



IRF26/165

Gateway determination report – PP-2026-182

Housekeeping amendments

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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
Planning Proposal 29 – Amendment to Bellingen Local Environmental Plan 2010 – Version 1 (January 2026) – Miscellaneous Amendment
NSW Coastal Design Guidelines 2023 Assessment Checklist for planning proposals
Report to Ordinary Council Meeting – 28 January 2026

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Bellingen Shire Council
PPA	Bellingen Shire Council
NAME	Miscellaneous and housekeeping amendments
NUMBER	PP-2026-182
LEP TO BE AMENDED	Bellingen LEP 2010
ADDRESS	Refer to section 1.3
DESCRIPTION	Refer to section 1.3
RECEIVED	3/02/2026
FILE NO.	IRF26/165
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 seeks to amend the Bellingen Local Environmental Plan 2010 (BLEP) to address ten matters.

The objectives of the planning proposal are to:

- amend the BLEP 2010 to make detached dual occupancies a permissible land use in rural zones;
- ensure that certain types of residential accommodation or subdivision are not permitted in rural and environmental protection zones;
- ensure that unintended development outcomes will not arise on land upon which Council has historically not permitted residential accommodation;
- improve the clarity of the planning framework regarding permissible residential accommodation in rural and environmental conservation areas of the Shire;
- assist an established community garden with options for income generation through permitting the establishment of a retail plant nursery;
- provide an opportunity for the expansion of the Bellingen Showground and the resolution of boundary issues associated with river channel changes; and
- recognise the ongoing ability for certain land at Raleigh to have a dwelling, and to encourage ongoing use of the existing historic and heritage listed dwelling on the land.

The objectives and intended outcomes of these items are detailed below (Table 3). The objectives of the planning proposal are clear and adequate, unless otherwise noted.

Table 3 Objectives of planning proposal

Item	Objective/outcome	Clear/adequate explanation
Outcome 1	Make detached dual occupancies permitted with consent in rural zones	Yes
Outcome 2	Make “residential accommodation” a permissible land use in RU1, RU2, RU4, C3 and C4 Zones	Yes
Outcome 3	Ensure that all forms of permitted residential accommodation in rural and conservation zones are on land that has a dwelling permissibility	Yes
Outcome 4	Amend Clause 4.1AA of the BLEP 2010 to include reference to the C4 Environmental Living Zone	Yes
Outcome 5	Amend Clause 4.2A of the BLEP 2010 to clarify existing holding provisions	No
Outcome 6	Amend Clause 7.8 to ensure that any residential accommodation proposed in association with tourism development is accommodation that is permitted by Clause 4.2A	Yes
Outcome 7	Make “tourist & visitor accommodation” permissible with consent in the Zone RU1 Primary Production	No
Outcome 8	Amend Schedule 1 Additional Permitted Uses to allow a “plant nursery” to be permissible with consent at 115 Wheatley Street, Bellingen, being Lot 21 DP1294551	Yes
Outcome 9	Amend Schedule 1 Additional Permitted Uses to permit a boundary adjustment between land parcels to enable acquisition of additional land by the Bellingen Showground Trust and to regularise property boundaries following changes in the course of the Bellinger River	Yes
Outcome 10	Amend Schedule 1 Additional Permitted Uses to permit a single dwelling house on land at Lot 2 DP 316474, 15 North Street, Raleigh	Yes

1.3 Explanation of provisions

The planning proposal contains ten separate amendments, three of which relate to specific properties as detailed above. The remaining amendments relate to the written instrument only.

The planning proposal seeks to amend the BLEP 2010 per the changes below:

- **Outcome 1 – Make detached dual occupancies permitted with consent in rural zones**

This outcome seeks to amend the land use tables for Zones RU1, RU2 and RU4 to make detached dual occupancies permitted with development consent.

- **Outcome 2 – Make “residential accommodation” a permissible land use in RU1, RU2, RU4, C3 & C4 Zones**

This outcome seeks to permit manufactured homes on land on which dwelling houses are permitted with consent. This will be achieved by amending the land use tables for Zones RU1, RU2, RU4, C3 and C4 to permit ‘residential accommodation’ with development consent.

A list of those forms of residential accommodation to be prohibited development will be required to be included in the planning proposal for each affected zone and this forms a condition of the Gateway determination.

It is also recommended that the title is updated to include “to facilitate the installation of manufactured homes” to clarify the proposed change. This is also listed as a condition of the Gateway determination.

- **Outcome 3 – Ensure that all forms of permitted residential accommodation in rural and conservation zones are on land that has a dwelling permissibility**

This outcome seeks to amend Clause 4.2A of the BLEP 2010 to ensure that all forms of residential accommodation (not just dwelling houses) that are permitted in rural and conservation zones must be on land that already has dwelling permissibility.

Clause 4.2A will therefore apply to all permitted forms of residential accommodation in rural and conservation zones.

- **Outcome 4 – Amend Clause 4.1AA of the BLEP 2010 to include reference to the C4 Environmental Living Zone**

This outcome seeks to amend Clause 4.1AA Minimum subdivision lot size for community title schemes to include reference to the C4 zone.

- **Outcome 5 – Amend Clause 4.2A of the BLEP 2010 to clarify existing holding provisions**

This outcome seeks to amend Clause 4.2A Erection of dwelling houses on land in certain rural and conservation zones to nominate that dwelling permissibility afforded by virtue of land being an existing holding is not extinguished if it is acquired by an adjoining landowner whose property also comprises an existing holding.

An amendment to this clause is not supported at the present time and should be removed prior to consultation for the reasons discussed in section 2 of the report. This has been discussed with Council staff who have indicated that although their preference is to progress this component of the proposal, no objection is raised to its removal.

Outcome 6 – Amend Clause 7.8 to ensure that any residential accommodation proposed in association with tourism development is accommodation that is permitted by Clause 4.2A

This outcome seeks to amend clause 7.8 Tourism development in rural and conservation zones to reference residential accommodation as its interpretation relies on Clause 4.2A.

If Outcomes 2 and 3 are progressed, subclauses 4 and 5 will require amendment to reference residential accommodation rather than dwelling houses alone and this forms a condition of the Gateway determination.

- **Outcome 7 – Make “tourist & visitor accommodation” permissible with consent in the Zone RU1 Primary Production**

This outcome seeks to amend Item 3 of the Land Use Table for the RU1 zone to make tourist and visitor accommodation permissible with consent.

Discussions with Council staff following submission of the planning proposal have clarified that the intent of this outcome is to permit only certain types of tourist and visitor accommodation, being bed and breakfast accommodation and farm stay accommodation with consent in the RU1 zone.

The planning proposal will need to be updated prior to exhibition to clearly articulate the intent of the outcome. This is discussed in detail in section 2 of the report.

- **Outcome 8 – Amend Schedule 1 Additional Permitted Uses to allow a “plant nursery” to be permissible with consent at 115 Wheatley Street, Bellingen, being Lot 21 DP1294551**

This outcome seeks to amend Schedule 1 Additional Permitted Uses to allow a “plant nursery” to be permissible with development consent on the specified land.

- **Outcome 9 – Amend Schedule 1 Additional Permitted Uses to permit a boundary adjustment between land parcels to enable acquisition of additional land by the Bellingen Showground Trust and to regularise property boundaries following changes in the course of the Bellinger River**

This outcome seeks to amend Schedule 1 Additional Permitted Uses to permit subdivision for the purposes of a boundary adjustment on the subject land.

- **Outcome 10 – Amend Schedule 1 Additional Permitted Uses to permit a single dwelling house on land at Lot 2 DP 316474, 15 North Street, Raleigh**

This outcome seeks to amend Schedule 1 of the BLEP 2010 to permit an existing dwelling house on Lot 2 DP 316474, 15 North Street, Raleigh which was constructed prior to the requirement for development consent.

This amendment is not appropriate to progress and should be removed prior to consultation for the reasons discussed in section 2 of the report. This has been discussed with Council staff who have indicated that although their preference is to progress this component of the proposal, no objection is raised to its removal. As Outcome 10 will not be proceeding, no further assessment has been undertaken with respect to its merit in this report.

Finally, the planning proposal contains the suggested wordings for changes to the LEP clauses which have been prepared by Council. The objectives and intended outcomes, when read together with the explanation of provisions are used for drafting of an LEP by Parliamentary Counsel (PCO). As such, it is recommended the draft clause wording is removed from the planning proposal. A condition has been included on the Gateway determination requiring this be undertaken prior to public exhibition.

Provided the planning proposal is updated consistent with the conditions of the Gateway determination, the explanation of provisions will adequately explain how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The planning proposal applies to the following land:

- Outcome 1 – all land zoned RU1, RU2 and RU4 Primary Production Small Lots
- Outcome 2 – all land zoned RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots, C3 Environmental Management and C4 Environmental Living
- Outcome 3 – all land zoned RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots, C3 Environmental Management and C4 Environmental Living
- Outcome 4 – all land zoned C4 Environmental Living
- Outcome 5 – all land zoned RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots, C3 Environmental Management and C4 Environmental Living

- Outcome 6 – all land zoned RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots, C3 Environmental Management and C4 Environmental Living
- Outcome 7 – all land zoned RU1 Primary Production
- Outcome 8 – Lot 21 DP 1294551, 115 Wheatley Street, Bellingen (Figure 1)
- Outcome 9 – Lot 20 DP 852168, Lot 421 DP 123018, Lot 20 DP 129455, Lot 1 DP 222039, Lot 12 DP 1307733, un-named Crown Road and the bed of the Bellinger River (Figure 2)
- Outcome 10 – Lot 2 DP 316474, 15 North Street, Raleigh.



Figure 1: Land subject to Outcome 8 – Lot 21 DP 1294551, 115 Wheatley Street, Bellingen (source: NSW Spatial Viewer)

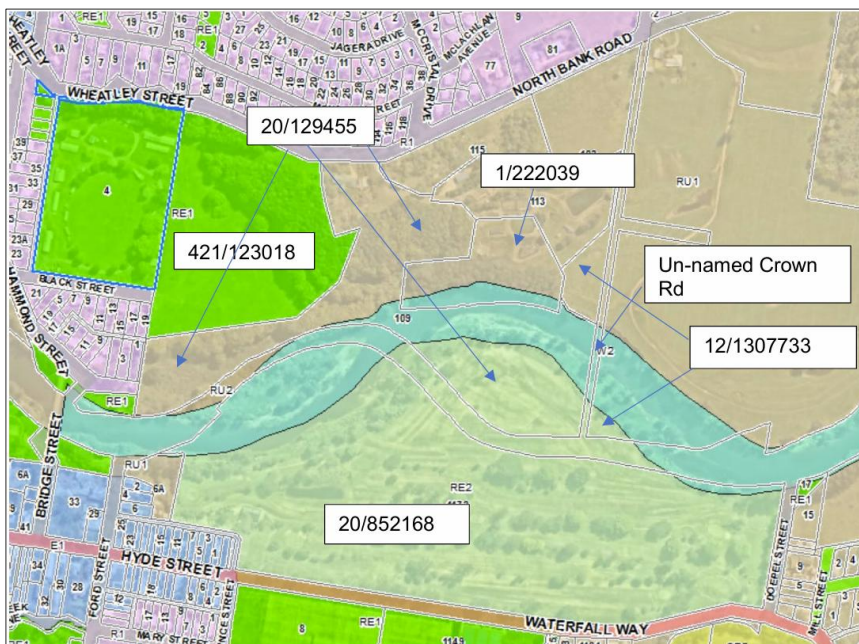


Figure 2: Land subject to Outcome 9 (source: Planning Proposal)

1.5 Mapping

Outcomes 8 and 9 include changes to Schedule 1 Additional Permitted Uses. Given the proposed items relate to the entire land parcel, these items are not required to be mapped.

2 Need for the planning proposal

The planning proposal is not the result of any strategy, study or report. The proposal is the result of a review of the Bellingen Shire Growth Management Strategy (GMS) and current operation of the BLEP 2010 and is needed to undertake various amendments to planning controls to better reflect existing situations, rectify anomalies and update various other matters to ensure the effective and efficient operation of the LEP.

The justification for each proposed change is identified in the table below.

Table 4 Assessment of proposal outcomes

Item	Description	Justification
Outcome 1	Make detached dual occupancies permitted with consent in rural zones	The planning proposal states that Outcome 1, which seeks to permit detached dual occupancies in the RU1, RU2 and RU4 zones is the result of the Council endorsed Growth Management Discussion Paper. The current LEP provisions only allow for an attached dual occupancy development in the rural zones. The Bellingen Shire GMS was endorsed by the Department on 12 April 2007. A Discussion Paper was prepared in June 2025 to consider whether any amendments to Council's GMS were required. Permitting detached dual occupancies with consent was one of the recommendations of the Discussion Paper. Under the Standard Instrument LEP (SILEP), councils can decide whether or not to permit dual occupancies in their rural zones. Housing supply continues to be a local matter of concern in the LGA and across NSW. Council has indicated that this outcome will provide an additional opportunity for property owners to add to local housing supply and manage generational change on farming properties. Recent updates to the shire flood and bushfire mapping will better assist Council to determine when detached dual occupancy development is appropriate in rural areas having regard to these constraints. Further, the changes to clause 4.2A proposed by Outcome 3 will reaffirm when a dual occupancy may be erected on rural land to minimise unplanned development. There is an ongoing NSW Parliamentary Inquiry into Rural Housing and Second Dwellings which considers issues relevant to this component of the planning proposal. It is considered appropriate that Outcome 1 progress to the exhibition on the basis that:

Item	Description	Justification
		- allowing the proposal to proceed to consultation will provide the community and agencies the opportunity to review and comment on the proposal to determine the appropriateness of the proposed change; - a combination of the changes proposed by Outcome 3 and removal of Outcome 5 from the proposal will help to limit the potential impacts on rural activities and productive capacity of land for agriculture; - the proposal is supported by Council's Development Control Plan (DCP) which the planning proposal has identified will minimise the potential for adverse impacts; - adjoining LGAs (Nambucca, Coffs Harbour, Armidale Regional and Clarence Valley) permit detached dual occupancies with development consent; and - not authorising Council to be the local plan-making authority will allow the Department to undertake a final, impartial review of the proposal and having regard to any report from the Select Committee on the Inquiry.
Outcome 2	Make “residential accommodation” a permissible land use in RU1, RU2, RU4, C3 & C4 Zones to facilitate the installation of manufactured homes	The proposal seeks to permit manufactured homes on land to which dwelling houses are permitted with consent. This will be achieved by amending the land use tables applying to the RU1, RU2, RU4, C3 and C4 zones to permit ‘residential accommodation’ with development consent A dwelling house is defined in the BLEP 2010 as a building containing only one dwelling. The definition of a building in the <i>Environmental Planning and Assessment Act 1979</i> (the Act) does not include a manufactured home. A manufactured home is defined in the <i>Local Government Act 1993</i> as a self-contained dwelling (that is, a dwelling that includes at least one kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities). The proposal states that Council is increasingly being asked to approve the placement of manufactured homes or ‘tiny homes’ on rural parcels of land. The proposal identifies a level of ambiguity as to how to approve the use of the land for residential purposes when placement of a manufactured home is proposed.

Item	Description	Justification
		Council's interpretation of the relevant legislation is that a manufactured home does not fit within any of the listed child definitions under 'residential accommodation' because it is not categorised as a building. Residential accommodation is defined in the BLEP 2010 as a "building or place used predominantly as place of residence". Council considers that a single manufactured home on a vacant lot which is to be used as a place of residence, could fall within the parent term of residential accommodation. The planning proposal notes that this change will also necessitate that child definitions within the residential accommodation definition that are to remain prohibited will need to be specifically listed as prohibited in the relevant zone land use tables. Council has not yet nominated those uses that are to be prohibited in each zone. A condition is included on the Gateway determination requiring the existing prohibited uses be included in the planning proposal prior to public exhibition for clarity. It is noted that the land use tables for the C3 and C4 do not currently permit dual occupancies (attached or detached) and this is not proposed to be changed under Outcome 1. As a consequence of permitting residential accommodation in these zones, it is also proposed to amend Clause 4.2A(3) to replace 'dwelling house' with 'residential accommodation' to ensure this clause applies to manufactured homes and any other permitted forms of residential accommodation. This amendment is to be addressed via Outcome 3 below It is considered that this amendment is generally appropriate to proceed to exhibition. It is acknowledged that the Nambucca LEP Plan 2010 was amended in 2022 to permit residential accommodation in various zones to achieve the same outcome intended by this proposal. It is also noted Planning Proposal PP-2025-1112 for housekeeping amendments to the Upper Hunter LEP 2013 proposes a similar approach but has not yet been finalised (Gateway determination issued 11 July 2025).
Outcome 3	Ensure that all forms of permitted residential accommodation in rural and conservation zones are on land that has a dwelling permissibility	The planning proposal notes that the current wording of Clause 4.2A references 'dwelling houses' as the only development type to which the clause applies. In practice, Council has held the position that unless a 'dwelling house' is permissible with consent pursuant to Clause 4.2A, then consent would also not be granted to the more intensive forms of residential accommodation on the land, such as secondary dwellings or attached dual occupancies.

Item	Description	Justification
		It is noted the clause title will also need to be altered to reference the specific types of dwellings for which the clause is to apply. The final wording of the clause will be determined by PCO at the legal drafting stage.
Outcome 4	Amend Clause 4.1AA of the BLEP 2010 to include reference to the C4 Environmental Living Zone	The planning proposal states that when the BLEP 2010 was originally gazetted, it included a clause prohibiting the strata or community title subdivision of land within rural and conservation zones The SILEP was subsequently amended replacing Clause 4.2B with two separate clauses, one relating to strata subdivision in rural areas and another relating to community title subdivision. Whilst the clause relating to strata subdivision listed all relevant zones, the clause relating to community title subdivision did not include the C4 zone. In the Bellingen Shire, the C4 zone covers land in the Thora and Kalang River Valleys that is frequently isolated during flooding events and is for the most part, a one way in/out road that would have evacuation limitations during bushfire events. As the intention of Clause 4.1AA is to prevent subdivisions that would create unplanned and increased population densities in rural areas, Council is of the view that there is no sound planning reason why this clause should not apply in the C4 zone, particularly noting the geographical limitations identified above. Clause 4.1AA is an optional provision which councils can choose whether or not to use in the SILEP. This optional clause allows councils to nominate the relevant zones to which the clause applies. Having regard for the above, it is considered that this amendment is appropriate to proceed to exhibition
Outcome 5	Amend Clause 4.2A of the BLEP 2010 to clarify existing holding provisions	This outcome seeks to amend Clause 4.2A of the BLEP 2010 to nominate that dwelling permissibility afforded by virtue of land being an existing holding is not extinguished if it is acquired by an adjoining landowner whose property also comprises an existing holding. Council is of the view that it is unreasonable that permissibility of a dwelling on an existing holding should be extinguished if acquired by an adjoining landowner whose property also comprises an existing holding. Therefore, the proposal seeks to amend the definition of an existing holding to ensure the dwelling opportunity is retained in such circumstances. The Department provides model local LEP provisions that cover a range of common requirements. Clause 4.2A is a model clause and recognises legacy dwelling opportunities and aims to reduce future land fragmentation.

Item	Description	Justification
		The planning proposal indicates that this proposed amendment would result in a large number of dwelling opportunities being confirmed within the Deer Vale village area as well as elsewhere in the LGA. Council has indicated that they own most of the land in the Deer Vale village area. New dwellings established on small lots as a result of historical dwelling permissibility may fragment rural land, introduce sensitive receptors, and undermine local strategic planning. These outcomes are inconsistent with the North Coast Regional Plan 2041 and various Ministerial Directions, as well as the intent of Outcomes 2 and 3 of this proposal. Specifically, the Deer Vale village area is a paper subdivision in the RU1 zone which is mapped as important farmland. While the subdivision pattern may reflect an urban form of development, the zoning is not compatible with an urban outcome and has potential to undermine the objectives of the rural zone. The Act establishes a process that facilitates the development of paper subdivisions which are suitable for urban development to ensure that essential services are in place before development occurs. It is considered that the planning proposal does not satisfactorily demonstrate that Outcome 5 aligns with strategic planning framework and will not result in environmental, social, or economic impacts. It also directly conflicts with the objectives of Outcome 2 and 3 of this proposal to minimise unplanned rural development. As such, it is considered that Outcome 5 would be more appropriately considered through further detailed investigation, together with an analysis of alternative options to deliver its objective. Further, it is recommended that this matter is not reconsidered until the Select Committee reports on its inquiry into Rural Housing and Second Dwellings Reforms. As the proposal does not include sufficient justification for the change, Outcome 5 should be removed from the planning proposal and a condition has been included on the Gateway determination to this effect. It is noted that Council can continue to use Clause 4.6 of the BLEP 2010 in the interim which provides a pathway to consider individual development applications for rural dwellings on land that does not meet the minimum lot size or the definition of an existing holding due to its amalgamation.

Item	Description	Justification
Outcome 6	Amend Clause 7.8 to ensure that any residential accommodation proposed in association with tourism development is accommodation that is permitted by Clause 4.2A	Following the changes proposed via Outcomes 2 and 3, it will be necessary to make minor consequential amendments to other clauses within the LEP which rely upon Clause 4.2A. Specifically, Clauses 7.8(4) and 7.8(5) currently reference Clause 4.2A and the criterion for a dwelling house in rural and conservation zones. These clauses are local clauses which can be adapted to manage issues unique to an LGA, where justified. It is considered that this amendment is generally appropriate to proceed to exhibition. However, it is recommended that the Gateway determination be conditioned to remove the proposed drafting and replace it with a plain English explanation of the proposed changes. The final clause can then be developed by PCO at the drafting stage.
Outcome 7	Make “tourist & visitor accommodation” permissible with consent in the Zone RU1 Primary Production	The planning proposal states that Outcome 7 is the result of the Council endorsed Growth Management Discussion Paper. When Council adopted the BLEP 2010 it was determined to make ‘tourist and visitor accommodation’ a prohibited land use in the RU1 Zone due to concerns for potential for land use conflict between agricultural operations and tourist development. Council has indicated there has since been a progressive move away from restricting non-agricultural land uses on farms towards encouraging them as a means of supplementing income and viability and that the community has indicated its preference for these land uses to be permitted in the RU1 zone. The planning proposal does not clearly articulate how Outcome 5 is intended to interact with Clause 7.8 of the BLEP 2010 which applies to land in the RU1 zone and encourages appropriate tourist development on land in rural and conservation zones where it does not adversely impact on agricultural production or the scenic or environmental values of the land. There is also potential for some types of tourist and visitor accommodation, such as serviced apartments and hotel or motel accommodation to compromise the ability of land to sustain agricultural production. This is inconsistent with the North Coast Regional Plan 2041 and Ministerial Directions. These concerns were raised with Council following submission of planning proposal. Council staff in subsequent discussions have clarified that the intent of this outcome is only to permit bed and breakfast accommodation and farm stay accommodation with consent in the RU1 zone.

Item	Description	Justification
		By including these types of tourist development in the Land Use Table for the RU1 zone, clause 7.8 of the BLEP 2010 will apply to future development applications. It is considered that this amendment is generally appropriate to proceed to exhibition on the basis that it will support a type and scale of tourist development that is generally ancillary to farming. However, it is recommended that the Gateway determination be conditioned to require the intent of Outcome 7 is clearly articulated.
Outcome 8	Amend Schedule 1 Additional Permitted Uses to allow a “plant nursery” to be permissible with consent at 115 Wheatley Street, Bellingen, being Lot 21 DP1294551	The proposal states that Council recently acquired the land which has been used as a community garden for many years. The land has a variety of structures that have been erected over time to support the dominant use of the land as a garden, and upon acquisition by Council the land was formally declared as a public reserve. The land is classified as ‘community land’ pursuant to the provisions of the <i>Local Government Act 1993</i> and Council is in the process of preparing a Plan of Management in conjunction with the Northbank Community Garden (NCG) Committee to govern the future use of the land. As part of these discussions, it was identified that the capacity to operate a retail plant nursery from the site would improve the ability of the Committee to manage the facility by providing a potential income stream. Council has considered whether or not the operation of a plant nursery might be permissible as an ancillary use to the community garden however this was determined not to be possible. This is because the community garden site is best defined as a ‘community facility’, however retail premises (which include plant nurseries) are explicitly excluded from the definition of a community facility. Council is of the view that the proposal to permit a plant nursery on this site only (rather than amending the RU1 zone land use table), is preferable and considered reasonable by virtue of it: • being principally used for the purpose of a community garden; • being within close proximity to the residential properties that would likely patronise it; • providing the proponents an alternative income source that would lessen the likelihood of the proposal needing to be subsidised by the broader rate paying populace; and • constituting a relatively low impact buffering land use between the STP and the urban interface

Item	Description	Justification
Outcome 9	Amend Schedule 1 to permit a boundary adjustment between land parcels to enable acquisition of additional land by the Bellingen Showground Trust and to regularise property boundaries following changes in the course of the Bellinger River	The planning proposal states that the Bellingen Showground Trust recently acquired a section of land from an adjoining landowner. This section of land was consequently zoned RE1 Public Recreation and is used as part of the ongoing functioning of the showground precinct. The Trust now wish to acquire an additional section of land from the same landowner. In considering the potential planning pathways to achieve this outcome, Council identified that the current cadastral boundaries of land parcels in this vicinity have been significantly altered over time due to the movements of the Bellinger River. The planning proposal states that this has created a dysfunctional cadastral situation, where landowners on opposite sides of the river own land that is effectively managed by other entities. There is a unique mix of land uses, zones, and lot sizes applying to land in this vicinity such that it is very difficult to determine an approval pathway for a boundary adjustment by relying upon the existing planning framework. In circumstances where property boundaries may have changed due to the movements of rivers, there are also specific processes that a Registered Surveyor needs to follow to determine the correct property boundaries. This involves historical research on river movements and geomorphological processes and submitting a report to Land Registry Services and the Crown. The land subject to Outcome 9 contains the following existing zonings: • RU1 Primary Production • RU2 Rural Landscape • RE1 Public Recreation • RE2 Private Recreation • W2 Recreational Waterway Due to the unique nature of the subject land and current boundary issues, it is considered that permitting subdivision of the land for the purposes of a boundary adjustment with development consent is generally appropriate to proceed to exhibition. However, it is recommended that the Gateway determination be conditioned to remove the proposed drafting and replace it with a plain English explanation of the proposed changes. The final clause can then be developed by PCO at the drafting stage

Item	Description	Justification
Outcome 10	Amend Schedule 1 Additional Permitted Uses to permit a single dwelling house on land at Lot 2 DP 316474, 15 North Street, Raleigh	The planning proposal states that as part of a recent property sale, Council performed the normal series of checks to determine whether the subject land met any of the criteria for a dwelling under the BLEP 2010. As part of those investigations, Council could not confirm that the land had dwelling permissibility. This was despite the fact that the land contains a heritage listing in respect of the existing dwelling on the land and has clearly been used for many years as a dwelling. Council has now confirmed that it is satisfied that the landholder has provided sufficient evidence as to the historical ongoing use of the land for residential purposes. As current legislation provides for the continued use of the dwelling, it is not appropriate that it be scheduled as an Additional Permitted Use and should be removed from the planning proposal. A condition to this effect has been included on the Gateway determination.

3 Strategic assessment

3.1 Regional Plan

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

Table 5 Regional Plan assessment

Regional Plan Objectives	Justification
Goal 1 Liveable, sustainable and resilient	<i>Objective 1: Provide well located homes to meet demand</i> <u>Outcomes 1 and 2</u> Outcomes 1 and 2 will assist in the provision of housing diversity within the Bellingen Shire LGA by facilitating detached dual occupancies and manufactured home building types. Consultation is required with Department of Primary Industries and Regional Development (DPIRD) – Agriculture to confirm the suitability of the proposal in rural areas and this forms a condition of the Gateway determination.

Outcome 3 and 4

Outcomes 3 and 4 seek to clarify the application of Clause 4.2A, thereby reducing the potential for unplanned rural development and supporting this objective.

Outcome 5

Outcome 5 is not consistent with this Objective and is not supported to proceed. Justification for this component of the proposal would be more appropriately considered through further detailed investigation.

Outcome 8

Outcome 8 seeks to establish a retail plant nursery on land that is outside the Urban Growth Area (UGA) boundary (Figure 3) as an additional permitted use.

The planning proposal includes justification addressing the Urban Growth Area Variation Principles (Appendix B). It is considered that the proposal is not inconsistent with the existing use and nature of the land and is appropriate to the site's ongoing use as a community garden.

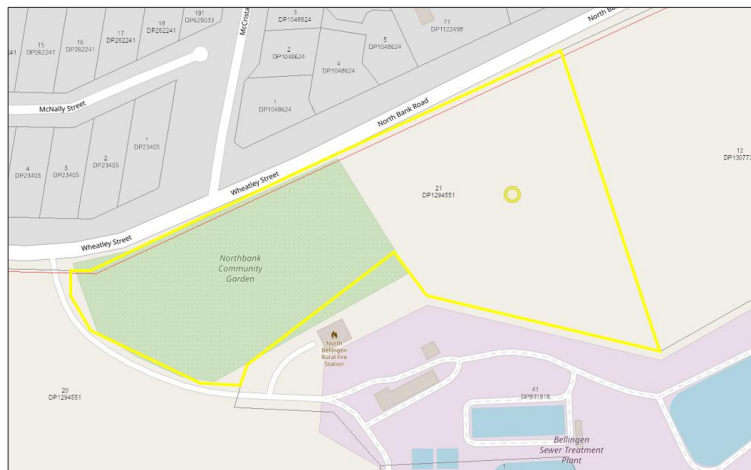


Figure 3: Urban Growth Area Boundary – 115 Wheatley Street, Bellingen
(source: Northern Region Viewer)

Objective 2: Provide for more affordable and low-cost housing

Outcomes 1 and 2

Outcome 1 seeks to permit detached dual occupancies and manufactured homes in rural zones which could facilitate greater housing options.

Objective 3: Protect regional biodiversity and areas of high environmental value

Outcomes 1, 2 and 7

These outcomes have the potential to affect high environmental value (HEV) land and/or biodiversity values due to the geographical scale of the amendment. Given these land uses would require development consent, it is considered that any potential impacts can be appropriately addressed as part of any future development application. However, it is recommended consultation be undertaken with the Department of Climate Change, Energy, the Environment and Water (DCCEWW) – Biodiversity and this forms a condition of the Gateway determination.

Outcome 9

The land the subject of Outcome 9 is mapped as containing potential HEV land (Figure 4).

The planning proposal seeks only to facilitate a boundary adjustment as discussed in Section 2 above. As the proposal does not involve any physical works to the land, no issues are raised in relation to impacts on potential HEV land. Any future development would require the prior development consent of Council.



Figure 4: Outcome 9 – Potential HEV land (source: Northern Region Viewer)

Objective 5: Manage and improve resilience to shocks and stresses, natural hazards and climate change

Outcomes 1, 2 and 7

The proposal to permit detached dual occupancies, manufactured homes, bed and breakfast accommodation and farm stay accommodation (Outcomes 1, 2 and 7 respectively) applies across entire zones and therefore has the potential to increase development on land subject to natural hazards such as flooding and bushfire. As any future development would be subject to development consent, natural hazards can be adequately and appropriately considered and addressed as part of any future development application.

Outcome 8

The land at 115 Wheatley Street, Bellingen is bushfire prone. Consultation is required with the NSW RFS in accordance with Ministerial Direction 4.3 Planning for Bushfire Protection.

Outcome 9

The land the subject of Outcome 9 comprises bushfire prone land and is subject to flooding in a 1% AEP and PMF flood event. Given the planning proposal seeks to facilitate a boundary adjustment only with no physical works proposed, no issues are raised in relation to natural hazards. However, consultation is required with the NSW Rural Fire Service (RFS) to confirm the suitability of the proposal.

Objective 8: Support the productivity of agricultural land

The planning proposal states that the proposal provides opportunity for additional dwellings on rural properties which may be used to support the ongoing conduct of agricultural operations where current residents may be ageing, and new families can be accommodated. The planning proposal clarifies a planning pathway for the use of moveable dwellings and manufactured homes in rural areas for residential purposes.

It is acknowledged that permitting detached dual occupancies (Outcome 1) and manufactured homes (Outcome 2) has the potential to increase rural land use conflict. However, the planning proposal also identifies that the proposal seeks to close off potential avenues which could facilitate increased dwelling densities on rural land, reducing the potential for land use conflict issues. Removal of Outcome 5 as a condition of the Gateway determination aligns with this intent.

An assessment of any potential land use conflicts and proposed mitigation measures as a consequence of an individual proposed development will need to be undertaken by the consent authority at the development application stage and this can help ensure no adverse impacts result.

It is recommended consultation is undertaken with DPIRD – Agriculture to confirm the suitability of the proposal.

Outcome 5

Outcome 5 is not consistent with this Objective and not supported to proceed. Justification for this component of the proposal would be more appropriately considered through further detailed investigation.

Outcome 7

Clause 7.8 of the BLEP 2010 encourages tourism development on land in rural and conservation zones in a way that does not adversely impact on agricultural production or the scenic and environmental values of the land. This clause will ensure that the appropriateness of any proposed bed and breakfast accommodation and farm stay accommodation in the RU1 zone can be determined at the development application stage.

Outcome 8

The establishment of a plant nursery at 115 Wheatley Street will not involve a significant footprint and will not significantly impact upon ongoing ability to use the property for small scale agricultural pursuits.

Outcome 9

The land the subject of Outcome 9 is mapped as Mid North Coast Farmland (Figure 5). Notwithstanding the mapping of the site as important farmland, given the proposal is to facilitate a boundary adjustment only with no physical works proposed, the proposal is not considered to result in any adverse impacts to important farmland.



3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Local Strategies	Justification
Local Strategic Planning Statement	The planning proposal does not conflict with the overarching objectives of the LSPS, including: <i>Planning Priority 1 – To support a vibrant and ecologically sustainable rural economy that is transitioning towards a regenerative model of rural land use</i> <i>Planning Priority 3 – To provide meaningful opportunities for local employment, sustainable business establishment and growth.</i> <i>Planning Priority 8 – Biodiversity conservation occurs at a landscape scale, using a variety of mechanisms across different land tenures.</i>

Our Plan for the Future – An integrated Community Strategic Plan, Delivery Program and Operational Plan (1 July 2025 to June 2035)	The Community Strategic Plan (CSP) details the community's 10-year vision, priorities, aspirations and strategic objectives. The proposal is not inconsistent with 'Plan responsible and sustainable development with vibrant and welcoming urban centres, diverse and affordable housing, and good transport networks'. Outcomes 3 and 4 seek to clarify the application of Clause 4.2A and restrict the potential subdivision respectively, thereby reducing the potential for unplanned rural development and supporting this objective. The proposal to permit detached dual occupancies (Outcome 1) and manufactured homes (Outcome 2) in rural zones will also assist in the provision of additional housing options within the Bellingen Shire LGA. The proposal is also not inconsistent with 'Create a diverse, thriving economy' in that it will facilitate the establishment of a retail plant nursery.
Bellingen Shire Local Housing Strategy 2020-2040	The Local Housing Strategy was endorsed by the Director, Northern Region of the Department on 15 April 2020. While the LHS is not directly applicable to rural areas, the proposal does not conflict with the overarching objectives of the Strategy in that it will facilitate increased housing choice in rural areas while protecting agricultural land and rural character (noting Outcome 5 is not supported to proceed).
Bellingen Shire Growth Management Strategy (GMS) – August 2007	The GMS was endorsed by the Regional Director of the Department of Planning on 12 April 2007. The objective of the GMS is to provide an integrated framework for planning and future development of the Bellingen Shire to 2026. The proposal does not conflict with the overarching objectives of the Strategy in that it provides for the economic and social growth of rural areas.
Bellingen Shire Growth Management Strategy Review – June 2025	The Discussion Paper was prepared by Council in June 2025 as a result of Action RE.3.2.1 of Council's 2024-25 Operational Plan which provides that Council will "Prepare a Discussion Paper to identify the need for any updates to the Growth Management Strategy". The document details the key achievements of existing strategies, emerging issues and opportunities and recommendations regarding future priorities. The Discussion Paper has not been endorsed by the Department. Of relevance to this proposal, the Discussion Paper notes that 23 applications were received in rural zones in the Bellingen Shire between July 2021 and June 2024. This indicates a level of awareness regarding the ability to provide additional housing on rural properties utilising the existing planning framework. The preparation of a rural lands housekeeping LEP amendment to permit detached dual occupancies and tourist and visitor accommodation in rural zones has been identified by Council within the Discussion Paper and the proposal therefore aligns with these recommendations, noting the intent of Outcome 7 is required to be clarified as a condition of the Gateway determination. A condition is included on the Gateway determination to ensure the Discussion Paper is made available as a separate attachment (rather than within a link to the Council meeting).

3.3 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Justified inconsistency	As discussed in section 2, once the planning proposal is amended as required by the proposed Gateway conditions to remove Outcome 5 and updated to clarify the intent of Outcome 7, it is considered the proposal will be justifiably inconsistent with this direction.
3.1 Conservation Zones	Justified inconsistency	This proposal is inconsistent with the direction as it does not include provisions that facilitate the protection and conservation of environmentally sensitive areas. Given the spatial extent of the subject rural and conservation zones, it is considered likely that some lands within the proposal area may contain high environmental value land and/or biodiversity values. The inconsistency is considered to be of minor significance as the planning proposal does not reduce the conservation standards that apply to the land. Biodiversity may be considered as part of any future the development application process. Notwithstanding, it is recommended consultation be undertaken with DCCEWW – Biodiversity and this forms part of the Gateway determination.
3.2 Heritage Conservation	Justified inconsistency	This proposal is inconsistent with the direction as it does not contain provisions that facilitate the conservation of heritage and Aboriginal cultural significance. Given the spatial extent of the subject rural zones, it is considered likely that some lands within the proposal area may contain items or places of heritage or Aboriginal cultural significance. The proposal does not include provisions that facilitate heritage conservation. The inconsistency is considered to be of minor significance as the planning proposal does not reduce or otherwise alter the heritage conservation framework applying to the land. Heritage and Aboriginal cultural significance may be considered as part of the development application process for any future rural dwelling. However, it is recommended consultation be undertaken with the Bowraville, Coffs Harbour, Dorrigo Plateau and Nambucca Local Aboriginal Land Councils (LALCs) to confirm the suitability of the proposal.

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
4.1 Flooding	Justified inconsistency	This proposal is inconsistent with this direction as it may allow an intensification of development on prone land. Given the spatial extent of the proposal, some lands within the proposal area are likely to be flood affected. The inconsistency is considered to be of minor significance as the BLEP 2010 contains suitable provisions (clause 5.21) to ensure that this matter can be appropriately considered and addressed as part of any future development application.
4.2 Coastal Management	Justified inconsistency	This proposal is inconsistent with this direction as Outcomes 8 and 9 are located within the coastal zone and the proposal does not include provisions that give effect to the objects of the <i>Coastal Management Act 2016</i>. The inconsistency with this Direction is considered to be of minor significance as the proposed LEP amendments relate only to local provisions to facilitate a retail plant nursery and boundary adjustment. Any potential development generated as a result of these items can be adequately considered at the development application stage. The assessment checklist for planning proposals in Appendix 1 of the NSW Coastal Design Guidelines 2023 has been provided in accordance with the direction.
4.3 Planning for Bushfire Protection	Unresolved	The planning proposal is inconsistent with this direction as the land forming part of Outcomes 8 and 9 are mapped as bushfire prone. Further, Outcomes 1 to 7 apply across entire zones and may therefore incorporate bushfire prone land. The inconsistency will remain unresolved until consultation occurs with NSW RFS. A condition is included on the Gateway determination in this regard.
4.5 Acid Sulfate Soils	Justified inconsistency	The proposal is inconsistent with this direction as it affects land that is identified as having potential acid sulfate soils but is not supported by an acid sulfate soils study. The inconsistency is considered to be of minor significance as existing Clause 7.1 of the LEP will ensure that any issues relating to acid sulfate soils will be appropriately addressed and considered at the development application stage.

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
5.4 Shooting Ranges	Unresolved	The planning proposal is inconsistent with this direction as it would have the effect of permitting more intensive land uses than those permitted under the current zoning or permitting land uses that are incompatible with the noise emitted by the existing shooting range on the southern outskirts of Dorrigo township. It is recommended that the inconsistency with this direction is to remain unresolved until consultation has occurred with NSW Police. A condition is imposed on the Gateway in this regard.
8.1 Mining, Petroleum Production and Extractive Industries	Justified inconsistency	This proposal is inconsistent with this direction as it would have the effect of restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development such as detached dual occupancies in rural areas. It is considered that this inconsistency is of minor significance as Council already effectively regulates this issue to the best of its current knowledge through adopting the Mineral Resource Area Map Series which ensures any impacts associated with development on land with an identified resource or buffer zone are properly considered. Notwithstanding, it is recommended that consultation be undertaken with NSW Resources.
9.2 Rural Lands	Justified inconsistency	This proposal is inconsistent with this direction as it affects land that is within a rural or conservation zone and is unable to fully satisfy all the requirements of the Direction. Subject to the recommended amendments to Outcome 5 and Outcome 7, it is considered the inconsistency is of minor significance noting that the primary intent of the proposal is to minimise unplanned development in rural areas which will assist in helping to minimise potential land use conflicts and any adverse impacts on agriculture.

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
9.3 Oyster Aquaculture	Unresolved	This proposal is potential inconsistent with this direction as it will allow an intensification of land use (detached dual occupancies) in 'Priority Oyster Aquaculture Areas' (POAA) as shown in Figures 6 and 7. The planning proposal identifies that the installation of an Onsite Sewage Management System (OSMS) to service a detached dual occupancy development is likely to be the main threat to water quality within the catchments of POAA. This will be assessed on a case-by-case basis if or when development is proposed as it will be function of soil type, dwelling size and system selection. This will form part of the assessment of a development application. It is recommended consultation with the DPIRD – Fisheries is carried out to confirm the suitability of the proposal and consistency with the direction.  Figure 6: Priority Oyster Aquaculture Areas – Raleigh/Repton area (source: SEED Map Viewer)

The planning proposal contains an explanation of consistency between relevant SEPPs and the proposal. It is considered the planning proposal is not inconsistent with any relevant SEPPs.

4.1 Environmental

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

Table 8 Environmental impact assessment

Environmental Impact	Assessment
Flooding	Outcomes 1 to 7 apply across entire zones and may therefore also incorporate land subject to flooding. Bellingen Shire Council adopted the Lower Bellinger and Kalang Rivers Floodplain Risk Management Plan at Council's Ordinary Meeting of 24 November 2021 in accordance with the principles and guidelines of the Floodplain Development Manual 2005.

The planning proposal states that apart from the proposal to permit detached dual occupancies in rural zones, the proposal mostly aims to refine existing controls to prevent unintended development outcomes within the rural landscape.

The proposal identifies that the C4 Zone within the Kalang and Thora River Valleys remains unsuitable for any increased development density due to flood isolation and omits this zone, and the C3 Zone, from the list of zones within which detached dual occupancies may be permitted.

Outcome 9

For the purposes of Outcome 9, the land is subject to flooding in a 1% AEP or PMF flood event with a H6 hazard classification (Figure 8). However the proposal only seeks to adjust boundaries with no physical works proposed. The provisions that confirm a dwelling entitlement for the residue portion of Lot 20 DP 129455 and the residue portion of Lot 12 DP 1307733 are intended to preserve existing entitlements related to existing dwellings and will not facilitate additional development in flood liable areas. In this regard, the inconsistency of Outcome 9 with this Direction is of minor significance.

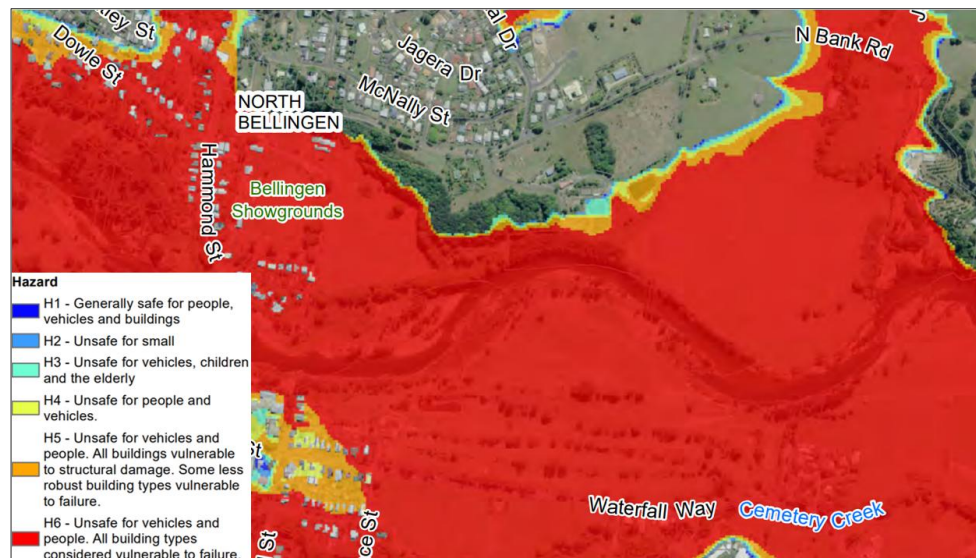


Figure 8: Outcome 9 – Flood Hazard Mapping – PMF Event (source: Lower Bellingingen and Kalang Rivers Floodplain Risk Management Study)

Given the Bellingingen LEP 2010 contains provisions relating to the consideration of flooding and future development will require Council consent via development application, the proposal is considered to be satisfactory in terms of flooding matters.

However, it is recommended consultation be undertaken with the DCCCEWW-Flooding to confirm the suitability of the proposal.

Bushfire

The land subject to Outcomes 8 and 9 is mapped as bushfire prone land. Further, Outcomes 1 to 7 apply across entire zones/entire LGA and likely therefore incorporate bushfire prone land.

Consultation with the NSW Rural Fire Service is required in accordance with Ministerial Direction 4.3 Planning for Bushfire Protection.

Shooting Range

The planning proposal states that Council is currently considering a development application for alterations to a shooting range that exists on the southern outskirts of Dorriggo township. The shooting range covers multiple properties, however the location from which the guns are fired is Lot 69 DP 752813 (Figure 9). The planning proposal states that Council does not have a noise impact assessment in relation to the operation of the range. It also states that pending the determination of the DA for additions that will confirm the long-term legitimacy of the range and it is considered premature to impose additional area specific restrictions for rural landholders seeking to establish a detached dual occupancy development.

Council notes that a number of landowners are already within the Range Danger Area and are required to provide explicit consent to being within such an area, such that they are aware that facilitating the operation of the range on their properties is likely to place limitation upon further development for residential purposes. Council also intends to include further provisions within the DCP as part of a forthcoming review that will include shooting ranges as a land use that requires further specific assessment of suitable buffer zones as part of considering DAs for residential accommodation.

Council has further advised that upon determination of the development application, further consideration can be given as to whether additional LEP provisions need to be included to address potential land use conflict.

It is recommended that consultation be undertaken with NSW Police to determine whether this approach is adequate and this forms a condition of the Gateway determination.



Figure 9: Location of Lot 69 DP 752813 in context of Dorriggo township (source: NSW Spatial Viewer)

Contaminated land	The proposal to permit detached dual occupancies and manufactured homes applies across entire zones and could therefore apply to land that is potentially contaminated. It is considered that all site-specific matters including potential contamination relating to rural dwelling houses can be adequately considered and managed at the development application stage (as currently occurs for developments such as attached dual occupancies which are already permitted). The planning proposal states that Council's Contaminated Land Register indicates that land used for the community garden (Outcome 8) and golf course (Outcome 9) may have potential for contamination due to the previous use of the land as a market garden and importation of fill respectively. <u>Outcome 8</u> Given the proposed retail plant nursery does not comprise a sensitive land use, no issues are raised in relation to potential contamination for this item that cannot be appropriately and adequately addressed at the development application stage. <u>Outcome 9</u> The planning proposal states that there are no changes proposed to land use associated with the golf club and the additional land to be acquired from the owner of 109 Wheatley Street that will be added to the Showground. Given Council has considered whether the land may be contaminated and potential contamination will be addressed at the development application stage, no issues are raised in relation to potential contamination.
Land use conflict	Permitting detached dual occupancies (Outcome 1), manufactured homes (Outcome 2) and tourist development (Outcome 7) in rural zones has the potential to increase land use conflict. However, the planning proposal identifies that its intent is to close off potential avenues which could facilitate unplanned increases in dwelling densities on rural land, reducing the potential for such issues. An assessment of any potential land use conflicts and proposed mitigation measures as a consequence of an individual proposed development may be undertaken by the consent authority at the development application stage. As discussed above, consultation is required with NSW DPIRD – Agriculture to confirm the suitability of the proposal.
Ecological impacts	<u>Outcome 1</u> The planning proposal states that it is possible that detached dual occupancies may be proposed in rural locations that contain threatened species and their habitats. It is considered that any site-specific impacts can be adequately considered and addressed at the development application stage. <u>Outcomes 2 to 6</u> The planning proposal states that these controls aim to limit the potential for misinterpretation of dwelling permissibility controls and this will ultimately assist with continuing to limit new dwellings in rural areas without dwelling permissibility.

Outcome 8

The planning proposal states that much of the land contains non-native horticultural species, consistent with its long-standing use as a community garden. On this basis, it is unlikely that permitting a retail plant nursery to operate from the site will give rise to any significant adverse impacts upon threatened species and their habitats.

Outcome 9

The land subject to Outcome 9 (Bellingen Golf Course) is identified as containing potential HEV land as mapped in North Coast Regional Plan 2041. The planning proposal states that it is considered more likely that the proposal will result in an improved outcome for threatened species and their habitats due to the consolidation of ownership and management of land and the rectification of dysfunctional cadastral boundaries within riparian zones. Consolidating land parcels also reduces the ability to undertake fenceline clearing exemptions under the *Local Land Services Act 2013*.

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 9 Social and economic impact assessment

Social and Economic Impact	Assessment
Social	It is not anticipated that the proposal will have any negative social impacts, subject to the removal of Outcome 5 and update to the intent of Outcome 7. These matters can be appropriately considered through further detailed investigation as part of any future development applications. Outcome 1 to permit detached dual occupancies will potentially result in additional dwellings on rural properties which may be used to support the ongoing conduct of agricultural operations where current residents may be ageing, and new families can be accommodated. More broadly, it could have positive impacts on the shortage of housing stock within the area. Outcome 8 to permit a retail plant nursery will assist with providing an ongoing source of income for the operators of the community garden which provides an important social benefit for residents. The planning proposal states that Outcome 9 will result in positive social impacts through the embellishment of the Bellingen Showground precinct following the acquisition of adjoining land. The resolution of boundary issues in this locality will also allow for certainty and ongoing investment in assets such as the Bellingen Golf Club.
Economic	No significant adverse economic impacts associated with the proposal have been identified, subject to the removal of Outcome 5 and clarification of the intent of Outcome 7.

4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 10 Infrastructure assessment

Infrastructure	Assessment
Local	There is no new local infrastructure required to facilitate the planning proposal. The planning proposal states that the public road network is considered capable of accommodating any increased development that might result from permitting detached dual occupancies (Outcome 1). The planning proposal also states that the land subject to Outcomes 8 and 9 have access to the necessary public infrastructure.
State	It is not anticipated that there will be any impact on State or regional infrastructure or the requirement for additional funding.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days (20 working days).

The exhibition period proposed is considered appropriate and forms part of the conditions of the Gateway determination.

5.2 Agencies

Council has nominated the public agencies to be consulted about the planning proposal:

- NSW Rural Fire Service
- NSW Department of Primary Industries - Agriculture
- NSW Department of Primary Industries - Fisheries
- NSW Department of Climate Change, Energy, the Environment and Water – Biodiversity
- Crown Lands
- NSW Aboriginal Land Council
- NSW Resources

It is recommended the DCCEEW Flooding and NSW Police are also consulted in relation to the proposal. Agencies should be given 30 working days to comment:

6 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 proposal.

An LEP completion date of nine months 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.

7 Local plan-making authority

As the timing and outcome of the Inquiry into Rural Housing and Second Dwellings reform is unknown, it is recommended that Council not be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

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

- The components of the planning proposal will variously deliver:
 - additional housing supply, diversity and choice;
 - support the ongoing conduct of agricultural operations;
 - encourage tourism development that is unlikely to adversely impact on agricultural production;
 - better reflect existing situations; and
 - a more accurate and effective LEP.

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- remove Outcome 5 to amend Clause 4.2A with respect to changes to the definition of existing holding;
- update Outcome 7 to clarify that it seeks only to permit bed and breakfast accommodation and farm stay accommodation with consent in Zone RU1 Primary Production;
- remove Outcome 10 to schedule a dwelling house on land at Lot 2 DP 316474, 15 North Street, Raleigh as an additional permitted use;
- remove the draft wording of all proposed clauses and replace with a plain English explanation of the intended changes;
- list the land uses to be explicitly prohibited under the ‘residential accommodation’ parent definition for each zone for Outcome 2;
- amend the title of Outcome 2 to “Make residential accommodation a permissible land use in RU1, RU2, RU4, C3 & C4 Zones to facilitate the installation of manufactured homes”;
- amend the zone reference on Page 13 to ‘RU1 Primary Production’; and
- include the Growth Management Strategy Discussion Paper (June 2025) as an Appendix to the planning proposal rather than a link to the Council meeting

9 Recommendation

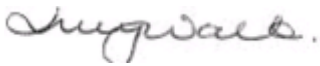
It is recommended the delegate of the Secretary:

- **Agree** that any inconsistencies with section 9.1 Directions 1.1 Implementation of Regional Plans, 3.1 Conservation Zones, 3.2 Heritage Conservation, 4.1 Flooding, 4.2 Coastal Management, 4.5 Acid Sulfate Soils, 8.1 Mining, Petroleum Production and Extractive Industries and 9.2 Rural Lands are minor or justified; and
- **Note** that the consistency with section 9.1 Directions 4.3 Planning for Bushfire Protection, 5.4 Shooting Ranges and 9.3 Oyster Aquaculture 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:

The following conditions are recommended to be included on the Gateway determination:

1. Prior to agency and community consultation, the planning proposal is to be updated to:
 - (a) remove Outcome 5 to amend Clause 4.2A with respect to changes to the definition of existing holding;
 - (b) update Outcome 7 to clarify that it seeks only to permit bed and breakfast accommodation and farm stay accommodation with consent in Zone RU1 Primary Production;
 - (c) remove Outcome 10 to schedule a dwelling house on land at Lot 2 DP 316474, 15 North Street, Raleigh as an additional permitted use;
 - (d) remove the draft wording of all proposed clauses and replace with a plain English explanation of the intended changes;
 - (e) list the land uses to be explicitly prohibited under the 'residential accommodation' parent definition for each zone for Outcome 2;
 - (f) amend the title of Outcome 2 to "Make 'residential accommodation' a permissible land use in RU1, RU2, RU4, C3 & C4 Zones to facilitate the installation of manufactured homes";
 - (g) amend the zone reference on Page 13 to 'RU1 Primary Production'; and
 - (h) include the Growth Management Strategy Discussion Paper (June 2025) as an Appendix to the planning proposal rather than a link to the Council meeting.
2. Consultation is required with the following public authorities:
 - NSW Rural Fire Service
 - NSW Department of Primary Industries and Regional Development – Agriculture
 - NSW Department of Primary Industries and Regional Development – Fisheries
 - Bowraville Local Aboriginal Land Council
 - Coffs Harbour Local Aboriginal Land Council
 - Dorrigo Plateau Local Aboriginal Land Council
 - Nambucca Local Aboriginal Land Council
 - NSW Department of Climate Change, Energy, the Environment and Water – Biodiversity and Flooding
 - Crown Lands
 - NSW Police
 - NSW Resources
1. The planning proposal should be made available for community consultation for a minimum of 20 working days.
2. Given the nature of the planning proposal, it is not recommended that the Gateway authorise council to be the local plan-making authority.
3. The timeframe for completing the LEP is to be nine months from the date of the Gateway determination.



25/03/2026

(Signature)

(Date)

Lucy Walker
Manager, Local Planning and Council Support
Hunter and Northern Region



26/03/2026

(Signature)

(Date)

Craig Diss
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