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Our Ref: PP_2016_KIAMA_002 (16/08992)
Your Ref: EP-SC1987

Mr Michael Forsyth
General Manager
Kiama Municipal Council
PO Box 75
Kiama NSW 2533

Attention: Mr Edward Paterson

Dear Mr Forsyth

Planning proposal to amend Kiama Local Environmental Plan, 2011

I am writing in response to Council's request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal for Lot 103 DP561082 and Lot 1 DP1005217, 96 Rose Valley Road, Rose Valley to:

- Amend Schedule 1 – Additional permitted uses to include Clause 7 – Use of certain land at Rose Valley Road, Rose Valley to permit a livestock processing industry which is capable of processing a maximum of 120 head of Wagyu cattle, reared on the subject site per annum, and a restaurant or café with a maximum seating capacity of 60; and
- Insert an additional Permitted Uses Map - Sheet APU_013 Kiama LEP 2011 which identifies Lot 103 DP561082 and Lot 1 DP1005217 as '7'.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

In issuing this Gateway determination, I have found that the planning proposal is consistent with the s117 Directions 1.2 Rural Zones, 1.5 Rural Lands, 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 4.1 Acid Sulfate Soils and 5.10 Implementation of Regional Plans. No further approval is required in relation to these or other Directions, while the proposal remains in its current form.

Council is to consult with the NSW Rural Fire Service prior to undertaking community consultation in order to satisfy section 117 Direction 4.4 Planning for Bushfire Protection and update the planning proposal accordingly.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the *Environmental Planning and Assessment Act 1979* if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Lisa Kennedy of the Department's Southern Regional office to assist you. Lisa can be contacted on (02) 4224 9463.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Linda Davis', followed by the date '9/8/16' written in a similar cursive style.

Linda Davis
Acting Director Regions, Southern
Planning Services

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Delegated Plan Making Reporting Template



Gateway Determination

Planning proposal (Department Ref: PP_2016_KIAMA_002_00): to permit the land uses livestock processing industry and restaurant and café on land at Lot 103 DP561082 and Lot 1 DP1005217, 96 Rose Valley Road, Rose Valley.

I, Linda Davis, Acting Director Regions, Southern at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Kiama Local Environmental Plan (LEP) 2011 as described above should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* as follows:

- (a) the planning proposal is to be made publicly available for 28 days; and
- (b) the relevant planning 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 section 5.5.2 of A Guide to Preparing local environmental plans (Department of Planning and Infrastructure 2012).

2. Consultation is required with the following government agencies prior to exhibition, in accordance with the Act and to comply with the requirements of relevant s117 Directions

- NSW Rural Fire Services
- NSW Department of Primary Industries – Agriculture and
- Environment Protection Authority.

The agencies are to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal. Any agency advice received and council's proposed response to this advice should be placed on public exhibition with the planning proposal.

3. No public hearing is required to be held into the matter under section 56(2)(e) of the *Environmental Planning and Assessment Act 1979*. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example in response to a submission).

4. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.

Dated 9th day of August 2016

Linda Davis
Acting Director Regions, Southern
Planning Services
Department of Planning and Environment
Delegate of the Minister for Planning

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Kiama Municipal Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2016_KIAMA_002_00	Planning proposal for Lot 103 DP561082 and Lot 1 DP1005217, 96 Rose Valley Road, Rose Valley to: • Amend Schedule 1 – Additional permitted uses to include Clause 7 – Use of certain land at Rose Valley Road, Rose Valley to permit a livestock processing industry which is capable of processing a maximum of 120 head of Wagyu cattle, reared on the subject site per annum, and a restaurant or café with a maximum seating capacity of 60. and • Insert an additional Permitted Uses Map - Sheet APU_013 Kiama LEP 2011 which identifies Lot 103 DP561082 and Lot 1 DP1005217 as '7'.

In exercising the Minister's functions under section 59, the Council must comply with the Department of Planning and Environment's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 9 / 8 / 2016



Linda Davis
Acting Director Regions Southern
Planning Services
Department of Planning and Environment
Delegate of the Minister for Planning