



Professor Mary O'Kane AC  
Chair  
Independent Planning Commission  
Level 3, 201 Elizabeth Street  
SYDNEY NSW 2000

By Email: [ipcn@ipcn.nsw.gov.au](mailto:ipcn@ipcn.nsw.gov.au)

Attention: Ms Nina Harrison, Project Support

Dear Professor O'Kane

**Request for Gateway review for 55 Wire Lane, Berry – PP\_2020\_SHOAL\_003\_00**

I am writing to advise that the Department of Planning, Industry and Environment has received a request for a review of the Gateway determination for the above planning proposal. The planning proposal seeks to rezone 55 Wire Lane Berry from RU1 Primary Production and RU4 Primary Production Small Lots zones to R5 Large Lot Residential and E2 Environmental Conservation zones and to reduce the minimum lot size of the subject land to 1 hectare.

The proponent, Mr David Johnston, is seeking a review of the Minister's delegate's decision to issue a Gateway determination for the proposal not to proceed. This decision was made for the following reasons:

- The proposal is inconsistent with the Illawarra Shoalhaven Regional Plan and the Shoalhaven Growth Management Strategy.
- The proposal is inconsistent with section 9.1 Directions 1.2 Rural Zones, 1.5 Rural Lands, 3.1 Residential Zones and 5.10 Implementation of Regional Plans and the inconsistencies have not been adequately justified.
- The proposal is inconsistent with the Southern Regional Planning Panel's November 2016 report on the nearby Beach Road Rezoning Review which recommended "there should not be further consideration of rezoning proposals for rural residential subdivision until Shoalhaven City Council has developed a rural residential strategy (it is understood that there is a current resolution to develop a new position on rural residential land) and has identified regionally important agricultural lands."
- The proposal will lead to the loss of viable agricultural land on the site and may create a precedent for adjoining rural lots located south of the site under consideration for similar proposals.

- The proposal is not consistent with the planning controls or local character of the surrounding area.
- The rezoning of any rural land in this location should be considered through a Council led strategic approach rather than as a spot rezoning.

The Commission is requested to review the decision and prepare advice concerning the merits of the request. The advice should include a clear and concise recommendation confirming whether, in the Commission's opinion, the Department's decision should stand.

Mr Johnston has requested an opportunity to brief the Commission on his proposal.

The advice and recommendation should be provided within 28 days of receipt of this letter and sent to Mr George Curtis in the Department's Southern Region office at [George.curtis@planning.nsw.gov.au](mailto:George.curtis@planning.nsw.gov.au).

I enclose the planning proposal, Gateway determination, Gateway determination report, the proponent's request and justification submission and a justification assessment report to assist the commission in its review of the planning proposal.

The Department's *A guide to preparing local environmental plans* provides advice on procedures for the various stages of the independent review process. The guide is available on the Department's website at [planning.nsw.gov.au/Plans-for-your-area/Local-Planning-and-Zoning/Resources](http://planning.nsw.gov.au/Plans-for-your-area/Local-Planning-and-Zoning/Resources).

Should you have any questions in relation to this matter, please contact Mr George Curtis on 42471824.

Yours sincerely



15.09.2020

**Tim Hurst**  
**Deputy Secretary, Local Government, Planning and Policy**

Encl: Planning proposal  
Gateway determination report  
Gateway review justification assessment report  
Gateway determination  
Proponent review request and justification submission