



Mr Graham Kennett
General Manager
Kyogle Council
PO Box 11
KYOGLA NSW 2474

Via email: council@kyogle.nsw.gov.au

Attention: Chris White

Dear Mr Kennett

Planning proposal PP-2021-3342 to amend Kyogle Local Environmental Plan 2012

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to apply a RU1 Primary Production Zone to deferred matter areas and land zoned RU2 Rural Landscape, undertake associated housekeeping amendments and changes to development standards and the introduction of a biodiversity clause and overlay into Kyogle LEP 2012.

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

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with section 9.1 Direction 6.2 Reserving Land for Public Purposes is justified in accordance with the terms of the Direction. In relation to this direction, I have agreed to the creation of land for public purposes on the basis that land is already being utilised for that purpose. No further approval is required in relation to this Direction.

Council will still need to obtain the agreement of the Secretary to comply with the requirements of section 9.1 Direction 4.4 Planning for Bushfire Protection. Council should ensure this occurs prior to the plan being made.

I have considered Council's request not to be the local plan-making authority and have determined not to condition the Gateway for Council to be the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within six months of 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, Industry and Environment to draft and finalise the LEP should be made eight weeks prior to the projected publication date.

As delegate of the Minister for Planning and Public Spaces, I have also now determined that planning proposal PP_2017_KYOGL_004_00 should not proceed as requested by Council as it has been superseded by the current proposal.

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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Mr Craig Diss to assist you. Mr Diss can be contacted on 5778 1485.

Yours sincerely



6/5/2021

Jeremy Gray
Director, Northern Region
Planning and Assessment

Encl: Gateway determination PP-2021-3342
Gateway Alteration PP_2017_KYOGL_004_00
Authorised plan-making reporting template