



Department of Planning, Housing and Infrastructure

PP-2024-1344 IRF24/2729

Mr Bede Spannagle
General Manager
Nambucca Valley Council

Via email:

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| Document tendered by <i>Ms Faehomaan</i> |
| Received by <i>Garrod Kojakian</i> |
| Date: <i>25 / 08 / 25</i> |
| Resolved to publish <input checked="" type="checkbox"/> Yes / <input type="checkbox"/> No |

Dear Mr Spannagle

Nambucca Local Environmental Plan 2010 (Amendment No 36)

I refer to your request to finalise planning proposal PP-2024-1344 which seeks to amend the Nambucca Local Environmental Plan 2010 to require development consent for horticulture in the RU1 Primary Production and RU2 Rural Landscape zones.

I have considered the finalisation package prepared by Council and decided, as the delegate of the Minister, not to make the plan under section 3.36(2)(b) of the *Environmental Planning and Assessment Act 1979* (the Act).

I have made this decision as the proposal does not include a sufficient evidence base to support and justify the changes, as required by the conditions of the Gateway determination, nor does the proposal adequately responded to the submissions made against the proposal. Consequently, the proposal's inconsistency with section 9.1 Ministerial Direction 9.2 Rural Lands has not been justified.

A balanced assessment of the social, economic and environmental outcomes of the proposal is unable to be undertaken without a greater understanding and analysis of horticulture operations across the local government area. Therefore, should Council again wish to pursue this amendment to the Nambucca Local Environmental Plan 2010, a detailed evidence base and analysis will need to be undertaken to accompany any future planning proposal.

Council is strongly encouraged to work with the Department of Primary Industries and Regional Development – Agriculture, and to ensure that the potential impacts to the varying types of horticulture, as well as the exempt provisions are thoroughly investigated and considered.

The Department's Hunter and Northern Region team are available to discuss this matter with Council at your convenience should you wish.

In the meantime, if you have any enquiries about this matter, I have arranged for Mr Sam Tarrant from the Department's Hunter and Northern team to assist you. Mr Tarrant can be contacted on

Yours sincerely

16/1/2025

Daniel Thompson
Acting Executive Director
Local Planning and Council Support
Department of Planning, Housing and Environment