



Department of Planning, Housing and Infrastructure

Mr Brett Kelly
Interim General Manager
Kyogle Shire Council
PO Box 11
KYOGLA NSW 2474

Our ref: PP-2023-2871 (IRF24/27)

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

12 March 2024

Dear Mr Kelly

Planning proposal PP-2023-2871 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 permit forestry without consent in Zones RU1 Primary Production and RU4 Primary Production Small Lots in the Kyogle LGA.

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

Council will 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 Act, being 1.1 Implementation of Regional Plans, 3.1 Conservation Zones, 3.2 Heritage Conservation, 4.3 Planning for Bushfire Protection and 9.2 Rural Lands. Council should ensure this occurs prior to the LEP being made.

The Department has been made aware of concerns by some members of the community in regard to this proposal. Considering this, I have determined not to authorise Council to be the local plan-making authority so that the Department can undertake a final, impartial review of the proposal, the submissions made during consultation and the comments of relevant State agencies prior to finalisation.

The amending local environmental plan (LEP) is to be finalised within 9 months from 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, Housing and Infrastructure to draft and finalise the LEP should be made eight weeks in advance of the date the LEP is projected to be made.

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* (August 2023) 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 Sandra Bush to assist you. Sandra can be contacted on 5778 1409.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'M. McDonald'.

Malcolm McDonald
Executive Director
Local and Regional Planning

Encl: Gateway determination