

Gateway Determination

Planning proposal (Department Ref: PP-2023-2871): to permit forestry without consent in Zones RU1 Primary Production and RU4 Primary Production Small Lots in the Kyogle LGA.

I, the Executive Director, Local and Regional Planning at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Kyogle Local Environmental Plan 2012 to permit forestry without consent in Zones RU1 Primary Production and RU4 Primary Production Small Lots should proceed subject to conditions.

The LEP should be completed within 9 months from the date of the Gateway determination.

Gateway Conditions

1. Prior to agency and community consultation the planning proposal is to be updated to:
 - specify the correct date for lodgement of the Scoping Proposal; and
 - revise the Project Timeline to reflect the Gateway determination date.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as complex as described in the *Local Environmental Plan Making Guideline* (August 2023) and must be made publicly available for a minimum of 30 working days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (August 2023).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
 - NSW Department of Climate Change, Energy, the Environment and Water – Biodiversity Conservation and Science
 - NSW Local Land Services
 - NSW Environment Protection Authority
 - Transport for NSW
 - NSW Department of National Resources Access Regulator
 - NSW Department of Primary Industries – Agriculture
 - NSW Rural Fire Service
 - Muli Muli, Gugin Gudduba and Jubullum Local Aboriginal Land Councils

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 40 working days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 12 March 2024



Malcolm McDonald
Executive Director
Local and Regional Planning
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces