

All communications to be addressed to:

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Sydney Olympic Park NSW 2127

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Locked Bag 17  
Granville NSW 2142

Telephone: 1300 NSW RFS  
e-mail: records@rfs.nsw.gov.au

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The General Manager  
Kyogle Council  
PO Box 11  
KYOGLE NSW 2474

Your Ref: NA  
Our Ref: R18/2166  
DA18111516083 AB

**ATTENTION:** Lachlan Black

19 December 2018

Dear Mr Black

**Planning Proposal - Kyogle LEP 2012 - Various Provisions To Deferred Matter Lands**

I refer to your correspondence dated 7 November 2018 seeking advice for the above Planning Proposal in accordance with the 'Environmental Planning and Assessment Act 1979'.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted and has no specific recommendations in relation to bush fire protection.

Should you wish to discuss this matter please contact Alan Bawden on 1300 NSW RFS.

Yours sincerely

John Ball  
Manager

For general information on bush fire protection please visit [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)



Office of  
Environment  
& Heritage

Our Ref: DOC18/868090-6  
Your Ref: Kyogle LEP 2012 - amendments

General Manager  
Kyogle Shire Council  
PO Box 11  
Kyogle NSW 2474

Attention: Mr Lachlan Black

Dear Mr Kennett

**Re: Stage 1 E Zone Review – Proposed Amendments to Kyogle LEP 2012**

Thank you for your letter dated 7 November 2018 about the proposed amendments to Kyogle Local Environmental Plan 2012 (LEP 2012) seeking comments from the Office of Environment and Heritage (OEH). I appreciate the opportunity to provide input and apologise for the delay in responding

The OEH has statutory responsibilities relating to biodiversity (including threatened species, populations, ecological communities, or their habitats), Aboriginal and historic heritage, National Parks and Wildlife Service estate, flooding and estuary management.

We understand that the proposed (Stage 1) amendments to LEP 2012 are consistent with the requirements of the Northern Councils E Zone Review – Final Recommendations Report, which states at point 6 of the final recommendations that: *Kyogle council should apply a rural zone, equivalent to the zone in the Interim Development Order, to the land which was proposed to be zoned E2 or E3 and deferred from Kyogle 2012, until such time as investigations are completed to identify appropriate E zones.*

As clearly stated in the gateway determination issued by the Department of Planning and Environment (DPE) on 7 June 2017, the application of an appropriate rural zone to deferred areas is a temporary measure until investigations are completed to identify appropriate E Zones or additional mapped planning controls. The gateway determination also stipulates the (Stage 2) planning proposal that identifies appropriate E Zones, or additional mapped planning controls is to be submitted within 12 months of the (Stage 1) LEP 2012 being finalised.

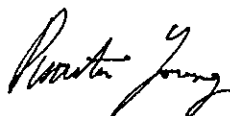
The OEH recommends that:

1. Investigations for Stage 2 amendments of LEP 2012 should commence with verifying the presence of E2 or E3 criteria, as listed in Table 1 and Table 2 of the Final Recommendations Report. We consider these investigations should not be limited to the deferred areas but should apply to the whole of the Kyogle Local Government Area.

2. Where E2 criteria are verified to be present on the land, those areas are to be rezoned to E2. Where E3 criteria are verified to be present on the land, those areas are to be rezoned to E3. Where both E2 and E3 criteria are verified as present, these areas are to be rezoned to E2. We understand that there is no requirement for landowner agreement for these areas to be rezoned to E.
3. Where E2 or E3 values are absent, but there are other biodiversity values present, such as native vegetation in good condition, or that provides habitat connectivity, or that provides a buffer, the landholder is to be approached by the council seeking agreement to apply an E2 or E3 zone.
  - a. Where the landholder agrees, the council is to apply the highest E zone agreed to by the landowner.
  - b. If the land owner does not agree to the application of an E zone, the land may be zoned to an appropriate zone that is reflective of its prior use. However, areas with biodiversity values may be included in a mapped planning control, such as a Vegetation Map overlay or Biodiversity overlay, with associated special provisions in the LEP, to ensure that development applications in those areas avoid and minimise impacts in those areas to the greatest extent practicable.
4. Where no E2, E3 or other biodiversity value attributes are verified to be present, the land can be zoned to an appropriate zone.
5. If any of the land addressed by recommendations 2, 3 and 4 above is verified as being part of a drinking water catchment or steep lands, then an appropriate mapped planning control, with associated special provisions in the LEP, may also be applied to ensure that development applications in those areas avoid and minimise impacts in those areas to the greatest extent practicable.

If you have any further questions about this matter, Ms Nicky Owner, Senior Conservation Planning Officer, Conservation and Regional Delivery, OEH, can be contacted on 6659 8254 or at [nicky.owner@environment.nsw.gov.au](mailto:nicky.owner@environment.nsw.gov.au).

Yours sincerely

 18 December 2018

**DIMITRI YOUNG**  
**Senior Team Leader Planning, North East Branch**  
**Conservation and Regional Delivery**

Contact officer: NICKY OWNER  
6659 8254

cc: Ms Tamara Prentice, DPE, Grafton



## Department of Primary Industries

OUT19/478

15 January 2019

General Manager  
Kyogle Council  
PO Box 11  
Kyogle NSW 2474  
[council@kyogle.nsw.gov.au](mailto:council@kyogle.nsw.gov.au)

Dear Madam/Sir

### **Proposed Amendment to the Kyogle Local Environment Plan 2012 – Amendment No. 10 – Deferred Matter Areas**

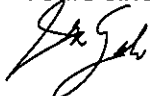
Thank you for the opportunity to provide comment on the above Planning Proposal. The NSW Department of Primary Industries (NSW DPI) Agriculture provides advice to consent authorities about the protection and growth of agricultural industries and the resources upon which these industries depend to provide economic growth.

NSW DPI Agriculture supports the zoning of the Deferred Matters lands to RU2 – Rural Landscape as the objectives of the zone are consistent with our Department's mandate to maintain and enhance access to agricultural resources for current and future agricultural industries.

With regards to the addition to the Land Use Table of 'Place of public worship' as a use that is permissible with consent in Zone RU1- Primary Production zone, NSW DPI Agriculture cannot find any justification within the report as to why Council is considering this change. We would welcome further discussion on this matter.

Should you require clarification on any of the information contained in this response, please contact Agricultural Land Use Planning Officer Selina Stillman on (02) 6626 1215.

Yours sincerely



pp

Lilian Parker  
**Manager**  
**Agriculture Landuse Planning**



Department  
of Industry

Our Ref:

11 February 2019

General Manager  
Kyogle Council  
PO Box 11  
KYOGLLE NSW 2474

KYOGLLE COUNCIL <b>RECEIVED</b> 15 FEB 2019
Doc. No. 19/2566

Attention: Lachlan Black

Dear Lachlan

**Re: Amendments to Kyogle Local Environmental Plan 2012- deferred matters**

I refer to your letter of 7 November 2018 notifying the Department of Industry – Lands & Water of the proposed amendments to the Kyogle LEP 2012 affecting deferred matter lands.

I wish to confirm the departments support for the proposed amendments which should help remove the uncertainty regarding the future of previously proposed E Zone areas within the Kyogle Local Government Area. In particular the department welcomes the sensible rationalisation of RE1 Public Recreation zones at Kyogle Showground and Kyogle Recreation Ground.

If you require any further clarification please don't hesitate to contact me on (02) 6642 9201 or [peter.baumann@crowland.nsw.gov.au](mailto:peter.baumann@crowland.nsw.gov.au)

Yours sincerely

Peter Baumann  
Natural Resource Management Project Officer  
Department of Industry –Lands and Water  
GRAFTON