



COMMISSION UPHOLDS GATEWAY RULING ON BELLINGEN COUNCIL'S BLUEBERRY PLANS

Tuesday 2 October 2018

The state's Independent Planning Commission has found a North Coast council's plan to regulate blueberry farming in the local area lacks merit and should not proceed.

The Department of Planning and Environment in March this year rejected Bellingen Shire Council's proposal to amend local planning controls to require development applications for new blueberry farms unless they met specified provisions for exemption.

That gateway determination was sent to the Commission in August for independent review following a request from Council.

Chair of the Commission, Professor Mary O'Kane, appointed a three-member panel – Dr Peter Williams (Panel Chair), Professor Snow Barlow and Professor Chris Fell – to scrutinise the Department's decision.

In carrying out its review, the Commission held talks with representatives from Council and the Department. Issues raised included potential impacts on water quality and neighbouring properties, as well as options for regulation, compliance and enforcement.

Following careful consideration, the Commission has today (Tuesday 2 October) upheld the Department's gateway determination and recommended Council's proposed amendments to the Bellingen Local Environment Plan 2010 (BLEP 2010) should not proceed.

The Commission noted the planning proposal is not necessarily inconsistent with NSW planning policies but Council had failed to demonstrate the regulation of blueberry farming, in isolation of other horticultural production, was justified and appropriate.

It agreed with the Department that Council's "justification for the planning proposal, and specifically the linkages between blueberry cultivation and potential impacts to water quality, have not been clearly established".

"The Commission finds that there is merit in managing the environmental impacts associated with horticulture raised by Council," its Gateway Review Report noted.

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“(However) the Commission does not consider that the planning proposal provides adequate justification or merit in amending the BLEP 2010 to regulate one horticultural production, when that horticultural production is unlikely to be the sole contributor to the environmental impacts raised by Council.”

The Commission’s Gateway Determination Review Report is available here:

<http://www.ipcn.nsw.gov.au/projects/2018/08/request-for-review-of-gateway-determination-bellingen-shire-council-ru1-ru2-ru4-and-e4-zones>

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