

Gateway Determination

Planning proposal (Department Ref: PP-2022-1535): to permit Community title subdivision of existing multiple occupancies and prohibit new rural land sharing communities in Bellingen Shire Local Government Area

I, the Director, Northern Region at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that amendment to the Bellingen Local Environmental Plan 2010 to permit Community title subdivision of existing multiple occupancies and State Environmental Planning Policy (Primary Production) 2021 to prohibit new rural land sharing communities in Bellingen Shire Local Government Area should proceed subject to the following conditions:

1. The planning proposal is to be updated to ensure all existing multiple occupancies are included on the Multiple Occupancy Map (Attachment 1) and associated table prior to community and agency consultation.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard, as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 20 working days; and
 - (b) the planning proposal 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).

Exhibition must commence within six months following the date of the Gateway determination.

3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
 - NSW Rural Fire Service
 - Department of Primary Industries - Agriculture

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the EP&A Act. This does not discharge Council from any

obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The planning proposal must be reported to council for a final recommendation within eight months from the date of the Gateway determination.
6. The LEP should be completed within 10 months from the date of the Gateway determination

Dated 27 day of May 2022.

A handwritten signature in black ink, appearing to read 'J. Gray', is centered on the page.

Jeremy Gray
Director, Northern Region
Local and Regional Planning
Department of Planning and Environment

Delegate of the Minister for Planning