



BELLINGEN
SHIRE COUNCIL

PLANNING PROPOSAL 29 – PP-2026-182 - Miscellaneous Amendment

**Amendment to Bellinghen Shire Local Environmental Plan 2010
Version 3 (August 2026) – Public Consultation Version**

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Introduction

It has come to the attention of Council that certain provisions in the Bellingen Local Environmental Plan 2010 (BLEP 2010) could potentially be interpreted in a way that promotes unplanned residential development in the rural areas of the Shire. Planning Proposal 29 proposes to amend the wording of relevant provisions to remove any uncertainty regarding interpretation, and to affirm the current policy position of Council in respect of these matters.

The proposal also seeks to permit a retail plant nursery in conjunction with the operation of a community garden, to facilitate a boundary adjustment in Bellingen that is currently thwarted due to the complexity of zonings and land tenures that apply.

The proposal was initially endorsed by Council for the purpose of seeking a Gateway Determination at its meeting of 28 January 2026. The relevant resolution is reprinted below.

Item	9.1
Subject	Planning Proposal 29 - Miscellaneous Amendments to Bellingen Local Environmental Plan 2010
Presented by	Daniel Bennett, Senior Strategic Planner

MINUTES

ORDINARY MEETING OF COUNCIL 28 January 2026

R-003-2026 RESOLVED (Cr O'Keeffe / Cr Coomber)

That Council:

1. Resolves to prepare *Planning Proposal 29 - Miscellaneous Amendments to Bellingen Local Environmental Plan 2010* and requests the issuing of a Gateway determination from the NSW Department of Planning Housing & Infrastructure (DPHI) in respect of this matter;
2. Endorses the proposed Community Engagement Strategy, as documented in this Report.

UNANIMOUS

A Gateway Determination was issued by the Department of Planning, Housing & Infrastructure (DPHI) on 26 March 2026. This is reprinted below.



Department of Planning, Housing and Infrastructure

Gateway Determination

Planning proposal (Department Ref: PP-2026-182): Bellingen LEP 2010 Housekeeping Amendments

I, the Director, Hunter and Northern Region at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that housekeeping amendments to the Bellingen Local Environmental Plan 2010 should proceed subject to the following conditions:

The LEP should be completed within nine months from the date of the Gateway determination.

Gateway Conditions

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. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 20 working days; and

- (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act (or any other part of the Act) and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
- 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
- Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Dated 26 March 2026



Craig Diss
Director, Hunter and Northern Region
Local Planning and Council Support
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces

PP-2026-182 (IRF26/165)

The Gateway Determination required a series of modifications to the Planning Proposal document before agency or community consultation occurs.

The relevant amendments were been made to the document, which was issued for pre-public exhibition agency consultation.

A further amendment has been made following consultation with Government Agencies which notes that the proposal to permit detached dual occupancies in rural areas will involve the inclusion of an additional clause within the BLEP 2010 to address potential agricultural land use conflict.

Part 1 – Objectives & Intended Outcomes

Objectives

1. To amend the BLEP 2010 to make detached dual occupancies a permissible land use in rural zones.
2. To ensure that certain types of residential accommodation or subdivision are not permitted in rural and environmental protection zones.
3. To ensure that unintended development outcomes will not arise on land upon which Council has historically not permitted residential accommodation.
4. To improve the clarity of the planning framework regarding permissible residential accommodation in rural and environmental conservation areas of the Shire.
5. To assist an established community garden with options for income generation through permitting the establishment of a retail plant nursery.
6. To provide an opportunity for the expansion of the Bellingen Showground and the resolution of boundary issues associated with river channel changes.

Intended outcomes

The objectives of the Planning Proposal are proposed to be achieved through the following proposed amendments.

1. Amend Item 3 of the Land Use Table for Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU4 Primary production Small Lots, to make detached dual occupancies permitted with consent, and to include an additional clause to address potential agricultural land use conflict that might arise.
2. Make “residential accommodation” a permissible land use in RU1, RU2, RU4, C3 & C4 Zones to facilitate the installation of manufactured homes.
3. Amend Clause 4.2A of the BLEP 2010 to ensure that all forms of residential accommodation that are permitted in rural and conservation zones must be on land that already has a dwelling entitlement.
4. Amend Clause 4.1AA of the BLEP 2010 to include reference to the C4 Environmental Living Zone.
5. 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.
6. Amend Item 3 of the Land Use Table for Zone RU1 Primary Production to make “bed & breakfast accommodation” and “farm stay accommodation” permissible with consent.
7. Amend Schedule 1 Additional Permitted Uses to allow a “plant nursery” to be permissible with consent at 115 Wheatley Street (Community Garden site) Bellingen being Lot 21 DP1294551.
8. 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

Part 2 – Explanation of Provisions

An explanation of each Part of the proposed amendment is provided below.

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

Bellingen Shire Council recently completed a review of its Growth Management Strategy framework that contemplated whether it was necessary to prepare, amongst other things a new Rural Lands Strategy. This is included as Appendix 1 to this proposal.

Whilst this was not considered necessary at this point in time, Council did resolve to pursue an amendment to the LEP to permit detached dual occupancies in rural areas. The relevant resolution from the Discussion paper is reprinted below.

Having regard to the abovementioned factors, it is **RECOMMENDED**;

- 3 That Council does not allocate any resources towards the completion of a Rural Lands Strategy in the foreseeable future.
- 4 That Council considers whether a specific rural lands housekeeping amendment should be advanced to
 - a. make tourist & visitor accommodation a permissible use in the RU1 Zone
 - b. potentially make detached dual occupancy permissible with consent in rural zones
 - c. potentially re-introduce permissibility of multiple occupancy developments in specific areas.

Attached dual occupancies have been permissible with consent in rural zones for decades, and secondary dwellings in rural zones have been permitted over the last decade or so. Although secondary dwellings are not required to be attached to the principal dwelling, they are size limited which means that, on occasion, they are not adequate to meet the housing needs of the property owners.

The NSW Department of Planning Housing & Infrastructure would not permit detached dual occupancies in rural zones for many years, however have recently softened their position on this matter such that all of Councils neighbouring LGA's now permit this use with consent. The recent acquisition of shire wide indicative flood mapping, as well as the recent updating of the Bushfire Prone Land Map for the Shire will improve Councils ability to properly assess the extent to which detached dual occupancy development is supportable in rural areas having regard to those constraints. Housing supply continues to be a local matter of concern and this initiative will provide an additional opportunity for property owners to add to local housing supply and manage generational change on farming properties.

It is proposed that an additional clause is also included in BLEP 2010 that will address the potential for additional rural dwellings to impact upon agricultural operations.

Outcome 2 - Make "residential accommodation" a permissible land use in RU1, RU2, RU4, C3 & C4 Zones to facilitate the installation of manufactured homes.

The current definitions of a "dwelling" and a "dwelling house" are included below.

dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

dwelling house means a building containing only one dwelling.

Note.

*Dwelling houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.*

The definition of a “building” is included below.

building has the same meaning as in the Act.

Note.

The term is defined to include part of a building and any structure or part of a structure, but not including a manufactured home, a moveable dwelling or associated structure (or part of a manufactured home, moveable dwelling or associated structure).

Council is increasingly being asked to approve the placement of manufactured homes or “tiny homes” on rural parcels of land. Because the definition of a “dwelling house” requires it to be a “building”, there is 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.

This could theoretically be remedied by listing either “dwelling”, “moveable dwelling” or “manufactured home” as defined land uses within the land use table, however for reasons unclear, Direction 5 from the Standard Instrument—Principal Local Environmental Plan (2006 EPI 155a) states that none of those terms can be listed in the land use table.

An alternative strategy which has previously been used by Nambucca Shire Council, and which is currently being proposed by Upper Hunter Council, is to ensure that the parent term “residential accommodation” is permitted with consent as a land use. The definition of this is included below. In this instance, the ability to approve the use of a moveable dwelling for residential purposes lies not in its categorisation as a “building”, but as a “place” used as a place of residence.

residential accommodation means a building or place used predominantly as a place of residence, and includes any of the following—

- (a) attached dwellings,
 - (b) boarding houses,
 - (baa) co-living housing,
 - (c) dual occupancies,
 - (d) dwelling houses,
 - (e) group homes,
 - (f) hostels,
 - (faa) (Repealed)
 - (g) multi dwelling housing,
 - (h) residential flat buildings,
 - (i) rural workers’ dwellings,
 - (j) secondary dwellings,
 - (k) semi-detached dwellings,
 - (l) seniors housing,
 - (m) shop top housing,
- but does not include tourist and visitor accommodation or caravan parks.*

Reliance upon this mechanism will require additional amendments to the land use table to explicitly stipulate those forms of residential accommodation that are prohibited in the relevant zones. The residential accommodation uses to remain prohibited in each zone are detailed in the following table.

<u>Table: Residential accommodation uses to remain prohibited in each zone</u>	
<u>Zone</u>	<u>“Residential Accommodation” land uses to be prohibited in zone</u>
<u>RU1 Primary Production</u>	<u>Attached dwellings, boarding houses, co-living housing, group homes, hostels, multi-dwelling housing, residential flat buildings, rural workers dwellings, semi-detached dwellings, seniors housing, shop-top housing</u>
<u>RU2 Rural Landscape</u>	<u>Attached dwellings, boarding houses, co-living housing, group homes, hostels, multi-dwelling housing, residential flat buildings, rural workers dwellings, semi-detached dwellings, seniors housing, shop-top housing</u>
<u>RU4 Primary Production Small Lots</u>	<u>Attached dwellings, boarding houses, co-living housing, group homes, hostels, multi-dwelling housing, residential flat buildings, rural workers dwellings, semi-detached dwellings, seniors housing, shop-top housing</u>
<u>C3 Environmental Management</u>	<u>Attached dwellings, boarding houses, co-living housing, dual occupancies, group homes, hostels, multi-dwelling housing, residential flat buildings, rural workers dwellings, secondary dwellings, semi-detached dwellings, seniors housing, shop-top housing</u>
<u>C4 Environmental Living</u>	<u>Attached dwellings, boarding houses, co-living housing, dual occupancies, group homes, hostels, multi-dwelling housing, residential flat buildings, rural workers dwellings, secondary dwellings, semi-detached dwellings, seniors housing, shop-top housing</u>

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

The current wording of Clause 4.2A references “dwelling houses” as the only development type that the Clause applies to. 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 development of more intensive forms of residential accommodation on the land such as secondary dwellings or attached dual occupancies.

Because the definitions of secondary dwellings or attached dual occupancies reference only “dwellings”, as opposed to “dwelling houses”, an argument might be fashioned that Clause 4.2A is not relevant to the assessment of a Development Application for a secondary dwelling or attached dual occupancy, and that provided the use is permitted in the zone then a valid approval pathway exists. This is contrary to the intent of Clause 4.2A which aims to minimise unplanned rural residential development by limiting the types of land upon which dwellings can

be permitted in the Shire. It would allow an illogical development outcome whereby one dwelling house cannot be supported, however multiple dwellings can be.

Referencing “residential accommodation” rather than just “dwelling houses” at relevant points within the Clause is a potential means by which the proposed outcomes might be achieved. It is appropriate that these adjustments are made concurrently with the initiative to permit detached dual occupancies with consent as per Outcome 1.

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

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. This was designed to uphold the restrictive policy position on new forms of subdivision within these areas, and is reprinted below.

4.2B No strata or community title subdivisions in certain zones

(1) The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements.

(2) This clause applies to land in the following zones that is used, or proposed to be used, for residential accommodation or tourist and visitor accommodation:

- (a) Zone RU1 Primary Production,*
- (b) Zone RU2 Rural Landscape,*
- (c) Zone RU4 Rural Small Holdings,*
- (d) Zone R5 Large Lot Residential,*
- (e) Zone E3 Environmental Management,*
- (f) Zone E4 Environmental Living.*

(3) Development consent must not be granted for the subdivision of a lot to which this clause applies for a strata plan or community title scheme that would create lots below the minimum lot size shown on the [Lot Size Map](#) for that lot.

Within 1 year of gazettal, the NSW DPHI instituted changes to the NSW Standard Instrument LEP that saw the removal of Clause 4.2B and its replacement with two separate clauses – one relating to strata subdivision in rural areas and another one relating to community title subdivision. Whilst the clause relating to strata subdivision correctly carried forth the policy intent of the original Clause 4.2B by listing all relevant zones, the clause relating to community title subdivision, for reasons unknown, neglected to mention Zone C4 Environmental Living.

The C4 Environmental Living 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. The intention of Clause 4.1AA is to close off potential approval pathways for subdivisions that would create unplanned and increased population densities in rural areas, and there is no sound planning reason why this should not apply in the C4 zone, particularly noting the geographical limitations discussed above.

Outcome 5 - 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.

In the event that Outcomes 2 & 3 are supported and implemented it will be necessary to make minor consequential amendments to other clauses within the LEP whose interpretation relies upon Clause 4.2A.

Clause 7.8 is reprinted below.

7.8 Tourism development in rural and conservation zones

(1) The objective of this clause is to encourage tourism development on land in rural and conservation zones in a way that does not adversely impact on agricultural production or the scenic or environmental values of the land.

(2) This clause applies to land in the following zones—

- (a) Zone RU1 Primary Production,*
- (b) Zone RU2 Rural Landscape,*
- (c) Zone RU4 Primary Production Small Lots,*
- (d) Zone C3 Environmental Management.*

(3) Development consent must not be granted to tourism development on land in a zone to which this clause applies unless the consent authority is satisfied that the development—

- (a) is, or will be, serviced by adequate access roads taking into account the scale of the development, and*
- (b) will complement the rural or environmental attributes of the land and its surrounds,*
- (c) will not have an adverse impact on agricultural production, amenity or the significant features of the surrounding natural environment.*

(4) Development consent must not be granted to the erection of residential accommodation for the owners or managers of tourism development on land to which this clause applies unless that accommodation is a dwelling house that would be permitted to be erected on that land under clause 4.2A.

(5) Development consent must not be granted to the erection of residential accommodation or tourist and visitor accommodation on land to which this clause applies unless the erection of a dwelling house would be permitted on that land under clause 4.2A or Schedule 1.

(6) Despite any other provision of this Plan, development consent may be granted for only one development for the purpose of bed and breakfast accommodation on any lot.

(7) In this clause—

tourism development *includes any of the following that is permissible in the zone to which the application applies—*

- (a) bed and breakfast accommodation,*
- (b) caravan parks,*
- (c) cellar door premises,*
- (d) charter and tourism boating facilities,*
- (e) farm stay accommodation,*
- (f) home industries,*
- (g) information and education facilities,*
- (h) kiosks,*
- (i) markets,*
- (j) recreation facilities (outdoor),*
- (k) rural industries.*

Subclauses 4 & 5 currently make references to Clause 4.2A. These clauses are proposed to be re-worded to ensure that the definitional issues currently associated with “dwellings” and “dwelling houses” are appropriately reflected in a modified Clause 7.8 that instead references “residential accommodation”.

Outcome 6 Amend Item 3 of the Land Use Table for Zone RU1 Primary Production to make "bed & breakfast accommodation" and "farm stay accommodation" permissible with consent.

When Council adopted the BLEP 2010 it was determined to make "tourist & visitor accommodation" a prohibited land use in the RU1 Zone. This was in order to prevent land use conflict between agricultural operations and tourist development within the principle agricultural zone in the Shire.

Since that point in time, there has been a progressive move away from restricting non-agricultural land uses on farms towards encouraging them as a means of supplementing income and viability. Recent NSW Government reforms have consequently made "agritourism" uses "exempt development" in many instances, or have otherwise simplified planning pathways to encourage uses such as farm stay accommodation, farm gate premises and farm experience premises.

During the process of Council publicising the agritourism reforms, the existing prohibition of "tourist & visitor accommodation" in the RU1 Primary Production Zone was discussed at community meetings as an overly restrictive provision that warranted review. During the recent process of Council considering the GMS Review Discussion Paper, it was accordingly resolved to pursue an amendment to the BLEP 2010 to remove this restriction.

The Gateway Determination slightly modifies the scope of the resolution from the Discussion Paper to confirm that the only accommodation uses to be made permissible in the Zone are "farm stay accommodation" and "bed & breakfast accommodation", the definitions of which are reprinted below.

"bed and breakfast accommodation means an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where—

(a) meals are provided for guests only, and

(b) cooking facilities for the preparation of meals are not provided within guests' rooms, and

(c) dormitory-style accommodation is not provided.

Note.

See clause 5.4 for controls relating to the number of bedrooms for bed and breakfast accommodation."

farm stay accommodation means a building or place—

(a) on a commercial farm, and

(b) ancillary to the farm, and

(c) used to provide temporary accommodation to paying guests of the farm, including in buildings or moveable dwellings.

Note—

Farm stay accommodation is a type of tourist and visitor accommodation—see the definition of that term in this Dictionary.

Outcome 7 - 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.

Bellingen Shire Council recently acquired land at 115 Wheatley Street, Bellingen, that has been used as a "community garden" for many years. The subject land has a variety of structures that have been erected over the years 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 Local Government Act 1993 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. A plant nursery is defined as follows, and is currently prohibited in the Zone.

plant nursery means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.

Note.

*Plant nurseries are a type of **retail premises**—see the definition of that term in this Dictionary.*

Consideration was given as to whether or not the operation of a plant nursery might be permissible as an ancillary use to the dominant use for which the property is used, however this was not considered possible. This is because the community garden site is best defined as a “community facility”, however retail premises are explicitly not considered to be part of a community facility (see shaded section below).

community facility means a building or place—

(a) owned or controlled by a public authority or non-profit community organisation, and
(b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

The proposal to restrict a “plant nursery” to this site only, and not list it as a use permitted with consent anywhere within the RU1 Zone in general is considered reasonable by virtue of it;

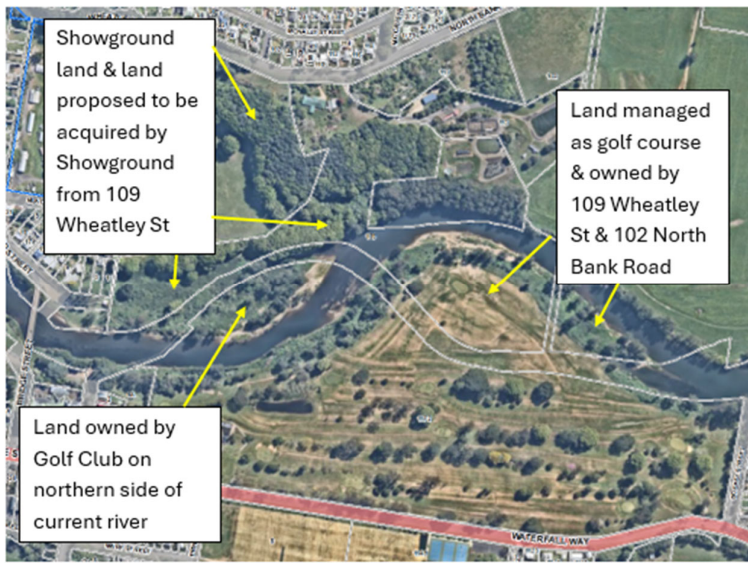
- being principally used for the purpose of a community garden
- being within close proximity to the residential properties that would likely patronise it,
- providing the proponents an alternative income source that would lessen the likelihood of the proposal needing to be subsidised by the broader rate paying populace, and
- constituting a relatively low impact buffering land use between the STP and the urban interface.

Outcome 8 – 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.

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, it has been 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. This has created a dysfunctional cadastral situation, where landowners on opposite sides of the river own land that is for all intents and purposes managed by other entities.

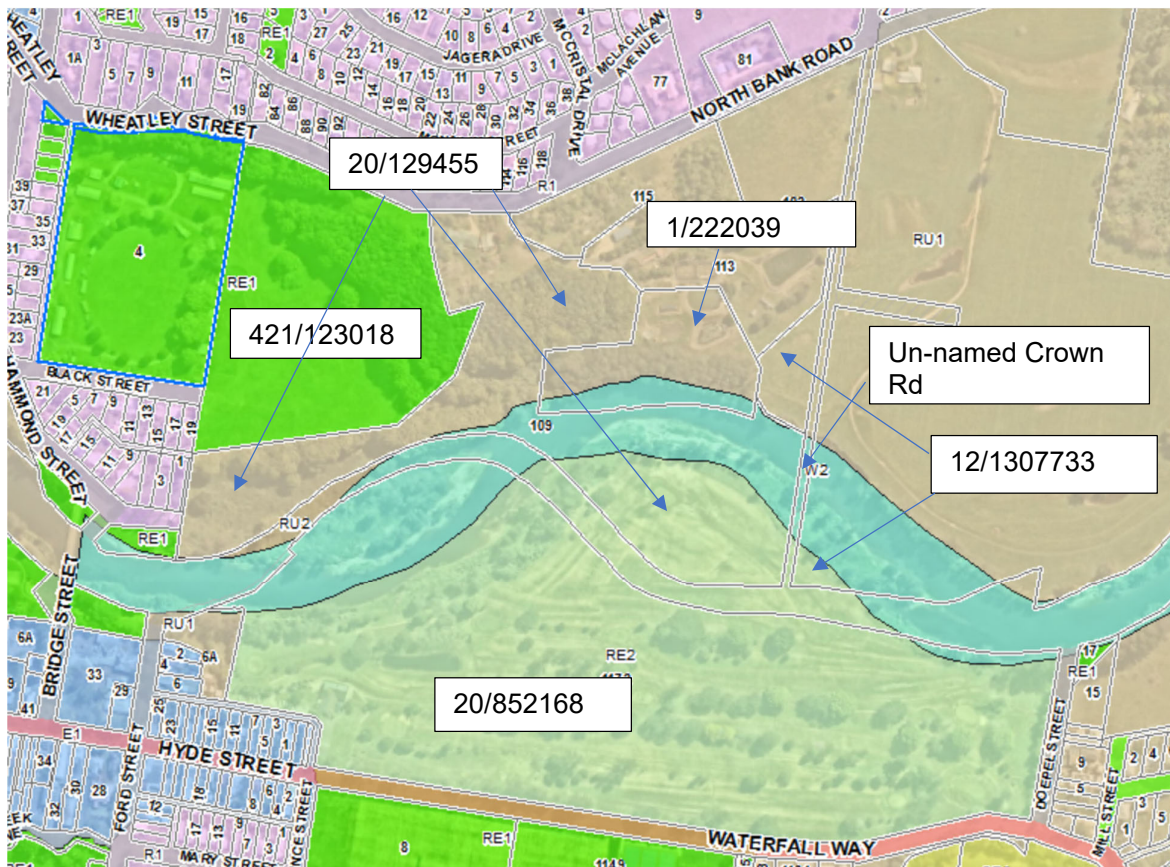
The illustration below depicts this situation.



There is a unique mix of land uses, zones, and lot size categories applying to land in this vicinity, such that it is very difficult to fashion out 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 what the correct boundary delineation should be. This involves historical research on river movements and geomorphological processes and submitting a report to Land & Property Information and the Crown. Once again, it is difficult to forecast what this will look like, and to determine an approval pathway on this basis through reliance upon the current planning framework.

The complexity of the zoning is depicted below, illustrating that any proposal to adjust boundaries would involve the following 5 different zonings.

- RU1 Primary Production
- RU2 Rural Landscape
- RE1 Public Recreation
- RE2 Private Recreation
- W2 Recreational Waterway.



In order to achieve the multiple outcomes required by this proposal, and to allow for this to potentially occur in stages dependant upon the interest of any particular landowners at the time it is suggested that an amending schedule could be worded similarly to the below.

In order to address the issues detailed herein it is proposed to develop an amendment to the BLEP 2010 that;

- Allows for the land transfer to the Showgrounds.
- Acknowledges the complexity of the riverine environment.
- Achieves the multiple outcomes required by the proposal.
- Permits this to occur in multiple non-defined stages dependant upon the interest of particular landowners at the time.
- Preserves dwelling entitlements on residue portions.

Part 3 – Justification of strategic & site-specific merit

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of an endorsed Local Strategic Planning Statement, strategic study or report?

Outcome	Comment
1 – Detached Dual Occupancy	Yes - Council endorsed Growth Management Discussion Paper **
2- Residential accommodation	No
3 – Dwelling entitlement	No
4- C4 Zone subdivision	No
5 – Tourism development & dwellings	No
6 – Tourist accommodation in RU1 Zone	Yes - Council endorsed Growth Management Discussion paper
7 - Schedule use for Plant Nursery	No
8- Schedule use for boundary adjustment	No

** See: Appendix 1 – Growth Management Strategy Discussion Paper

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

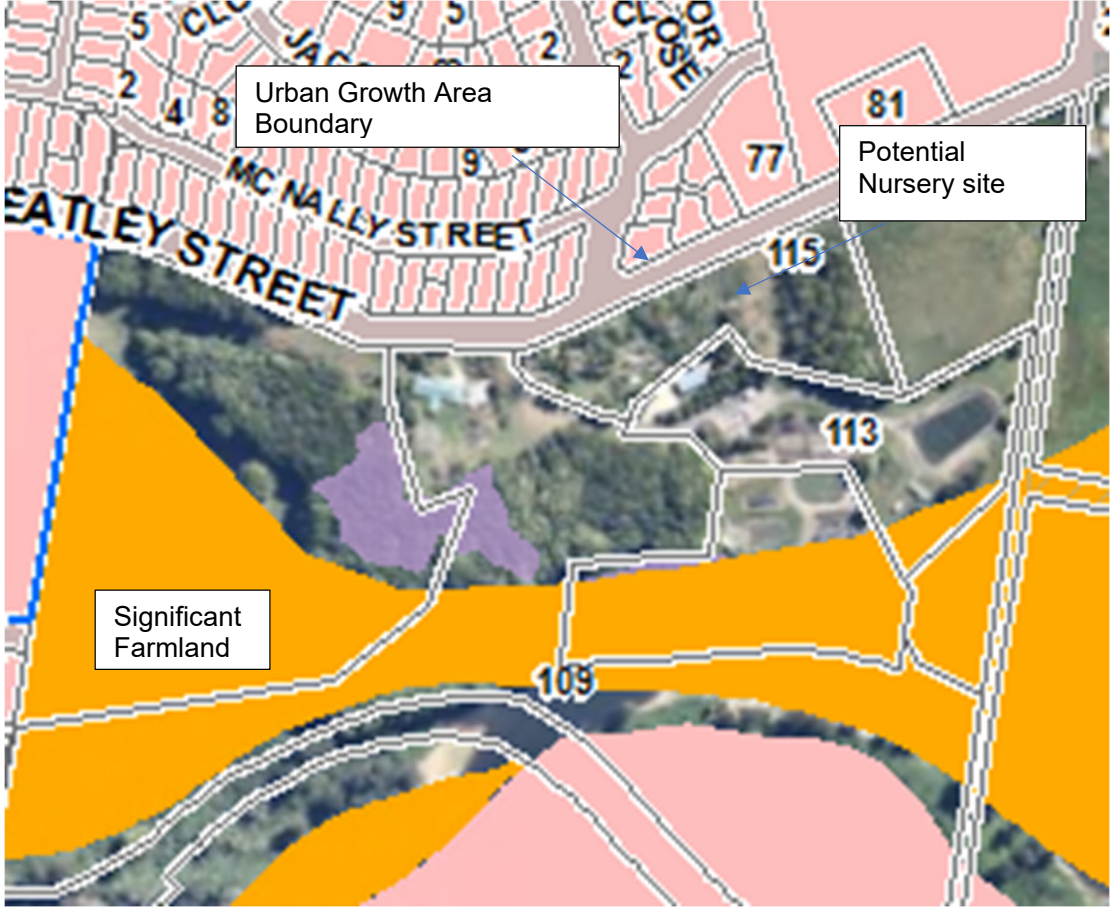
Outcome	Comment
1 – Detached Dual Occupancy	The Planning Proposal is considered necessary to achieve the intended outcomes, however it is acknowledged that PC may draft the LEP in a different way to that suggested in the PP document.
2- Residential accommodation	
3 – Dwelling entitlement	
4- C4 Zone subdivision	
5 – Tourism development & dwellings	
6 – Tourist accommodation in RU1 Zone	
7 – Schedule use for Plant Nursery	
8 – Schedule use for boundary adjustment	

Section B – Relationship to Strategic Planning Framework

3. Will the Planning Proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

NORTH COAST REGIONAL PLAN 2041 ANALYSIS	
Goal 1 – Liveable, sustainable and resilient	
Objective 1: Provide well located homes to meet demand	Outcome 1 will permit detached dual occupancy in rural zones. Other outcomes serve to ensure that potential loopholes that would encourage unplanned for rural development will be closed.
Objective 2: Provide for more affordable & low cost housing	Outcome 1 could facilitate greater housing supply options.
Objective 3: Protect regional biodiversity & areas of HEV	Outcome 9 would impact upon land identified on the Biodiversity Values Map, however the intention of the proposal is for BV mapped land to be consolidated into the single ownership of the Bellinghen Showground Trust with a view towards environmental restoration. 
Objective 4: Understand, celebrate & integrate Aboriginal culture	N/A
Objective 5: Manage & improve resilience to shocks & stresses, natural hazards & climate change	The PP introduces an ability to erect detached dual occupancy in rural zones, but also proposes improved ability to prevent unplanned for rural settlement patterns. Recent updates to the Bushfire Prone Lands Map means that the provisions of Planning for Bushfire protection now need to be complied with for the majority of new rural development, and Council has also acquired shire wide indicative flood mapping that will improve ability to effectively plan for natural hazards. Permitting a plant nursery at an existing community garden site will help the facility to function in a way that is not dependant upon ongoing subsidies, and will assist with developing local resilience in food systems. Permitting a boundary adjustment to rationalise property boundaries will reduce the fragmented nature of the current cadastre and will assist the Showground with its intention to manage the riparian zone and forested areas for restoration purposes.

NORTH COAST REGIONAL PLAN 2041 ANALYSIS	
Objective 6: Create a circular economy	N/A
Objective 7: Promote renewable energy opportunities	N/A
Objective 8: Support the productivity of agricultural land	The PP provides opportunity for additional dwellings on rural properties which may be used to support the ongoing conduct of agricultural operations on properties where current residents may be ageing, and new families can be accommodated. The PP clarifies a planning pathway for the use of moveable dwellings in rural areas for residential purposes. A plant nursery established 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.
Objective 9: Sustainably manage & conserve water resources	N/A
Objective 10: Sustainably manage the productivity of our natural resources	The PP will not have a significant adverse impact upon the productivity of natural resources.
Goal 2 – Productive & Connected	
Objective 11: Support cities & centres & coordinate the supply of well-located employment land	The retail plant nursery proposed for 115 Wheatley Street is well located in terms of proximity to existing urban areas.
Objective 12: Create a diverse visitor economy	N/A
Objective 13: Champion Aboriginal self-determination	N/A
Objective 14: Deliver new industries of the future	N/A
Objective 15: Improve state & regional productivity	N/A
Objective 16: Increase active & public transport usage	The retail plant nursery is centrally located within Bellingen and capable of pedestrian access from the adjoining Urban Release Area.
Objective 17: Utilise new transport technology	N/A

NORTH COAST REGIONAL PLAN 2041 ANALYSIS	
Goal 3 – Growth Change & Opportunity	
Objective 18: Plan for sustainable communities	Complies
Objective 19: Public spaces & green infrastructure support connected & healthy communities	Complies
Objective 20: Celebrate local character	Complies
Local Government Narratives	
Complies	
Settlement Planning Guidelines	
Complies	
Urban Growth Area Variation Principles	
Outcome 8 seeks to establish a retail plant nursery on land that is outside of the Urban Growth Area. The relevant land adjoins the existing Urban Growth Area, is within the Coastal Strip and is not on land designated as Important Farmland.	
	

NORTH COAST REGIONAL PLAN 2041 ANALYSIS

Although the proposal does not seek to formally vary the UGA boundary, it would involve the establishment of new commercial use outside of these boundaries and the UGA Variation principles therefore require consideration to justify the proposal.

The Variation Principles are detailed below.

Urban Growth Area Variation Principles

Policy	The variation needs to be consistent with the objectives and outcomes in the <i>North Coast Regional Plan 2041</i> and should consider the intent of any applicable Section 9.1 Direction, State Environmental Planning Policy and local growth management strategy.
Infrastructure	The variation needs to consider the use of committed and planned major transport, water and sewerage infrastructure, and have no cost to government. The variation should only be permitted if adequate and cost effective infrastructure can be provided to match the expected population.
Environmental and heritage	The variation should avoid, minimise and appropriately manage and protect any areas of high environmental value and water quality sensitivity, riparian land or of Aboriginal and non-Aboriginal heritage.
Avoiding Risk	Risks associated with physically constrained land are identified and avoided, including: • flood prone • bushfire-prone • highly erodible • severe slope, and • acid sulfate soils.
Coastal Strip	Only minor and contiguous variations to urban growth areas will be considered within the coastal strip due to its environmental sensitivity and the range of land uses competing for this limited area.
Land Use Conflict	The variation must be appropriately separated from incompatible land uses, including agricultural activities, sewerage treatment plants, waste facilities and productive resource lands.
Important Farmland	The planning area is contiguous with existing zoned urban land and the need and justification is supported by a sound evidence base addressing agricultural capability and sustainability and is either for: • a minor adjustment to 'round off an urban boundary', or • if demonstrated through a Department approved local strategy that no other suitable alternate land is available, and if for housing, that substantial movement has been made toward achieving required infill targets within existing urban growth area boundaries.

The following comments are provided having regard to the variation principles.

Policy

The proposal is considered consistent with relevant policy objectives and Directions, as detailed elsewhere within this request.

Although the nursery use is not provided for in the existing Bellingen Shire Employment Lands Strategy, it is considered that the schedule use will not be contrary to the policy intent of the strategy. The specific use as a nursery is appropriate to the sites ongoing use as a community garden, as opposed to a more general use or zoning that might act to draw economic activity from the CBD area of Bellingen.

Infrastructure

The site is within immediate proximity to the UGA boundary and relevant supporting infrastructure.

NORTH COAST REGIONAL PLAN 2041 ANALYSIS

Environmental & Heritage

The community garden site is characterised by exotic food and fibre plants and has limited existing environmental value.

Avoiding Risk

The site is flood free, relatively level at the western half and minimally impacted by the bushfire prone lands map. The land is considered relatively unconstrained, for the proposed purpose.

Coastal Strip

The land is within the "Coastal Use Area". The requested variation is minor and contiguous, and will not have any significant adverse impact upon the coastal environment or coastal processes.

Land Use Conflict

The land adjoins the Bellingen Sewerage Treatment Plant, however the proposed use is considered acceptable and unlikely to jeopardise the ongoing operation of the STP.

Important farmland

The schedule use for a nursery avoids any land of mapped agricultural significance.

Overall, it is considered that the variation is minor and supportable having regard to the UGA Variation Criteria, and will not have a significant adverse impact upon the continued retail primacy of the Bellingen CBD area.

4. Is the Planning Proposal consistent with a Council local strategic planning statement that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?

BELLINGEN SHIRE LSPS ANALYSIS

Resilient economy

Planning Priority 1 – To support a vibrant and ecologically sustainable rural economy that is transitioning towards a regenerative model of rural land use

The PP proposes a suite of development controls that will support a wider range of residential and tourist accommodation options within rural areas.

Planning Priority 2 – To routinely identify infrastructure constraints and upgrade opportunities that will enable desired development outcomes

Complies

BELLINGEN SHIRE LSPS ANALYSIS	
Planning Priority 3 – To provide meaningful opportunities for local employment, sustainable business establishment and growth.	Complies – the proposed plant nursery will potentially provide for local employment opportunities and will support the overall functioning of the community garden precinct.
Community wellbeing	
Planning Priority 4- To provide the necessary infrastructure for people to lead physically active lives within their communities	Complies.
Planning Priority 5 – To integrate Gumbayngirr cultural considerations into land use planning decision making processes	N/A
Places for People	
Planning Priority 6 – To meet most of the housing needs of a wide cross section of the community through well designed infill housing	N/A
Planning Priority 7 – To ensure that the unique heritage values of the Shire are protected and promoted to residents and visitors.	N/A
Our living environment	
Planning Priority 8 – Biodiversity conservation occurs at a landscape scale, using a variety of mechanisms across different land tenures.	Outcome 8 in particular aims to consolidate ownership of important vegetated and riparian lands in order to improve the active management of these areas through environmental restoration activities. Outcomes 2 to 6 are geared towards limiting unplanned for residential development in rural areas that are frequently isolated, environmentally constrained and do not have a dwelling entitlement.
Planning Priority 9 – That Councils policy framework for dealing with natural hazards recognises risks associated with climate change and avoids additional exposure of development to hazards.	The recent update of the Bushfire Prone Lands Map, and the acquisition of indicative flood mapping for the whole Shire will assist with properly considering natural hazards when proposing detached dual occupancies.
Planning Priority 10 – Implement Climate Emergency Declaration recommendations	N/A
Centres Narratives	
Planning Priority 11 – Council will work with proponents, and proactively seek opportunities, to advance projects and initiatives that are consistent with the centres narratives contained within the LSPS.	N/A

5. Is the Planning Proposal consistent with any other applicable and regional studies or strategies?

No other relevant studies or strategies have been identified.

6. Is the Planning Proposal consistent with applicable SEPPs?

STATE ENVIRONMENTAL PLANNING POLICIES (SEPP's) RELEVANT TO BELLINGEN SHIRE	
SEPP (Biodiversity & Conservation) 2021	Consistent
SEPP (Exempt & Complying Development Codes) 2008	N/A
SEPP (Housing) 2021	N/A
SEPP (Industry & Employment) 2021	N/A
SEPP (Planning Systems) 2021	The proposal will not facilitate any forms of regionally or state significant development.
SEPP (Primary Production) 2021	The proposal aims to place limitations upon unplanned for residential development within rural zones by ensuring the correct interpretation of Clause 4.2A. The proposal to permit detached dual occupancies with consent in rural zones is similar in many respects to the existing permissibility of secondary dwellings in rural zones which, although size limited, are not further regulated in terms of spatial proximity to an existing dwelling. It has been the experience of Council to date that secondary dwellings in rural areas have not resulted in an increase in the amount of complaints concerning agricultural operations on adjoining properties. It is also considered that permitting detached dual occupancies may deliver multi-generational farming families an improved opportunity to co-locate on the same parcel of land, allow for continuation of primary production uses that might otherwise have ceased with the ageing of parents etc.. and potentially improve resilience during natural hazards by acting as a mini community of support on the same property. Outcomes 7 & 8, although involving land with rural zonings, will not significantly impact agricultural viability. The establishment of a plant nursery is an acceptable buffering land use given the immediate proximity of the R1 General Residential Zone, and intensive forms of agricultural development on the land would be less desirable in terms of potential impacts. Overall, the proposal facilitates the orderly economic use and development of lands for primary production and appropriately balances primary production and residential development, as required by the aims of this SEPP.

SEPP (Resilience and Hazards) 2021	Outcomes 7 & 8 involve land that is within the “coastal use area”, and Councils Contaminated Land Register indicates that land used for the community garden and the golf course may have potential for contamination by virtue of previous use as a market garden, and because of fill delivered to the site, respectively. It is possible to conduct a Plant nursery on the relevant land parcel without significant impacts on the coastal zone. The boundary adjustments proposed by Outcome 9 will require further assessment at DA stage, however ultimately is considered that management of the riparian zone by the Showground Trust for restoration purposes will improve outcomes within the coastal zone. Properly clarifying cadastral boundaries in the locality will also assist management responses. Although there may be some land contamination related to the previous uses discussed above, the proposal does not aim to change the use of the land to a more sensitive land use and no further investigation is considered necessary at this stage to support the planning proposal.
SEPP (Resources and Energy) 2021	N/A
SEPP (Sustainable Buildings) 2022	N/A
SEPP (Transport & Infrastructure) 2021	N/A
Source: As at 2.2.24 https://legislation.nsw.gov.au/browse/inforce#/epi/title/s	

7. Is the Planning Proposal consistent with applicable Ministerial Directions (s9.1 directions) or key government priority?

LOCAL PLANNING DIRECTIONS RELEVANT TO BELLINGEN SHIRE	
Focus Area 1: Planning Systems	
1.1 Implementation of Regional Plans	See previous discussion of NCREP.
1.2 Development of Aboriginal Land Council land	N/A
1.3 Approval & Referral Requirements	Complies
1.4 Site Specific Provisions	The PP proposes two site specific schedule amendments. For Outcome 7, the intention is to simply list “plant nursery” as a permissible use without any additional standards. This demonstrates compliance with Direction 1c.

LOCAL PLANNING DIRECTIONS RELEVANT TO BELLINGEN SHIRE	
	For Outcome 8, the intention is to refer to the outcomes that are facilitated by the amendment, however these are not considered to comprise additional development standards or matters for consideration.
1.4A Exclusion of Development Standards from Variation	Noted
Focus Area 1: Planning Systems – Place based	
None presently relevant to Bellinghen Shire	
Focus Area 2: Design and Place	
None specified	
Focus Area 3: Biodiversity and Conservation	
3.1 Conservation Zones	The PP will provide for additional controls governing the erection of residential accommodation with conservation zones. It does not reduce the conservation standards that apply to land within conservation zones.
3.2 Heritage Conservation	Not relevant
3.5 Recreation Vehicle Areas	Not relevant
Focus Area 4: Resilience and Hazards	
4.1 Flooding	For the purposes of Outcome 7, the land is not subject to flooding in a 1% AEP or PMF flood event. For the purposes of Outcome 8, the land is subject to flooding in a 1% AEP or PMF flood event, however the proposal only seeks to adjust boundaries. Provisions confirming a dwelling entitlement for the residue portion of Lot 20 DP 129455 and the residue portion of Lot 12 DP 1307733 will preserve existing entitlements related to existing dwellings and will not facilitate additional development in flood liable areas. The PP also applies generically across multiple rural and conservation zones. Within these zones there will be land that is flood prone. Apart from the proposal to permit detached dual occupancies in rural zones and tourist & visitor accommodation in Zone RU1, the PP is mostly geared towards refining existing controls to prevent unintended development outcomes within the rural landscape. The PP responsibly identifies that the C4 Zone within the Kalang & 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 occupancy may be permitted. It is not considered practical or necessary to further interrogate the rural land use zones to identify the extent of flood liable land within these areas. These zones make up 44% of the land area of the Shire and large parts of the rural road network will on occasion be inundated in flood events.

LOCAL PLANNING DIRECTIONS RELEVANT TO BELLINGEN SHIRE	
	Councils current DCP controls in respect of detached dual occupancy prohibit their establishment within a floodway, and require floor levels to be at the General Flood Planning Level in flood fringe and flood storage areas. Access requirements further stipulate that detached dual occupancies shall have safe access at minimum GFPL minus freeboard to land above the PMF. Having regard to the requirements of the Direction, it is submitted that the proposal includes no provisions directly permitting development in flood affected locations, it will not allow for significant increases in the development and dwelling density of land, and is unlikely to result in significantly increased requirements for government spending. In this respect it is considered that the proposal is broadly compliant with the Direction.
4.2 Coastal Management	The PP includes land parcels that are zoned rural and conservation within the coastal zone. The majority of the open coastline is however Crown Land with a C2 or C3 zoning, with most known EEC's mapped as Zone C2 Environmental Conservation or W1 – Natural Waterways. The Coastal erosion risk mapping held by Council indicates that most impacts will be contained to the Crown Land discussed above, and will not impact upon private land that may be impacted by the terms of this PP. Overall, it is considered that the proposal will not impact adversely on constrained areas within the coastal zone.
4.3 Planning for Bushfire Protection	Planning Direction 4.3 applies to the PP which will need to be referred to the NSW RFS following receipt of any Gateway Determination. The principal element of the PP that may result in increased development is the proposal to permit detached dual occupancies in rural zones. The recently gazetted update to the bushfire prone land map in Bellingen Shire that included grasslands in the mapping means that the vast majority of properties within rural areas will now be mapped as bushfire prone land and will need to consider Planning for Bushfire Protection as part of the approval process. The proposal responsibly continues to exclude the C4 Environmental Living Zone from provisions that will permit additional dwellings in rural areas, noting the concern that the NSW RFS expressed as part of a recent planning proposal that aimed to permit secondary dwellings in that zone.
4.4 Remediation of Contaminated Land	As previously discussed, it is possible that the community garden site is contaminated from previous gardening uses, and it is possible the golf club is contaminated due to previous importation of fill. The proposal does not act to permit new uses that are more sensitive to potential contamination than the current ones. The current use of the site for a community garden is similar in many respects to the proposed additional use as a retail plant nursery. There are no changes proposed to land use associated with the golf club and the additional land to be acquired

LOCAL PLANNING DIRECTIONS RELEVANT TO BELLINGEN SHIRE	
	from the owner of 109 Wheatley Street that will be added to the Showground is heavily vegetated, with no indication of previous contamination on this part of the land according to Councils Contaminated Lands Register.
4.5 Acid Sulfate Soils	The planning proposal includes land that is identified as having potential ASS according to the ASS map series in the BLEP 2010. The inclusion of an ASS Map series within the BLEP 2010 and accompanying Clause 7.1 allows Council to appropriately control potential ASS disturbance as part of the DA process. Many areas identified as having Class 1-4 ASS are also identified as flood prone land, and development potential within these areas is limited by these constraints. The site specific elements of the proposal do not aim to permit an intensification of land uses that would involve disturbance of potential ASS. On this basis, it is considered unnecessary to obtain a further ASS Study to document risk. To the extent that there is any inconsistency with the terms of this Direction, it is submitted that the inconsistency is of minor significance and should not act as any further impediment.
Focus Area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	N/A – proposal does not apply to urban land.
5.2 Reserving Land for Public Purposes	N/A
5.4 Shooting Ranges	Council is currently considering a DA for alterations to a Shooting Range that exists on the southern outskirts of Dorrigo township. The Shooting Range has purportedly been in existence since 1906, and the question of existing use rights is currently being considered as part of the DA process. The shooting range covers multiple properties when applying the Range Danger Area, however most relevantly to this proposal the location from which the guns are fired is Lot 69 DP 752813. Direction 5.4 applies to all relevant planning authorities when preparing a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/ or adjoining an existing shooting range. “Adjacent” land is defined differently to “adjoining” land as per the provisions of the Macquarie Dictionary (3rd Ed). Specifically, adjoining means land that is bordering or contiguous, whereas adjacent land is more broadly defined to include land that is lying near, close or contiguous. When determining whether or not land is “lying near or close”, it is considered reasonable to have regard to the ability of the activity at hand to generate impacts that extend beyond the borders of the land accommodating that use.

LOCAL PLANNING DIRECTIONS RELEVANT TO BELLINGEN SHIRE

The Direction requires that a planning proposal must not seek to rezone land adjacent to a shooting range of 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.

The proposal does not seek to rezone land within proximity to the rifle range, however it does act however to potentially increase dwelling potential on land adjacent to the range by virtue of permitting detached dual occupancies on rural zoned land.

Council does not have the benefit of a bespoke noise impact assessment in terms of the operation of the range, and there are no obvious guidelines that nominate what a suitable buffer zone might be in terms of acoustic impacts. It is noted that Lismore Council however apply a 500m buffer to rifle ranges, within which additional dwellings are not permitted.

A 500m buffer, drawn from the firing location for the range extends as follows.



At this stage, pending the determination of the DA for additions that will confirm the long term legitimacy of the range, it is considered premature to impose additional area specific restrictions on the ability of landholders in

LOCAL PLANNING DIRECTIONS RELEVANT TO BELLINGEN SHIRE	
	the RU zones to avail themselves of the proposed detached dual occupancy provisions. Affected landowners are already likely to be within the Range Danger Area, and 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. It is also intended 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 DA's for residential accommodation. Upon determination of the DA for the shooting range additions in Dorrig, further consideration can be given at that point in time as to whether additional LEP provisions need to be included to address potential land use conflict. Until such time, it is submitted that this represents a reasonable approach to addressing the provisions of this Direction.
Focus Area 6: Housing	
6.1 Residential Zones	N/A – doesn't include residential zone or permit significant residential development elsewhere.
6.2 Caravan Parks and Manufactured Home Estates	Complies – doesn't affect any existing provisions regulating caravan parks or MHE's.
Focus Area 7: Industry and Employment	
7.1 Employment Zones	The proposal does not affect land within an existing or proposed Employment zone within the meaning of this Direction. The proposed schedule use amendment to facilitate a retail plant nursery will not have any significant adverse impact upon existing employment zones given the bespoke nature of the use.
7.2 Reduction in non-hosted short-term rental accommodation period	N/A
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	N/A
Focus Area 8: Resources and Energy	
8.1 Mining, Petroleum Production and	The proposal could potentially permit detached dual occupancies in rural areas that have identified extractive resources. Council already regulates this to the best of its current knowledge through adopting the Mineral

LOCAL PLANNING DIRECTIONS RELEVANT TO BELLINGEN SHIRE	
Extractive Industries	Resource Area Map Series. This ensures any impacts associated with development on land with an identified resource or buffer zone are properly considered. It is proposed that Council continues to rely upon this safeguard, rather than contemplating any further area specific restrictions on landowners availing themselves of the facilitative aspects of this amendment.
Focus Area 9: Primary Production	
9.1 Rural Zones	The proposal does not rezone land from a rural zone to a residential, employment, mixed use, SP4 Enterprise, SP5 Metropolitan Centre, W4 Working Waterfront, village or tourist zone. The proposal complies on this basis.
9.2 Rural Lands	Apart from permitting detached dual occupancy in rural zones, the principle point of the proposal is to close off potential avenues which could facilitate increased dwelling densities on rural land. The proposal to permit detached dual occupancy is considered to be supportable noting that it could assist with providing inter-generational housing opportunities that could help with continuance of primary production purposes on the land. The take-up of secondary dwelling opportunities in rural areas since this was made permissible indicates that not only is there is a clear demand for detached dwelling opportunities in rural areas, but also that this type of development can occur without significant impact in terms of land use conflict. The schedule use amendments proposed by Outcomes 7 & 8 do involve areas of rural land. The land that currently houses the Community Garden is zoned RU1 – Primary Production, however its size and characteristics do not lend it to sustained and profitable use as a rural land holding in its own right. In fact, using the land for many of the uses permitted in the RU1 Zone would likely be a significant cause of conflict given the close proximity of the residential interface, and the proposal to permit a retail plant nursery represents a more appropriate buffering use between the Bellinger STP and the adjoining residential zone. The proposed boundary adjustment provisions sought by Outcome 8 will likely result in a reduced intensity of land use for primary production purposes, however this is considered appropriate in the circumstances given the sensitive nature of riparian zones along the Bellinger River, in addition to land identified on the Biodiversity Values Map that would come under the consolidated care and control of the Showground Trust. . Actions to address historic movements of boundaries associated with river activity will lessen the likelihood of parts of land being effectively “orphaned” from the balance of the property because it is on the opposite side of a river. This will allow for improved monitoring of these parts of land

LOCAL PLANNING DIRECTIONS RELEVANT TO BELLINGEN SHIRE	
	to control things such as weed incursions and bank erosion, which is a positive outcome in terms of land management. The proposal elects to include a schedule amendment to permit the relevant boundary adjustments in preference to amending the Lot Size Map, because there is a multiplicity of land tenures, zones, and surveying guidelines involved that cannot be adequately translated into LSZ provisions at this stage. Having regard to the above, it is submitted that the proposal reasonably achieves the objectives of the Direction.
9.3 Oyster Aquaculture	The proposal might give rise to detached dual occupancies within the catchments of "Priority Oyster Aquaculture Areas", however it is not possible to forecast where these zone wide changes might be acted upon within the coastal area. The installation of an 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, and it is considered that the proposal need not provide further justification at this stage that land is suitable given that this will be function of soil type, dwelling size and system selection.
Source: As at 2.2.24 https://www.planning.nsw.gov.au/sites/default/files/2023-03/local-planning-directions.pdf	

Section C – Environmental, Social & Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

For Outcomes 1& 6, it is possible that detached dual occupancies or tourist & visitor accommodation may be proposed in rural locations that contain threatened species and their habitats. It is not possible to forecast where and when this may occur, however Council has a sufficiently detailed set of controls within the BLEP 2010 and BDCP 207 that can be relied upon, in conjunction with NSW Government biodiversity legislation, to minimise adverse impacts.

For outcomes 2-5, these controls aim to limit the potential for mis-interpretation of dwelling entitlement controls and this will ultimately assist with continuing to limit new dwellings in rural areas without dwelling entitlements.

For the site specific Outcome 8, it is considered more likely that the proposal will result in an improved outcome for threatened species and their habitats. This is because it is intended to consolidate ownership and management of land identified on the Biodiversity Values Map and to rectify dysfunctional cadastral boundaries within riparian zones. Consolidating land parcels also removes boundary lines and lessens ability to undertake fenceline clearing exemptions.

For the site specific Outcome 7, 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.

9. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The major likely environmental impacts have been discussed already in this proposal.

10. Has the Planning Proposal adequately addressed any social and economic effects?

The Bellingen Showground precinct serves an important social and community function, which will be embellished through 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.

The proposal to permit a retail plant nursery will assist with providing an ongoing source of income for the operators of the garden, thereby limiting the degree to which the ratepaying public might be expected to subsidise ongoing operations. The establishment of a site specific Schedule amendment to permit the nursery is preferable to a zone based amendment that might permit a wider range of commercial activities on the site, which could potentially have an adverse impact upon the existing E zoned land in Bellingen by drawing economic activity from the centre.

Although rural zones are not relied upon in any existing land use strategy to deliver increased dwelling densities, the proposal to permit detached dual occupancy will potentially result in increased dwelling stock within the LGA more broadly, which could have positive social and economic impacts given the recognised shortage of housing stock within the area.

Section D – Infrastructure (Local, State and Commonwealth)

11. Is there adequate public infrastructure for the planning proposal?

The C4 Environmental Living Zone has been excluded from benefitting from Outcome 1 in view of the lack of flood free access and bridges, and concerns previously expressed by the NSW RFS and SES regarding flood isolation and the one way in and out public road network.

Although the remaining rural zones in the Shire will also involve occasional inundation of access routes, the existence of an additional dwelling on the same property will improve the ability of households to share resources in the event of temporary isolation. The public road network is considered broadly capable of accommodating any increased development that might result from Outcome 1.

For outcomes 2-5, these controls aim to limit the potential for mis-interpretation of dwelling entitlement controls and this will ultimately assist with continuing to limit new dwellings in rural areas without dwelling entitlements, and within rural areas that are also frequently isolated from public infrastructure.

For the site specific Outcome 7, the land is within immediate proximity to any requisite public infrastructure.

For site specific Outcome 8, the relevant land parcels already benefit from access to the necessary public infrastructure.

Section E – State & Commonwealth Interests

12. What are the views of State and Federal public authorities and government agencies consulted in order to inform the Gateway Determination

No consultation has taken place at this stage of the planning process.

Part 4 – Maps

The planning proposal does not involve the preparation of any new maps.

Part 5 – Community Consultation

The community consultation requirements for strategic land use planning matters are stipulated within the Bellingen Shire Community Engagement Strategy & Community Participation Plan 2025, relevant parts of the NSW Environmental Planning & Assessment Act 1979 (the Act) and the NSW Environmental Planning & Assessment Regulation 2000 (the Regulation).

Ultimately, consultation requirements are then confirmed within any Gateway determination issued in respect of the proposal.

Having regard to the Bellingen Shire Community Participation Plan, the following consultation activities were considered appropriate.

- * 28-day consultation period
- * Advertisement and provision of supporting documentation on Council website.
- * Notify owners of land affected by Outcomes 7 & 8
- * Notify adjoining owners of land affected by Outcomes 7 & 8
- * Advertise on NSW Planning Portal

The Gateway Determination has confirmed that the proposal is categorised as a “standard” LEP, must be made publicly available for a minimum of 20 working days, and that consultation is required with the following agencies / organisations.

- NSW Rural Fire Service
- NSW Department of Primary Industries (Agriculture)
- NSW Department of Primary Industries (Fisheries)
- NSW Department of Climate Change, Energy, the Environment & Water (Biodiversity & Flooding)
- Crown Lands
- NSW Police
- NSW Resources
- Bowraville, Coffs Harbour, Dorrigo Plateau and Nambucca Local Aboriginal Land Councils

Council did not seek delegation to be the local plan making authority in respect of this matter and this role has therefore been retained by the NSW Department of Planning, Housing & Infrastructure (DPHI).

Part 6 – Project Timeline

Task	Anticipated timeframe for completion
Consideration by Council	
Council Decision	28 January 2026
Gateway Determination	27 March 2026
Pre-exhibition	1 June 2026
Commencement & Completion of public exhibition period	6 June – 6 July 2026
Consideration of submissions	15 August 2026
Post-exhibition review and additional studies	
Submission to the Department for finalisation (where applicable)	1 September 2026
Gazettal of LEP Amendment	30 October 2026

APPENDIX 1 – GROWTH MANAGEMENT STRATEGY DISCUSSION PAPER

DISCUSSION PAPER

POTENTIAL UPDATE OF GROWTH
MANAGEMENT STRATEGY

JUNE 2025

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PURPOSE OF DISCUSSION PAPER

Action RE.3.2.1 of the 2024-25 Operational Plan provides that Council will “*Prepare a Discussion Paper to identify the need for any updates to the Growth Management Strategy*”. This Discussion Paper has been prepared in pursuit of this Action.

This Discussion Paper details what a Growth Management Strategy typically entails and introduces the various elements of Councils current Growth Management Strategy. Key achievements of existing strategies are detailed, emerging issues and opportunities discussed, and recommendations regarding future priorities are provided.

WHAT IS A GROWTH MANAGEMENT STRATEGY?

There is no specific definition for a “Growth Management Strategy” (GMS) within the NSW Planning System, nor any set of current Guidelines that detail what should be included in a GMS. Whilst the need to complete a GMS was previously commonly referenced within key documents such as the Mid-North Coast Regional Strategy 2006-2031, more recent iterations of this document such as the North Coast Regional Plan 2041, or related State-Wide Guidelines such as the 2018 Local Housing Strategy Guidelines do not reference this terminology as consistently.

When Council last adopted a Shire-wide Growth Management Strategy in 2007 the purpose of the Strategy was described as follows.

1.2 Purpose of Strategy

The purpose of the Bellingen Shire Growth Management Strategy is to:

- *To provide an integrated framework for Council decisions relating to planning and services for the future development of the Bellingen Shire up to 2026.*
- *To provide a mechanism for community input into the vision of the future urban development for the Bellingen Shire and communicate to the local community the outline of expected future urban development in the Shire and how this development will occur up to 2026.*
- *To analyse the supply and demand for land for residential, rural-residential and associated urban purposes.*
- *To satisfy State Government requirements for residential and rural-residential land release strategies prior to any significant land releases.*

The following sub-components most commonly make up a Growth Management Strategy;

- Residential Land Housing Strategy
- Rural-Residential Land Housing Strategy
- Employment Land Strategy
- Rural Land Strategy

Ideally, a GMS is completed as a single process because it allows for decisions made with respect to one sub-component to be made with reference to others in the context of an overall philosophical approach to the management of growth within a particular area, and in response to the same set of demographic projections at that point in time. For example, a desire to meet additional demand for housing

opportunities that avoids the outwards expansion of town edges into rural areas could be reflected in an infill focus within the Residential land strategy, and a restriction upon zoning additional land for subdivision in the Rural Residential and Rural Lands Strategy.

In practice however a GMS can include reference to a series of adopted strategies or parts that can be considered as representing the Councils approach to Growth Management. This acknowledges that completing a GMS is a resource intensive process that can often take many years to complete and at considerable cost. It also recognises that there can be numerous parts to a GMS and whilst some may not need to be updated, changing circumstances can mean that others do need to be and should not be postponed until an overall review can be budgeted for and completed.

Generally, the process followed in preparing a GMS or land use strategy includes the following tasks;

1. Background / context for review
2. Existing Supply Analysis
3. Demographic Analysis and Forecasting of Population / Industry Trends
4. Demand Analysis for new land
5. Develop criteria for land identification
6. Recommended Spatial / other outcomes

A GMS is principally a land use planning document that is used to justify or implement changes to planning controls such as the Local Environmental Plan or Development Control Plan. Commonly though a GMS can evolve into a document that includes a broader range of actions than those capable of influence by the planning system. This can be potentially problematic when it creates a perception of ability to influence a matter, when that cannot be legally achieved. An example of this may be to support organic farming practices, when there is no ability to enforce this production system over any other agricultural production system through standard land use definitions.

Noting that a GMS can be completed in full, or in part, the other factor for Council to consider is whether or not this document is prepared by a Consultant on behalf of Council, or prepared in house. Council has had experience with both of these options and in general terms, the preparation of the document as in house project would typically result in a document that is more finely tuned in terms of knowledge of, and response to, local conditions. This is because consultant prepared strategies can sometimes involve an element of "cut and paste" from strategies prepared in other LGA's.

Consultant prepared strategies may cost in the order of tens of thousands of dollars (depending upon scope), however they do allow for the pursuit of other strategic projects in house if a budget is allocated for their completion. Conversely, preparation of a GMS in house can require almost complete diversion of strategic resources towards this project.

WHEN IS A GROWTH MANAGEMENT STRATEGY REQUIRED TO BE COMPLETED?

Council can elect to complete a Growth Management Strategy, or elements of one, should it wish to at any point in time. As previously detailed, a GMS provides a co-ordinated and strategic opportunity to consider the mix of development types that are considered necessary to respond to demographic trends and predictions across the entire landscape, and to balance how decisions made with respect to one type of land use (eg: housing) might impact upon other land uses (eg: employment lands).

In order for a GMS to have recognition as a land use planning strategy it needs to be signed off by the NSW Department of Planning Housing and Infrastructure (DPHI). When a GMS is endorsed by the DPHI then Council can act to implement recommendations made in the GMS knowing that they will not be opposed on general planning intent. For example, if a GMS endorsed a new residential zone on the edge of the existing urban limit, then the Planning Proposal to create that new zone would not have to demonstrate the strategic need for that zoning, and could focus instead upon the site specifics as to final zone boundaries having regard to the constraints of the land. The benefit therefore of having a contemporary GMS is that adopted actions can proceed without needing further detailed strategic justification at each point.

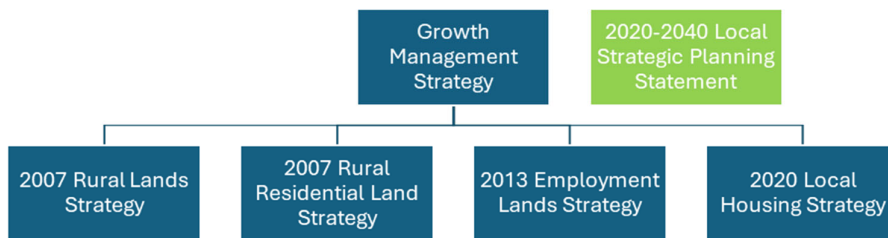
There is no explicit “line in the sand” threshold as to when a particular planning initiative would need to be considered within the context of a wider GMS process. If Council is looking to review planning controls relating to particular land uses then this typically commences with a discussion between Council and key regional DPHI contacts to gauge the degree to which any particular initiative is considered capable of proceeding through the Planning Proposal process with reference to the current strategic planning framework. For example, sometimes a particular initiative might already be referenced in another type of adopted land use Strategy such as the North Coast Regional Plan or the Councils Local Strategic Planning Statement, which would provide sufficient strategic justification to proceed in the absence of a new GMS.

In general terms, any planning initiative not referenced in an adopted strategy and that would involve changing the zoning or lot size stipulations that currently apply to land in order to deliver new development opportunities over large land areas would normally need to pass through a strategic planning exercise such as a GMS. This could include, for example, the following types of initiatives.

- Providing new commercial or industrial zones not included within an existing strategy.
- Changing subdivision controls that apply to rural land.
- Changing permissibility's of key development types within zones – eg: consent requirements for different types of agriculture in rural areas.
- Rezoning Rural Land to Residential or Rural Residential

WHAT IS OUR CURRENT GROWTH MANAGEMENT STRATEGY?

The structure diagram below depicts the elements of Councils current Growth Management Strategy.



In essence;

- The 2007 Growth Management Strategy was added to in 2013 with the adoption of the Employment Lands Strategy (ELS). The 2007 GMS did not include Commercial or Industrial Land components, and these were provided for by the ELS.
- The elements of the 2007 GMS that related to residentially zoned land (ie: Zone R1 General Residential within a 600m² minimum lot size and sewerage) were superseded by the adoption of the 2020 Local Housing Strategy. Key recommendations from the 2007 Residential Land Strategy including the zoning of greenfield land for development at the fringes of Dorrig, Urunga & Bellingen were implemented in 2010.
- The Rural Residential & Rural components of the 2007 GMS have not yet been formally reviewed and technically remain current.
- The 2020 LSPS acts as an additional guidance document in terms of conveying the strategic planning priorities of Council. This is discussed further below.

HOW IS THE LOCAL STRATEGIC PLANNING STATEMENT RELATED TO THE GMS?

Local Strategic Planning Statements (LSPS) have recently emerged as another means of conveying the strategic planning intent of Councils. This provides an alternative avenue to foreshadow and gain policy level endorsement of planning initiatives that might otherwise need to have been provided for in an adopted Growth Management Strategy.

The Act prescribes that Council must prepare and make a local strategic planning statement (LSPS) and review the statement at least every 7 years.

The statement must include or identify the following—

- (a) the basis for strategic planning in the area, having regard to economic, social and environmental matters,
- (b) the planning priorities for the area that are consistent with any strategic plan applying to the area and (subject to any such strategic plan) any applicable community strategic plan under section 402 of the [Local Government Act 1993](#),
- (c) the actions required for achieving those planning priorities,
- (d) the basis on which the council is to monitor and report on the implementation of those actions.

Council adopted an LSPS in 2020. The Actions in the LSPS were based around the Community Strategic Plan Themes of Resilient Economy, Community Wellbeing, Places for People and Living Environment.

The key achievements in implementing the LSPS to date are documented below.

LOCAL STRATEGIC PLANNING STATEMENT STATUS UPDATE	
PLANNING PRIORITY	PROGRESS
To routinely identify infrastructure constraints and upgrade opportunities that will enable desired development outcomes	Council is well advanced in terms of the completion of an Integrated Water Cycle Management Plan. Indications are that adequate capacity exists in water supply to facilitate future expected development, including a potential reduction in the minimum lot size for subdivision in residential areas from 600 to 500m² as anticipated by the LHS. Infrastructure upgrades associated with the Sewering Coastal Villages Project have commenced, with construction currently underway to upgrade the Urunga STP. An Infrastructure analysis has been undertaken of key constraints within areas identified as having potential for infill housing development. This will be discussed in a workshop with Councillors and considered also as part of the scheduled review of the Bellingen Shire Development Control Plan in 2024-2-25.
To provide the necessary infrastructure for people to lead physically active lives within their communities	The BSC Section 7.12 Contributions Plan 2021 was adopted in 2021 to propose a fixed levy contribution for new developments and endorse the use of historic funds for new projects. Concessions to encourage secondary dwellings were formalised in this Plan.

LOCAL STRATEGIC PLANNING STATEMENT STATUS UPDATE	
PLANNING PRIORITY	PROGRESS
	\$954,000 of funding was spent from Contribution funds in 2023-24 for strategic footpath projects and works on Connell Park
To meet most of the housing needs of a wide cross section of the community through well designed infill housing	The implementation of the Local Housing Strategy is documented later in this document.
To ensure that the unique heritage values of the Shire are protected and promoted to residents & visitors	Council continues to run an annual Local Heritage Assistance Fund and to employ a Heritage Advisor to assist Council in protecting local heritage.
Councils policy framework for dealing with natural hazards recognises risks associated with climate change and avoids additional exposure of development to hazards.	Council has worked with the NSW Rural Fire Service in the update of the Bellingen Shire Bushfire Prone Lands map which has not been updated since 2001. The new map reflects updated climatic conditions and notably includes grasslands as a form of bushfire prone land. The new map was certified in early July 2024. Council has commissioned shire wide mapping that depicts flooding to a 5m resolution. Although this mapping does not have the same accuracy as that completed for the Lower Bellinger & Kalang for example, it is a significant step forward in better identifying areas of land where flooding is likely and where additional studies will be required. The Bellingen Shire DCP Chapter on flooding is scheduled to be updated as part of the scheduled review of the DCP in 2025, and it is also intended to apply for funding in the next announced round to update Councils Shire wide Floodplain Risk Management Plan. Relevant Council Officers attended training in July 2024 in respect of the new Floodplain Risk Management Manual.
Council will work with proponents, and proactively seek opportunities, to advance projects and initiatives that are consistent with the centres narratives contained within the LSPS.	The Bellingen, Dorrigo & Urunga CBD Master plans build upon the LSPS centres narratives and have now been formally adopted by Council.

Discussions with regional DPHI representatives regarding ways in which certain policy changes could be advanced in the absence of a GMS process have confirmed that the LSPS may represent a legitimate alternative policy pathway. Although an LSPS still needs to be publicly exhibited and endorsed by both Council and the NSW Government, it does not necessarily need to involve the same level of resource allocation as a GMS.

Council is currently embarking upon a community scorecard process, and further detailed community consultation will occur to inform the development of a new Community Strategic Plan by the newly elected Council. Both of these processes will provide Council with contemporary feedback on community priorities for service delivery and planning functions. The LSPS states that Council will review the alignment of any newly adopted CSP with the LSPS.

An opportunity therefore exists to revise the current LSPS to take into account the feedback provided through these processes , and to advance other potential amendments to planning controls, should it be determined that these are warranted and that the updating of the existing GMS is not a priority of Council.

Having regard to these factors it is RECOMMENDED;

- 1. That Council reviews the currency of the 2020-2040 LSPS in the 2025-26 FY following the development of the new Community Strategic Plan.**
- 2. That Council, in the first instance, seeks to use the opportunities provided by the LSPS process to establish strategic support for certain planning policy changes.**

REVIEW OF CURRENT COMPONENTS OF GMS

In historic order of adoption, the following commentary is provided with respect to the various elements of Councils existing growth management framework.

2007 RURAL LANDS STRATEGY

SUMMARY

The Rural Lands Strategy component of the GMS gave consideration to the following main issues.

- Dwelling entitlement concessions based upon recognition of existing use rights arguments or other relevant planning matters.
- North Dorrigo – consideration given to providing dwelling entitlements for individual lots. Not supported due to concerns with OSMS and distance to services in Dorriggo.
- Supported attached dual occupancy being permissible with consent in rural areas.
- Consideration was given to investigating the potential for Multiple occupancies to be subdivided using community title legislation.
- Rural Workers Accommodation was recommended to be prohibited due to concerns with unauthorised adaptation for non workers, and noting that workers had accommodation options in nearby settlements as well as access to transport.
- Subdivision minimum lot sizes on Dorriggo plateau. Analysed existing lot size breakdown and potential additional lots that would result from reducing minimum lot size. Concluded that there was a wide range of lot sizes already available on the Plateau and that there was no need to reduce the minimum lot size.
- KEY ACHIEVEMENTS

2007 RURAL LAND STRATEGY KEY ACHIEVEMENTS	
AREA	PROGRESS
Dwelling entitlements	Schedule 1 of BLEP 2010 was amended to include dwelling entitlements for 9 properties based upon consideration of existing use rights arguments or other relevant planning matters. Clause 4.2A was also amended to recognise that a lawfully erected dwelling house includes a dwelling house erected in accordance with a building approval granted before 9 February 1990.
Community Title Subdivision of existing Multiple Occupancies	BLEP 2010 was amended on 1 October 2023 to permit the community title subdivision of existing MO's
Rural Workers Accommodation	Prohibited upon gazettal of BLEP 2010. Secondary dwellings introduced as alternative preferable option that does not require ongoing agricultural operations to justify legality of additional dwelling.

2007 RURAL LAND STRATEGY KEY ACHIEVEMENTS	
AREA	PROGRESS
Tourist & Visitor Accommodation	Prohibited in Primary Agriculture Zone in order to retain primacy of primary production land uses in these areas and avoid additional land use conflict.
Subdivision permissibility & minimum lot sizes	The existing prohibition on subdivision in rural areas below the plateau in BLEP 2003 was continued with adoption of BLEP 2010, however was expressed through a 200ha minimum lot size for subdivision at direction of NSW Government. The 70ha minimum lot size for subdivision on plateau was also retained. Significant potential for rural residential subdivision was created, as an appropriate alternative strategy to meet demand for rural lifestyle lots. These initiatives have preserved opportunities for larger scale agricultural enterprises, limited the further incursion of lifestyle lots into the rural landscape and avoided inflation of agricultural land values linked to subdivision opportunity.

ISSUES & OPPORTUNITIES

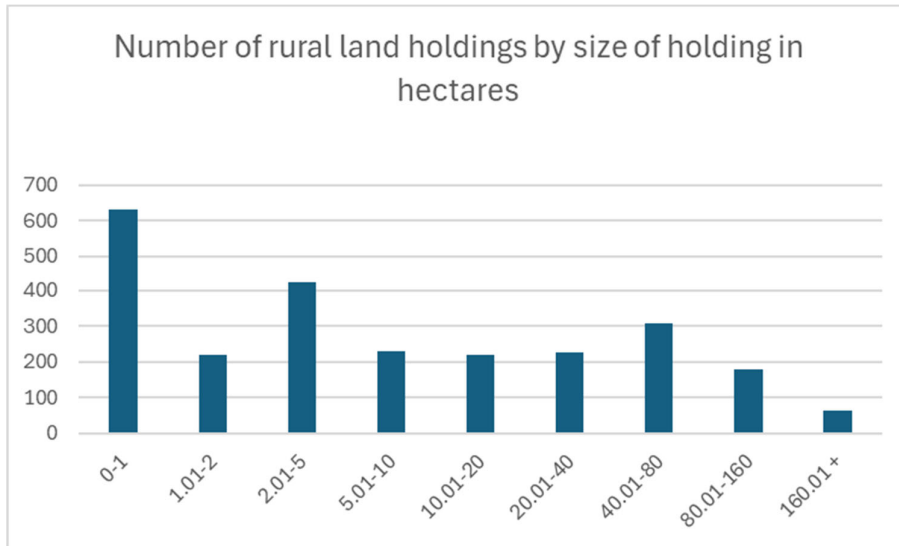
Since the implementation of the existing Rural Lands Strategy, through the gazettal of BLEP 2010, the following additional issues relevant to rural land use planning have been raised with, or considered by Council at various times.

- Council sought community opinion on, and attempted to introduce, changes to the permissibility of certain land uses within the C4 Environmental Living Zone. Ultimately, any changes that proposed additional population generating development in these areas, such as secondary dwellings, were not supported by the NSW Government however rural industries were made permissible with consent, and farm buildings were included as a form of exempt development.
- Council sought to introduce a consent requirement for blueberry growing that did not meet certain exemption criteria such as buffer zones to riparian zones and adjoining parcels. This was not supported by the Independent Planning Commission and ultimately the NSW Government who advised that it was not possible to isolate one particular form of horticulture, and that if Council wanted to make horticulture in general require a DA that this needed to be considered through the lens of a Rural Land Use Strategy.
- Council attempted to make secondary dwelling permissible with consent in rural zones as part of the original gazettal of BLEP 2010, however the NSW Government opposed this at that point in time. When the NSW Government subsequently softened its stance on this matter, Council acted to amend its LEP to make these permissible, and once again to increase the maximum allowable dwelling size to 100m².

- BLEP 2010 was amended to permit Community Title subdivision of existing MO's. In order to permit this it was necessary to remove the approval mechanism that allowed for the approval of new MO's in the Shire.
- Council continues to receive speculative landowner attempts to permit dwellings or subdivision for residential purposes in rural areas. Rural subdivision opportunities (that are available if no dwelling entitlements are created) are being used to create lots and then argue later that a dwelling entitlement should be provided.
- Occasional reference has been made to the need to review subdivision opportunities in rural areas in order to provide financial opportunities for farmers to supplement income, or to address matters such as superannuation planning.
- A series of reforms to Agritourism policy have been introduced by the NSW Government that aim to boost the opportunity for primary producers to supplement their income whilst retaining the dominant use of the farm for primary production purposes. Council has held a series of workshops in rural areas of the Shire to promote these changes, and to understand potential obstacles that may exist in terms of the ability of farmers to take advantage of these reforms.
- Detached Dual Occupancies have been permitted in a range of other LGA's – previously DPHI held hard line on this.
- Affordable housing advocates have looked towards the rural zones of the Shire as being potentially suitable for accommodating more people in structures such as tiny houses, caravans etc..

DISCUSSION & SUGGESTIONS

The chart below depicts the numbers of rural land size holdings within the Shire within different size categories. A map showing the breakdown of these holdings across the Shire is included as Attachment A.



The chart reveals;

- the legacy of historic and outdated planning schemes that permitted the creation of small “concessional lot” subdivisions throughout the rural landscape
- that there is an abundance of smaller lot sizes that could be used for a variety of different primary production means.
- that there is a significant undersupply of holdings above 80ha in area.

Any aspirations to increase subdivision or dwelling potential in rural areas will be significantly constrained by the following factors;

- The NSW Government retains a strong policy position on preventing further fragmentation of rural landholdings.
- Personal financial circumstances (eg: inadequate superannuation) are not land use planning matters.
- Regionally Significant Farmland Mapping continues to act as strong restriction upon any non-agricultural land uses.
- Review of flood planning framework and position adopted with respect to C4 Zone planning proposal is indicative of future limitations that will be placed upon any proposal that would increase development pressure in areas isolated by flooding events.
- Inclusion of grasslands in new Bushfire Prone Lands Map recently gazetted increases area of Shire subject to provisions of planning framework requiring consideration of bushfire issues.

The risk of embarking upon a rural lands planning exercise that focuses on increasing subdivision or dwelling potential in rural areas in the context of the above is that it could unrealistically raise community expectations of an outcome, and then set Council up for criticism when not delivered. An additional risk is that in the absence of any meaningful changes to actual planning controls, the Strategy becomes loaded up with actions that are not planning focused (eg: support regenerative agriculture etc..) and that will divert resources away from core planning pursuits.

For example, a review of two recent Rural Land Strategies adopted on the NSW North Coast reveals that;

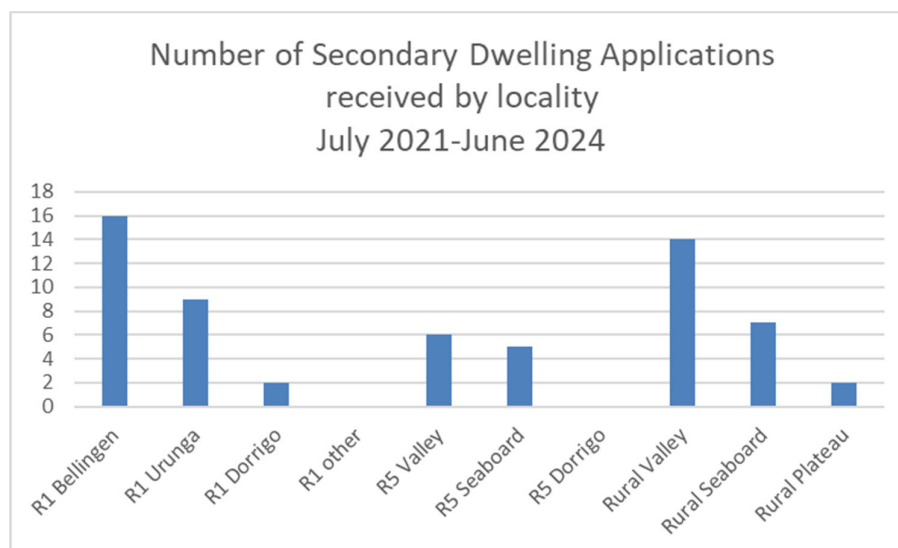
- For the Tweed Rural Land Use Strategy 2020-2036, developed over a 3-4 year period, there were 141 Actions adopted in the Implementation Plan with not 1 advocating for any reduction in subdivision minimum lot size, and a significant number not relating to matters capable of influence through the land use planning system.

Source: <https://www.tweed.nsw.gov.au/files/assets/public/v/1/documents/development-and-business/land-use-and-planning-controls/strategic-planning/rural-land-strategy-2020-2036-pt-2b.pdf>

- For the Clarence Valley Rural Lands Strategy – June 2022, there were 68 Actions adopted with not 1 advocating for any new subdivision opportunities that would increase dwelling entitlements, and a significant number not relating to matters capable of influence through the land use planning system.

Source: <https://www.clarence.nsw.gov.au/Council/Our-performance/Plans-and-strategies/Rural-Lands-Strategy>

As revealed in the chart below, the take-up of secondary dwelling opportunities in rural areas of the Shire is relatively strong noting that 23 applications were received in rural zones in the 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.



If Council wished to provide additional opportunities for residential development in rural areas (eg: by permitting detached dual occupancies or re-introducing the ability to establish Multiple Occupancy development) then it is considered that these initiatives could potentially be justified in a stand alone planning proposal, without needing to firstly prepare a revised Rural Lands Strategy. Council should however note that the rating system does not provide opportunity to levy rates to account for additional dwellings and that this may have an undesirable cumulative impact in terms of ability to provide services to increased populations in these areas.

The amendment of the LEP to facilitate additional housing opportunities in rural areas on the basis of providing affordable or temporary housing opportunities is not supported, and would be highly unlikely to meet NSW government stipulations in terms of isolation and exposure to natural hazards. It is noted that Council has previously sought comment from the NSW Government regarding this matter who have

confirmed that any extension of temporary emergency disaster relief provisions to address housing crises would not be considered appropriate.

Another common policy area that is traditionally addressed in a Rural Lands Strategy is the provision of opportunity to primary producers to supplement their primary income base with supporting activities such as agritourism. Councillors would recall that Council recently hosted a series of information sessions in rural areas of the Shire that outlined new opportunities presented by recent NSW Government reforms to Agritourism planning policy.

In considering these options, it was revealed that the current prohibition on tourist & visitor accommodation in the RU1 Primary Production Zone is acting to limit opportunities for farmers to utilise these provisions. This matter is capable of being addressed in a stand alone planning proposal, without needing to firstly prepare a revised Rural Lands Strategy, noting that it is consistent with the overarching State policy framework. Apart from this matter, it is submitted that adequate provision is made for agritourism in rural areas by the existing planning framework, and that the completion of a Rural Lands Strategy to provide further opportunities is not warranted.

Having regard to the abovementioned factors, it is RECOMMENDED;

- 3 That Council does not allocate any resources towards the completion of a Rural Lands Strategy in the foreseeable future.**
- 4 That Council considers whether a specific rural lands housekeeping amendment should be advanced to**
 - a. make tourist & visitor accommodation a permissible use in the RU1 Zone**
 - b. potentially make detached dual occupancy permissible with consent in rural zones**
 - c. potentially re-introduce permissibility of multiple occupancy developments in specific areas.**

2007 RURAL RESIDENTIAL STRATEGY

SUMMARY

The Rural Residential Lands Strategy component of the GMS gave consideration to the following main issues.

- Endorsed a 1ha minimum lot size to apply to rural residential subdivision development – moved away from previous approach of minimum and average areas.
- Reviewed existing quantum of land that was zoned for rural residential development in 3 separate zones, and reviewed an “excluded land” clause that prevented realisation of subdivision potential until a new rural residential strategy was prepared.
- Recommended backzoning of most land covered by “excluded land” clause to RU4 Rural Small Zone that would not permit further 1ha subdivision.
- Identified potential for 520 approximate lots over the life of the Strategy that would be required to cater for expected demand.

KEY ACHIEVEMENTS

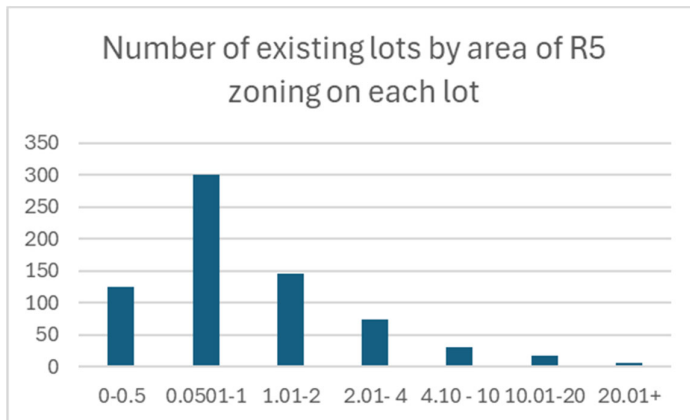
- The majority of rezoning recommendations were implemented via the introduction of BLEP 2010.
- Land at South Arm Rd has only recently proceeded to act upon GMS recommendations – one rezoning has been finalised and Council is currently assessing another one next door. Once these are finalised there is no more development potential to be realised by the Rural Residential Strategy.

ISSUES & OPPORTUNITIES

- Submissions were received as part of the 2020 – 2040 Local Housing Strategy (LHS) process advocating for new R5 zonings. Council upheld the strategic planning principle that there was already 670ha of land zoned for R5 development within the Shire and that the subdivision potential delivered by the 2007 GMS had not come close to being expended. On this basis, no additional R5 Zonings were supported.
- Notwithstanding above, the LHS recognised that there was potential to review the 1ha minimum lot size stipulation for these areas to potentially reduce to 5000m². Several inquiries received inquiring as to when / if this will happen.
- Strong take-up of R5 subdivision opportunities around Bellingen – no action in terms of Urunga (Hungry Head) or Dorrigo.
- Some Councillor interest in looking at additional R5 zonings around Dorrigo to act as economic stimulus and attract families.

DISCUSSION & SUGGESTIONS

The current number of lots with an R5 zoning upon them is broken down in the following chart by the area of R5 zoned land on each lot. Note that this does not take into account constraints or other locational factors that might influence viability.



This analysis reveals;

- The legacy of previous subdivision regimes that permitted a lower lot size for individual lots.
- That at least 126 existing lots retain an ability to further subdivide their land into 1ha lots based upon land area alone.
- That a reduction in the minimum lot size for subdivision to 5000m² would potentially allow for at least an additional 145 lots to subdivide their land for R5 purposes based upon land viability alone.

The provision of improved opportunity to create small rural lifestyle lots in areas that have already been surrendered to lifestyle purposes by virtue of an existing R5 zoning provides Council with an ongoing argument against introducing more of these types of uses into the rural landscape.

It is important to note though that factors such as isolation of these areas in the event of flooding will become increasingly problematic in terms of obtaining NSW Government Agency support for any increased development yield, and that commitments may need to be made to upgrade roads / bridges to provide adequate evacuation routes from these areas.

The scheduled review of Development Control Plan in 2024-2025 will include a review of development controls governing flooding, and will provide an opportunity to consider whether those controls (and other controls in the flood policy landscape) could potentially support increased yield in certain R5 areas.

Having regard to these factors, it is RECOMMENDED;

- 5 That Council does not act to prepare any new GMS chapter in respect of rural residential development, however relies upon the existing strategic support in the LHS for a reduction in minimum lot size to 5000m² in the R5 zone and commits to investigating the potential to complete a planning proposal to this effect in 2025-2026 using in house resources.**

2013 EMPLOYMENT LANDS STRATEGY

SUMMARY OF KEY ELEMENTS

- Using a combination of growth scenarios the ELS identified additional land needed to meet forecast growth from 2011 to 2036.

Table 2 - Existing Supply 2011 vs. Demand 2036 in Bellinghen's Centres and Employment Lands (ha)

	Existing Floorspace	Existing Land	Additional Floorspace Required	Additional Land Required
Existing Centres	4.43	14.40	1.49	2.99
Existing Industrial Lands	N/A	58.56	1.03	3.20
Total	4.43	72.96	2.52	6.19

Source: Hill PDA Survey, Nearmap and Mapinfo 10.5

Please Note: in order to cross compare demand with existing developable land we have amended the estimates for existing land area by factoring in existing access ways and roads

- The ELS identified in the order of 30ha of land to meet industrial growth needs – significant oversupply cognisant of potential contraction upon detailed constraints analysis, and that different landowners may not take up opportunity – therefore variety of options. Attachment B depicts the areas that were identified for potential rezoning. Apart from the extension of the E2 Local Centre Zone to include land on the northern side of William Street Council determined that it would not advance these without the relevant landowners indicating their intent to develop for these purposes. To date Council has not been approached by any of the relevant landowners wishing to proceed towards a rezoning.

KEY ACHIEVEMENTS

- The E2 Local Centre Zone has been extended to include land on the northern side of William Street, as recommended by the ELS.
- The potential expansion areas are all recognised in the North Coast Regional Plan.

ISSUES & OPPORTUNITIES

- Occasional frustration at limitations upon uses possible in Raleigh Industrial Estate due to lack of reticulated sewer.
- Lack of zoned land to facilitate large floor area industrial uses that may want to establish in Shire – taking advantage of proximity to Waterfall Way & Pacific Motorway junction.
- Sewering Coastal Villages – scope and design not geared towards sewerage existing Raleigh Industrial or other potential areas at this stage.
- No serious landholder interest in proceeding with Urunga, Raleigh or Bellinghen potential industrial zonings.
- Speculative landowner interest in rezoning to facilitate supermarket and self-storage facilities on land adjoining Bellinghen STP.
- Concern expressed in Dorrig regarding conversion of existing retail / commercial premises to dwellings in E2 Zone.

DISCUSSION & SUGGESTIONS

It is evident that predicted population growth has been relatively accurate over time and certainly has not underestimated growth. Therefore, it could be determined that the ELS does not require review on

the basis of projected population growth figures exceeding the estimates that underpinned the employment land demand projections.

For example;

- DOPI population forecasts for growth in the Shire issued in 2010 predicted 0.29% annual growth from 2006 to 2036, with the population increasing from 13,000 to 14,200.
- DPHI Projections for the Shire issued in 2024 predict 0.17% annual growth from 2021 to 2041, with the population increasing from 13,135 to 13,580.
- The Estimated Resident Population at the 2021 Census was 13,203. This was a 0.19% growth from 2016.

Notwithstanding the above, it would clearly be desirable to have a supply of zoned, serviced and vacant industrial land ready to accommodate uses that may wish to establish themselves in the Shire and to provide an element of competition that does not exist when options are limited to the areas that are currently zoned.

The ownership of potential industrial precincts identified in the ELS has not changed since its adoption, and it would not be unreasonable for Council to approach those landowners to determine the likelihood of them ever proceeding to act upon the potential opportunity provided by the ELS and whether or not there are any particular matters that are acting as obstacles to the development of the land. This may reveal opportunities for Council to intervene and assist, and will also assist with making further educated decisions regarding the need to update the ELS. An updated ELS could, for example, consider alternative locations for the development of industrial land where landowners have an actual interest in proceeding with the development of the land for industrial purposes. It should be noted however that the identification of suitable land parcels for industrial land is a challenging exercise, significantly influenced by infrastructure availability, and the abundance of land constraints at perimeters of urban areas such as flood liable land, bushfire prone land and regionally significant farmland.

Having regard to these factors, it is RECOMMENDED;

6 That Council does not act to update the ELS at this point in time, however proceeds to issue correspondence to the owners of land identified as having potential for an industrial rezoning to gauge their intentions with respect to acting upon this potential, to identify any barriers to acting upon this potential, and to determine potential avenues for Council to assist.

2020 LOCAL HOUSING STRATEGY

SUMMARY OF KEY ELEMENTS

- The LHS documented key demographic and housing trends generally up until 2016 (last Census available at time of preparation). Major issues identified included low recent population growth, reduced household size, reduced affordability, and a generally ageing population.
- The LHS was prepared in the context of a low take-up of greenfield housing opportunities in the R1 Zones that were recommended by the 2007 GMS and implemented with the gazettal of the BLEP 2010 in 2010.
- The LHS was underpinned by an extensive public consultation process which identified that the encouragement of additional infill development was favoured, as opposed to additional rezonings of agricultural land on the urban fringes to R1 Residential.
- The strategic focus of the LHS was on opportunities within the R1 General Residential Zone. The LHS did not include any formal rural residential or rural land investigations, however did provide some recommendations regarding potential policy reviews in these areas in response to submissions that were received during the exhibition phase.
- The LHS considered the capacity that existed for growth up until 2040 in both infill and greenfield parts of main towns. The LHS did not adopt growth targets, but identified potential growth if actions in Strategy were implemented and higher / medium growth scenarios eventuated. Note that these are aspirational targets and are significantly higher than current DPHI population projections of 13,580 by 2040. The key elements are reprinted in the table below.

Projected growth to 2040 = + 1861 homes (+ 3852 people)

Bellingen Shire population 2040 = 16,852

1015 infill dwellings

846 greenfield lots

New Torrens Title lots infill + greenfield (1,353 additional lots) (assuming 50% of infill is subdivided into TT)

Geographic breakdown

~345 homes Dorriggo (245 infill, 100 greenfield)

~ 683 homes Bellinggen (343 infill, 340 greenfield)

~777 homes Urunga (371 infill, 406 greenfield)

+ 56 Mylestom, Raleigh, Repton (infill only)

- The LHS adopted 67 Actions across 8 strategy areas, to be implemented over a range of timeframes. The key strategy areas included as follows;
 - Housing Choices
 - High Quality infill housing
 - Walking & Cycling
 - Affordability
 - Community Connections
 - Design & Character
 - Environmental Protection and sustainable living
 - Country towns and farming

KEY ACHIEVEMENTS

LOCAL HOUSING STRATEGY KEY ACHIEVEMENTS TO DATE

ACTION AREA	PROGRESS						
Enable more housing types by changing planning controls							
Action 1.2 of the LHS Action Plan proposes a range of potential amendments to planning controls to facilitate a greater variety of housing types. Draft Strategy 3.2 from “Our Plan for the Future – An integrated Community Strategic Plan, Delivery Program and Operational Plan 2025-2035” identifies a range of actions that will support this over the next FY, and this is reprinted below.							
Strategy 3.2 Facilitate access to affordable and diverse housing options.							
Principal activities – what we will continue to do							
Service	Description	Service Team					
Planning for housing options	Facilitate development and ongoing reviews of the local planning framework and strategic land use planning documents with the aim of promoting future housing options. This includes progressing prioritised recommendations from the Growth Management Strategy discussion paper.	Strategic planning					
Strategic initiatives							
Priority Actions	Linked strategies	Service Team	25/26	26/27	27/28	28/29	29/30
3.2.1 Advocate for Federal and State Government to improve access to housing to meet diverse community needs, including new home buyers, aged persons and people experiencing homelessness.	Local Housing Strategy; Ageing Well Strategy	Office of the General Manager	●	●	●	●	●
3.2.2 Review the Development Control Plan to a) support sustainable infill housing opportunities, b) facilitate, quality design that respects and enhances local character and c) simplify the development application process.	Local Housing Strategy; Development Control Plan; Dorriggo CBD Master Plan	Strategic Planning	●				
3.2.3 Advocate for public sector agencies and work with community groups to increase the supply of affordable, key worker accommodation to attract and retain key workers. This includes consideration for programs like Homes for Health.	Local Housing Strategy	Office of the General Manager	●				
3.2.4 Support Waterfall Way Community Land Trust to advocate for resolution of regulatory barriers to enable moderate-to-middle income households to access secure home ownership through co-ownership or a 99-year lease model.	Local Housing Strategy	Office of the General Manager; Strategic Planning	●	●	●		
3.2.5 Plan infrastructure requirements for laneway activation and housing in-fill developments.	Local Housing Strategy	Technical Services	○	○	○		

2

LOCAL HOUSING STRATEGY KEY ACHIEVEMENTS TO DATE	
ACTION AREA	PROGRESS
Council has also actively been seeking funding opportunities to implement key elements of the LHS Action Plan. Specifically; - Council submitted an application for funding to the NSW Government in September 2023 to prepare a Planning Proposal to reduce the minimum lot size for residential subdivision from 600m2 to 500m2 in R1 Zone areas (consistent with Action 1.2 of the LHS) as part of Round 2 of the Regional Housing Strategic Planning Fund 2023, however unfortunately this application was not approved. - Council submitted an application for funding to the NSW Government under Round 3 of the Regional Strategic Housing Fund for a <i>Laneway Design Initiative: Supporting Infill Development Across Urunga, Bellingen and Dorrigo</i>, however unfortunately this application was also not approved.	
Smaller homes Action 1.4 of the LHS Action Plan aims to encourage smaller homes, including amongst other things clarifying planning controls and simplifying approval pathways.	A review of DA's submitted with Council from 1/7/2021 to 30/6/2024 reveals that 1/3 of dwelling applications received during that timeframe were for secondary dwellings. In addition, 41 affordable housing units were approved in Bellingen, with an additional 32 Independent Seniors Living Units currently under assessment. Council's website has been significantly upgraded to include self help guides for construction of a range of smaller housing types such as Secondary Dwellings & Tiny Homes.
Contributions planning Actions 3.2 & 5.2 aim to update the Contributions Plan to ensure adequate and fair levies are applied to developments, and encourage strategic pathway and public open space projects.	The BSC Section 7.12 Contributions Plan 2021 was adopted in 2021 to propose a fixed levy contribution for new developments and endorse the use of historic funds for new projects. Concessions to encourage secondary dwellings were formalised in this Plan. \$954,000 of funding was spent from Contribution funds in 2023-24 for strategic footpath projects and works on Connell Park.

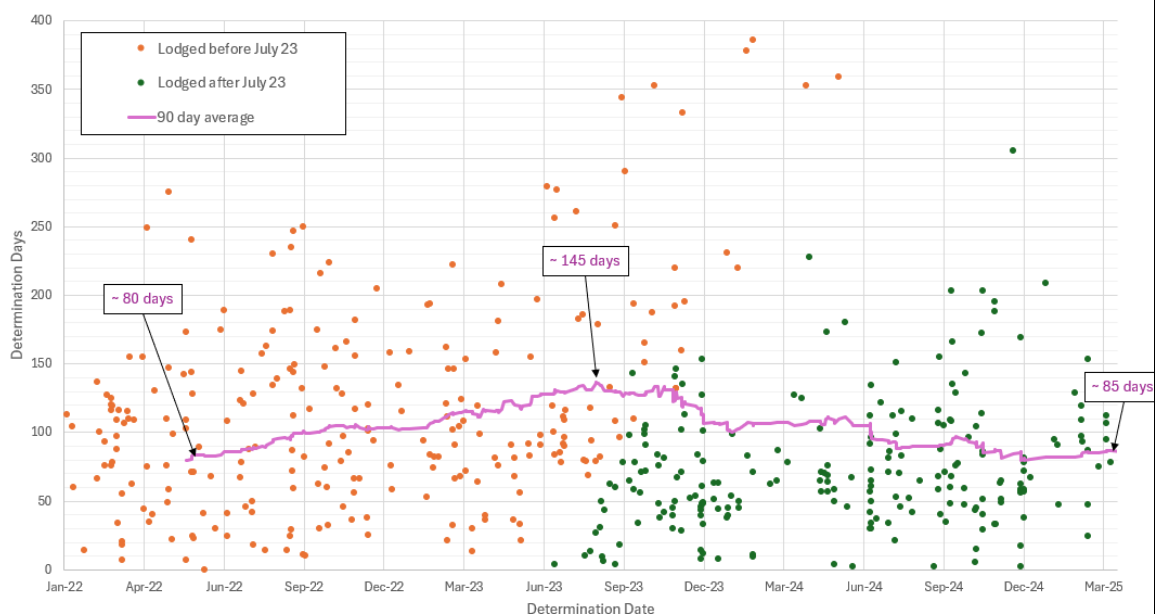
LOCAL HOUSING STRATEGY KEY ACHIEVEMENTS TO DATE	
ACTION AREA	PROGRESS
Infrastructure planning & laneway investigations Actions 2.3 & 2.6 aim to investigate infrastructure constraints in infill focus areas and laneways in order to understand capacity issues and plan for redevelopment opportunities	Council has completed an “Infill Development Infrastructure Investigation Multi Criteria Analysis Report”. The report considers development opportunities & constraints across a wide range of infill precincts in Bellingen, Dorriggo & Urunga. A workshop is to be scheduled with Councillors to discuss an appropriate response to the findings of this report.
Connect greenfields areas to town centres Action 3.5 aims to provide for walking and cycling connectivity from new housing estates to town centres.	Council successfully applied for funding under the Federal Government Active Transport Fund for \$3.36 million to design and construct 2940m of shared paths and footpaths from the South Urunga Urban Release Area to Urunga CBD. This is an excellent outcome for residents in the area and a great example of how the LHS has been used to firstly decide upon strategic intent, and then use to demonstrate compatibility with grant programs that may present from time to time.
DA Management Action 4.4 of the LHS Action Plan aims to streamline the DA process and reduce the costs and time it takes to build more homes in our Shire through adoption of a DA Management Policy.	Council has implemented a suite of operational measures to achieve reductions in net day determination timeframes. These include; * Additional FTE resourcing of DA assessors * Enhanced website information – DA Guides * Overhaul standard consent conditions * New standard forms & assessment templates * DA Quality Review procedures refined * Planning Area Service Plan * Case management plan for longstanding DA's The progress that has been made since July 2023 is depicted below, showing a reduction in average determination days from 145 to 85 between July 2023 and May 2025.

LOCAL HOUSING STRATEGY KEY ACHIEVEMENTS TO DATE

ACTION AREA

PROGRESS

Determination days by determination date



Advocacy & Partnerships

Action 4.7 aims to advocate for affordable housing outcomes and for Council to work in partnership with advocates. Action 1.7 aims to encourage a variety of tenure types, including models such as Community Land Trusts.

Council has advocated, on the back of the strategic direction of the LHS, for government investment in projects such as the Watson St affordable housing redevelopment project (first stage completed), and for completion of a Community Land Trust Feasibility Project through its membership of the Joint Organisation (CLT now legally established as an entity).

Council is represented by the GM on the Waterfall Way Community Land Trust Board. Further to a recent Mayoral Minute, Council Officers are currently exploring opportunities to advance the CLT model through potentially making vacant land at Ferry Street, Urunga available for affordable housing outcomes.

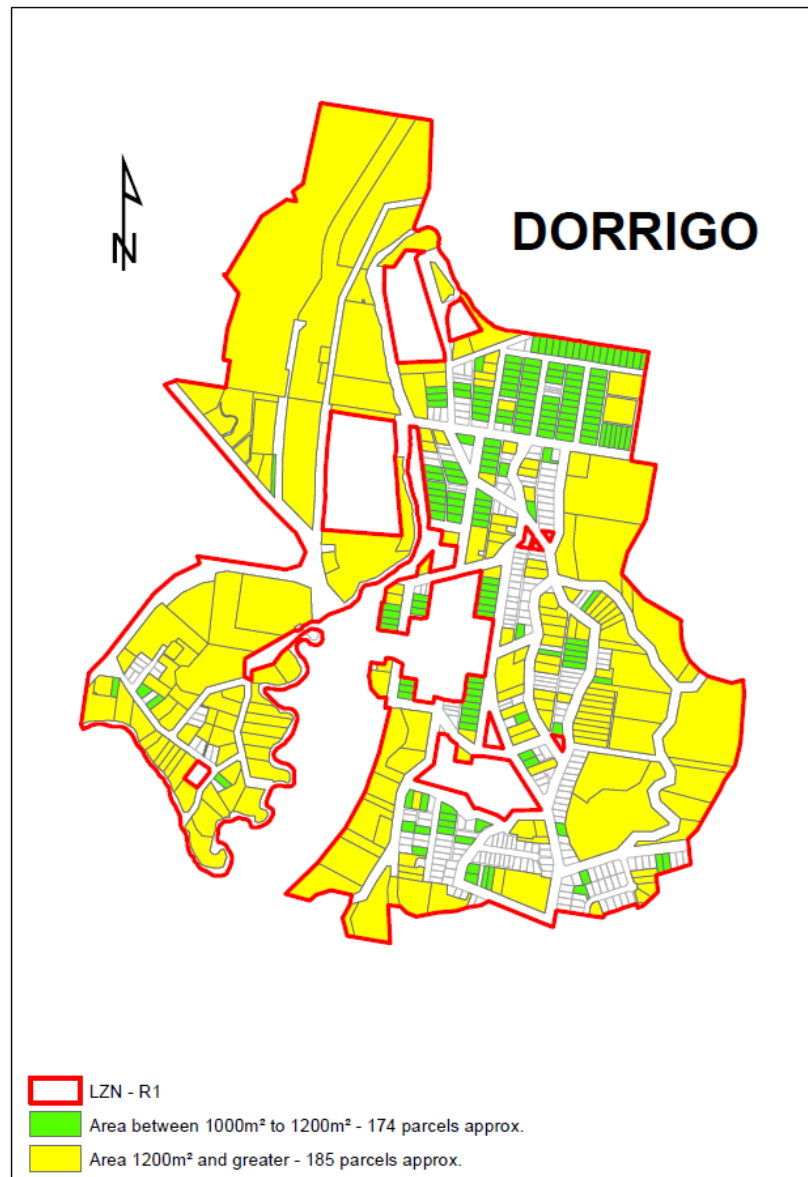
Council Officers have also been assisting the CLT in the development of an Options Scoping Paper to investigate ways in which land supply or development opportunities might be made available to the CLT to help establish housing stock. Some of the opportunities identified in this

LOCAL HOUSING STRATEGY KEY ACHIEVEMENTS TO DATE	
ACTION AREA	PROGRESS
	report will be given further consideration as part of the review of the Development Control Plan and Local Strategic Planning Statement. Council has obtained access to the Bellingen Shire Housing Monitor which is available on its website to all members of the community, and which provides tools to understand housing supply and demand, housing diversity, affordability and availability.
Ageing in Place / Promote Universal Design Actions 1.5 and 5.4 aim to encourage ageing in place through measures such as Universal Housing Design, and to periodically review these controls to ensure they are effective, feasible and user friendly.	Council continues to require new dwellings to be built to Silver Level Universal Housing Design standards. Since 2017, over 250 new dwellings approved in the Shire will be required to be built to accommodate ageing in place. The scheduled review of the DCP in 2024-25 will address certain implementation issues relating to stages for design certification.
Community connections Action 5.8 identifies that equitable access to High Speed Internet is an important enabler of socio-economic well being.	Council has been working with NBN and Telstra on a Digital Connectivity Snapshot for the Shire that outlines the current state of play and areas for improvement. The document will be used for drawing down funding (black spots etc) and advocacy on improvements for the LGA. This project is nearing completion.
Community Title Subdivision of MO's Action 8.3 aims to change planning controls to permit Community Title subdivision of existing MO's.	BLEP 2010 was amended on 1 October 2023 to permit the community title subdivision of existing MO's.
Eco-village Pilot Project Action 8.4 aims to support a potential pilot project for the establishment of an eco-village in the shire.	Council has worked with Consultants funded by the NSW Government in the development of a planning framework for the establishment of an eco-village in the Shire should suitable land and development partners be identified.

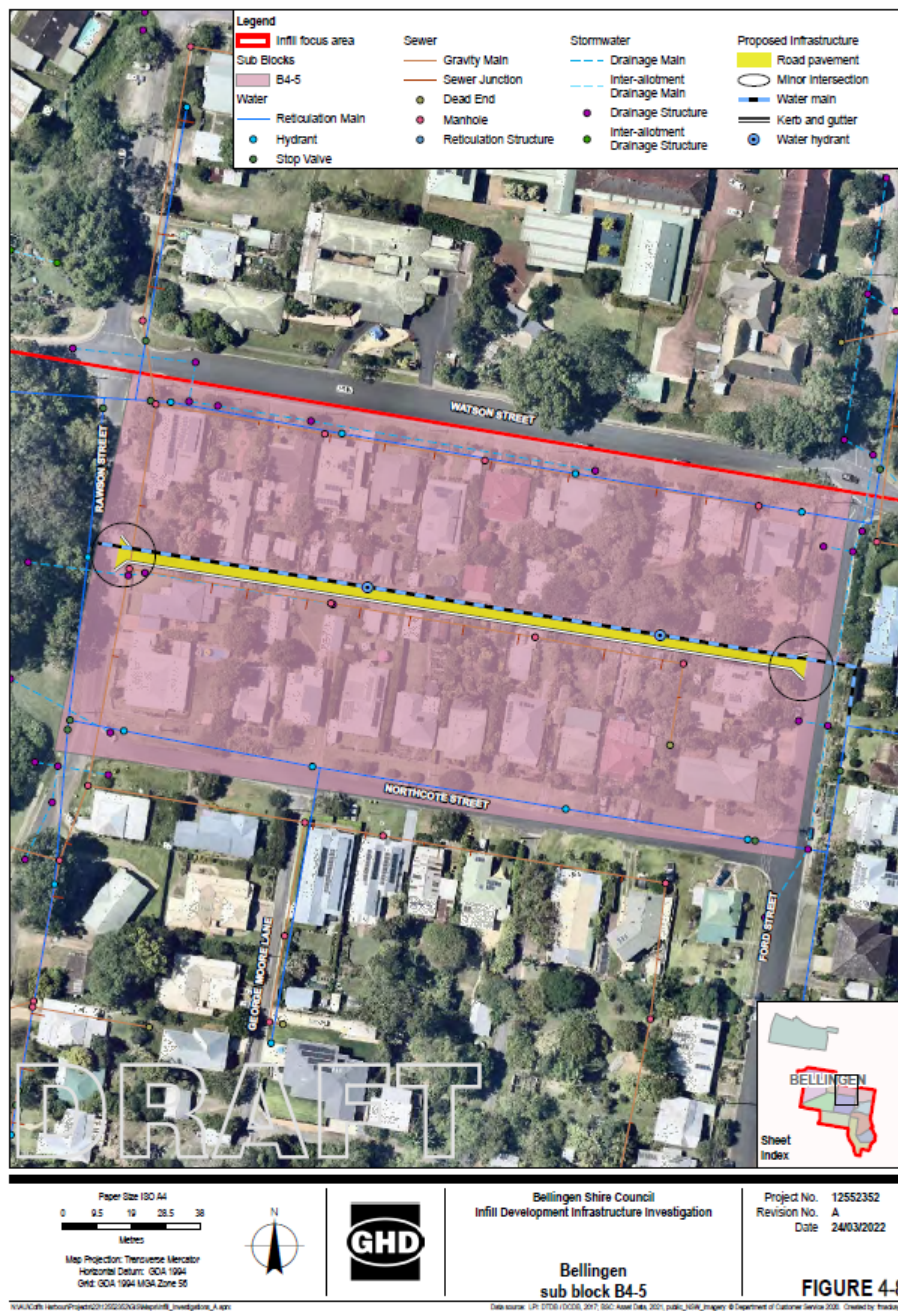
LOCAL HOUSING STRATEGY KEY ACHIEVEMENTS TO DATE	
ACTION AREA	PROGRESS
	The outcomes of this project are supplied on Councils website to assist potentially interested parties to develop a project.
Section 4.2 of LHS – Planning Proposals Section 4.2 identified that 4 potential amendments to the LEP were considered to have strategic merit and could be supported by Council.	Eco-village pilot project – see commentary above. No specific land parcel yet identified. Endeavour Drive rezoning – Potential Community Title Subdivision to create approximately 80 lots – Council previously resolved to request Gateway Determination in respect of this. Withdrawn due to time delays associated with addressing NSW Government Agency concerns. Discussions currently underway with proponents regarding resubmission. Department of Housing back zoning of R1 land at Urunga to C3 Environmental Protection due to constraints – Finalised in 2021 as part of Planning Proposal 18 – Housekeeping Amendment. Dwelling entitlement – 973 Darkwood Rd - Finalised in 2021 as part of Planning Proposal 18 – Housekeeping Amendment.

ISSUES & OPPORTUNITIES

- There is a level of dissatisfaction at the lack of progress on implementing some of the key enabling actions within the strategy, however also a level of understanding in some sectors regarding the capacity of Council to deliver upon the Action Plan in the face of recent resourcing challenges.
- Although Council was unsuccessful in receiving funding for a Planning Proposal to reduce the minimum lot size for subdivision in R1 areas from 600m² to 500m², the body of work that was assembled in support of the funding application can be used to potentially support the development of an in-house planning proposal to implement this policy direction. For example, the analysis that was undertaken in respect of Dorrigo to highlight properties that would potentially benefit from this proposal is presented below.



- As referenced in the achievements table above, a significant piece of investigation work that was necessary to understand some of the complexities involved in encouraging infill development has already been completed by Council (ie: The Infill Development Infrastructure Investigation Multi Criteria Analysis Report). The next step is for Council to consider ways in which infrastructure upgrades can be planned for in order to support infill opportunities. An example of the analysis undertaken in respect of a key infill precinct is show below.



- There has been a limited take-up of infill opportunities since the adoption of the Strategy such as dual occupancy and multi-unit development, however the take-up of secondary dwelling opportunities remains strong. This is likely driven by the concession applying to payment of developer contributions for secondary dwellings, but also the fact that car parking is not a mandatory requirement for a secondary dwelling in accordance with State legislation. The lack of multi-dwelling take-up is not surprising, noting that to this point in time Council has not attempted to implement the key policy changes recommended in the LHS Action Plan such as reducing the minimum lot size for subdivision, or refining development controls to encourage smaller housing development.
- There has been an improved supply of greenfield housing opportunities in zoned areas within each of the major towns in the Shire, with housing under construction at the Taylors Rise subdivision in Bellinglen and in the South Urunga area, and newly subdivided lots available for

housing centered around Gum Street in Dorrigo. The LHS as adopted does not include any recommendations around zoning additional land for greenfield residential subdivision, noting that at the time of drafting the LHS most land that had been zoned for this type of development in 2010 had not proceeded to subdivision and sale of new residential lots. Council may wish to review whether the sole focus of the LHS on infill remains the preferred policy position of Council, and whether or not particular opportunities might exist for limited additional greenfield development to help meet demands for this type of housing in the absence of relatively limited take-up of infill opportunities to date. Matters such as infrastructure sequencing and availability will be critical in any such investigations, in addition to the normal challenge of identifying suitable land with a highly constrained landscape. Zoning additional land in the absence of any clear intention of development by a landowner also needs to be carefully considered given problems inherent with "land banking", noting that once zoned then capacity within large scale infrastructure works (such as Sewage Treatment Plants) needs to be preserved which may be to the detriment of future proposals.

As part of the consultation undertaken with Councillors in respect of this Discussion Paper, a suggestion was made that Council write to landowners of vacant greenfield land to gauge their intentions for proceeding to subdivision and sale of residential lots, to identify any barriers, and to determine potential avenues for Council to assist. Following that a re-assessment of the need to zone additional land for greenfield residential subdivision might then be needed.

- The affordability of housing in general, and in Bellingen Shire continues to remain a strong concern of housing advocates and the community at large. There is an occasional perception that unless a new housing development, subdivision, or rezoning is affordable in nature, then it is not consistent with the LHS nor indeed desirable as a form of development in the Shire. Concerns of this nature are sometimes expressed through suggestions that Council should develop an Affordable Housing Contributions Plan that would extract a levy from developers to be directed towards the supply of affordable housing in the Shire.
- Action RE 3.2.2 of the 2024-25 BSC Operational Plan provides that Council will review the Bellingen Shire Development Control Plan, Action PP 2.2.1 provides that Council will progress the Local Housing Strategy, and Action CL 1.1.5 provides that Council will deliver Planning Regulatory Assessment & Strategic Planning Services.

DISCUSSION & SUGGESTIONS

The existing commitments within the 2024-25 BSC Operational Plan, the current resourcing environment within Council, and existing progress on certain actions provide a good opportunity for Council to build upon the existing LHS achievements, and deliver upon a range of additional LHS related actions as part of the routine delivery of Strategic Planning Services over the next financial year.

For example;

- The review of the DCP will provide the following opportunities to consider and / or implement the following key LHS Actions;
 - Action 1.2 – enable more housing types by changing planning controls.
 - Action 2.1 – planning controls for best-practice infill house design
 - Action 6.2 – planning controls for high quality design & character.
 - Action 7.4 – planning controls & processes review – enable sustainable living.
- The investigations undertaken in respect of the unsuccessful grant application that was made to reduce the minimum lot size from 600m² to 500m² can be used to begin scenario testing for a Council initiated Planning Proposal for this project. It is important to carefully consider the extent to which changing the LSZ will in fact deliver additional opportunity if infrastructure constraints will continue to present as a deal breaker in terms of development viability.
- The infill infrastructure investigations report can be used to inform potential land use planning policy responses as part of the DCP review, and to begin a conversation with Councillors regarding other pro-active strategies to support infill development such as Council initiated infrastructure upgrades.
- Resourcing capacity will be retained for the in-house assessment of any proponent initiated planning proposal requests that Council may receive over the year, including the potential resubmission of a Planning Proposal for the Community Title Subdivision of land at the end of Endeavour Drive, Bellingen.

The potential establishment of an Affordable Housing Contribution Scheme in Bellingen Shire was the subject of a Question without Notice posed by Cr Fenton at the Council Meeting of 22 February 2023, and addressed in a subsequent email issued to all Councillors 17 March 2023. A copy of the text from this advice is reprinted in Attachment C. In summary, the completion of an Affordable Housing Contribution Scheme is not recommended by the existing LHS and is not considered appropriate for a strategy whose focus is on encouraging small scale iterative infill development, rather than new greenfield rezonings with significant value uplift where such a scheme would be considered to have merit.

Having regard to these factors, it is RECOMMENDED;

- 7 That Council focuses upon implementing key enabling actions within the existing LHS as part of the 2024-25 Operational Plan commitment to review the DCP.**
- 8 That Council undertakes scenario testing in 2024-2025 for a potential Planning Proposal in 2025-2026 to reduce the minimum lot size for subdivision in R1 zones from 600m² to 500m² as part of the 2024-25 Operational Plan commitment to progress the LHS. Further, that Council, as part of any LEP amendment, writes to owners of properties potentially benefitted by the amendment to gauge their intentions for proceeding to subdivision and sale of residential lots, to identify any barriers, and to determine potential avenues for Council to assist.**
- 9 That Council write to landowners of vacant greenfield land to gauge their intentions for proceeding to subdivision and sale of residential lots, to identify any barriers, and to determine potential avenues for Council to assist. Following that a re-assessment of the need to zone additional land for greenfield residential subdivision might then be needed.**

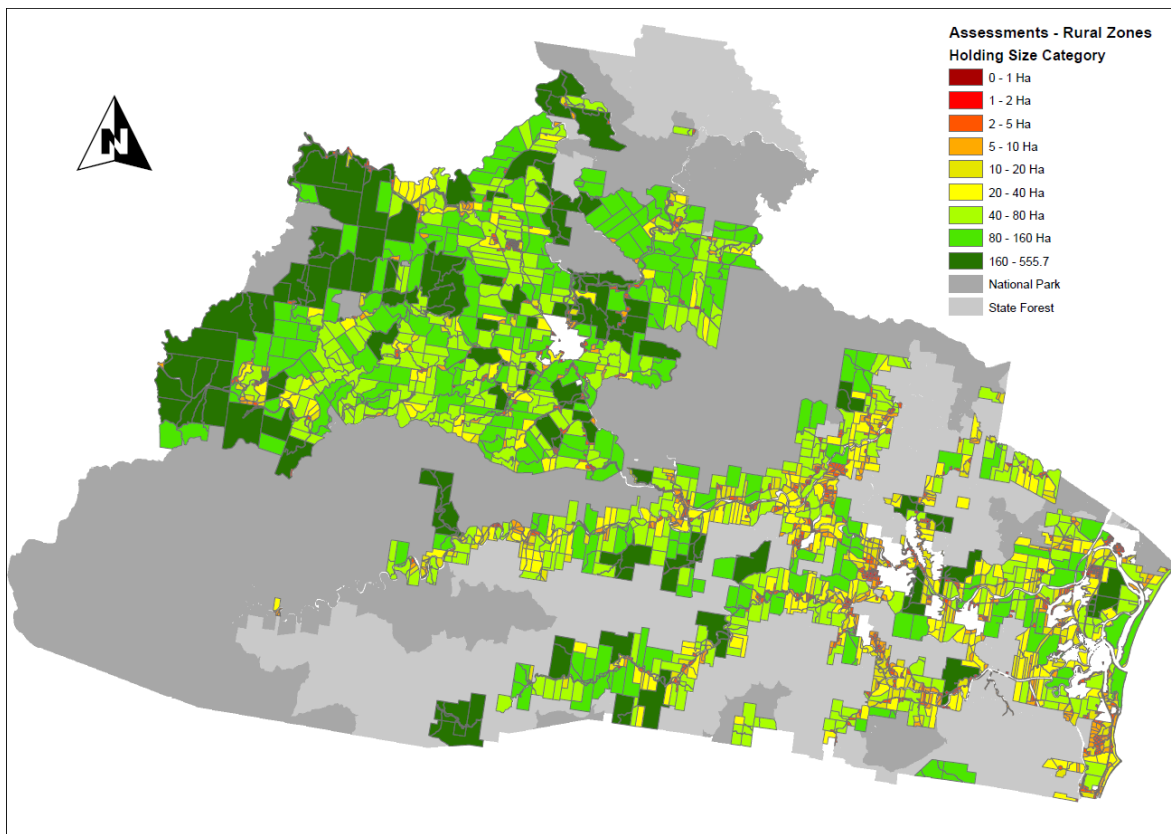
RECOMMENDATIONS SUMMARY

Recommendations made in the Discussion Paper are summarised in the table below. These recommendations essentially aim to focus the existing strategic planning resources of Council upon what are considered to be the most pressing issues of concern surrounding housing supply, rather than diluting the ability of Council to respond to these issues through committing to other policy review areas at this point in time

Policy area	Summary of recommendations
Local Strategic Planning Statement	1. That Council reviews the currency of the 2020-2040 LSPS in the 2025-26 FY following the development of the new Community Strategic Plan. 2. That Council, in the first instance, seeks to use the opportunities provided by the LSPS process to establish strategic support for certain planning policy changes.
Rural Lands	3 That Council does not allocate any resources towards the completion of a Rural Lands Strategy in the foreseeable future. 4 That Council considers whether a specific rural lands housekeeping amendment should be advanced to a. make tourist & visitor accommodation a permissible use in the RU1 Zone b. potentially make detached dual occupancy permissible with consent in rural zones c. potentially re-introduce permissibility of multiple occupancy developments in specific areas.
Rural Residential lands	5 That Council does not act to prepare any new GMS chapter in respect of rural residential development, however relies upon the existing strategic support in the LHS for a reduction in minimum lot size to 5000m² in the R5 zone and commits to investigating the potential to complete a planning proposal to this effect in 2025-2026 using in house resources.
Employment Lands	6 That Council does not act to update the ELS at this point in time, however proceeds to issue correspondence to the owners of land identified as having potential for an industrial rezoning to gauge their intentions with respect to acting upon this potential, to identify any barriers to acting upon this potential, and to determine potential avenues for Council to assist.
Residential Lands	7 That Council focuses upon implementing key enabling actions within the existing LHS as part of the 2024-25 Operational Plan commitment to review the DCP. 8 That Council undertakes scenario testing in 2024-2025 for a potential Planning Proposal in 2025-2026 to reduce the minimum lot size for subdivision in R1 zones from 600m² to 500m² as part of the 2024-25 Operational Plan commitment to progress the LHS. Further, that Council, as part of any LEP amendment, writes to owners of properties potentially benefitted by the amendment to gauge their intentions for proceeding to subdivision and sale of residential lots, to identify any barriers, and to determine potential avenues for Council to assist.

	9 That Council write to landowners of vacant greenfield land to gauge their intentions for proceeding to subdivision and sale of residential lots, to identify any barriers, and to determine potential avenues for Council to assist. Following that a re-assessment of the need to zone additional land for greenfield residential subdivision might then be needed.
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ATTACHMENT A – RURAL HOLDINGS SIZE ANALYSIS



ATTACHMENT B - LAND AREAS IDENTIFIED FOR POTENTIAL REZONING FOR INDUSTRIAL & COMMERCIAL PURPOSES IN BELLINGEN SHIRE EMPLOYMENT LANDS STRATEGY 2013





ATTACHMENT C- ADVICE ISSUED TO COUNCILLORS IN REPSONSE TO QUESTION WITH NOTICE REGARDING THE ESTABLSHMENT OF AN AFFORDABLE HOUSING SCHEME IN BELLINGEN SHIRE

Question on Notice – Establishment of Affordable Housing Contribution Scheme in Bellinghen Shire

At the Council Meeting of 22 February 2023 a question was posed by CR Fenton regarding whether Council had considered establishing an Affordable Housing Contribution Scheme and if not, whether this was possible or appropriate in Bellingen Shire. Cr Fenton made specific reference to the existence of such a scheme in Byron Shire and whether something comparable could be established in Bellingen Shire.

Division 7.2 of the Environmental Planning & Assessment Act 1979 allows for Councils to establish schemes that collect contributions for the supply of affordable housing, if a State Environmental Planning Policy identifies that there is a need for affordable housing within the area. Section 13 (4) of State Environmental Planning Policy (Housing) 2021 provides that there is a need for affordable housing within each area of the State.

An affordable housing contribution can be required and / or made in the form of a dedication of land or the payment of a contribution to be used for the purpose of providing affordable housing. In order to collect an affordable housing contribution it is necessary for Council to amend its Local Environmental Plan to authorise the imposition of such a condition, and to prepare a relevant scheme that justifies and informs the collection of the contribution. The condition can require a "reasonable dedication or contribution" having regard to;

(i) the extent of the need in the area for affordable housing,

(ii) the scale of the proposed development,

(iii) any other dedication or contribution required to be made by the applicant under this section or section 7.11.

There are Guidelines for developing an Affordable Housing Contribution Scheme – these are viewable via the following link.

<https://www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/guideline-sepp70-developing-affordable-housing-contribution-scheme-2019-02-28.pdf>

Essentially, the introduction of an Affordable Housing Contribution Scheme requires the Council to provide evidence to the Department of Planning & Environment that the proposed contribution rates are viable in the local context. The Guidelines provide that *"Councils will need to provide the Department with the evidence and assumptions used to determine the affordable housing contribution rate, to enable the assessment and review of the proposed affordable housing contribution rates to ensure that the rates are viable and would not impact on development feasibility and overall housing supply. The evidence and assumptions will be exhibited as part of the public consultation on the LEP amendment."*

The preparation of the scheme and associated LEP amendments is a significant undertaking. This could not be done in house and would require engagement of specialist Consultants to produce the relevant bodies of work. The Affordable Housing Contribution Scheme and associated Contributions Policy & Procedure that Byron Shire Council have developed, by way of example, can be viewed at the following location.

<https://www.byron.nsw.gov.au/Community/Community-support/Housing-Affordability-Initiatives/Affordable-Housing-Contribution-Scheme>

On advice from the Department of Planning & Environment, Affordable Housing Schemes that have been established to date in accordance with the enabling legislation have dealt mostly with large redevelopment proposals on sites where the developer stands to benefit from significant value uplifts

associated with something like a rezoning of land, or comparable boost to development potential. This has most frequently been applied in metropolitan situations such as redevelopment of inner city “brownfield” sites that are to be converted from previous industrial uses to high yield and value residential projects.

The Byron Shire Council scheme is essentially designed to capture part of the uplift in land values that would occur when certain land parcels identified for a residential rezoning in an adopted Housing Strategy proceed to be rezoned and are subsequently developed. Depending upon location and development typology, this would require a contribution of between 20-30% of the additional lots / developable areas / additional dwellings to be made towards Council for the supply of affordable housing projects.

Bellingen Shire Councils adopted Local Housing Strategy does not seek to facilitate significant new residential rezoning precincts. Its strategic focus is on trying to stimulate more smaller scale infill development. In the circumstances, it is considered that the development of an Affordable Housing Contribution Scheme in Bellingen would not only require the allocation of significant budgetary resources towards the completion of the requisite studies and justification, but would most likely conclude that the imposition of any contribution upon smaller scale development opportunities would in fact adversely impact upon development feasibility and overall housing supply. In this respect, **it is recommended that Council does not further pursue this option** at this time.