



## Gateway determination report – PP-2024-2189

Rezone part of Lot 21 DP 1239022, 35 Gordon Road,  
Raleigh to C2 Environmental Conservation and R5  
Large Lot Residential and amend the minimum lot size  
(5 homes, 0 jobs)

March 25



Published by NSW Department of Planning, Housing and Infrastructure

[dpie.nsw.gov.au](https://dpie.nsw.gov.au)

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# Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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**Table 1 - Reports and plans supporting the proposal**

Relevant reports and plans
Council report and resolution – Ordinary Council Meeting 29 January 2025
Planning proposal – Gateway request version (Feb 2025)
Biodiversity Assessment (Aug 2024)
Concept Subdivision Layout (Sep 2024)
Aboriginal Cultural Heritage Assessment (Sep 2024)
Bushfire Hazard Assessment (Sep 2024)
Preliminary Site Contamination Investigation (Sep 2024)
On-site Effluent Suitability Assessment (Oct 2024)

# 1 Planning proposal

## 1.1 Overview

Table 2 - Planning proposal details

LGA	Bellingen Shire
PPA	Bellingen Shire Council
NAME	Rezone part of Lot 21 DP 1239022, 35 Gordon Road, Raleigh to C2 Environmental Conservation and R5 Large Lot Residential and amend the minimum lot size (5 homes, 0 jobs)
NUMBER	PP-2024-2189
LEP TO BE AMENDED	Bellingen Local Environmental Plan 2010
ADDRESS	35 Gordon Road, Raleigh
DESCRIPTION	Lot 21 DP 1239022
RECEIVED	25/02/2025
FILE NO.	IRF25/515
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the proposal's intent.

In summary, the objectives of this proposal are to:

- enable subdivision of the southern part of the site to create five rural residential lots and road access, subject to development consent;
- expand the existing C2 Environmental Conservation zone and realign the R5 Large Lot Residential zone to better preserve areas identified as having high environmental value; and
- prevent further subdivision of the remaining land to ensure preservation of the area's agricultural resources and landscape.

The objectives of this planning proposal are generally clear and sufficient. However, to enhance completeness and improve clarity during agency and public consultations, it is recommended the planning proposal be amended prior to public exhibition to include a reference to limiting further subdivision of the environmental and rural areas of the site.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Bellingen LEP 2010 as follows:

- modify the Land Zone Map (LZN\_006E) to change the zone applying to the southern area of the site from C2 Environmental Conservation, RU1 Primary Production, R5 Large Lot Residential and R1 General Residential to C2 Environmental Conservation and R5 Large Lot Residential; and
- modify the Lot Size Map (LSZ\_006) to change the minimum lot size applying to:
  - the proposed R5 area adjoining the southern boundary of the site from 10 hectares (ha) to 1 ha, and
  - the remainder of the site (C2, C3, R5 and RU1) from 5,000 m<sup>2</sup>, 1 ha, and 10 ha to 20 ha.

No changes are proposed to the existing Height of Buildings standards. No Floor Space ratio applies to the subject site.

The planning proposal contains an explanation of provisions that clearly explains how the objectives of the proposal will be met.

## 1.4 Site description and surrounding area

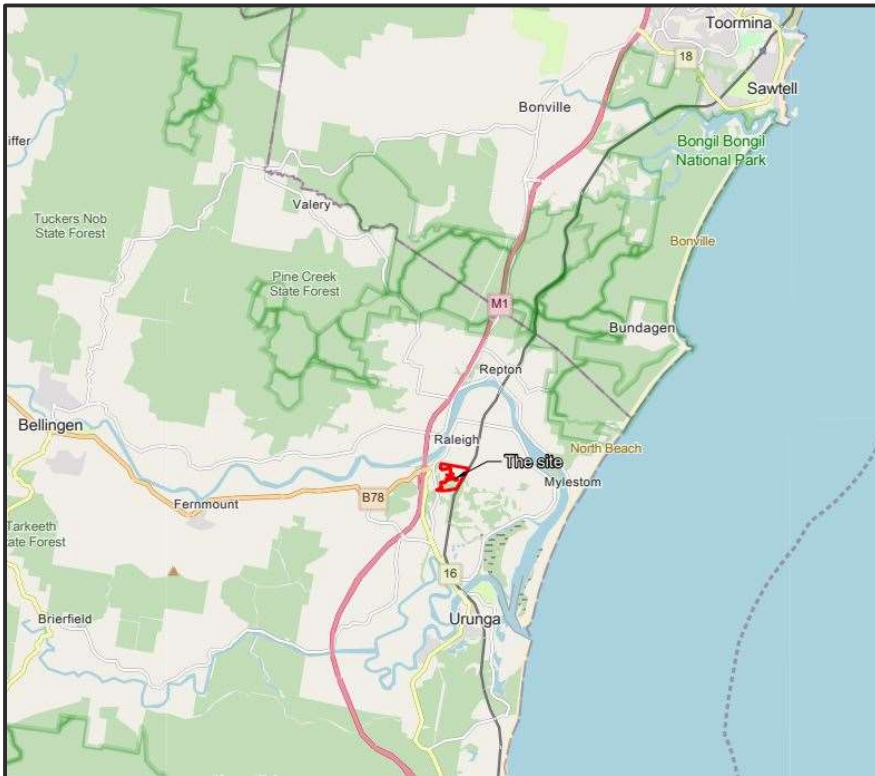
The site encompasses an area of approximately 29ha hectares and is situated in a semi-rural residential setting, approximately 3.5 kilometres northwest of the Urunga town centre. To the north lies the Bellinger River, while the North Coast rail corridor adjoins the site's eastern boundary (Figure 1).

The property (Figure 2) contains an existing dwelling, and an ancillary shed located in an elevated area to the north. Gordon Road, a cul-de-sac to the west, provides the current site access, while a watercourse traverses the site draining from the east to the northwest. To the west, are rural residential properties linked to the adjoining Gordon Road estate and residential lots of Raleigh village. To the south lies rural residential land.

The land surrounding the current dwelling to the north and east consists of flat, open agricultural land primarily used for cattle grazing. Immediately south of the existing dwelling is a low-lying area with wetland forest vegetation. The site's southern area comprises elevated terrain bordering the Old Pacific Highway to the west. This area comprises a partially cleared open forest with a managed understory.

The site is identified in the North Coast Regional Plan 2041 as containing potential high environmental value land (Figure 3) and important farmland (Figure 4). It is also affected by flooding (Figure 5), bushfire (Figure 6), and acid sulfate soils (Figure 7). Additionally, the northwestern area of the site falls within the Coastal Use Area and Coastal Environment Area under State Environmental Planning Policy (Resilience and Hazards) 2021 (Figure 8).



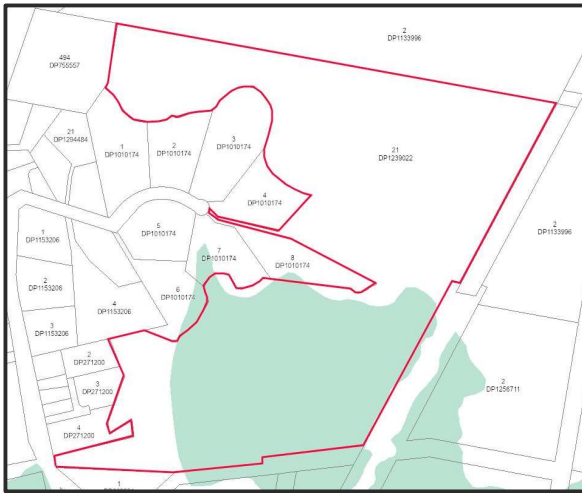


**Figure 1:** Locality plan (source: planning proposal)



**Figure 2:** Subject site (source: DPHI Northern spatial viewer)

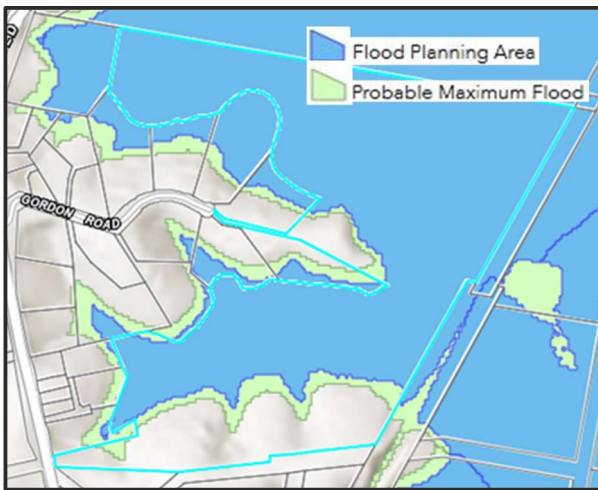




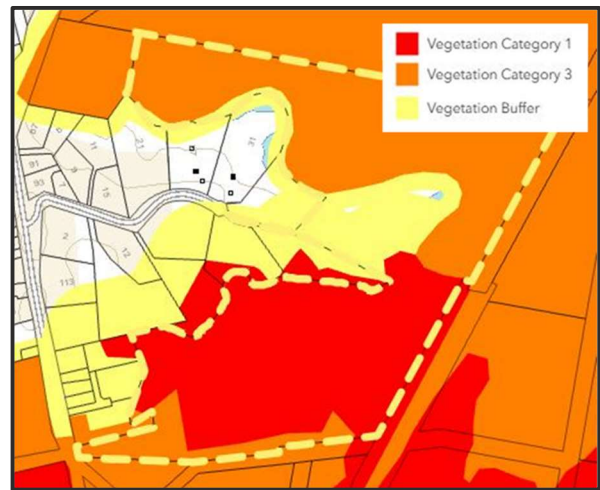
**Figure 3:** Potential high environmental value land (source: DPHI Northern spatial viewer)



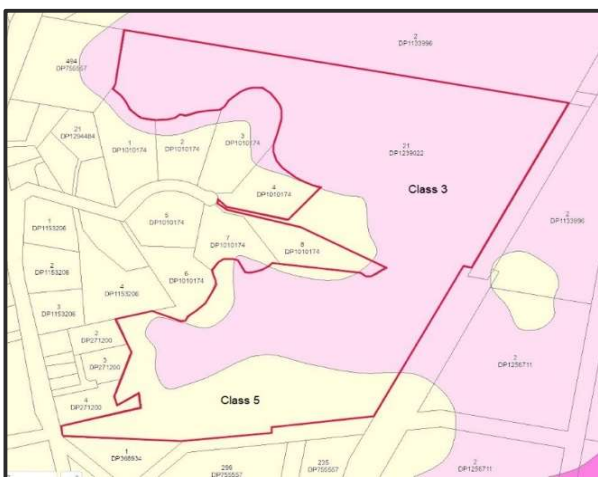
**Figure 4:** Important farmland (source: DPHI Northern spatial viewer)



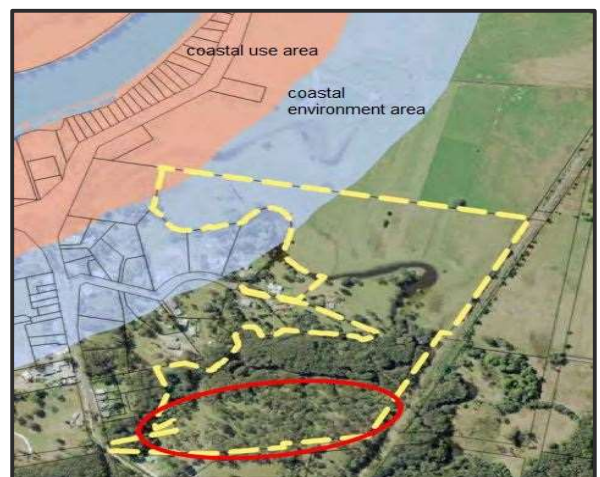
**Figure 5:** Land subject to flood planning level and PMF (source: Bellingen Shire online mapping portal)



**Figure 6:** Bushfire prone land (source: ePlanning spatial viewer)



**Figure 7:** Acid sulfate soils (source: DPHI Northern spatial viewer)



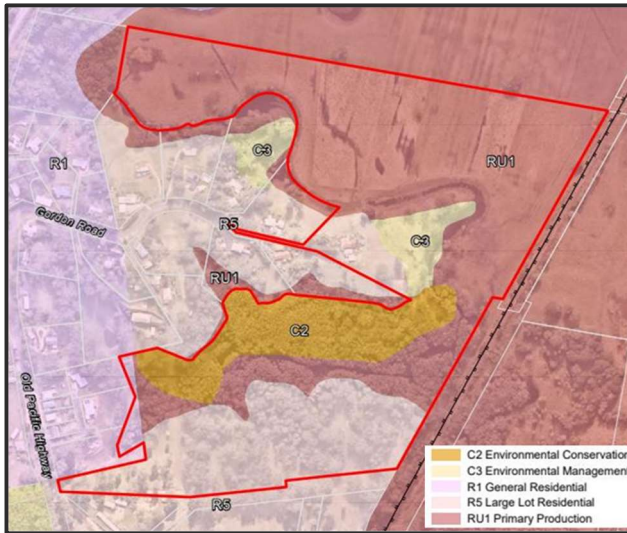
**Figure 8:** Coastal use and environment areas with proposed rural residential subdivision area circled red (source: planning proposal)



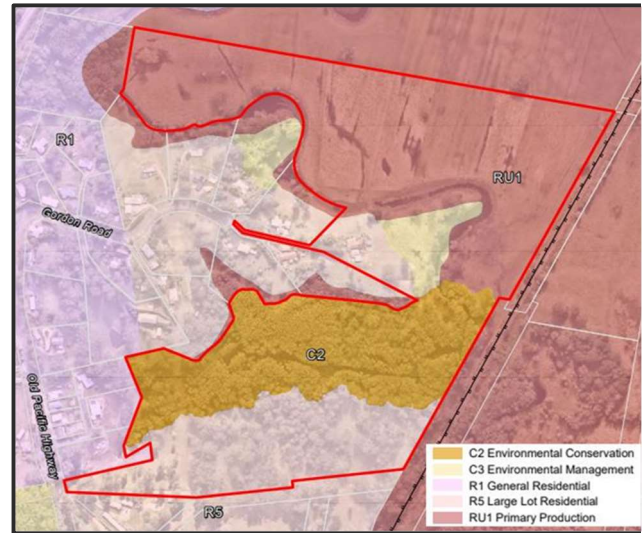
## 1.5 Mapping

The proposal includes mapping to show the existing and proposed changes to the Bellingen LEP 2010 land zone and minimum lot size maps suitable for agency and community consultation (Figures 9 - 12).

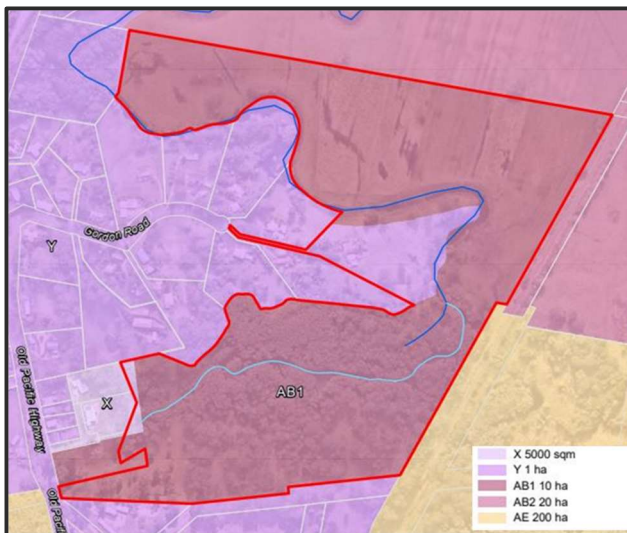
The final mapping must comply with the Standard Technical Requirements for Standard Instrument LEP Maps before finalising the amendment.



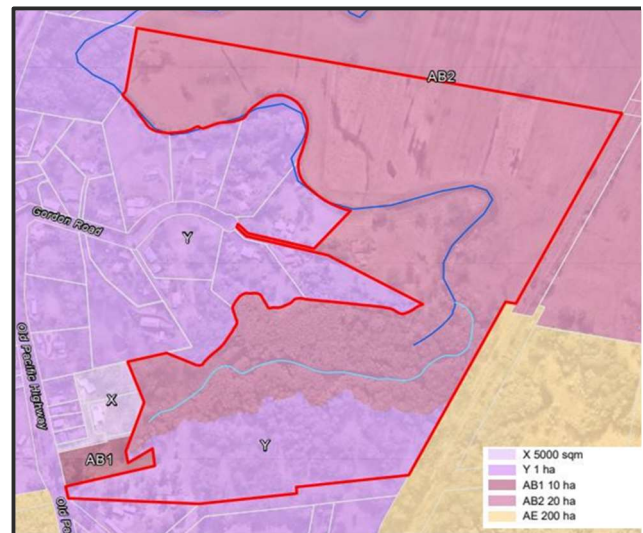
**Figure 9:** Existing zoning (source: planning proposal)



**Figure 10:** Proposed zoning (source: planning proposal)



**Figure 11:** Existing minimum lot size (source: planning proposal)



**Figure 12:** Proposed minimum lot size (source: planning proposal)

## 2 Background

The site is a residual lot resulting from a subdivision that created the adjoining rural residential lots to the west.

Before the Bellingen Local Environmental Plan (LEP) 2010, the site had a mixed zoning under the Bellingen LEP 2003, which included Agricultural Protection, Rural Residential, Rural Small Holdings and Village Area zones.

The land along the southern boundary of the site (6ha) was within the former 1(c2) Rural Small Holdings zone and was not eligible for further subdivision under LEP 2003 due to a 5-hectare average minimum lot size requirement.

The Bellingen Growth Management Plan (BGMP) 2007 identified the need for additional rural residential lands, the benefits of maximising the use of existing areas through a reduced lot size, and the potential for this area as future rural residential development with a reduction in the minimum lot size to 1ha subject to further investigations to confirm the site constraints and suitability of the reduced lot size.

As a result, Council when preparing Bellingen LEP 2010 translated this area into the current R5 zoning with a 10ha minimum lot size pending the outcome of the constraints analysis to be led by the landowner.

In June 2023 the landowner submitted a scoping proposal to Council to amend the zoning and minimum lot size. The NSW Biodiversity and Conservation Services Group (BCS – now part of DCCEEW) reviewed the initial scoping proposal and raised a key concern about the RFS's boundary clearing code which allows for a 25m clearing width along the interface of the R5 and RU1 zones. DCCEEW noted that the RU1 zone in this location is highly likely to comprise HEV land. The planning proposal notes that this concern has been addressed by applying a C2 zone to this section of RU1 which will prohibit clearing of HEV land under the code.

The C2 zone is generally intended to protect land that has been identified as having high conservation values outside the national parks and nature reserve system. The use of this zone needs to be justified by appropriate evaluation of the area in terms of meeting the core zone objectives of having high ecological, scientific, cultural or aesthetic values. It is considered that the planning proposal has justified the rezoning of RU1 zoned land to C2 based on HEV attributes and consultation with DCCEEW (scoping proposal stage). Further consultation with DCCEEW to confirm the suitability of this land for a C2 zone is however recommended.

### 3 Need for the planning proposal

The planning proposal has been initiated by the landowner and is supported by Council for the purpose of facilitating the subdivision of the southern area of the site into five rural residential lots, subject to development consent.

The proposal is indirectly supported by Council's BGMP 2007, which allows for additional investigation into the possibility of reducing the minimum lot size of the existing R5 zoned land to 1 ha to facilitate rural residential subdivision.

The planning proposal is required to amend the minimum lot size for the site, allowing for the subdivision of the rural residential area with consent. Additionally, it is needed to restrict any further subdivision potential for the remainder of the site.

The proposal is also required to expand the current C2 zoning to cover identified areas of potential high environmental value (HEV) and make a minor adjustment to the northern edge of the R5 zone for a suitable interface between environmental lands and future rural residential development. Additionally, the proposal will modify a small portion of R1 General Residential zoning to correct an existing mapping inconsistency.

The planning proposal is supported by various reports and specialist studies, as listed in Table 1, and is considered the most effective method to achieve the intended outcome.

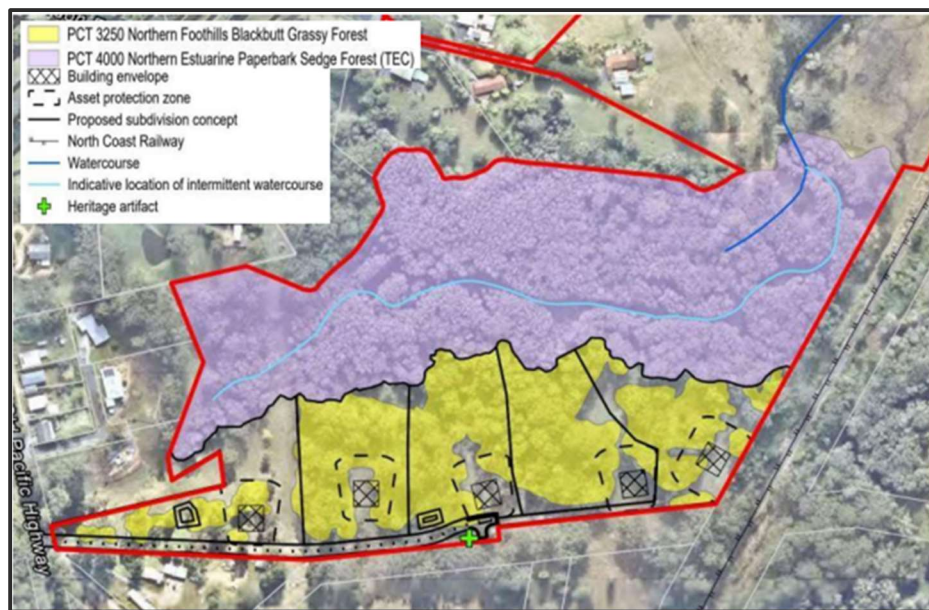
## 4 Strategic assessment

### 4.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the North Coast Regional Plan (NCRP) 2041.

Table 3 - Regional Plan assessment

Regional Plan Objectives	Justification
<p>Objective 1: Provide well located homes to meet demand</p>	<p>The planning proposal aligns with this objective by facilitating future housing options that are compatible with the existing R5 zoning and large lot residential development in the surrounding area. It is supported by several specialist studies and a concept lot layout that indicates the R5 area of the site is suitable for the proposed use.</p> <p>Although strategy 1.5 of this objective stipulates that new rural residential housing should be directed away from the coastal strip, the proposal is considered to be satisfactory as it is consistent with the Council's department approved Bellingen GMP 2007.</p>
<p>Objective 3: Protect regional biodiversity and areas of high environmental value</p>	<p>The supporting Biodiversity Assessment report identifies HEV areas associated with low-lying swamp sclerophyll forest adjacent to the R5 zoned land to the north. This vegetation is recognised as representative of the Plant Community Type (PCT) Northern Estuarine Paperbark Sedge Forest and qualifies as a Threatened Ecological Community (TEC). An expanded C2 zone is proposed for this area, increasing the current C2 zoning by 93% from 3.96 ha to 7.65 ha.</p> <p>The vegetation in the R5 zoned area along the southern boundary consists of partially cleared open woodland, which is characteristic of the PCT Northern Foothills Blackbutt Grass Forest. This area is not designated as a TEC. The assessment indicates that the subdivision concept plan for the R5 area (Figure 13) has been designed to strategically locate building envelopes, bushfire asset protection zones, and boundary fences to avoid and minimise impacts on mature trees where possible. A more detailed discussion of biodiversity can be found in section 5.1 of this report.</p> <p>It is considered that the proposal aligns with this objective by confirming areas of HEV and directing land use intensification away from these areas and applying a C2 zone. Further consultation with the Department of Climate Change, Energy, the Environment, and Water (DCCEEW) - biodiversity is recommended on this matter. This consultation is recommended as a condition of the Gateway determination.</p>



**Figure 13:** Identified HEV and rural residential subdivision concept layout (source: planning proposal)



Objective 4: Understand, celebrate and integrate Aboriginal culture	<p>The proposal is supported by a detailed Aboriginal Cultural Heritage Assessment Report, which was prepared in consultation with the Coffs Harbour and District Local Aboriginal Land Council (LALC). During the site survey, a stone artifact was found along a ridge of the southern site boundary, close to the proposed road access intended to service future rural residential lots.</p> <p>The assessment indicates that discoveries of stone artefacts like this are relatively common along ridgelines in the region, and further investigations or conservation zones are generally not required for such finds. It also notes that if the artefact remains in its original location, the proposed access road can be designed to avoid impacting it. It is considered that this issue can be adequately addressed as part of a future development application. Additionally, the assessment indicates that the Coffs Harbour and District LALC did not raise any objections regarding the planning proposal moving forward.</p> <p>The proposal is considered to be consistent with this objective. The Gateway determination is recommended to include a condition for formal consultation with the Coffs Harbour and District LALC to confirm the proposal's suitability.</p>
Objective 5: Manage and improve resilience to shocks and stresses, natural hazards and climate change	<p>The planning proposal indicates that part of the site is at risk of flooding during a 1% Annual Exceedance Probability (AEP) flood and the probable maximum flood (PMF). To reduce flooding hazards, dwelling sites in the R5 zone are planned for the elevated southern edge of the land and is therefore considered to be consistent with this objective. Flooding is discussed in more detail in section 5.1 of this report.</p> <p>Additionally, while the site is subject to bushfire risk and acid sulfate soils, it is considered that these matters are capable of being managed through the development application process. It should also be noted that consultation with the NSW Rural Fire Service (RFS) will be required as a condition of the Gateway determination.</p>
Objective 8: Support the productivity of agricultural land	<p>The planning proposal is considered to be consistent with this objective as it supports the ongoing agricultural use of important farmland in the northern part of the site and limits this area's potential for further subdivision. Additionally, the identified HEV land will serve as a natural buffer to reduce the potential for future land use conflicts that may arise from rural residential development in the south.</p>

## 4.2 Local

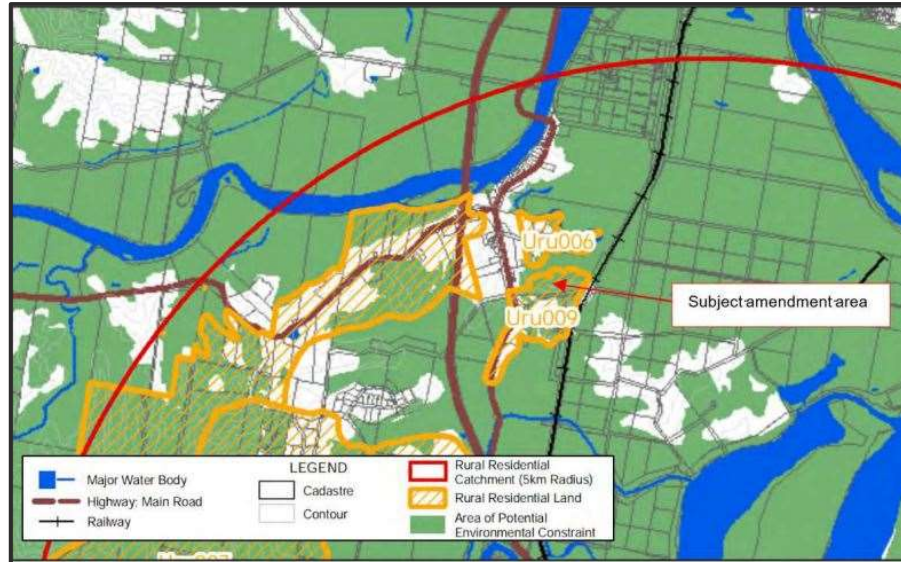
The proposal states that it is consistent with the following local plans and endorsed strategies, as outlined below:

**Table - 4 Local strategic planning assessment**

Local Strategies	Justification
Bellingen Shire Local Strategic Planning Statement 2020-2040 (LSPS)	The proposal is aligned with the Council's LSPS, specifically planning priority 1, which aims to support a vibrant and ecologically sustainable rural economy transitioning towards a regenerative model of land use. This priority includes an action to develop a Rural Lands Strategy, which will review existing R5 land for potential agricultural use or subdivision into smaller lots to accommodate the demand for larger lifestyle lots.
Bellingen Growth Management Plan 2007 (BGMP)	The proposal is considered to be generally consistent with Council's Department approved BGMP which identifies the R5 zoned area of the site as rural residential land that is potentially subject to environmental constraint (Figure 14).

The planning proposal indicates that at the time of preparing the BGMP, the existing R5 land was identified as potentially constrained based on desktop analysis. A minimum lot size of 10 ha was applied to limit potential to one dwelling, subject to detailed investigations to adequately demonstrate that the land is appropriate for a higher density in the context of potential constraints.

The planning proposal demonstrates alignment with Council's BGMP in undertaking various specialist studies and investigations to demonstrate the capability and suitability of the R5 land to allow five rural residential lots with consent.



**Figure 14** – Urunga rural residential land extract from BGMP showing the existing R5 zoned land on the site (source: planning proposal)

## 4.3 Section 9.1 Ministerial Directions

The planning proposal is considered to be consistent with all relevant section 9.1 Directions except as discussed below:

**Table 5 - section 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
3.2 Heritage Conservation	Justifiably inconsistent	<p>The planning proposal is inconsistent with this direction as it does not contain provisions to facilitate the conservation of matters of Aboriginal heritage significance.</p> <p>This inconsistency is considered to be of minor significance as the Aboriginal Cultural Heritage Assessment Report supporting the proposal identified that a stone artifact found in the south of the site can be protected in situ as part of the road design to access to the R5 land, a solution feasible in a future development application.</p> <p>Furthermore, the LALC had no objections to the proposal, which aligns with the objectives of this direction. However, a condition for further formal consultation with the LALC is recommended in the Gateway determination to ensure the proposal's suitability.</p>



4.1 Flooding	Justifiably inconsistent	<p>The proposal is inconsistent with this direction as part of the site is subject to flooding in a 1% AEP event of 4.7m and the PMF of 8.7m and does not include provisions that give effect to the NSW Flood Prone Land Policy, the principles of the Floodplain Development Manual 2005, the Considering Flooding in Land Use Planning Guidelines 2021, or any adopted flood study and or floodplain risk management plan.</p> <p>The proposal indicates that future rural residential dwelling building envelopes and road access will be situated on flood-free land above the PMF level. Emergency evacuation routes will be available via the Old Pacific Highway and the nearby Pacific Highway, which provide access to the north or south and to nearby centres and community facilities.</p> <p>In accordance with the terms of this direction, the inconsistency is justified based on the proposal's alignment with the Lower Bellinger and Kalang Rivers Floodplain Risk Management Study and Plan, which was adopted by the Council on 24 November 2021.</p> <p>It is recommended that consultation take place with DCCEEW - flooding regarding this direction.</p>
4.2 Coastal Management	Justifiably inconsistent	<p>The proposal is inconsistent with this direction as part of the site is mapped as 'coastal environment area' and 'coastal use area' under SEPP (Resilience and Hazards) 2021 and the planning proposal does not give effect to the objectives of the Coastal Management Act 2016, the NSW Coastal Management Manual, the NSW Coastal Design Guidelines 2003 or any relevant Coastal Management Program.</p> <p>This inconsistency is of minor significance as the proposal does not seek to increase development potential in the mapped coastal environment and coastal use areas (Figure 8). Furthermore, a completed NSW Coastal Design Guideline Assessment checklist supports the planning proposal, indicating no adverse impact.</p> <p>It is noted that the proposal states that this direction and Chapter 2 (Coastal Management) of SEPP (Resilience and Hazards) 2021 do not apply to the proposal. A suitable condition is recommended for inclusion in the Gateway determination, requiring Council to update its response to this direction and commentary in relation to consistency with Chapter 2 of the SEPP, prior to agency and community consultation.</p>
4.3 Planning for Bushfire Protection	Unresolved	<p>The planning proposal is potentially inconsistent with this direction as the proposal applies to land identified as being bushfire prone. This direction requires that Council consult with the Commissioner of the NSW RFS following the issue of a Gateway determination. Until this consultation has occurred the inconsistency of the proposal with this direction remains unresolved.</p>

4.5 Acid Sulfate Soils	Justifiably inconsistent	The planning proposal is inconsistent with this direction as it will allow for intensified land use on class 5 acid sulfate soils and is not supported by an acid sulfate soils study. This inconsistency is of minor significance as clause 7.1 of Bellingen LEP 2010 includes suitable provisions to ensure this issue will be appropriately addressed at the development application stage.
6.1 Residential Zones	Justifiably inconsistent	<p>The proposal is inconsistent with this direction as it will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary) and does not address and satisfy all of the requirements listed in the direction.</p> <p>This inconsistency is of minor significance as the proposed adjustment to the northern edge of the R5 zoning is intended to create a more suitable interface with adjacent HEV land, and reconfiguration of the R1 zoning in the southwest is proposed to rectify a mapping error.</p>
9.1 Rural Zones	Justifiably inconsistent	The proposal is inconsistent with this direction as it will rezone land from a rural zone to a residential zone. This inconsistency is of minor significance as only a small area of rural land is proposed to be rezoned to R5 as a result of ground-truthing ecological values and ancillary rationalisation of slivers of RU1 zoning to provide a more suitable interface with HEV land.
9.2 Rural Lands	Justifiably inconsistent	<p>The proposal is inconsistent with this direction as it will affect land within an existing rural and conservation zone and does not address and satisfy all of the requirements listed in the direction.</p> <p>This inconsistency is considered to be of minor significance as the proposal will create only a limited number of rural residential lots in line with the Council's BGMP, while protecting the site's HEV land, supporting ongoing agricultural activities on important farmland located in the northern part of the site, and restricting further subdivision potential. Furthermore, the proposal is unlikely to increase the risk for conflicts related to rural land use.</p> <p>It is recommended to consult with the Department of Primary Industries and Regional Development (DPIRD) - Agriculture and Biosecurity, to confirm the suitability of the proposal.</p>

## 4.4 State environmental planning policies (SEPPs)

The planning proposal is considered to be consistent with the provisions of all relevant SEPPs.

## 5 Site-specific assessment

### 5.1 Environmental

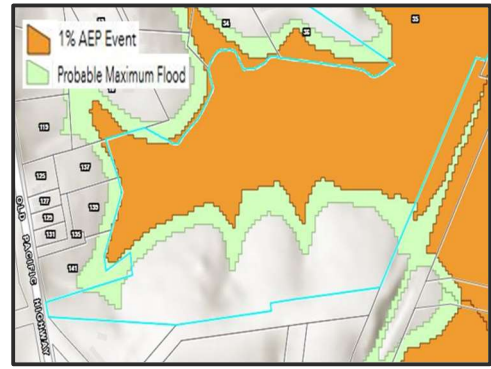
The following table provides an assessment of the potential environmental impacts associated with the proposal.

**Table 6 - Environmental impact assessment**

Environmental Impact	Assessment
Biodiversity	<p>As previously noted, a biodiversity assessment report has been submitted to support the proposal, identifying areas of swamp sclerophyll forest located directly north of the R5 zoned land. This vegetation is recognised as a threatened ecological community (TEC) and is identified as HEV land. To protect this area, an expanded C2 zoning is proposed.</p> <p>The report notes that the R5 zoned area contains partially cleared open woodland dominated by Tallowwood, Grey Ironbark, Turpentine, Blackbutt, Thick-leaved Mahogany, and Pink Bloodwood trees. This area is not a TEC. Additionally, the assessment suggests that koalas are unlikely to occur on the site.</p> <p>The report indicates that while major clearing won't be necessary, the proposed increase in density for the R5 land could result in some minor impacts due to tree removal associated with the construction of dwellings, asset protection zones, fence installation, road access, effluent disposal, and other ancillary structures.</p> <p>Nevertheless, preliminary area calculations based on the proponent's concept layout (Figure 13) suggest that clearing less than 0.5 ha is feasible, and that expected biodiversity impacts will be relatively low. Additionally, a Biodiversity Development Assessment Report would be required at the development application stage to more thoroughly evaluate and address the specific impacts of any final subdivision layout.</p> <p>In June 2023, Biodiversity and Conservation Services (BCS – now part of DCCEE) reviewed the initial scoping proposal and raised a key concern about the RFS's boundary clearing code which allows for a 25m clearing width along the interface of the R5 and RU1 zones. BSC noted that the RU1 zone in this location is highly likely to comprise HEV land. The planning proposal notes that this concern has been addressed by applying a C2 zone to this section of RU1 which will prohibit clearing of HEV land under the code.</p> <p>As noted in section 4.1 of this report, it is recommended that Council consult with DCCEE - biodiversity to confirm the suitability of the proposal and forms a condition of the Gateway determination.</p>
Flooding	<p>The planning proposal states that only a small portion of the northern fringe of the R5 zone is at risk of flooding during a 1% AEP flood event and a PMF. The proposed layout allows for R5 dwelling envelopes to be located on land that is not prone to flooding. Additionally, the proposal notes that there is a safe evacuation route available via the Old Pacific Highway to the west, should it be necessary.</p> <p>Figures 15 and 16 illustrate the proponent's concept lot layout as well as Council's mapped areas for the 1% AEP and PMF flood events. Based on hydraulic categorisation mapping (Figure 17), the northern extent of the proposed R5 land is primarily flood fringe. As noted in section 4.1, it is recommended that council consult with BCS in relation to this matter and forms a condition of the Gateway determination.</p>



**Figure 15:** concept subdivision layout (source: planning proposal)



**Figure 16:** 1% AEP and PMF (source: Bellingen Shire online mapping portal)



**Figure 17:** Flood risk hydraulic categorisation (source: Bellingen Shire online mapping portal)

Bushfire hazard	A bushfire hazard assessment has been submitted to support the proposal. This assessment has evaluated the risk of bushfires and has recommended suitable mitigation measures that can be implemented as conditions of consent during the development application stage. As noted earlier, consistency with section 9.1 Direction 4.3 Planning for Bushfire Protection is unable to be resolved until consultation with the RFS has occurred, and this will be included as a condition of the Gateway determination
Potential land contamination	A preliminary site investigation has been submitted to support the proposal. It concludes site is suitable for the intended rural residential use, and no further investigations or remediation are necessary.
Acid sulfate soils (ASS)	The planning proposal notes that proposed future dwellings will be located within the elevated Class 5 ASS areas. No disturbance of ASS is expected as a result of future development and Council's LEP contains suitable provisions to address this matter if required at the development application stage.
On-site sewer management	The proposal is supported by an On-site Effluent Suitability Assessment that concludes the site and soil characteristics of the land are suitable for the use of onsite wastewater, subject to appropriate mitigation measures.

## 5.2 Social and economic

The proposal is considered unlikely to cause any negative social or economic effects. Although much of the site is mapped as important farmland, the impact on agricultural production is expected to be negligible noting that the majority of the subject area is already zoned for large lot residential purposes. Additionally, the identified HEV land will act as a natural buffer, mitigating potential conflicts between rural and future R5 land uses.

The Aboriginal cultural heritage assessment included with the proposal was developed in consultation with the relevant LALC and includes measures to adequately safeguard cultural heritage in any subsequent development application.

Consultation with the DPIRD – Agricultural and the Coffs Harbour and District LALC is recommended to confirm the proposal's compatibility with respect to important farmland and cultural heritage considerations.

## 5.3 Infrastructure

The planning proposal adequately demonstrates that the required infrastructure, particularly road access and onsite sewerage management, is feasible for the proposed future R5 lots. Additionally, the proposal does not create any new or increased demands on existing state or local infrastructure.

# 6 Consultation

## 6.1 Community

Council does not specify a proposed community consultation period.

A period of 20 working days is considered appropriate consistent with the Department's LEP Making Guidelines (August 2023) for a standard LEP and forms part of the conditions of the Gateway determination.

## 6.2 Agencies

Council has suggested that BCS (DCCEEW) Heritage NSW, the NSW State Emergency Service, and the Department be consulted on the planning proposal.

Based on the assessment outlined in this report, it is recommended that the following agencies be consulted on the planning proposal and given 30 working days to comment:

- Department of Climate Change, Energy, the Environment and Water – biodiversity and flooding;
- Department of Primary Industries and Regional Development – Agriculture and Biosecurity;
- NSW Rural Fire Service; and
- Coffs Harbour and District Local Aboriginal Land Council

# 7 Timeframe

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard.

An LEP completion date of 9 months from the date of the Gateway determination is recommended in line with the Department's commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

# 8 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

As the planning proposal is of local significance and is generally consistent, or justifiably inconsistent with the State, regional and local planning framework, it is recommended that Council be authorised to be the local plan-making authority for this proposal.



## 9 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- the proposal is generally consistent with the North Coast Regional Plan 2041;
- the proposal is not inconsistent with the relevant planning priorities and actions of the Bellingen Local Strategic Planning Statement;
- the proposal is largely consistent, or justifiably inconsistent, with relevant section 9.1 Directions and SEPPs.

Based on the assessment outlined in this report, the planning proposal is to be updated before agency and community consultation to:

- revise Section 1.2 “Objective of Planning Proposal” to include reference to limiting the potential for further subdivision of the proposed Zone C2 Environmental Conservation and RU1 Primary Production areas of the site.

## 10 Recommendation


It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 3.2 Heritage Conservation, 4.1 Flooding, 4.2 Coastal Management, 4.5 Acid Sulfate Soils, 6.1 Residential Zones, 9.1 Rural Zones and 9.2 Rural Lands are minor or justified; and
- Note that the consistency with section 9.1 Direction 4.3 Planning for Bushfire Protection is unresolved and will require justification.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions.

1. Prior to agency and community consultation, the planning proposal is to be updated to:
  - revise Section 1.2 “Objective of Planning Proposal” to incorporate a reference to limiting the potential for further subdivision within the proposed Zone C2 and RU1 areas of the site.
2. Consultation is required with the following public authorities:
  - NSW Department of Climate Change, Energy, the Environment and Water – biodiversity and flooding
  - NSW Department of Primary Industries and Regional Development – Agriculture and Biosecurity;
  - NSW Rural Fire Service; and
  - Coffs Harbour and District Local Aboriginal Land Council
3. The planning proposal should be made available for community consultation for a minimum of 20 working days.

Given the nature of the planning proposal, it is recommended that the Gateway authorise Council to be the local plan-making authority and that the LEP be completed within 9 months of the date of the Gateway determination.



(Signature)

20 March 2025 (Date)

Gina Davis

A/Manager, Hunter and Northern Region  
Local Planning & Council Support



24 March 2025

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(Signature)

\_\_\_\_\_  
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