

ALL ABOUT
PLANNING

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Planning Proposal for a Schedule I Amendment to add Agritourism and Viticulture as permitted uses with Development Consent, on Lot 5 in DP I077244, under the Nambucca Local Environmental Plan 2010

Amend Schedule I of the Nambucca Local Environmental Plan 2010 to
add Agritourism and Viticulture as additional permitted land uses, for
Lot 5 in DP I077244, TEWINGA

Prepared for:
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Prepared by:
ALL ABOUT PLANNING

Version 1c / Date: 13th December 2024

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**PLANNING PROPOSAL TO AMEND SCHEDULE I
OF THE NAMBUCCA LOCAL ENVIRONMENTAL
PLAN 2014 TO ADD AGRITOURISM AND VITICULTURE
AS ADDITIONAL USES PERMITTED WITH CONSENT
LOT 5 IN DPI077244, TEWINGA**

AAP Reference: 2024 – 015
September 2024, Revised December 2024

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This report has been prepared in accordance with an agreement between All About Planning Pty Ltd (AAP) and Dean and Nikki Laird, as landowner proponents.

In preparing this report, All About Planning Pty Ltd has used and relied on data, plans and information provided by the parties as detailed in this document.

The role of each party is as follows:

- All About Planning Pty Ltd – Town Planners
- Dean and Nikki Laird - Land Owners and Proponents
- Lisa Hall – Planning Portal Professionals, liaison with all parties and Council

Version	Purpose of Document	Author	Date
I	Prepare Planning Proposal	AAP, in consultation with Laird & PPP	September 2024
Ic	Revised PP Incorporating updated bushfire, flooding & ASS maps/ provisions.	AAP	13 th December 2024
-	Gateway Recommendation by Nambucca Valley Council	NVC	-
-	Submission to NSW Department of Planning, Environment & Infrastructure (DPEI)	AAP	-
-	Incorporate any DPEI Requested Amendments	AAP	-

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I. Introduction

This Planning Proposal (herein known as the Tewinga Planning Proposal (PP)) has been prepared by All About Planning Pty Ltd on behalf of Dean and Nikki Laird, the property owners of Lot 5 in DP1077244 in the rural locality of Tewinga, within the Nambucca Valley Local Government Area (LGA).

It is proposed to permit Agribusiness and Viticulture as additional land uses permitted with consent on the subject site, via a Schedule 1 Additional Uses clause in the Nambucca Local Environmental Plan (LEP) 2010.

The PP has been informed by pre-lodgement consultation in June 2024 with Nambucca Valley Council and separate consultation with the closest neighbours to the subject site.

Key supporting documentation has been included in line with Council's upfront advice, being a concept site development plan prepared by the proponents, an AHIMS search, as well as in depth analysis of the strategic and site-specific context relevant to the proposed additional uses on the site.

This PP has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and NSW Department of Planning and Environment (Department) Guidelines, including the *Local Environmental Plan Making Guideline, September 2022*. The intended effect of and justification for the proposed additional uses have been detailed.

The subject site comprises one parcel of land, as detailed above, being Lot 5 in DP1077244, shown on in Figures 1 and 2. The combined site area is 3.98 hectares and is accessed off a registered Right of Carriageway from Rodeo Drive, Tewinga.

Any development proposal for the subject site will still require lodgement of a development application to Nambucca Valley Council for the proposed permitted uses, should the Planning Proposal as described within this report, be endorsed.

This PP demonstrates there are clear strategic and site-specific justifications for the site to be used for the proposed additional purposes. These uses, being Viticulture and Agritourism, have significant strategic merit and permitting these uses on the site is in the public interest. In particular, the proposal demonstrates local and regional economic future benefit, in that both additional uses will increase the viable and productive agricultural use of the existing large lot residential allotment, and will deliver the potential for additional employment generation and greater agritourism opportunity to the subject area.

To assist stakeholders in understanding the intended effects of the Planning Proposal, a concept site development plan has been prepared by the proponents to demonstrate how the proposed planning controls could be applied for purposes of a future development application.

Nambucca Valley Council is a nominated delegate of the Minister for Planning, and has Plan Making Authority in respect of this Planning Proposal.

Relevant Background to this Planning Proposal

This PP is to add Agritourism and Viticulture as additional uses, permitted with consent, on the subject site, via a Schedule 1 Amendment to the Nambucca LEP 2010.

A pre-lodgement meeting to discuss the PP was held with key staff from Nambucca Valley Council on 20th June 2024. At this meeting the key details of the PP were supported and additional advice was also provided post the meeting confirming Council's access upgrade requirements for a future development of the site, pursuant to the PP.

Subsequent to the pre-lodgement meeting, following Council's request, the proponents prepared a concept plan to illustrate the intended outcomes of the subject PP and they also discussed the intended PP with their closest neighbours.

The closest neighbours have now provided their written consent to the proposed additional uses and to the right of carriageway road access widening work.

2. Description of Site and Surrounds

The subject PP site is located within Tewinga, a rural locality within the Nambucca Valley Local Government Area (LGA), refer Figures 1, 2, 3 and 4 following. The Tewinga locality is approximately 10km north west of the major local centre of Macksville, and approximately 14km west of Nambucca Heads, on the west side of the Pacific Highway and north of the Nambucca River.

The subject hinterland locality mostly comprises farmland with detached dwellings, although there are a couple of commercial and tourist orientated uses in proximity of the subject site, being Lilypad Stay self-catered accommodation and the River View Island Wedding and Special Event Venue. The closest small local centre to the subject site is Bowraville, which is 5km further west of the site. Features of



Bowraville include the Frank Partridge Military Museum and an historic theatre.

Figure 1: The location of the subject site at Tewinga, as indicated in yellow edging, within the Nambucca Valley Local Government Area.

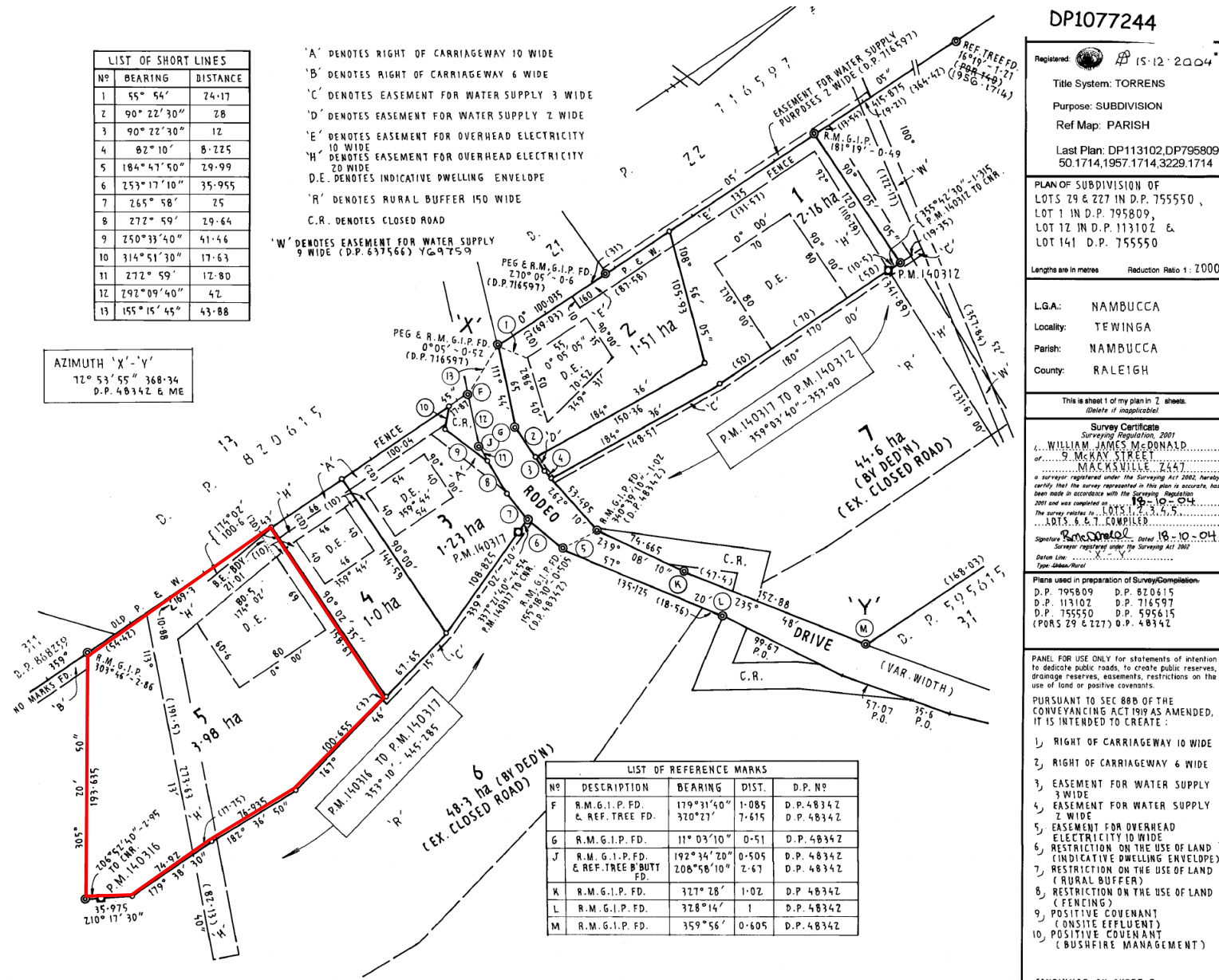
The site comprises a single parcel of land, being Lot 5 in DPI077244. The deposited plan confirms a site area of 3.98 hectares. The site is accessed via a legal right of carriageway, extending from Rodeo Drive in the north to the subject Lot 5.

The existing large lot residential zoned site shares its northern common boundary with another large lot residential site and otherwise has common boundaries with rural farm land that is zoned RUI – Primary Production and RU2 – Rural Landscape (refer Figure 4).

Based upon updated bushfire, available flooding and acid sulphate soils mapping available, the site is category 3 bushfire prone land, the rear most southern ¼ of the site is within the mapped flood planning area of the LEP, and is within a mapped category 5 Acid Sulphate Soils area.



Figure 2: Locality Aerial Photograph of subject site at Tewinga, as indicated in yellow edging, within the Nambucca Valley Local Government Area Source: SIX MAPS



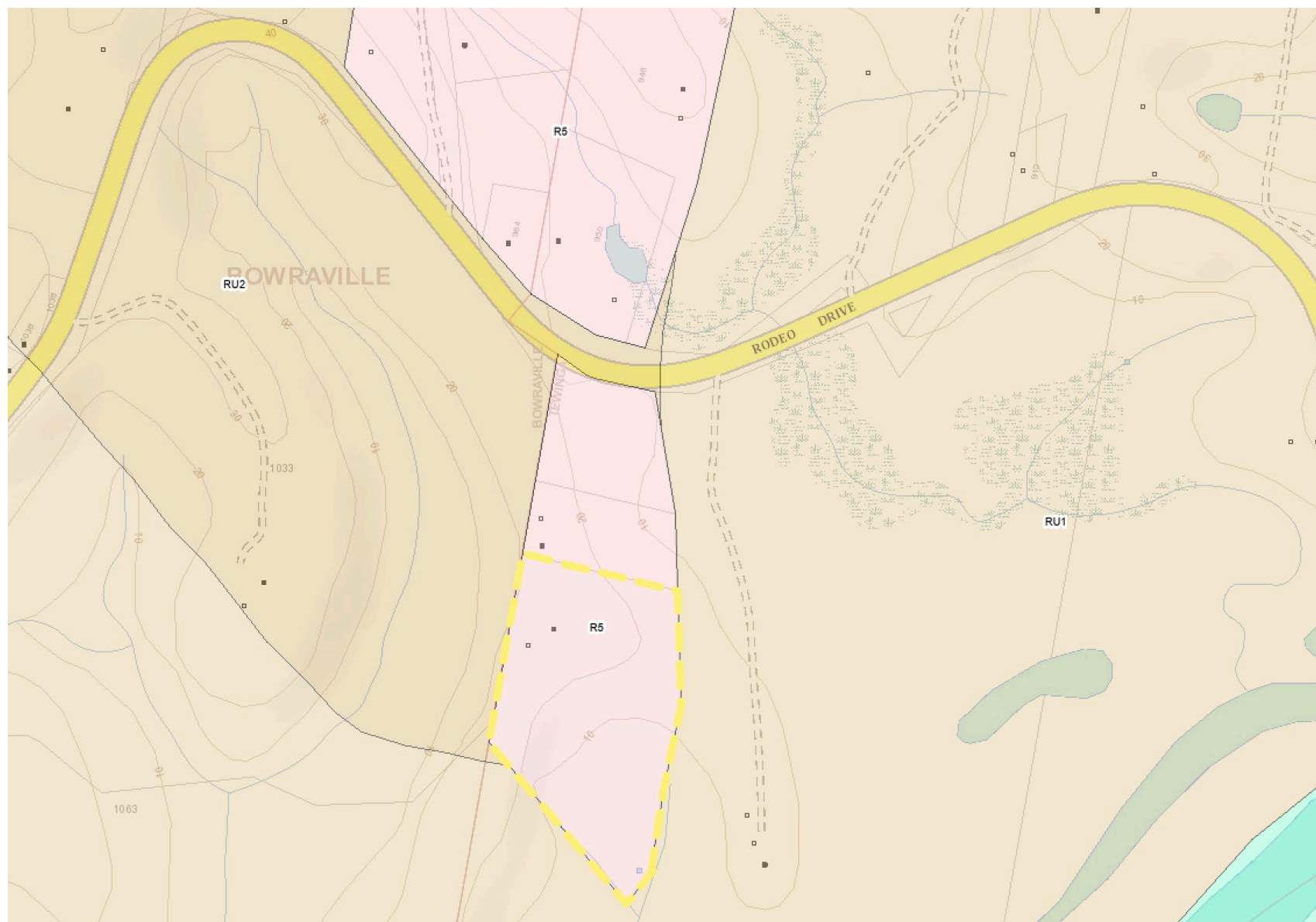


Figure 4: R5 Large Lot Residential Zoned site, proposed for Agritourism and Viticulture, via a Schedule 1 Additional Use Clause Source: NSW Planning Portal Zone Map

3. Objectives and Intended Development Outcomes

Viticulture and Agritourism uses are intended to be added as additional permitted uses in this PP via a Schedule 1 Amendment to the NLEP 2010. No other changes to the planning controls are proposed. A concept architectural design for the site has been developed by the site owners/proponents. The Site Concept Design at Figure 5 (see below) indicates capacity for three (3) fields of vines, together with a restaurant and farm gate premises as key development outcomes for the site.



Figure 5: Concept Architectural Development Outcome for Lot 80 in DP817353 and Lot 921 in DP 27856

The Merits of the Planning Proposal

When proposing the additional uses to be achieved via a Schedule 1 amendment to the LEP, a detailed analysis of both the Strategic and Site-Specific Merit of the Planning Proposal should be undertaken.

All About Planning Pty Ltd (AAP) is pleased to be working with Lisa Hall of Planning Portal Professionals on this Planning Proposal to allow Agritourism and Viticulture as additional land uses within the following R5 Large Lot Residential zoned site – refer the aerial and zoning images below.

Strategic Merit

The proposed additional uses, being Viticulture and Agritourism, have significant strategic merit and the uses are in the Public Interest. In particular, the proposal demonstrates local and regional economic future benefit, in that both additional uses will increase the viable and productive agricultural use of the existing large residential lot, and will deliver the potential for additional employment and greater agritourism opportunity to the subject area.

Extensive agriculture, farm buildings, garden centres, horticulture, landscaping material supplies, neighbourhood shops, plant nurseries and tourist and visitor accommodation are permitted with consent on their land, the addition of agritourism to the permitted with consent land uses would not be out of character or scale with these already permitted uses.

Horticulture – being defined as *“the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes”*, is already permitted with consent on the subject R5 zoned land within Nambucca Valley. It is therefore an anomaly that grapes are the only fruit not permitted (with the consent of Council) to be commercially grown on the subject land, especially when grapes are typically grown without the need for nets and/or greenhouses, making them less visually obtrusive than many other forms of horticulture.

Viticulture and cellar door premises are currently permitted with consent on R5 zoned land in 25 Councils in New South Wales (see following list), which is over a quarter of the non-Sydney Councils. Additionally, viticulture only is permitted in a further eight Councils and cellar door premises only in a further four Councils which itself is incongruous given a cellar door should really be able to produce the grapes on site for their cellar door.

Interestingly, the planning proposal is already consistent with a significant number of existing LEP's in NSW, refer Table 1 below.

The following LEP's already permit viticulture and/or cellar door premises within the R5 Large Lot Residential zone:

Councils where VITICULTURE and CELLAR DOOR PREMISES are permitted in the R5 Zone	Councils where Viticulture is permitted in the R5 Zone, but not cellar door premises	Councils where Cellar Door Premises are permitted in the R5 Zone, but not viticulture
Armidale	Albury	Dungog
Bathurst	Clarence Valley	Lachlan
Bega Valley	Greater Hume	Liverpool Plains
Bellingen	Gunnedah	Lockhart
Bombala	Kempsey	
Conargo	Lithgow	
Cooma	Moree Plains	
Eurobodalla	Tumut	
Glen Innes		
Great Lakes		
Griffith		
Gundagai		
Guyra		
Junee		
Mid-Western Regional		
Queanbeyan-Palerang		
Oberon		
Parkes		
Snowy River		
Tamworth		
Temora		
Uralla		
Walcha		
Warren		
Warrumbungle		

Table 1: R5 Land Use Zone Analysis Source: Planning Portal Professionals

The above analysis of existing LEP use provisions confirms that both Viticulture and Agritourism are positive land uses which are already permitted with consent in a significant minority of rural and regional Councils in NSW. To add these uses to the R5 Land Use Table in the Nambucca Valley Council would, therefore, not be without precedent and would complement other already permitted uses in the R5 Land Use Zone.

Site Specific Merit

A Planning Proposal to permit both Viticulture and Agritourism on the site has significant site-specific merit, as summarised below.

- The site has a suitable slope, soil profile and geography to sustain the growing of grape vines and to establish a viable viticulture land use on site
- The site contains no significant established vegetation that would need to be removed in order to establish the proposed use
- The site contains significant setbacks and established landscaping to neighbouring dwellings
- The proposed additional uses of Viticulture and Agritourism will present no identifiable land use conflict with neighbours who live in proximity of the site
- Minimal waste will be generated from the proposed uses
- No additional dwelling is proposed and the additional use will not change the existing or permitted lot size or dwelling outcomes for the land
- An AHIMS Search has been completed which identified that there are zero registered Aboriginal sites and relics on, or within 200m of the site.
- Whilst the site is mapped category 3 bushfire vegetation, emergency vehicular access is readily available to and from Rodeo Drive, along with compliant APZs, and emergency firefighting water supplies that are able to be provided, all in accordance with a bushfire hazard assessment submitted with any DA for the future use of the site. In regards to the APZs based upon the relevant vegetation type being grasslands, an APZ of 25 metres is likely to be required for any further development, which will be readily provided.
- The area of the site included in the LEP Flood Planning Area is limited to the rear most southern 1/4 of the site which largely won't include the proposed viticulture use except for the end of the rearmost 3rd vines field as illustrated in the concept plan at figure 5 earlier. This is not envisaged to conflict with Council's applicable flood controls.
- The proposed viticulture use of the site will not include any works that will trigger a need for an ASS Management Plan under the ASS provisions of the LEP for class 5 mapped land.
- The site is readily accessed via Rodeo Drive and then via a sealed legal right of carriageway
- The site has a history of broad scale grazing/farming and no land contamination risk is identified



Figures 6 and 7: Landscape Photographs of site at Tewinga, , within the Nambucca Valley Local Government Area
Source: All About Planning Pty Ltd





Figures 8 and 9: Site Photographs of existing dwelling and landscape context
Source: All About Planning Pty Ltd

4. Planning Proposal Details

Part I - Objectives and Intended Outcomes

(s.3.33(2)(a) A statement of the objectives or intended outcomes of the proposed instrument)

The objective of this Planning Proposal is to change the statutory land use controls applying to Lot 5 in DP 1077244 at Tewinga, to permit Agritourism and Viticulture as additional land uses, with development consent. This objective is to be achieved by amending Schedule 1 of the NLEP 2010 by adding Viticulture and Agritourism on Lot 5 in DP 1077244, TEWINGA, through:

- Adding a new Clause 6 to Schedule 1 of the NLEP 2010, to permit Agritourism and Viticulture with development consent on land at, in the following way:

6 Use of certain land at Tewinga

(1) This clause applies to the following land at Tewinga, identified as "Clause 6 (Agritourism and Viticulture)" on the [Additional Permitted Uses Map](#)—

(a) Lot 5, DP 1077244, off Rodeo Drive

(2) Development for the purpose of Agritourism and Viticulture are permitted with development consent.

- Add the site to the NLEP 2010, Schedule 1 Additional Permitted Uses Map – APU_005C as illustrated below in Figure 10.

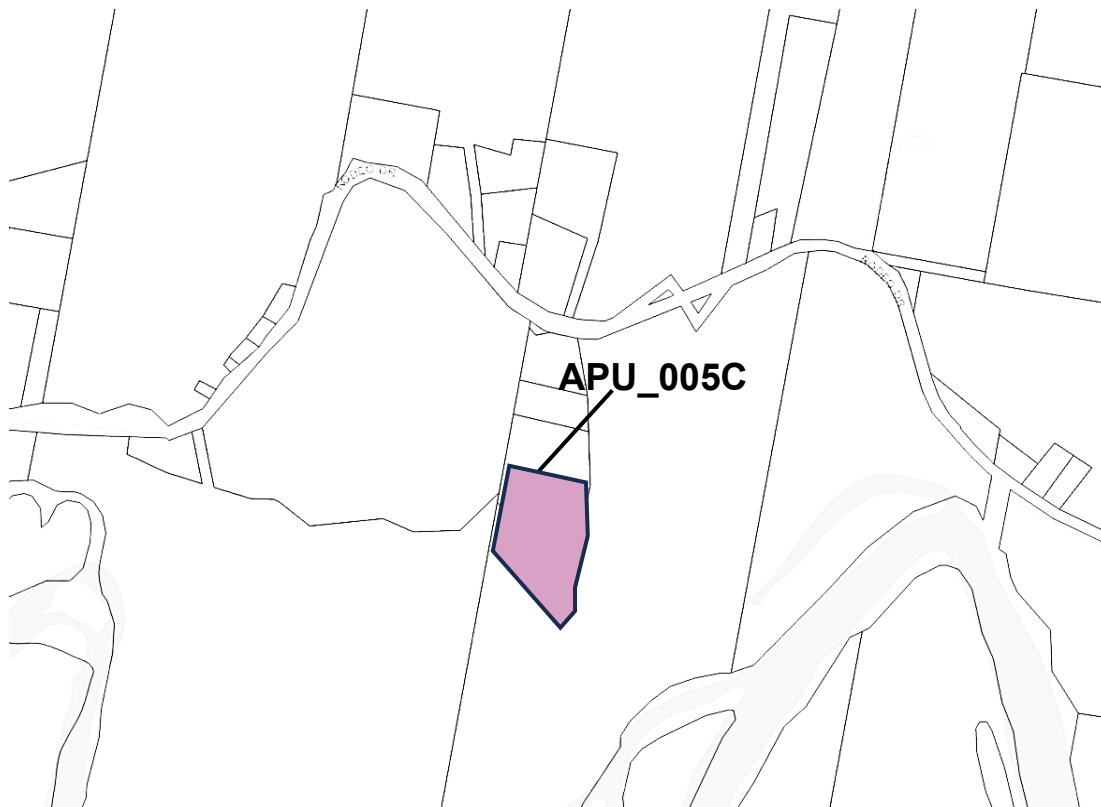


Figure 10: Proposed Addition Permitted Uses Map, as part of the proposed Schedule I amendment for the subject site - Sheet APU_005C

Part 2 - Explanation of Provisions

(s.3.33(2)(b) An explanation of the provisions that are to be included in the proposed instrument)

The objectives and intentions are to be achieved by the following:

- Add a Schedule I amendment to the NLEP 2010 to permit Agritourism and Viticulture as additional permitted uses on the subject site, with development consent. This is to be achieved by amending Schedule I of the NLEP 2010 as outlined below:
 - Amend Schedule I Additional permitted uses by adding Clause 6:
 - 6 Use of certain land at Tewinga**
 - (1) This clause applies to the following land at Tewinga, identified as “Clause 6 (Agritourism and Viticulture)” on the [Additional Permitted Uses Map](#)
 - (a) Lot 5 in DP 1077244, off Rodeo Drive
 - (2) Development for the purpose of Agritourism and Viticulture are permitted with development consent.
- Add an Additional Permitted Uses Map to the Nambucca LEP 2010 to identify Lot 5 in DP 1077244, off Rodeo Drive, TEWINGA, this map being described as APU_005C

Part 3 - Justification

(s.3.33(2)(c) *Justification for the objectives or intended outcomes and the process for their implementation*)

Section A – Need for the Planning Proposal

3.A.1 Is the Planning Proposal a result of any strategic study or report?

No.

3.A.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, a Planning Proposal is the best means of achieving the intended outcome, being to permit Agritourism and Viticulture with development consent.

Section B – Relationship to Strategic Planning Framework

3.B.1 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

The Planning Proposal is consistent with relevant objectives and actions contained within the *North Coast Regional Plan 2041 (NCRP 2041)*, published in December 2022.

The subject Planning Proposal is consistent with the following particular express objectives of the NCRP 2041:

GOAL 1 Liveable, Sustainable and Resilient

- Objective 6: Create a circular economy
- Objective 8: Support the productivity of agricultural land
- Objective 10: Sustainably manage the productivity of our natural resources

GOAL 2 Productive and Connected

- Objective 12: Create a diverse visitor economy
- Objective 14: Deliver new industries of the future



Figure 11 & 12: North Coast Regional Plan 2041 Extracts
Source: NSW Department of Planning & Environment

Nambucca Local Government Narrative – Macksville is the main centre, providing essential retail, commercial and community services. Housing and jobs are also located at Nambucca Heads, Valla and Bowraville. The shire has a strong economy based on tourism, agribusiness and manufacturing, assisted by competitive land values and strong industry networks which will increase the diversity of industry sectors.

A new agricultural land use will be permitted on the site that will directly support Council's and the NSW Government's objectives of growing a diverse visitor economy and local employment opportunities.

The subject Planning Proposal is consistent with the above NCRP 2041 objectives, in that the Proposal will:

- Deliver on the goal of growing a circular economy in the Nambucca Valley. The existing circular economy will be boosted by the addition of the proposed additional agritourism and viticulture uses. Permitting viticulture and agritourism will permit a higher and better use of the site, to grow grapes and to values add to this production in a sustainable low impact way.

- It is a good outcome when large lot residential zoned land is put to low impact commercial and productive use. The subject site has a total area of just under 4 hectares and already contains a permanent dwelling. Allowing viticulture and an agritourism use of the site will enable the greater productive use of the land without triggering any significant land use conflict and will allow a more economic and higher use of the natural assets of the small land holding.
- The subject site is well suited to viticulture and agritourism uses. These uses will complement other established rural and tourist related uses within the Nambucca Valley and is consistent with the objectives of the North Coast Regional Plan and the EPA Act 1979, which both work in cohort to support the viable economic use of land in sustainable ways.
- The 4 hectares of land on site are a natural resource well suited to something more than regular mowing and landscape enhancement and/or small-scale livestock grazing.
- The subject proposal seeks to utilise the land for a greater productive purpose which is to be applauded and which will not only benefit the owners but also benefit to the Nambucca Valley community and especially others working in the local agritourism sector.

3.B.2 Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Nambucca Valley Land Use Planning Statement (LSPS)

The Nambucca Valley LSPS dated September 2020, is a roadmap for Nambucca Valley's strategic planning future, outlining the land-use planning and related priority work that Council has identified is required in order to meet community needs and expectations over the next 20 years to 2040, but with a focus on priority actions for the next 4 years.

Council's LSPS identified the following key demographic and economic data that has informed the vision and identified actions:

1. *The North Coast population is forecast to grow by around 76,200 people and by 46,000 new in the 20 years from 2016 – 2036. The main focus for this growth will be in the 4 Regional Cities within the North Coast Region, including Coffs Harbour, which is now within 30-40 minutes' drive for most residents in the Nambucca Valley.*
2. *In the 20 years from 2016 – 2036 the average rate of growth is expected to slow slightly to around 50 additional people per annum, which is approximately 0.2% per annum.*
3. *The 2016 Census data shows that the Nambucca Valley has been successful in attracting people to relocate from elsewhere on the North Coast and from elsewhere in regional NSW, in comparison to other parts on the NSW North Coast. Between 2011 and 2016, new residents were mostly from elsewhere on the Mid North Coast, including from Coffs Harbour (21%), Bellingen (15%) and Kempsey (13%). The most common destinations for people leaving the Nambucca Valley were to*

Coffs Harbour (22%), Greater Sydney (20%), and 12% to Kempsey, the Gold Coast and Bellingen Valley. The most common age of those leaving was 20-24, which is a common feature in many regional areas, as young people seek education, work and travel opportunities.

4. *27.6% of the population are older than 65. The trend towards an ageing population is common throughout the North Coast region. It is significant because it will reduce the percentage of the population that is active in the workforce in coming years, whilst concurrently growing demand for health and aged care services.*



Local Strategic Planning Statement

NAMBUCCA VALLEY COUNCIL

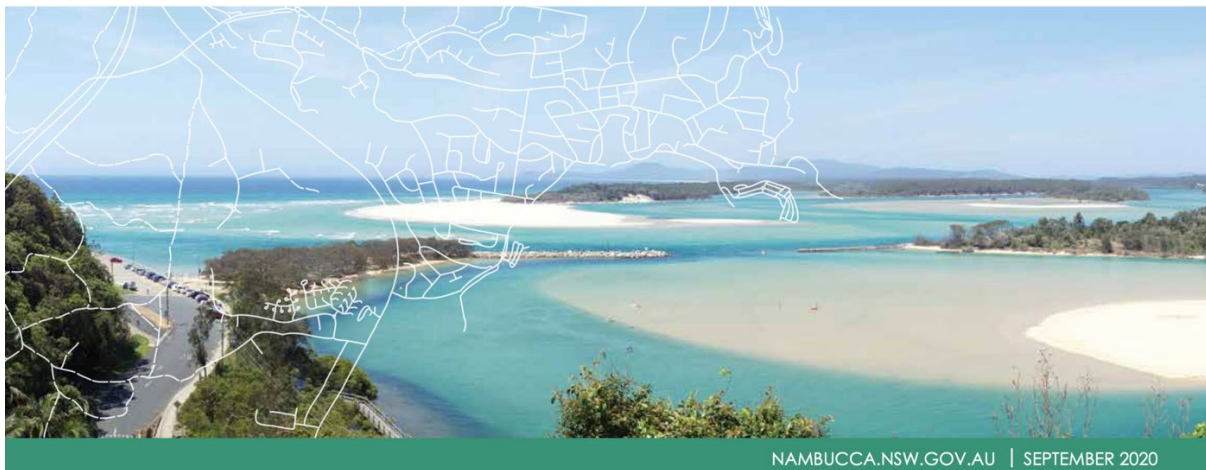


Figure 15 Nambucca Valley LSPS Cover Page Source: Nambucca Shire Council

The Nambucca Valley Local Strategic Planning Statement (LSPS) dated September 2020 identifies 4 key Priority Areas for Action, being:

1. **Community and Place** – delivering well planned communities and places
2. **Environment** – valuing, protecting and enhancing the natural environment
3. **Housing** – achieving diverse, flexible housing and related infrastructure opportunities
4. **Economic Development and Employment** – supporting business and employment, including rural industry, whilst minimising land use conflicts and maintaining environmental sustainability

This PP is consistent with the above Nambucca Valley LSPS objectives in the following ways:

- **Priority Area 2** – the proposed additional use on the subject large lot residential site can be effectively added without any negative environmental impacts.
- **Priority Area 3** – whilst the subject PP does not propose an increase in housing on site, it does not negatively impact on current housing opportunity on the site or adjacent sites.
- **Priority Area 4** – the subject PP is effectively an employment (rural. Industry and tourism) initiative that will actively support employment opportunities in the Nambucca Valley, which is an identified key local need to offset an aging population.

Nambucca Community Strategic Plan 2027

The Nambucca Community Strategic Plan 2027 vision is:

“Nambucca Valley – Living at its best.”

Building on this overarching vision, Nambucca Valley Council’s Mission Statement is:

“The Nambucca Valley will value and protect its natural environment, maintain its assets and infrastructure and develop opportunities for its people.”

The Strategic Plan identifies four aspirations, being:

1. Caring for Community
2. Caring for our Environment
3. Living Well
4. Promoting Prosperity


Comment: This PP is consistent with the Aspirations and Vision of Council’s Community Strategic Plan as listed below (and as demonstrated in the overall assessment provided in this PP):

- **Aspiration 4** – The subject PP seeks to promote the prosperity of the Nambucca Valley by permitting well considered and timely investment in viticulture and agritourism on the subject site, within the Tewinga locality. The proposed additional uses will create local jobs and actively contribute to positive rural industry and local tourism growth.

3.B.3 Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

Yes. The PP is consistent with the applicable State Environmental Planning Policies (SEPPs) as follows:

SEPP	Consistency
State Environmental Planning Policy (Biodiversity and Conservation) 2021	The land is not of Biodiversity significance.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	N/A
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	N/A
State Environmental Planning Policy (Housing) 2021	N/A
State Environmental Planning Policy (Industry and Employment) 2021	N/A
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	N/A
State Environmental Planning Policy (Planning Systems) 2021	Not inconsistent.
State Environmental Planning Policy (Precincts—Central River City) 2021	N/A
State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021	N/A
State Environmental Planning Policy (Precincts—Regional) 2021	N/A
State Environmental Planning Policy (Precincts—Western Parkland City) 2021	N/A

State Environmental Planning Policy (Primary Production) 2021	N/A
State Environmental Planning Policy (Resilience and Hazards) 2021	<p>This SEPP, among other matters, provides the planning framework for the management of contaminated land in NSW.</p> <p>The land has not been identified by Council as being affected by contamination and there is no reason to suspect that the site includes any form of contamination.</p> <p>In relation to Coastal Wetlands and Littoral Rainforest management under this SEPP, the subject site is not located within a mapped Coastal Wetland, Littoral Rainforest or 100m Proximity Buffer of either.</p>  <p>Figure 16: Wetlands Mapping Extract Source: NSW Planning Portal</p> <p>In relation to Coastal Management under this SEPP, The site is mapped as mostly comprising a Coastal Environment Area but not a Coastal Use Area (ref Figure 17 following).</p> <p>The proposed additional use provision for Agritourism and Viticulture development on the subject site will comply with the SEPP provisions.</p>

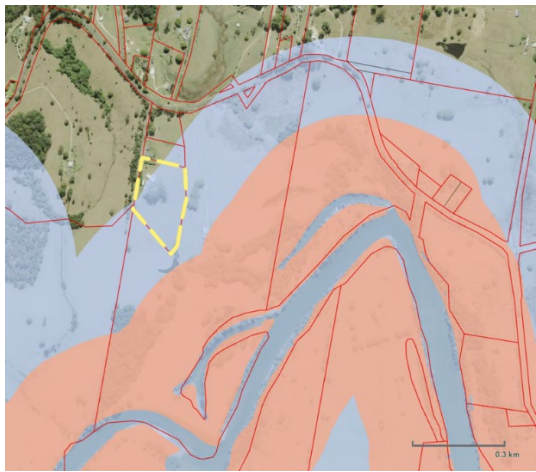

	<p>As assessed within this PP the additional uses will remain consistent with the established large lot residential/ rural character of the area it is located within.</p> <p>In addition the the site's location will also minimise the likelihood of any adverse impacts being created on any of the stated variables of the Coastal Environment Area.</p>  <p>Figure 17: Coastal Mapping Extract Source: NSW Planning Portal</p>
State Environmental Planning Policy (Resources and Energy) 2021	N/A
State Environmental Planning Policy (Transport and Infrastructure) 2021	<p>The scale & intensity of the proposed development outcome from the subject PP will not trigger a referral under the Transport & Infrastructure SEPP.</p> <p>Refer also to the assessment of traffic later in this PP in Section 3.C.2 (<i>Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?</i>).</p>


Table 2: Consistency of the PP with SEPP's

The Planning Proposal is not inconsistent with any of the relevant State Environmental Planning Policies.

3.B.4 Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The PP is consistent with the applicable Ministerial Directions as shown in Checklist of Ministerial Directions below:

S. 9.1 Direction Applying	Issues	Consistent?
1.1 Implementation of Regional Plans	No	Yes. As identified within this report, the proposal is consistent with relevant Regional Plans.
1.4 Site Specific Provisions	No	Yes. The PP will allow the proposed landuse to be carried out in the zone the land is situated on.
3.1 Conservation Zones	No	Yes. The land is not within an area identified by an EPI as being with an area needing conservation.
3.2 Heritage Conservation	No	The site does not contain any heritage items.
4.1 Flooding	No	<p>As referenced earlier, the area of the subject site included in the LEP Flood Planning Area is limited to its rear most southern 1/4, (see the Figure 18 map extract below) which largely won't include the proposed viticulture use except for the end of the rearmost 3rd vines field (as illustrated in the concept plan at figure 5). This is not envisaged to conflict with Council's applicable flood controls and will be consistent with ministerial direction 4.1.</p>  <p>Figure 18: Flood Mapping Source: Nambucca Valley Council</p>
4.2 Coastal Management	Yes & No	<p>As stated under the discussion of State Environmental Planning Policies, the site is mapped as mostly comprising a Coastal Environment Area but not a Coastal Use Area.</p> <p>The two proposed additional permitted uses will not negatively impact on the mapped coastal environment area and are not inconsistent with desired outcomes and nominated objectives for the Coastal Environment Area.</p>

<p>4.3 Planning for Bushfire Protection</p>	<p>No</p>	<p>As mentioned earlier the site is mapped category 3 bushfire vegetation (as illustrated in the following figure 19 extract from the NSW Planning Portal).</p>  <p>Figure 19: Bushfire Mapping Extract Source: NSW Planning Portal</p> <p>4.3(3) of the Ministerial Direction (Planning for Bushfire Protection) requires that the following in any PP:</p> <ul style="list-style-type: none"> (a) provide an Asset Protection Zone (APZ) incorporating at a minimum: <ul style="list-style-type: none"> 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 ii. an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road, (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, (c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks, (d) contain provisions for adequate water supply for firefighting purposes, (e) minimise the perimeter of the area of land interfacing the hazard which may be developed, (f) introduce controls on the placement of combustible materials in the Inner Protection Area.
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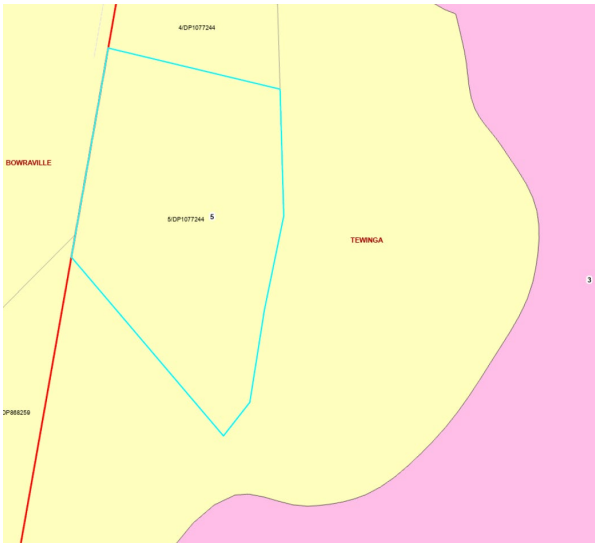
		<p>The subject proposal and future resulting uses will readily comply with the above as compliant emergency vehicular access is available to and from Rodeo Drive, along with generous APZs, and emergency firefighting water supplies that are able to be provided, all in accordance with a future bushfire hazard assessment submitted with any DA for the use of the site. In regards to the APZs based upon the relevant vegetation type being grasslands, an APZ of 25 metres is likely to be required for any further development, which will be easily be provided.</p>
4.5 Acid Sulfate Soils	No	<p>The proposed viticulture use of the site will not include any works that will trigger a need for an ASS Management Plan under the ASS provisions of the LEP for class 5 mapped land (refer figure 20 below).</p>  <p>Figure 20: ASS Mapping Extract Source: Nambucca Shire Council</p>
5.1 Integrating Land Use and Transport	No	<p>Yes. Traffic and transport considerations have been addressed – refer Section 3.B.3 and Section 3.C.2.</p> <p>The subject PP seeks to pursue greater rural and tourism opportunity on the site in an area with ample space for provision of on-site parking and in a location that is well suited to the expanded proposed uses.</p>
6.1 Residential Zones	No	<p>Yes. The proposal will:</p> <ol style="list-style-type: none"> 1) Not reduce housing opportunity within the existing large lot residential zone. 2) Complement the ongoing residential use of the large lot and the immediately adjacent and established rural farmland uses, also in the immediate locality. 3) Generate economic opportunity on the large lot residential site. 4) Be of good design.

Table 3: Consistency of the PP with Ministerial Directions

Section C – Environmental, Social and Economic Impact

3.C.1 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?

The site has a long history of residential use and is highly disturbed through regular occupation and property maintenance, including mowing and slashing, the parking of vehicles, as well as other residential purposes.

The site does not contain significant areas of native vegetation communities or other significant features. The Planning Proposal will not impact on critical habitat, threatened species, populations or ecological communities.

3.C.2 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The site is intended to be developed for purposes of viticulture and agritourism. The Planning Proposal will permit these new land uses on the site, subject to development consent being obtained.

Built Form and Scale & Relationship to Adjoining Development

A Concept Plan for the proposed uses has been prepared by the proponents. These plans demonstrate how an appropriate layout for the intended uses can be achieved without any negative impacts on neighbouring properties.

Traffic

The proposed agritourism and viticulture use if established on the site will generate some additional traffic and on-site parking demand. The specific details of this increased traffic and parking demand will be addressed in a Development Application to be lodged with Nambucca Valley Council, lodged post this foundational strategic planning stage. Council's DA assessment may extend to a requirement for submission of a traffic impact assessment report.

The subject land benefits from a registered right of carriageway providing for a 10m wide legal access to the site extending from Rodeo Drive.

As part of formal pre-lodgement advice, Council's engineer kindly undertook an inspection of the subject site, including the right of carriageway and its intersection with Rodeo Drive. It was advised that a minor upgrade to the existing right of carriageway may be required at DA stage by Council in

respect of the intended future development, in order to achieve a 6m sealed carriageway width from Rodeo Drive.

The site is confirmed to have ample room available for visitor parking and manoeuvring. The future parking area will be designed to satisfy AS/NZS 2890.1.

Aboriginal Heritage

A recent AHIMS database search has been completed for this PP and no recordings of Aboriginal sites or places exist in vicinity of the site. Refer Appendix A.

Infrastructure

The following site infrastructure requirements & operational parameters are noted:

- The provision of all essential services (water, on site waste water system and electricity) are already available to the site and will not be a constraint to the timing or delivery of a future viticulture and agritourism development.
- Telecommunications will not be a constraint to development as Government compliant telecommunications providers will supply the necessary services to the development.
- Gas services will not be a constraint to development as this is a non-essential service and if required can be delivered by private bulk tank or swap and go bottles.

It follows therefore that there are no significant issues with respect to the provision of critical services for a future development of the site.

Any development impacts will of course also be examined in detail at the Development Application stage by Nambucca Valley Council and if supported will be subject to appropriate conditions of development consent, including operational site-specific requirements.

3.C.3 Has the Planning Proposal adequately addressed any social and economic effects?

The proposal to permit both agritourism and viticulture as additional land uses on the site will enable the better and more productive utilisation of the subject large lot residential site. These uses will deliver important increased agricultural diversity and agritourism related opportunities to the Nambucca Valley.

The development of the site for the proposed purposes will generate economic investment and additional uses and new business opportunities on the site, without impacting on the long-term function and viability of the approved permanent dwelling on the site or adjacent dwellings.

No land use conflict is anticipated because permitting viticulture will deliver a visually pleasing landscape and does not involve any major spraying regime or erection of intrusive greenhouse or netting infrastructure. Agritourism on the site will complement the viticulture use and grow local agritourism visitor opportunities in the area.

Nambucca Valley Council's Local Strategic Planning Strategy 2020, their Community Plan 2027 together with the North Coast Regional Plan 2022 all confirm the value of pursuing additional sustainable, diverse and economic land uses within the Valley. Investment in new industries and tourism opportunities are therefore identified as key strategies to address identified social and economic needs.

In these ways, the subject Planning Proposal will enable a new agricultural orientated opportunity that is well suited to the site.

Section D – State and Commonwealth Interests

3.D.1 Is there adequate public infrastructure for the Planning Proposal?

The PP does not trigger the need for additional infrastructure, as per the earlier discussion in Part 3.C.2 of this report.

Nambucca Council staff in Pre-Lodgement Advice have not raised any infrastructure concerns, apart from the potential need for minor access road works. The future development application to establish consent for the proposed uses will of course consider all particular infrastructure requirements related to these uses and the site-specific design particulars when these are confirmed.

3.D.2 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

The NSW Department of Planning and Environment will undertake further consultation with any relevant identified public authorities once a Gateway Determination has been provided.

Part 4 – Mapping

(s.3.33(2)(d) Maps to be adopted by the proposed instrument)

The proposed map amendments are:

- Permit Agritourism and Viticulture on Lot 5 in DP 1077244, off Rodeo Drive, Tewinga, within the R5 Large Lot Residential zone that applies to the site, as shown below in Figure 21 below.

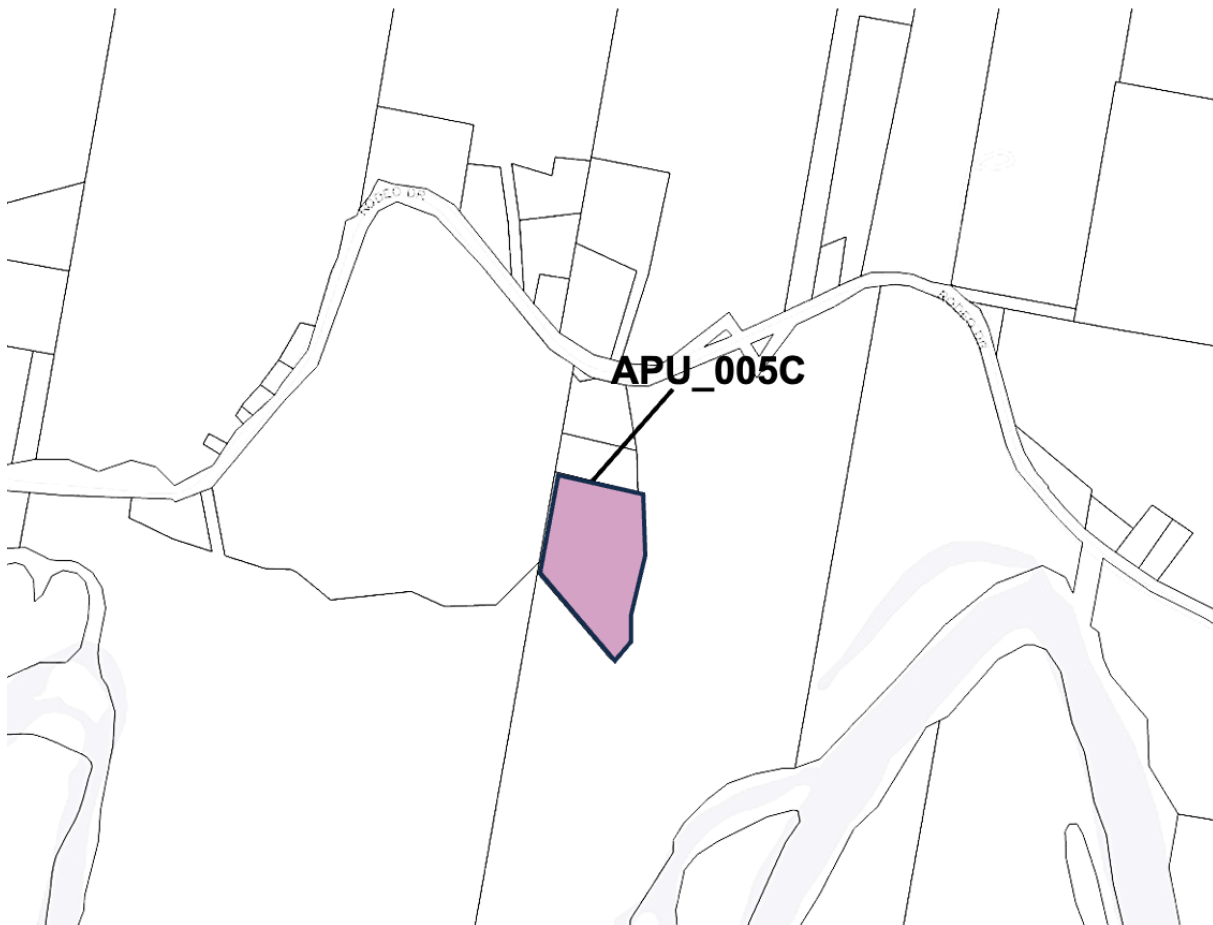


Figure 21 Proposed NLEP 2010 Additional Permitted Uses Map - Sheet APU_005C

- Add Viticulture and Agritourism as additional permitted land uses, in Schedule I of the NLEP 2010 as below. The draft Schedule I Additional Use Clause is below:

6 Use of certain land at Tewinga

(1) This clause applies to the following land at Tewinga, identified as “Clause 6 (Agritourism and Viticulture)” on the [Additional Permitted Uses Map](#)—

- (a) Lot 5, DP 1077244, off Rodeo Drive
- (2) Development for the purpose of Agritourism and Viticulture are permitted with development consent.

Part 5 - Community Consultation

(s.3.33(2)(e) details of community consultation)

Community consultation will be undertaken by the NSW Department of Planning and Environment in accordance with the Gateway Determination, which will specify that the PP must be made publicly available for a minimum of 14 days.

After Gateway Determination, subject to any completion of any matters as required beforehand, the Planning Proposal will be placed on public exhibition. The Planning Proposal will be notified to the public by way of:

- Notice in the local newspaper (2 notifications anticipated);
- Publishing on Council's website during the exhibition period;
- Exhibition material and relevant consultation documents to be made available at Council's Administration Building and libraries; and
- Consultation documents made available on Council's website; and
- Letters advising of the Planning Proposal and how to submit comments will be sent to adjoining landowners and other stakeholders that Council deem relevant to the matter.

During the exhibition period the following material will be available for inspection:

- The Planning Proposal, as approved by the Director General and as amended where requested;
- The Gateway Determination; and
- All supporting specialist studies.

It is not anticipated nor intended that a public hearing will be held.

At the close of the consultation process, the plan making authority will consider any submissions received and a resolution to finalise the Planning Proposal.

It is noted that this process could possibly require additional assessment of issues and results, studies and the like associated with the additional assessment, which will be attached to the final Planning Proposal presented to Council.

The consultation process as outlined above does not prevent any additional consultation measures that may be determined appropriate as part of the "gateway" determination process.

Part 6 - Project Timeline

In accordance with the NSW Department of Planning and Environment's Plan Making Guidelines August 2023, the following timeline is provided, which briefly outlines the key tasks necessary for the making of this amendment to the Nambucca Local Environmental Plan 2010.

It is understood that Nambucca Valley Council has delegation as a Local Plan Making Authority and is a Planning Proposal Authority (PPA).

Task	Responsibility	Timeframe	Date (approximate)
Decision to support the Planning Proposal	PPA - Nambucca Valley Council	4 – 6 weeks	October 2024
Forward Planning Proposal and updated supporting documentation, for Gateway Determination	PPA - Nambucca Valley Council	2 weeks	November 2024
Gateway Review & Determination Issued	Minister for Planning or Delegate	1 month	December 2024
Consultation with Public Authorities in accordance with Gateway Determination	NSW Department of Planning & Environment	Minimum 21 days (may require additional time due to Christmas period)	January/ February 2025
Completion of any additional technical information	Proponent	4 weeks	February/ March 2025
Public exhibition of Planning Proposal in accord with Gateway Determination	PPA – Nambucca Valley Council	Minimum 28 days	March 2025
Report to Nambucca Valley Council	Nambucca Valley Council	6 weeks	April 2025
Finalise Planning Proposal (with any amendments as a result of submissions)	PPA- Nambucca Valley Council & NSW Department of Planning & Environment	4 – 6 weeks	May 2025
Making of local environmental plan	LMPA - Minister for Planning or Delegate	6 weeks	June 2025

5. Conclusion

The proposed additional permitted uses will make excellent and appropriate use of the available site and rural hinterland context.

This PP demonstrates significant Strategic Merit given that:

- The additional permitted uses, being Viticulture and Agribusiness, are entirely consistent with the nominated priority strategic land use objectives in both the North Coast Regional Plan and the Local Planning Strategy and Community Plan for the Nambucca Valley.
- The proposal will deliver sustainable, low impact local and regional economic benefit. In particular, the new agricultural land use, being Viticulture, together with the Agribusiness use, will directly support Council's and the NSW Government's objectives of growing a diverse visitor economy and growing local employment opportunities.
- Both the additional uses will increase the viable, productive agricultural and modest commercial use of the existing large lot residential allotment and will deliver the potential for additional employment and greater agritourism opportunity to the subject area.

The PP demonstrates Site Specific Merit given:

- The natural environmental features of the site, which include an undulating topography with attractive rural landscape views, and the large existing cleared paddocks, are well suited to the proposed additional uses of Agritourism and Viticulture.
- The existing dwelling on site will not be negatively impacted by the proposed additional uses.
- Neighbouring dwellings will not be negatively impacted by the proposed additional uses either. Significant building setbacks can be achieved between the closest northern neighbour's dwelling and the proposed agritourism use of the site. No land use conflict potential is identified with the low impact viticulture use proposed.
- The Agritourism and Viticulture additional permitted uses can be readily accommodated on the subject site within the capacity of current and/or future infrastructure and services.

In the above ways the PP demonstrates both strategic and site specific environmental, social and economic merit and is worthy of full support.

Appendix A

NSW Aboriginal Heritage Information Management System Search Date: 24th May 2024



AHIMS Web Services (AWS) Search Result

Your Ref/PO Number : Tewinga

Client Service ID : 895295

All About Planning

Date: 24 May 2024

PO Box 2196

PORT MACQUARIE New South Wales 2444

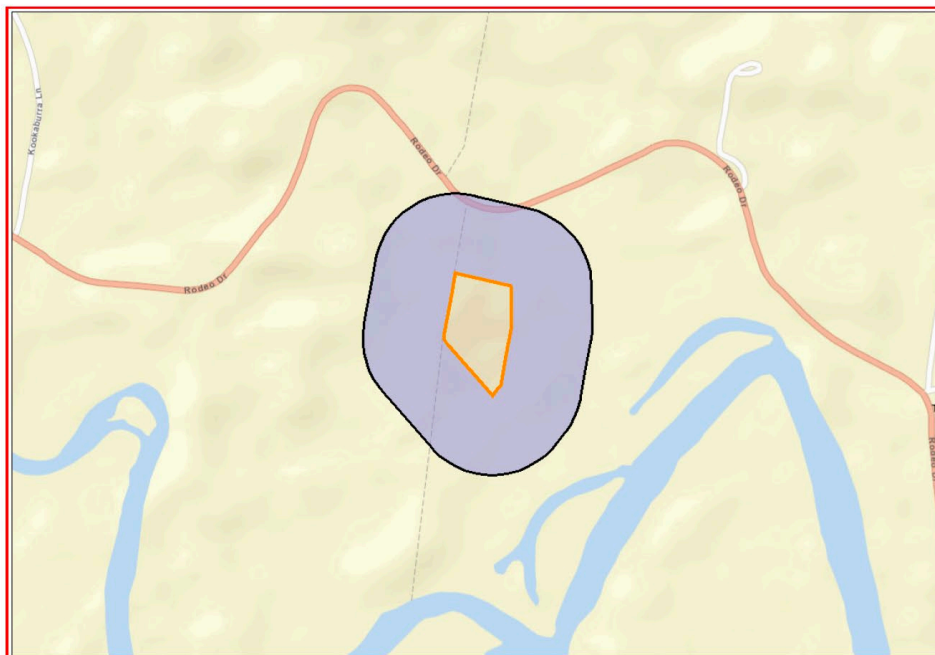
Attention: All About Planning

Email: allaboutplanning1@gmail.com

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 5, DP:DP1077244, Section : - with a Buffer of 200 meters, conducted by All About Planning on 24 May 2024.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *