



KIAMA MUNICIPAL COUNCIL
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June 2016

Planning Proposal to Amend LEP 2011



With respect to:
Lot 103 DP 561082 &
Lot 1 DP 1005217
96 Rose Valley Road
Rose Valley
NSW 2534

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**Name of Planning Proposal:
"Additional Permitted" uses on Lot 103 DP 561082 and Lot 1 DP 1005217, 96 Rose Valley Road, Rose Valley, NSW 2533.**

Part 1 – Statement of objectives or intended outcomes

In 2013 Council received a Development Application (DA) for the construction of an abattoir on the subject property. Council considered, exhibited and carried out a 79C assessment of the application. While prohibited, as a *livestock processing industry*, the applicant proposed that the addition of an abattoir was an expansion of the existing use (*rural industry*) and therefore permissible in accordance with Clause 108 of the *Environmental Planning and Assessment Act 1979 (the Act)*. As a result of this assessment, Council received legal advice that concluded that the proposed abattoir was "...beyond the scope of the existing use rights applying to the meat processing plant pursuant to the (original) consent.". Staff concurred that the abattoir was prohibited and did not benefit from existing use rights. The applicants subsequently withdrew the application.

Subsequently, Council has received a Planning Proposal (PP) for consideration of Lot 103 DP 561082 and Lot 1 DP 1005217, 96 Rose Valley Road, Rose Valley (known hereafter as 'the site') in line with Council's Planning Proposal Policy.

Council at its meeting held on 15 December 2015 resolved to endorse the PP for "Additional Permitted" uses on the site to proceed to the Department of Planning and Environment for a Gateway Determination. The site is currently zoned RU2 Rural Landscape and E2 Environmental Conservation under the provisions of the *Kiama Local Environmental Plan (LEP) 2011*.

The intended outcome of this PP is:

- To amend the LEP 2011 *Additional Permitted Uses Map* and Schedule 1 to enable the undertaking of a small scale abattoir and restaurant on the site in conjunction with the existing extensive agriculture operation.

Part 2 – Explanation of provisions

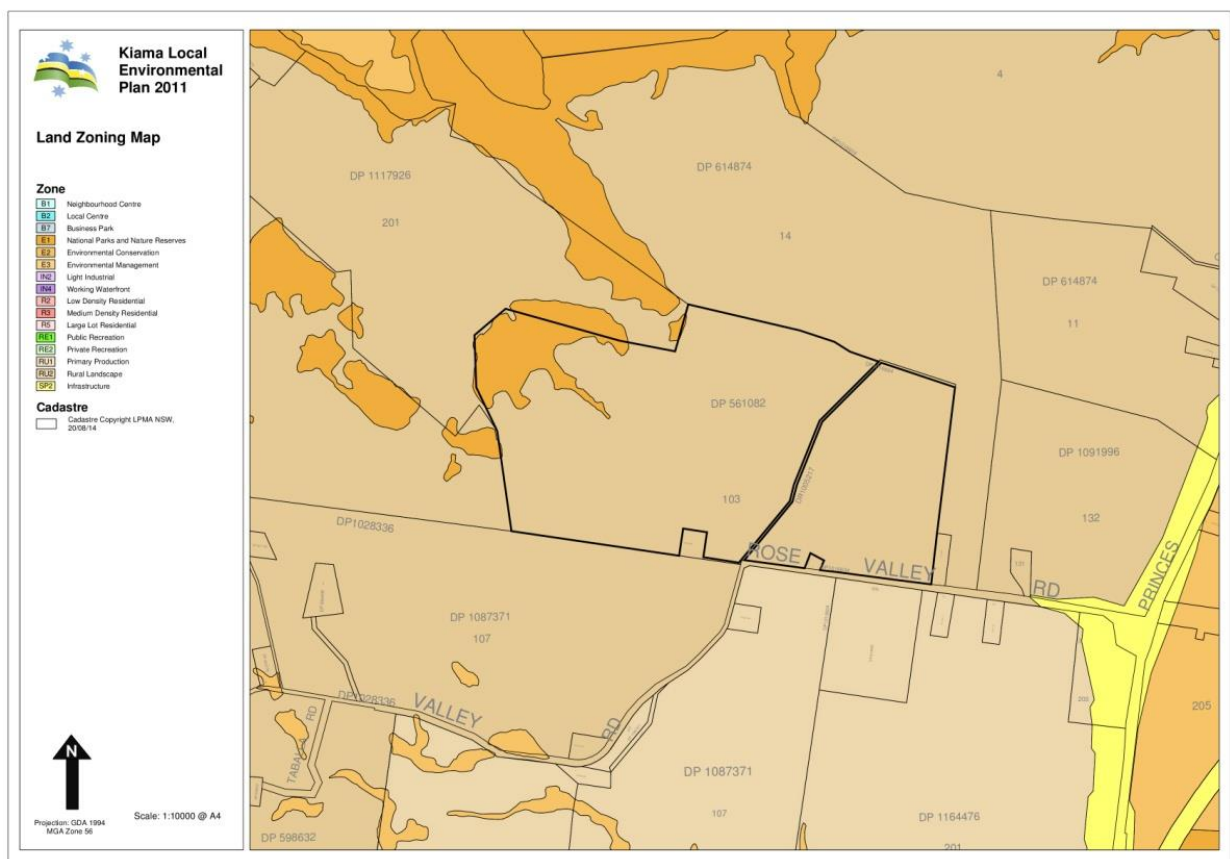
The "Additional Permitted" uses will apply to Lot 103 DP 561082 and Lot 1 DP 1005217, 96 Rose Valley Road, Rose Valley exclusively. The site is located on the south-eastern foot slopes and adjoining flats of Saddleback Mountain at Rose Valley, west of the Princes Highway. The subject site is currently zoned a combination of RU2 Rural Landscape and E2

Environmental Conservation under Kiama LEP 2011. Abattoirs and restaurants fall under the definitions of *livestock processing industry* and *restaurant and café* respectively and are prohibited within the RU2 and E2 zonings.

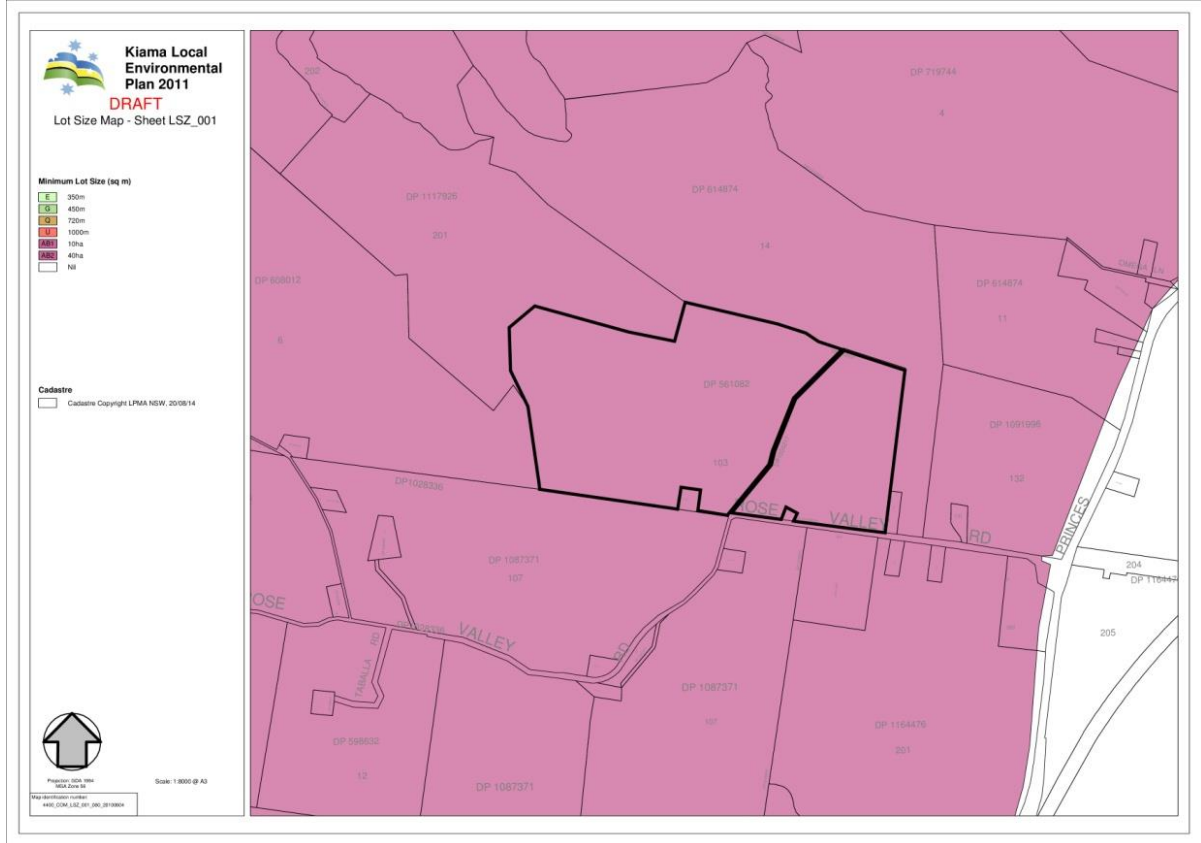
As part of their concept Planning Proposal the proponent has included farm gate sales building and educational tour operations in their list of desired "Additional Permitted" uses. It is noted that these uses fall under the definitions of *industrial retail outlet* and *information and education facility* respectively and are currently permissible with consent within the RU2 zone. It is therefore not necessary to further discuss these uses as part of this PP.

The following excerpt maps from Kiama LEP 2011 and context plan illustrate the current situation and location of the Subject site. It is interesting to note that the site is located at the interface of the RU1 Primary Production and RU2 Rural Landscape Zones. One could argue that *livestock processing industries* are a more conducive land use in the RU1 Zone.

Kiama LEP 2011 Zoning Map Sheet LZN_008 (Current Zoning)



Kiama LEP 2011 Lot Size Map LSZ_008 (Current Lot Size)



Context Plan of the Subject Site in relation surrounding properties and Highway



This PP seeks to amend the Kiama LEP 2011 in the following manner:

1. Amend Schedule 1 – Additional permitted uses to include:

7 Use of certain land at Rose Valley Road, Rose Valley

- (1) *This Clause applies to land at 96 Rose Valley Road, Rose Valley, being Lot 103, DP 561082 and Lot 1 DP 1005217, identified as "7" on the Additional Permitted Uses Map.*
- (2) *Development for the purposes of the following is permitted with development consent:*
 - (a) *a livestock processing industry which is only capable of processing a maximum of 120 head of Wagyu cattle, reared on the subject site, per annum*
 - (b) *a restaurant or café with a maximum seating capacity of 60.*

2. Amend the Additional Permitted Uses Map to include a Sheet APU_013 which identifies Lot 103, DP 561082 and Lot 1 DP 1005217 as "7".

Part 4 of this PP illustrates the proposed map inclusion to Kiama LEP 2011.

Part 3 – Justification

Q1: Is the planning proposal a result of strategic study or report?

The Planning Proposal is not the result of any strategic study or report. The Planning Proposal is the result of a Council resolution to endorse a Planning Proposal (PP) for "Additional Permitted" uses on Lot 103 DP 561082 and Lot 1 DP 1005217, 96 Rose Valley Road, Rose Valley (the site) to proceed to the Department of Planning and Environment for a Gateway Determination.

The Kiama Rural Lands Study (KRLS) 2006 was commissioned by the Kiama Municipal Council in order to investigate the land uses, issues and opportunities for the rural parts of the Municipality as part of preparing the Kiama LEP 2011. The KRLS outlines the importance of protecting and diversifying agricultural land use practices particularly from rural-residential development expansion and associated land use conflicts. In this case while the PP is not the result of a strategic study or report it is consistent with one.

Q2: Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

In order to achieve the desired outcomes of the Planning Proposal of including additional activities currently prohibited on the Subject site, the following options were available to council:

Option A

- Amend "Schedule 1 Additional Permitted Uses" to allow the subject site only to develop currently prohibited livestock processing industry and restaurant and cafe.
- Amend the Additional Permitted Uses Map to include a Sheet APU_013 which includes changes applying to lot 103, DP 561082 and Lot 1 DP 1005217

Comment

This option is considered the best means of achieving the desired outcomes. As this is a site specific proposal it is appropriate to utilise Schedule 1 to limit the land uses specifically to the site. Additionally by utilising Schedule 1 Council is able to apply site specific measures to ensure livestock processing industries and restaurant and cafes remain small scaled.

Option B

- To amend Land Use Table to include livestock processing industries and restaurant and cafes as permitted uses in RU2 Rural Landscape Zone.

Comment

This option is not seen as appropriate by Kiama Municipal Council. This is a proposal aimed at addressing a site specific issue; rather than to address a widespread gap in the land use table across the Municipality. It is noted that a small scale abattoir is consistent with the objectives of the RU2 Rural Landscape Zone, i.e. *to provide opportunities for employment-generating development that adds value to local agricultural production through food and beverage processing and integrates with tourism*. By specifically identifying the size and nature of the livestock processing industry permissible on the site via Schedule 1 is considered more appropriate than including livestock processing industries within the RU2 Zone carte blanche.

Q3: Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

The applicable regional strategy for the area is the Illawarra-Shoalhaven Regional Plan (ISRP). Goal 4 of the ISRP is focused on ensuring that the region makes appropriate use of its agricultural and resource lands. Goal 4 makes reference to the 2014 Biophysical Strategic Agricultural Lands map which has identified that the site is within close proximity to land identified as Biophysical Strategic Agricultural Land. This land has been identified as containing high quality soil and water resources capable of sustaining high levels of productivity and play a critical role in sustaining the State's agricultural industry.

It is important to note that Direction 4.1, Protect regionally important agricultural lands as an asset to food and fibre production, makes specific mention of the importance of value-adding agricultural industries, such as milk and cheese factories, abattoirs and wineries, which are supported by the region's agricultural production, valued at an estimated \$94 million.

The PP will also contribute to the tourism sector, which has been identified as one of the region's priority growth sectors as per Goal 1 of the ISRP.

In this regard the PP is considered to be consistent with the goals of the ISRP as it would make appropriate use of agricultural lands.

Q4: Is the Planning Proposal consistent with a council's local strategy or other local strategic document?

The Kiama Rural Lands Study 2006 was commissioned by the Kiama Municipal Council in order to investigate the land uses, issues and opportunities for the rural parts of the Municipality as part of preparing the Kiama LEP 2011. The Kiama Rural Lands Study 2006 identified that the agricultural areas on the fringe of Sydney and the Illawarra produce a significant proportion of the fresh produce consumed in New South Wales (NSW). The Kiama Rural Lands Study 2006 identified the Rose Valley area as high class agricultural land as it predominantly contained extensive agricultural uses. While the Kiama Rural Lands Study 2006 predated the Kiama LEP 2011 it did predict some of the issues concerning the rural zoned land that are pertinent to this PP.

It is a paradox that people will move into a rural area because of the open spaces and agricultural uses and then when the agriculture starts to smell or the noise of the

tractor or pump is too loud, the rural residents complain and the agricultural use is forced to alter its operations.

This paradox became evident as part of the original Development Application, which was ultimately withdrawn, that triggered this PP. Due to the settlement patterns of the Municipality land use conflicts between agricultural practices and rural residential dwellings are bound to occur. The Kiama Rural Lands Study 2006 comments on the fact that tourism and other economic development initiatives should be encouraged to ensure the continuation of existing agricultural practices. The primary objective of the PP is to enable the undertaking of a small scale abattoir and restaurant on the site in conjunction with the existing extensive agriculture operation. It is proposed that these uses will allow for farm gate sales and educational tour operations to occur on the site. In this regard the PP is consistent with the Kiama Rural Lands Study 2006 as it would contribute to maintaining Kiama's rural landscape through promotion and education of agricultural activities as well as contributing to the broader region's tourism sector. The Planning Proposal would build on the subject sites current operations delivering a more holistic and sustainable model of agricultural use.

Q5: Is the planning proposal consistent with applicable State Environmental Planning Policies?

The planning policy is consistent with applicable State Environmental Planning Policies (SEPP), in particular:

SEPP No 55 – Remediation of Land

Object of this Policy

- (1) The object of this Policy is to provide for a Statewide planning approach to the remediation of contaminated land.*
- (2) In particular, this Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:*
 - (a) by specifying when consent is required, and when it is not required, for a remediation work, and*
 - (b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and*

(c) by requiring that a remediation work meet certain standards and notification requirements.

Assessment of Compliance

Table 1 of the 'Managing Land Contamination Planning Guidelines' nominates agricultural and horticultural activities as an activity that may cause contamination. In this regard the site may already be contaminated.

Clause 6 of the SEPP outlines specific matters that need to be considered as part of preparing an environmental planning instrument (i.e. a PP). An assessment against the provisions of Clause 6 has been carried out below.

6 Contamination and remediation to be considered in zoning or rezoning proposal

- (1) In preparing an environmental planning instrument, a planning authority is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:*
 - (a) the planning authority has considered whether the land is contaminated, and*
 - (b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and*
 - (c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.*
- Note.** In order to satisfy itself as to paragraph (c), the planning authority may need to include certain provisions in the environmental planning instrument.*
- (2) Before including land of a class identified in subclause (4) in a particular zone, the planning authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.*
- (3) If a person has requested the planning authority to include land of a class identified in subclause (4) in a particular zone, the planning authority may require the person to furnish the report referred to in subclause (2).*
- (4) The following classes of land are identified for the purposes of this clause:*
 - (a) land that is within an investigation area,*
 - (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*

- (c) *to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*
- (i) *in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
- (ii) *on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

Assessment of Compliance

While the site is considered to be land specified in subclause (4) the PP does not seek to include it in a new zone. Additionally it is considered that the primary use of the land will still remain agricultural upon the completion of the PP.

A Stage 2 Detailed Investigation may be required in order to determine if the site is suitable for restaurant component of the PP.

In principle support can be provided for the PP with the issue of whether the existing agricultural activities may be causing contamination on the site being determined by investigation after a Gateway Determination has been made.

SEPP (Rural Lands) 2008	Assessment of Compliance
2 Aims of Policy <i>The aims of this Policy are as follows:</i>	
(a) <i>to facilitate the orderly and economic use and development of rural lands for rural and related purposes,</i> (b) <i>to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State,</i> (c) <i>to implement measures designed to reduce land use conflicts,</i>	The PP will enable the use of the site for rural related purposes ancillary to the existing operations on the site. See assessment against Planning Principle below. While a number of objections were received in relation to the original DA they were primarily concerned with the application's permissibility. This PP seeks to rectify the development's prohibited nature. While it is likely that some

(d) <i>to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,</i> (e) <i>to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.</i>	objections will be raised by surrounding landowners it is considered that in principle the PP will not inhibit any future development implementing land use conflict mitigation measures. The site has not been identified as containing State significant agricultural land. The PP does not involve subdivision of the site.
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7 Rural Planning Principles

The Rural Planning Principles are as follows:

1. <i>the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,</i> 2. <i>recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,</i> 3. <i>recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,</i> 4. <i>in planning for rural lands, to balance the social, economic and environmental interests of the community,</i> 5. <i>the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,</i>	The PP will enable a holistic, sustainable approach to Wagyu production on site. In this regard the PP is consistent with this principle. By promoting agricultural production and diversification in the area this PP is consistent with this principle. By providing an opportunity for additional/ancillary agricultural development the PP is consistent with this principle. Not applicable as the PP is not proposing the provision of additional rural lands. The KLEP 2011 has identified areas of high quality biodiversity on the site. The concept plans submitted by the proponent indicate that future development would not occur within areas containing biodiversity/native vegetation. In this
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6. <i>the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,</i>	regard the PP is consistent with this principle. By limiting the scale of the proposed livestock processing industry this PP will have minimal effect on rural lifestyle, settlement and housing. In this regard the PP is consistent with this principle.
7. <i>the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,</i>	Not applicable as the PP is not for the provision of additional housing.
(h) <i>ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.</i>	The PP is considered to be consistent with both the Illawarra-Shoalhaven Regional Plan and the Kiama Rural Lands Study 2006.

Q5a: Is the planning proposal consistent with applicable deemed State Environmental Planning Policies?

The Planning Proposal is consistent with the applicable deemed State Environmental Policies, in particular:

Deemed SEPP - Illawarra Regional Environmental Plan No 1 (IREP 1)

The relevant sections of IREP – 1 deemed SEPP have been addressed in the following table.

Deemed SEPP – IREP 1	Statement of Compliance
9 Preparation of draft local environmental plans <i>A consent authority shall, in the preparation of a draft local environmental plan, give effect, in so far as is possible, to the objectives, policies and principles specified in Parts 2–16.</i>	See comments below.
Part 2 Provisions relating to rural lands	The Planning Proposal is consistent with the objectives of Part 2 as the productive capacity of prime crop and pasture lands will be retained. There are no relevant policies or principles to the Planning Proposal within Part 2.
Part 3 Repealed	-

<i>Part 4 Provisions relating to coal</i>	The Planning Proposal is consistent with the objectives of Part 4 as it will not render coal resources unavailable. The land identified by the IREP 1 as containing extractive materials is located in the north western corner of the site zoned E2 Environmental Conservation.
<i>Part 5 Provisions relating to energy</i>	The Planning Proposal is consistent with the objectives of Part 5. There are no relevant policies or principles within Part 5.
<i>Part 6 Repealed</i>	-
<i>Part 7 Provisions relating to living area</i>	Not Applicable as the PP is not for the extension of a village or small settlement.
<i>Part 8 Provisions relating to commercial centres</i>	Not Applicable
<i>Parts 9-11 Repealed</i>	-
<i>Part 12 Provisions relating to the escarpment</i>	Not Applicable
<i>Part 13 Provisions relating to coastal lands, wetlands and other water bodies</i>	Not Applicable, as the site does not contain coastal lands, wetlands or any other water bodies.
<i>Part 14 Repealed</i>	-
<i>Part 15 Provisions relating to environmental heritage</i>	Not Applicable as the site does not contain an item listed in Schedule 1.
<i>Part 16 Repealed</i>	-
<i>Part 17 Provisions relating to high rise buildings</i>	Not Applicable as no high rise buildings are proposed as part of the PP.

Given the nature of the Planning Proposal not all Parts are relevant nor is the Proposal able to give effect to them. Nevertheless, the Planning Proposal is not inconsistent in any way with this Deemed SEPP.

Q6: Is the planning proposal consistent with applicable Ministerial Directions (s 117 directions)?

A Section 117 Ministerial Direction - Compliance Checklist has been compiled and is included in Appendix 1.

Council required the applicant to complete a Bushfire Hazard Assessment and a Flood Impact Study in line with ministerial directions.

Council finds the proposal consistent with all applicable Section 117 Ministerial Directions with the exception of Direction 6.3 – Site Specific Provisions. However due to the precedence set by other standard instrument LEPs and the need to provide certainty of the scale of development permitted on the site to both the proponent and neighbouring property owners Council believes these inconsistencies to be of a minor significance.

Q7: Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Kevin Mills & Associates (2006) identifies that the steeper slopes of the site contain 'Complex Subtropical Rainforest'. Illawarra Subtropical Rainforests in the Sydney Basin are listed as an Endangered Ecological Community (EEC) under the provisions of the *Threatened Species Conservation Act 1995*. The Office of Environment & Heritage threatened species search function has identified that eighteen (18) threatened species, one (1) endangered population and the above mentioned EEC are known to occur within the site. Two (2) threatened species are predicted to occur within the site. The predicted and known threatened species, endangered population and EEC are only predicted to occur within the mapped 'Complex Subtropical Rainforest'. These areas of 'Complex Subtropical Rainforest' have also been identified as 'biodiversity land' by the Terrestrial Biodiversity Map under KLEP 2011.

Clauses 6.4 and 6.5 of the KLEP 2011 contain controls for the protection critical habitat, threatened species, populations and ecological communities, or their habitats and watercourses and riparian areas respectively. Clause 5.9 also provides controls for the preservation of trees and vegetation within the municipality. The Planning Proposal, if implemented, will not contravene the provisions of Clauses 5.9, 6.4 or 6.5 of the KLEP 2011.

All aspects of the development being put forward by the Planning Proposal will be undertaken on cleared land that has been utilised predominantly for agricultural purposes. Given the absence of natural habitat within those parts of the subject site being contemplated for development, it is unlikely that any critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely impacted as a result of the Planning Proposal.

Q8: Are there any likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

In order to carry out due diligence with respect to processing this proposal, Council requested that the applicant provide a number of technical studies and complementary statements. These studies/statements looked at different potential environmental impacts which could result from the PP and include:

- Waste and Effluent Disposal,
- Stock and Environmental Management,
- Visual Impact,
- Traffic Management,
- Bushfire Hazard, and
- Flood impact

A review of these technical studies has indicated that there are likely to be environmental impacts associated with the additional permitted uses. However these studies have also outlined measures to ensure these impacts are managed appropriately.

A summary of the technical studies as well as any major findings has been reiterated below.

Waste and Effluent Disposal

Waste products generated by the proposed restaurant and abattoir will consist of solid waste; recyclable waste; liquid waste; and, human waste products. A report on the Proposed Onsite Sewage Treatment Facilities & Effluent Re-use Scheme was prepared by Pacific Environmental Pty Ltd. This report quantified the requirements for disposal of treated effluent generated through the proposed additional land uses on site. The report detailed waste generation and treatment, predicative flow and volume rates, as well as a site analysis. The report also detailed process design for the treatment of effluent. The site evaluation included analysis of; soil, meteorological data, hydraulic water balance calculations and storage capacity, nutrient balance including nitrogen and phosphorous loading, and current capacity of the sewerage treatment plant.

Staff raised a number of issues within the initial report and sought additional information. Pacific Environmental Pty Ltd prepared a revised report which satisfactorily addressed the concerns raised by Council staff.

The report indicates that effluent from the proposed land uses can be satisfactorily accommodated on site. Provided the recommendations outlined by Pacific Environmental Pty Ltd are implemented, there should be no adverse environmental impacts arising from the on-site disposal of effluent generated by the restaurant and the abattoir and its amenities.

Stock and Environmental Management

Agricultural consultants SBScibus have prepared a report reviewing the pasture improvement and supplementary fodder cropping practices adopted on site. This report was requested by Council to give some evidential background to the agricultural capacity of the site as outlined in the business model relating to the proposed abattoir and required effluent disposal areas. As such the report analyzed the current and potential future stocking and carrying capacity of the property. The SBScibus report concluded that the modeled stocking and cropping rates can be achieved on site and as such the environmental impacts associated with overstocking are minimal.

An Environmental Management Plan has been prepared by Endo Technik Nord Pty Ltd (owners of the site) in respect to the proposed abattoir. This management plan is based upon a much more detailed plan used for a larger abattoir. The environmental management plan outlines the duties and obligations of each person employed by the abattoir and the potential environmental issues arising at particular stages of the process and the actions to be undertaken to properly manage these issues. In conjunction with an Emergency Animal Disease Procedure, requested by Council, the Environmental Management Plan outlines that via the implementation of management measures the likelihood of environmental impacts, such as noise, odour etc., are minimal.

Visual Impact

Whilst the abattoir building will be located on the flatter, lower portion of the subject site, clustered together with other farm buildings the proposed restaurant will occupy an elevated position on the subject site, to the north of the existing internal access roadway. Being in an elevated position, the restaurant will have the potential to be visually prominent within the landscape.

An analysis of the potential visual impact of the restaurant was undertaken with the location viewed from various public vantage points along the Princes Highway and Rose Valley Road. From viewing locations to the east and north-east, the restaurant would be viewed against the established vegetation immediately to its west, with the hillside upon which it is located rising behind it. From the south and south-east, the restaurant would sit proud of the

hillside upon which it is located, but would still be viewed against the background vegetation as well as the foot slopes of the much more dominant Saddleback Mountain ridgeline.

The potential visual impacts of the proposed buildings, as outlined by the supplied concept plans, are considered to be acceptable and capable of being absorbed within the visual landscape. It is noted that any future Development Application will need to further consider the visual impacts of development upon this site.

Traffic Management

Motion Traffic Engineers prepared a Traffic Impact Assessment (and Coach Turning Path) associated with the proposed uses on the surrounding road network. The report quantified the changes in car usage, additional trips and car park utilisation arising from the proposed uses including the restaurant. The assessment utilised the RTA Guide for Traffic Generating Developments to quantify peak hour trip rates. The resultant traffic and parking impact report considered the existing road network, including the Rose Valley Road Interchange at the Princes Highway, and the additional traffic likely to be generated by the proposed development.

The report reviewed the traffic generation demand for the restaurant and has determined a peak rate of 5 trips per 100m² based upon figures quoted in the RMS' *Guide to Traffic Generating Developments*, which translates to a project specific peak hour demand of 8 vehicles. Car parking on site was assessed against councils DCP and the report found that proposed car parking on site is commensurate with the requirements of the Kiama DCP 2012. The report concluded that:

"The net increase of trips onto the gateway and nearby intersections are low. The trip distribution onto the Rose Valley Interchange show a small increase in trip numbers and represents a low percentage of the estimated capacity of the intersections concerned."

The traffic management impacts of the development proposal have been reviewed in terms of car parking, traffic generation, and on-site vehicle manoeuvring. In terms of its likely traffic impacts of the proposed uses are considered to be satisfactory and will not have an adverse impact on traffic flows or volumes along Rose Valley Road.

Bushfire Hazard

Control Line Consulting prepared a Bushfire Hazard Assessment Report that identified that the vegetated areas over the upper slopes of the subject site are mapped as bushfire prone land – specifically Category 2 vegetation. The proposed restaurant is to be sited near such a vegetated area and, accordingly, a bushfire hazard assessment of this aspect of the proposal has been undertaken.

The bushfire hazard assessment has made a number of recommendations that will guide the future siting, design and construction of the restaurant, including:

- the provision and maintenance of a 20m wide Asset Protection Zone (APZ) in all directions around the restaurant;
- construction of the restaurant to BAL 19 standards in accordance with AS 3959-2009; and
- provision of a minimum 20,000 litre static water supply to be reserved for fire fighting purposes.

By implementing these recommendations the proposed additional uses will comply with the requirements of 'Planning for Bushfire Protection (PBP) 2006' and will ensure minimal environmental impacts.

Flood Impact

Jordan Mealey & Partners prepared a Flood Assessment to assess the suitability for the site for the proposed abattoir in relation to specific flood effects. The study modeled potential flood levels in relation to the proposed abattoir. The 1% AEP flood event affecting the subject site is RL15.05m AHD, with the extent of the flood-affected area being located some 53m from the proposed abattoir. The lowest point of the existing ground at the abattoir site is around RL16.15m AHD, and the main working floor level of the abattoir will be set at RL16.85m AHD.

Both of these levels are well above the 1% AEP flood level and, as the abattoir site is located clear of the flood affected portion of the subject site, the proposed abattoir will not be impacted by flood waters or debris and will not impact upon the storage capacity of the flood plain. The proposed effluent irrigation area is located on the eastern side of the internal farm access road, adjacent to the site of the proposed abattoir, and is entirely above the 1% AEP flood level.

From this assessment it is clear that the proposed additional uses will not directly result in any flood related environmental impacts.

Q9: Has the planning proposal adequately addressed any social and economic effects?

By comparison to *livestock processing industries* listed as designated development (1,095tonnes/year) by the *Environmental Planning and Assessment Regulation 2000* or as a scheduled activity (750tonnes/year) by the *Protection of the Environment Operations Act 1997* the proposed additional use is considered to be of a relatively small scale. This PP seeks to limit any *livestock processing industry* on the site to a capacity of 72tonnes/year (120beasts/year). Never the less all developments are bound to have social and economic effects.

Social Impacts

Noise and odour emissions associated with the proposed *livestock processing industry* are the most likely sources of social impacts. Another social impact includes increases to traffic volumes in the surrounding road network, primarily associated with the proposed *restaurant*; however this matter has been addressed previously in this report.

Buffer zones are a useful means of ensuring that sufficient distances are maintained between potentially conflicting land uses to ensure emissions (e.g. odour, noise etc.) do not impact upon the amenity of sensitive land uses (such as residential land uses). The nearest residences, on non-associated land, to the proposed abattoir are located along Rose Valley Road, with approximately twelve dwellings being located with 750 metres of the proposed *livestock processing industry*. The closest dwelling not associated with the subject site is located approximately 290 metres south of the proposed *livestock processing industry*.

It is noted that to ensure the potential amenity impacts of the abattoir are kept to a minimum, the following practices and procedures have been proposed:

- the abattoir will only operate between 6am and 6pm;
- a maximum average of five (5) animals per fortnight will be processed by the abattoir; and
- the majority of the abattoir processes will be undertaken within the confines of the masonry structure to minimise noise and odour emissions.

Given the relatively small-scale nature of the proposed abattoir the existing buffers zones and the secondary mitigation measures are considered to be adequate and as such appropriately address the social effects of the PP. It is also noted that a subsequent development application will need to be lodged and approved prior to these proposed uses occurring on the site. Further attenuations measures maybe proposed/conditioned as part of this process.

Economic Impacts

The proponent has provided a Financial Viability Analysis prepared by GKJ business advisor and chartered accountant which provides economic projections for both abattoir and the restaurant. It is noted that these projections have been based on assumptions and figures provided by the proponent and have not been subject to an audit or review.

From a general point of view the PP has the potential to result in direct economic benefits to the proponent through the ability to utilise the subject site for all aspects of the Wagyu beef production process and thus making the process more efficient. The restaurant, farm gate sales, and educational tours will provide a supplementary source of income for the proponent.

The PP also has the potential to result in an economic benefit to the broader community through the creation of jobs associated with the operation of the abattoir, and the staffing of the farm gate sales and restaurant. The increase in local tourism attributable to the Planning Proposal is also expected to have a positive multiplier effect for local businesses and operators. As such the PP is likely to positive affect the economy of the area.

In this regard the PP has adequately addressed any social and economic effects.

Q10: Is there adequate public infrastructure for the planning proposal?
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The applicant has provided details of the ability to obtain servicing on site. This has included the following information:

Water Supply

The site's primary water supply is provided via a connection to Sydney Water's reticulated water supply system house. The Sydney Water supply will be used to service the proposed restaurant and abattoir. Rainwater tanks will be utilised as secondary water supply sources

for both process associated with the proposed restaurant and abattoir and for fire fighting purposes in accordance with PBP 2006.

Effluent Disposal

The subject site is not connected to Sydney Water's reticulated sewerage system. The existing development on the site utilises individual on-site effluent disposal systems. The on-site disposal of effluent associated with the proposed restaurant and abattoir have been addressed earlier in this report.

Electrical Supply

The subject site is currently connected to Endeavour Energy's electricity grid and this supply can be extended to service all aspects of the proposal.

Access

Access to the subject site is already provided via direct frontage to Rose Valley Road, a Council-controlled public road which connects with the Princes Highway. The intersection of Rose Valley Road and the Princes Highway has recently been upgraded to a dual carriageway standard on behalf of the NSW Roads and Maritime Service. The traffic impact assessment has not identified any need for upgrading of Rose Valley Road.

As can be seen there is adequate public infrastructure for the PP.

Q11: What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Pre Gateway consultation

As the PP is for site specific permissibility no State or Commonwealth authorities were formally consulted as part of the preparation of this PP. It is noted that the NSW Department of Primary Industries was consulted as part of the original DA.

Post Gateway consultation

It is proposed that the following State authorities would be consulted following Gateway determination.

- Sydney Water
- NSW Rural Fire Service
- NSW Office of Water

- NSW Department of Primary Industries
- NSW Office of Environment and Heritage
- NSW Environment Protection Authority

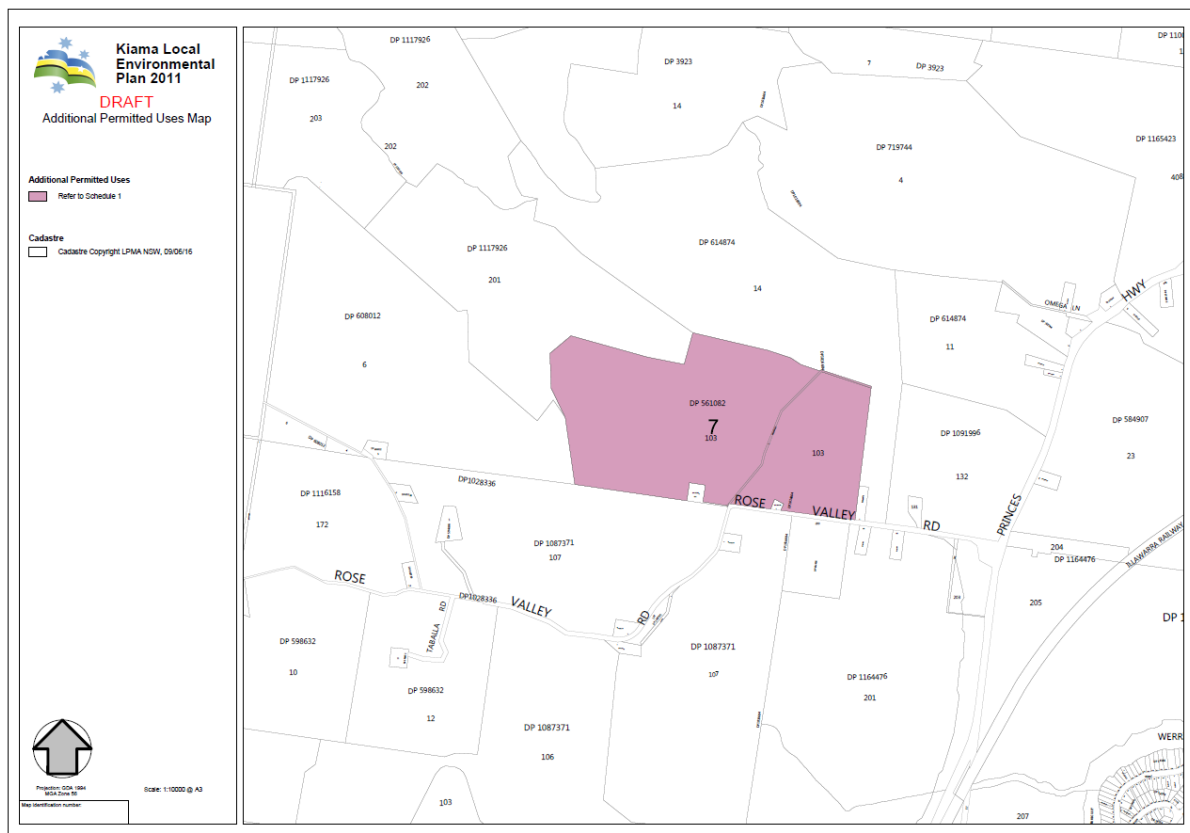
Council requests that Gateway nominates any other State or Commonwealth authorities required for consultation. All identified authorities/stakeholders will be notified during the exhibition period.

Part 4 – Mapping

The following map illustrates the proposed mapping amendments to Kiama LEP 2011 for the subject site. These maps are indicative only. The maps below are reproduced in Appendix 2 on the paper size noted on the scale.

Additional Permitted Uses Map sheet APU_013

1. Amend the Additional Permitted Uses Map to include a Sheet APU_013 which identifies Lot 103, DP 561082 and Lot 1 DP 1005217 as "7".



Part 5 – Community Consultation

Council requests that the planning proposal be exhibited for a period of 28 days and include:

- Advertisement in Local Newspaper,
- Hard copies made available at the Council Administration Building and relevant libraries,
- Electronic copy on Council's website,
- Notification letters to adjoining and surrounding property owners,
- Notification letters to relevant State agencies and other authorities/agencies nominated by the Department of Planning and Infrastructure.
- Other if required

Part 6 – Timeframe

The following project timeline will assist with tracking the progress of the planning proposal through the various stages of consultation and approval. It is estimated that the amendment to the Kiama Local Environmental Plan 2011 will be completed by January 2017.

Stage	Timeframe	Possible Date
Submit planning proposal to NSW Department of Planning & Environment (DP&E) seeking a Gateway Determination		Mid-July 2016
Receive Gateway Determination	4 weeks from submission date	Mid-August 2016
Preparation of any outstanding studies (if required)	6 weeks from notification of Gateway determination.	May extend timeframe by 6 weeks
Public exhibition and public authority consultation of planning proposal	4 weeks after gateway determination	Mid-September 2016
Date of Public Hearing (if applicable)	Unknown	May extend timeframe by 2 weeks
Review of submissions and preparation of report to Council	First available Council meeting after review period (allow 4 weeks from end of public exhibition period)	Mid-November 2016
Drafting of instrument and anticipated submission to DP&E	4 weeks from Council meeting	Mid-December 2016
Amendment to Kiama Local Environmental Plan 2011 legally drafted and made	Unknown	January 2017

Appendix 1 - Section 117 Ministerial Directions – Compliance Checklist
prepared by Kiama Municipal Council

Ministerial Direction	Comment
1 Employment and Resources	
1.1 Business and Industrial Zones	This direction does not apply to the Planning Proposal
1.2 Rural Zones <i>A planning proposal must:</i> (a) <i>not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.</i> (b) <i>not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).</i>	This direction does not apply to the Planning Proposal as it does not propose the rezoning of a rural zone or an increase to the permissible density of rural zoned land.
1.3 Mining, Petroleum Production and Extractive Industries	This direction does not apply to the Planning Proposal
1.4 Oyster Aquaculture	This direction does not apply to the Planning Proposal
1.5 Rural Lands <i>A planning proposal to which clauses 3(a) or 3(b) apply must be consistent with the Rural Planning Principles listed in State Environmental Planning Policy (Rural Lands) 2008.</i>	This direction applies as the Planning Proposal will affect land within an existing rural zone. As the PP is consistent with the Rural Planning Principles listed in <i>State Environmental Planning Policy (Rural Lands) 2008</i> it is consistent with Direction 1.5 – Rural Lands.
2 Environment and Heritage	
2.1 Environment Protection Zones <i>A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</i> <i>A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land).</i> <i>This requirement does not apply to a change to a development standard</i>	The site is not zoned Environmental Protection. The Planning Proposal does not seek to alter the provisions made for Environmental Protection Zones. The Planning Proposal is consistent with Direction 2.1 – Environment Protection Zones.

<i>for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "Rural Lands".</i>	
2.2 Coastal Protection	This direction does not apply to the Planning Proposal as the site is not within the Coastal Zone.
2.3 Heritage Conservation <i>A planning proposal must contain provisions that facilitate the conservation of:</i> (a) <i>items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</i> (b) <i>Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and</i> (c) <i>Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</i>	The site is not known to contain any items of heritage significance and is not protected for Aboriginal heritage. The site has predominantly been used for agricultural purposes post European settlement. To date use of this site in this manner has not resulted in any archaeological discoveries. A search of the Office of Environment and Heritage Aboriginal Heritage Information Management System (AHIMS) Web Service has shown that there are no known Aboriginal sites or places are recorded or have been declared in or within 50 meters of the site. Clause 5.10 of KLEP 2011 contains provisions relating to heritage conservation including provisions for assessment of development on land that is within the vicinity of a heritage item. The Planning Proposal does not seek to alter this clause nor does the Planning Proposal seek to alter the list of heritage items contained within the KLEP 2011. The Planning Proposal is consistent with Direction 2.3 – Heritage Conservation.
2.4 Recreation Vehicle Areas	This direction does not apply to the Planning Proposal is not for the purpose of a recreation vehicle area
3 Housing, Infrastructure and Urban Development	This direction does not apply as the Planning Proposal will not affect land within an existing or proposed residential zone or any other zone in which significant residential development is permitted.
3.1 Residential Zones	This direction does not apply to the Planning Proposal
3.2 Caravan Parks and Manufactured Home Estates	The PP will not result in a rezoning of the site. Home Occupations are permitted without consent within the RU2 zone under the KLEP

	2011. The Planning Proposal would not alter this permissibility. The Planning Proposal is consistent with Direction 3.3 – Home Occupations.
3.3 Home Occupations <i>Planning proposals must permit home occupations to be carried out in dwelling houses without the need for development consent.</i>	This direction does not apply as the Planning Proposal will not affect land within an existing or proposed residential zone or any other zone in which significant residential development is permitted.
3.4 Integrating Land Use and Transport	This direction does not apply as the Planning Proposal will not affect urban land.
3.5 Development Near Licensed Aerodromes	This direction does not apply as the Planning Proposal does not relate to land in the vicinity of a licensed aerodrome.
3.6 Shooting Ranges	This direction does not apply as the Planning Proposal does not relate to land adjacent to or adjoining an existing shooting range.
4 Hazards and Risk	
4.1 Acid Sulfate Soils <i>(4) The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.</i> <i>(5) When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with:</i> <i>(a) the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or</i> <i>(b) such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines.</i> <i>(6) A relevant planning authority must not prepare a planning proposal that proposes an</i>	Chapter 3.2 of the Acid Sulfate Soils Planning Guidelines state that an Acid Sulfate Soils Study should be prepared when an intensification of land use on acid sulfate soil is proposed. It is noted that this chapter specifically refers to a proposal for rezoning. In this regard it is not considered appropriate to request an Acid Sulfate Soils Study at this stage of the PP. The concept development plans that accompany this PP show that future development will occur on Class 5 land. Such provisions have already been included in the Kiama LEP 2011. As such this direction does not apply as the Planning Proposal. The provision of an Acid Sulfate Soils Study is not considered appropriate at this stage of the PP as an intensification of land uses is not

<i>intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director-General prior to undertaking community consultation in satisfaction of section 57 of the Act.</i> <i>(7) Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with paragraph (5).</i>	proposed (i.e. rezoning). An Acid Sulfate Soils Study can be undertaken post Gateway Determination should it be required by the Minister. Not applicable as the provisions referred to under paragraph (5) have been included in the Kiama LEP 2011. In this regard it is considered that the Planning Proposal is consistent with Direction 4.1 – Acid Sulfate Soils.
4.2 Mine Subsidence and Unstable Land <i>(4) When preparing a planning proposal that would permit development on land that is within a Mine Subsidence District a relevant planning authority must:</i> <i>(a) consult the Mine Subsidence Board to ascertain:</i> <i>i) if the Mine Subsidence Board has any objection to the draft Local Environmental Plan, and the reason for such an objection, and</i> <i>ii) the scale, density and type of development that is appropriate for the potential level of subsidence, and</i> <i>(b) incorporate provisions into the draft Local Environmental Plan that are consistent with the recommended scale, density and type of development recommended under (4)(a)(ii), and</i> <i>(c) include a copy of any information received from the Mine</i>	This direction does not apply as the Planning Proposal does not relate to land is within a Mine Subsidence District.

<i>Subsidence Board with the statement to the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.</i> <i>A planning proposal must not permit development on unstable land referred to in paragraph 3(b).</i>	This direction does not apply as the Planning Proposal does not relate to land that has been identified as unstable in a study, strategy or other assessment.
4.3 Flood Prone Land <i>A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).</i> <i>A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</i> <i>A planning proposal must not contain provisions that apply to the flood planning areas which:</i> <i>(a) permit development in floodway areas,</i> <i>(b) permit development that will result in significant flood impacts to other properties,</i> <i>(c) permit a significant increase in the development of that land,</i> <i>(d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or</i> <i>(e) permit development to be carried out without development consent except for the purposes of</i>	The NSW Flood Prone Land Policy, which forms part 1 of the Floodplain Development Manual 2005, refers to 1% AEP flood event plus 0.5m freeboard. Council's existing Development Control Plan (DCP) 2012 ensures all development to comply with this requirement. The submitted Flood Assessment concludes that the 1% AEP flood event plus 0.5m freeboard on the site was recorded at 15.55m AHD. The submitted concept plans indicated that the location of the proposed abattoir is 16m AHD. The Planning Proposal does not seek to rezone land. The Planning Proposal does not seek to intensify the land uses permissible without consent in potential flood land. Any future development on the site will need to comply with Council's DCP and the NSW Flood Prone Land Policy. This will ensure that future development on the site does not result in flood impacts to other properties.

<i>agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.</i> <i>A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</i> <i>For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).</i>	The Planning Proposal does not seek to impose flood related development controls. As discussed above the submitted concept plans indicated that the location of the proposed abattoir is 16m AHD which is above the 1% AEP event plus 0.5m required by the Floodplain Development Manual 2005. In this regard it is considered that the Planning Proposal is consistent with Direction 4.3 – Flood Prone Land.
4.4 Planning for Bushfire Protection <i>In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made</i> <i>A planning proposal must:</i> <i>(a) have regard to Planning for Bushfire Protection 2006,</i> <i>(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and</i> <i>(c) ensure that bushfire hazard reduction is not prohibited within</i>	As the site contains bushfire prone land consultation with the NSW Rural Fire Service will be required following the receipt of a gateway determination. The concept Planning Proposal was accompanied by a Bushfire Hazard Assessment Report which outlined that future development located within the bushfire prone land on the site could comply with the requirements of Planning for Bushfire Protection (PBP) 2006. The proposed additional uses are not considered to be inappropriate uses on the site.

<i>the APZ.</i> <i>A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</i> <i>(a) provide an Asset Protection Zone (APZ) incorporating at a minimum:</i> <i>i. an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and</i> <i>ii. an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,</i> <i>(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,</i> <i>(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,</i>	The submitted Bushfire Hazard Assessment Report outlines that appropriate APZs can be achieved for future development, located within the identified bushfire prone land, entirely within the site. It is noted that the site already contains provisions for two-way access roads. In this regard it is considered that the Planning Proposal is consistent with Direction 4.4 – Planning for Bushfire Protection.
5 Regional Planning	
5.1 Implementation of Regional Strategies <i>Planning proposals must be consistent with a regional strategy released by the Minister for Planning.</i>	The Planning Proposal is consistent with the Illawarra Regional Strategy (see Section 3.2.1 of this report). The Planning Proposal is therefore consistent with Direction 5.1 – Implementation of Regional Strategies.
5.2 Sydney Drinking Water Catchments	This direction does not apply as the Planning Proposal does not relate to land within the Sydney drinking water catchment.
5.3 Farmland of State and Regional Significance on the NSW Far North	This direction does not apply as the Planning Proposal does not relate to land mapped as

Coast	State significant, regionally significant or significant non-contiguous farmland.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	This direction does not apply as this Planning Proposal as it is not on the North Coast.
5.8 Second Sydney Airport: Badgerys Creek	This direction does not apply as the Planning Proposal does not relate to land shown on the map entitled "Badgerys Creek-Australia Noise Exposure Forecast-Proposed Alignment-Worst Case Assumptions".
5.9 North West Rail Link Corridor Strategy	This direction does not apply as the Planning Proposal does not relate to land within the North West Rail Link Corridor.
6 Local Plan Making	
6.1 Approval and Referral Requirements <i>A planning proposal must:</i> (a) <i>minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</i> (b) <i>not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:</i> i) <i>the appropriate Minister or public authority, and</i> ii) <i>the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and</i> (c) <i>not identify development as designated development unless the relevant planning authority:</i> i) <i>can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact</i>	The PP does not propose any additional provisions that would require the concurrence, consultation or referral of future development applications to a Minister or public authority. It is noted that some forms of <i>livestock processing industries</i> may be classified as designated development under Schedule 3 of the <i>Environmental Planning and Assessment Regulation 2000</i>. This PP will not alter this status quo. The PP does not propose the inclusion of any additional provisions that would require the concurrence, consultation or referral of future development applications to a Minister or public authority. It is noted that there are locations on the site where a <i>livestock processing industry</i> could be defined as designated development due to their proximities to natural waterbodies and residential zones. While the entire site is within 5km of a residential zone the topography and prevailing winds in the area will mitigate any significant affects the development may have on the amenity of the neighbourhood. In this regard from the concept plans it is unlikely that

on the environment, and ii) <i>has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking community consultation in satisfaction of section 57 of the Act.</i>	a <i>livestock processing industry</i> on the site would meet the definition of a designated development and is unlikely to have a significant impact on the environment. The Planning Proposal is therefore consistent with Direction 6.1 – Approval and Referral Requirements.
6.2 Reserving Land for Public Purposes <i>A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).</i> <i>When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must:</i> <i>(a) reserve the land in accordance with the request, and</i> <i>(b) include the land in a zone appropriate to its intended future use or a zone advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), and</i> <i>(c) identify the relevant acquiring authority for the land.</i> <i>When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:</i> <i>(a) include the requested provisions, or</i> <i>(b) take such other action as advised by the Director-General of the Department of Planning (or</i>	The Planning Proposal does not involve any reservations of land for public purposes. The Planning Proposal does not involve any reservations of land for public purposes. The Planning Proposal does not include any provisions that relate to the use of land reserved for public purposes.

<i>an officer of the Department nominated by the Director-General) with respect to the use of the land before it is acquired.</i> <i>When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.</i>	The Planning Proposal does not include any provisions that relate to the use of land reserved for public purposes. The Planning Proposal is therefore consistent with Direction 6.2 – Reserving Land for Public Purposes.
6.3 Site Specific Provisions <i>A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:</i> <i>(a) allow that land use to be carried out in the zone the land is situated on, or</i> <i>(b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or</i> <i>(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</i>	Due to the nature of <i>livestock process industries</i>, as a form of <i>rural industry</i>, is not considered appropriate to allow it to be permissible on all land zoned RU2 Rural Landscape. There are no zones within the LEP 2011 that permit <i>livestock process industries</i>. Due to the site's rural setting it is not considered appropriate to rezone the site R3 Medium Density Residential, R5 Large Lot Residential, B1 Neighbourhood Centre, B2 Local Centre, B7 Business Park, IN2 Light Industrial, IN4 Working Waterfront, or RE2 Private Recreation in order to permit <i>restaurants or cafes</i> on the site. It is noted that this PP specifically seeks to impose development standards via restricting the capacity of both the proposed abattoir and restaurant. It is considered that this inconsistency is of a minor significance as other LEPs across the State have included similar development standards which have restricted maximum gross floor areas for commercial premises permitted under Schedule 1.

<i>A planning proposal must not contain or refer to drawings that show details of the development proposal.</i>	Additionally this approach would provide greater certainty to all parties as to the scale of development that would be permitted on this site. While concept plans of the proposed abattoir and restaurant have been provided by the proponent they have only been utilized to support other reports (i.e. Bushfire Hazard Assessment and Flood Impact Statement). While the PP is not strictly consistent with Direction 6.3 – Site Specific Provisions Council believes these inconsistencies to be of a minor significance.
7 Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	This direction does not apply to the Kiama Municipality.
7.2 Implementation of Greater Macarthur Land Release Investigation	This direction does not apply to the Kiama Municipality.

Appendix 2 - Draft Additional Permitted Uses Map

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Map identification number:

