

Ms Liz Jeremy
General Manager
Bellingen Shire Council
PO Box 117
BELLINGEN NSW 2454

Dear Ms Jeremy

Planning proposal to amend Bellingen Local Environmental Plan 2010

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 to make horticulture permissible with consent in the RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots and E4 Environmental Living zones, list horticulture as exempt development and list blueberry farming as exempt development if it satisfies certain development standards.

As delegate of the Minister for Planning, I have now determined the planning proposal should not proceed as outlined in the attached Gateway Determination.

The rural planning principles underpinning *State Environmental Planning Policy (Rural Lands) 2008*, section 117 Direction 1.5 Rural Lands and the North Coast Regional Plan 2036 seek to protect the agricultural productive value of rural land. It is considered that the planning proposal has not adequately addressed these principles, the need and implications for rural lands management or the wider consequences of introducing such provisions for farming generally.

Due to the broader State and regional implications of Council's proposed provisions, I have referred the issues raised by the proposal as part of the current deliberations on the *Draft Primary Production and Rural Development SEPP* for consideration by the Department.

Should Council wish to continue proactively addressing the issues cited in the proposal associated with intensive agriculture, this can be done through a strategic review of Council's Local Growth Management Strategy. This review should be done in consultation with relevant State agencies, key stakeholders and industry groups, and seek to ensure urban and rural residential development is directed away from important farmland and that appropriate locations to support small lot agriculture (such as horticulture) are identified. I would also encourage Council to continue to work with the Department of Primary Industries and the blueberry industry on the development of the revised code of conduct currently under preparation for the sector.

Should you have any enquiries about this matter, I have arranged for Mr Craig Diss of the Department's Northern Region office to assist you. Mr Diss can be contacted on 6701 9685.

Yours sincerely



Marcus Ray
Deputy Secretary
Planning Services

08/03/2018

Encl: Gateway determination