g. bridge renewal program).

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 2.

Table 2 Summary of Planning Proposal Consistency with SEPPs

SEPP Title	Planning Proposal Consistency
<i>State Environmental Planning Policy No. 19 - Bushland in Urban Areas</i>	Not applicable to Planning Proposal.
<i>State Environmental Planning Policy No. 21 - Caravan Parks</i>	The Planning Proposal does not affect the operation of the SEPP and is not inconsistent with the SEPP.
<i>State Environmental Planning Policy No. 33 - Hazardous and Offensive Development</i>	The Planning Proposal does not affect the operation of the SEPP and is not inconsistent with the SEPP.
<i>State Environmental Planning Policy No. 36 - Manufactured Home Estates</i>	The Planning Proposal does not affect the operation of the SEPP and is not inconsistent with the SEPP.
<i>State Environmental Planning Policy No. 47 - Moore Park Showground</i>	Not applicable to Planning Proposal.
<i>State Environmental Planning Policy No. 50 – Canal Estate Development</i>	The Planning Proposal is not inconsistent with the SEPP.
<i>State Environmental Planning Policy No. 55 - Remediation of Land</i>	The Planning Proposal does not affect the operation of the SEPP and is not inconsistent with the SEPP.
<i>State Environmental Planning Policy No. 64 - Advertising and Signage</i>	The Planning Proposal does not affect the operation of the SEPP and is not inconsistent with the SEPP.
<i>State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Development</i>	The Planning Proposal does not affect the operation of the SEPP and is not inconsistent with the SEPP.
<i>State Environmental Planning Policy 70 - Affordable Housing (Revised Schemes)</i>	The Planning Proposal does not affect the operation of the SEPP and is not inconsistent with the SEPP.
<i>State Environmental Planning Policy (Aboriginal Land) 2019</i>	Not applicable to Planning Proposal.
<i>State Environmental Planning Policy (Activation Precincts) 2020</i>	Not applicable to Planning Proposal.
<i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i>	The Planning Proposal does not affect the operation of the SEPP and is not inconsistent with the SEPP.
<i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i>	The Planning Proposal does not affect the operation of the SEPP and is not inconsistent with the SEPP.
<i>State Environmental Planning Policy (Coastal Management) 2018</i>	Not applicable to Planning Proposal.

Proposed Amendment to the Kyogle Local Environmental Plan 2012
Amendment No. 15- Removal of heritage bridges

SEPP Title	Planning Proposal Consistency
<i>State Environmental Planning Policy (Concurrences and Consents) 2018</i>	Not applicable to Planning Proposal.
<i>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</i>	The Planning Proposal does not affect the operation of the SEPP and is not inconsistent with the SEPP.
<i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>	The Planning Proposal does not affect the operation of the SEPP and is not inconsistent with the SEPP.
<i>State Environmental Planning Policy (Gosford City Centre) 2018</i>	Not applicable to Planning Proposal.
<i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i>	The Planning Proposal does not affect the operation of the SEPP and is not inconsistent with the SEPP.
<i>State Environmental Planning Policy (Infrastructure) 2007</i>	The Planning Proposal does not affect the operation of the SEPP and is not inconsistent with the SEPP.
<i>State Environmental Planning Policy (Koala Habitat Protection) 2019</i>	The Planning Proposal does not affect the operation of the SEPP and is not inconsistent with the SEPP.
<i>State Environmental Planning Policy (Kosciuszko National Park - Alpine Resorts) 2007</i>	Not applicable to Planning Proposal.
<i>State Environmental Planning Policy (Kurnell Peninsula) 1989</i>	Not applicable to Planning Proposal.
<i>State Environmental Planning Policy (Major Infrastructure Corridors) 2020</i>	Not applicable to Planning Proposal.
<i>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</i>	Not applicable to Planning Proposal.
<i>State Environmental Planning Policy (Penrith Lakes Scheme) 1989</i>	Not applicable to Planning Proposal.
<i>State Environmental Planning Policy (Primary Production and Rural Development) 2019</i>	Not applicable to Planning Proposal.
<i>State Environmental Planning Policy (State and Regional Development) 2011</i>	The Planning Proposal does not affect the ongoing operation of the SEPP.
<i>State Environmental Planning Policy (State Significant Precincts) 2005</i>	Not applicable to Planning Proposal.
<i>State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011</i>	Not applicable to Planning Proposal.
<i>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</i>	Not applicable to Planning Proposal.

Proposed Amendment to the Kyogle Local Environmental Plan 2012
Amendment No. 15- Removal of heritage bridges

SEPP Title	Planning Proposal Consistency
<i>State Environmental Planning Policy (Three Ports) 2013</i>	Not applicable to Planning Proposal.
<i>State Environmental Planning Policy (Urban Renewal) 2010</i>	Not applicable to Planning Proposal.
<i>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</i>	The Planning Proposal does not affect the operation of the SEPP and is not inconsistent with the SEPP.
<i>State Environmental Planning Policy (Western Sydney Employment Area) 2009</i>	Not applicable to Planning Proposal.
<i>State Environmental Planning Policy (Western Sydney Parklands) 2009</i>	Not applicable to Planning Proposal.

7. Is the Planning Proposal consistent with the applicable Ministerial Directions (Section 9.1 directions)?

An assessment of the consistency of the Planning Proposal with applicable Section 9.1(2) Directions is provided in Table 3 below.

Table 3 Summary of Planning Proposal Consistency with s9.1 Directions

Section 9.1 Direction	Planning Proposal Consistency
1. Employment and Resources	
1.1 Business and Industrial Zones	The Direction is not applicable as the Planning Proposal does not affect land in a business or industry zone
1.2 Rural Zones	Consistent The Planning Proposal is consistent with this Direction as it does not rezone land or contain provisions that will increase the permissible density on 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	The Direction is not applicable to the Planning Proposal as, although it applies to land in rural Zones, it does not affect the land, only structures on the land.
2. Environment and Heritage	
2.1 Environment Protection Zones	Consistent The Planning Proposal is consistent with this Direction as the subject land does not include environmentally sensitive areas or environment protection zones.
2.2 Coastal Protection	The Direction is not applicable to the Planning Proposal.
2.3 Heritage Conservation	Inconsistent. The Planning Proposal is inconsistent as it proposes to remove heritage protection from six structures. However, two of these structures are already demolished and others are planned for replacement (and hence demolition). It is of critical importance to community safety and resilience that transport

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Section 9.1 Direction	Planning Proposal Consistency
	infrastructure that is fit for purpose is provided in the rural area. It is requested that the Director-General of the DPIE acknowledge that this inconsistency is of minor significance.
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	Consistent This Direction is not applicable as the Planning Proposal does not introduce or alter any Environmental Zones or Overlays.
2.6 Remediation of Contaminated Land	The Direction is not applicable to the Planning Proposal.
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	The Direction is not applicable as the Planning Proposal does not apply to a residential zone and does not propose significant residential development.
3.2 Caravan Parks and Manufactured Home Estates	Consistent. The Planning Proposal does not identify zones, locations or provisions for the development of caravan parks or manufactured home estates. 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.
3.4 Integrating Land Use and Transport	This Direction is not applicable as the Planning Proposal does not create, alter or remove a zone or a provision relating to urban land.
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.
3.7 Reduction in non-hosted short term rental accommodation period	This Direction is not applicable to the Planning Proposal.
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	This Direction is not applicable as the Planning Proposal does not create, alter or remove a zone or a provision relating to flood prone land. Although the bridges are all located over watercourses (which inherently are prone to flooding), the planning proposal does not alter the provisions which apply to development of this land. Any bridges that are demolished are planned for replacement.
4.4 Planning for Bushfire Protection	The Direction is not applicable as the planning proposal applies to structures on bushfire prone land, not the land itself.

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Section 9.1 Direction	Planning Proposal Consistency
5. Regional Planning	
5.1 Implementation of Regional Strategies	The Direction is not applicable to the Planning Proposal.
5.2 Sydney Drinking Water Catchments	The Direction is not applicable to the Planning Proposal.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Consistent. The Planning Proposal is consistent with this Direction because the Planning Proposal does not rezone regionally significant farmland for urban or rural residential purposes.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	This Direction is not applicable as it does not apply to the Kyogle Council local government area.
5.9 North West Rail Link Corridor Strategy	The Direction does not apply to the Planning Proposal.
5.10 Implementation of Regional Plans	Consistent. The Planning Proposal is consistent with this Direction because the Planning Proposal is consistent with the North Coast Regional Plan.
5.11 Development of Aboriginal Land Council land	The Direction is not applicable to the Planning Proposal.
6. Local Plan Making	
6.1 Approval and Referral Requirements	Consistent. The Planning Proposal does not alter any existing concurrence, consultation or referral requirements and does not propose designated development.
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.
7.3 Parramatta Road Corridor Urban Transformation Strategy	The Direction is not applicable to the Planning Proposal.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	The Direction is not applicable to the Planning Proposal.
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and	The Direction is not applicable to the Planning Proposal.

Section 9.1 Direction	Planning Proposal Consistency
Infrastructure Implementation Plan	
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Plan	The Direction is not applicable to the Planning Proposal.
7.7 Implementation of Glenfield to Macarthur urban Renewal Corridor	The Direction is not applicable to the Planning Proposal.
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	The Direction is not applicable to the Planning Proposal.
7.9 Implementation of Bayside West Precincts 2036 Plan	The Direction is not applicable to the Planning Proposal.
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	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. Two of the bridges have already been demolished and replaced, the remaining four are planned for replacement, and the demolition and construction works will be happening regardless of whether this LEP amendment proceeds.

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

There are unlikely to be any other environmental effects as a result of the proposal.

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

The planning proposal may result in some minor adverse social impacts due to the loss of six heritage items however, this is offset by the provision of improved transport infrastructure that is critical for the community to move around and for business to operate. In this regard, it is anticipated the Planning Proposal will have positive economic effects by providing businesses that utilise these bridges with improved transport infrastructure. Critically, the provision of modern transport infrastructure will build enhanced community resilience and support improved emergency response and management of bushfires etc.

Section D – State and Commonwealth interests

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

Not applicable. The planning proposal does not in itself require any public infrastructure.

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

Council will seek the views of State agencies as part of the consultation and exhibition of the Planning Proposal as per any conditions of Gateway Determination.

Part 4 – Mapping

The proposed LEP Amendment proposes to amend the Heritage Map. It will remove the following items from the following map sheets.

- Sheet HER_002A (Item I395)
- Sheet HER_002CA (Item I154)
- Sheet HER_003B (Item I408)
- Sheet HER_003D (Item I379)
- Sheet HER_004A (Item I388)
- Sheet HER_005 (Item I394)

Draft amended map sheets will be prepared following Gateway Determination and prior to exhibition.

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 and relevant documents on Council's website.
2. Publishing an article in Council's community newsletter.

The period of notification is expected to run for a period of 28 days.

Part 6 – Project Timeline

The indicative timeline for the completion of the planning proposal is as shown in Table 4.

Table 4 Indicative Planning Proposal Timeline

Plan Making Step	Estimated Completion
Commencement of gateway determination	30 January 2021
Government agency consultation	To be as specified in the Gateway determination. The anticipated timeframe is 28 days and is expected to be undertaken concurrently with the public exhibition period.
Commencement and completion for public exhibition period.	21 February 2021 – 24 March 2021 (28 days)
Public hearings	Not applicable
Consideration of submissions	April 2021
Further Consideration by Council	May 2021
Date of submission to Parliamentary Counsel to finalise	May 2021
Anticipated date the Council makes the LEP	June 2021
Anticipated date Council will forward making of the LEP to the Department for notification	June 2021

Attachments

Attachment A – Council Ordinary Meeting Minute 12 October 2020

ORDINARY COUNCIL MEETING MINUTES

12 OCTOBER 2020

**13.3 PROPOSED AMENDMENT TO THE KYOGLE LOCAL ENVIRONMENTAL PLAN-
REMOVAL OF HERITAGE LISTED BRIDGES**

RESOLVED CO/1020/9

Moved by Cr Hayden Doolan, seconded by Cr Maggie May

That Council:

1. Receives and notes the report, *Proposed amendment to the Kyogle Local Environmental Plan- removal of heritage listed bridges*.
2. Authorises the General Manager to prepare a planning proposal to amend the Kyogle Local Environmental Plan 2012 to remove the following items from Schedule 5 and the associated Heritage Map:
 - Minneys Bridge on the Clarence Way at Pagan's Flat.
 - Matthews Bridge on Green Pigeon Road at Green Pigeon.
 - Montgomerys Bridge on Iron Pot Creek Road at Ettrick.
 - Tabulam Bridge on the Bruxner Highway at Tabulam.
 - The Risk Station Bridge on The Risk Road at The Risk.
 - Paddys Flat Bridge on Paddy's Flat Road at Paddys Flat.
3. Authorises the General Manager to submit the planning proposal to the Department of Planning, Industry and Environment for Gateway Determination and, subject to affirmative Gateway Determination, authorise the General Manager to make any changes to the planning proposal required by the Department and carry out public exhibition and agency consultation as required.
4. Be presented with a further report following the conclusion of public exhibition and agency consultation outlining the outcomes of exhibition including submissions received.

CARRIED

FOR VOTE - Unanimous vote

ABSENT. DID NOT VOTE – Crs Janet Wilson and Lindsay Passfield.