

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

Our ref: IRF22/2875

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

Dear Mr Kennett

Planning proposal PP-2022-2869 to amend Kyogle Local Environmental Plan 2012

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone land for residential purposes and amend associated development standards at 45 Anzac Drive, Geneva (part of Lot 1 DP 307050).

As delegate of the Minister for Planning, I have 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 inconsistency of the planning proposal with applicable directions of the Minister under section 9.1 of the EP&A Act 5.1 Transport and Infrastructure and 8.1 Mining, Petroleum Production and Extractive Industries is justified in accordance with the terms of the Direction. No further approval is required in relation to the Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant applicable directions of the Minister under section 9.1 of the EP&A Act 1.1 Implementation of Regional Plans, 3.2 Heritage Conservation, 4.1 Flooding, 4.4 Remediation of Contaminated Land, 9.1 Rural Zones and 9.2 Rural Lands. Council should ensure this occurs prior to the LEP being made.

Considering the nature of the planning proposal I have determined that Council may exercise local plan-making authority functions in relation to the planning proposal.

The proposed local environmental plan (LEP) is to be finalised on or before 12 months from the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Should Council seek to make a proposed LEP, the request to draft the LEP should be made directly to Parliamentary Counsel's Office well in advance of the date the LEP is projected to be made. A copy of the request should be forwarded to the Department of Planning and Environment.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2021) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Ms Kate Campbell to assist you. Ms Campbell can be contacted on 5778 1401.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Gray', with a stylized flourish at the end.

15/9/2022

Jeremy Gray
Director, Northern
Local and Regional Planning

Encl: Gateway determination