

From: [David Johnston](#)
To: [Callum Firth](#)
Subject: 55 Wire Lane, Berry
Date: Monday, 12 October 2020 9:06:34 AM

Dear Mr Wilson,

Thank you for the time to discuss the planning proposal assessment with Callum and yourself.

We have reviewed the transcript from the IPC's meeting with DPI and would like to provide some further commentary for consideration as part of the Gateway Review process.

Items for consideration:

- 1. 1ha Minimum Lot Size for adjoining rural residential development site:** DPI's Planning assessment report has not considered nor discussed the 1Ha minimum lot sizes located to the east of my land, or the existing subdivision (2+ha lots) to the west of my land. The planning assessment report has simply stated the LEP 10Ha minimum lot size and not mentioned the specific provision that allowed the lots to be subdivided down to 1Ha. There is currently a 20+ lot rural residential subdivision directly to the east with lots ranging from 1Ha to approx 5Ha in size. This is an important aspect of the planning proposal, as one of the points that DPI refused this planning proposal was that it was not in keeping with the surrounding land uses. It is clear that the lots to the east and west of the site are being used for rural residential.
- 2. Site Specific Agricultural Land Assessment:** It was disappointing to read the transcript of the meeting with DPI, where it was implied that the Agricultural Lands assessment report had been reviewed. It is evident from both the Department's assessment report and the response received from DPI Agricultural that the Agricultural Land assessment report was ignored, with the existing agricultural land classification mapping was used for the assessment. We believe that the site specific assessment that was completed by an expert in this field should have been used to assess the agricultural viability of the site not the high level agricultural mapping in place. The site specific assessment ground-truthed the site and found it not to be viable for agricultural purposes. The agricultural land assessment report provided as part of the Planning Proposal application should have been considered in the assessment. It is also worth noting that the DPI Agriculture response objects to the PP as my land provides a buffer between the supposed intensive RU4 zoned land to the west and the R5 to the east. It is unclear how our land could be a buffer, when the RU1 zone allows for significantly more intensive agricultural uses than the RU4 zoned land to the west (i.e. intensive livestock agriculture). It is unfortunately another example of simple but critical errors being made in the assessment of the Planning Proposal.
- 3. Gateways determined on adopted policy/strategy:** Planning proposals are to be assessed by DPI based on adopted policy/strategy in place, however it was confirmed that the Department also relied on a conclusion of a JRPP assessment for a site not far from 55 Wire Lane. The recommendation was that no further land should be rezoned to rural-residential until such time there is a rural residential strategy in place. We believe this conclusion was made to encourage Shoalhaven Council to develop a strategy. This

has not occurred. We believe our planning proposal should be assessed on its merits and not on a historical recommendation that is not an adopted policy or strategy. It will likely be more than 10yrs before a strategy has been developed and implemented for rural residential land in the Shoalhaven based on historical timeframes. The market is demanding this type of land product now. The Department also made a number of references to Councils Local Strategic Planning Statement, and implied that the LSPS opposes rural residential development. However, as confirmed by Council, the draft LSPS does identify the need to undertake a holistic housing strategy, including planning for rural residential development (albeit with no defined timeframes). Further, we believe that it is important to note, that at the time of issuing the Gateway determination, the draft LSPS had not been endorsed by Council or publicly exhibited, was not a consideration in the Gateway determination, and should not be used by the Department to try to retrospectively justify their decision.

Regards

David Johnston