

04/08/2020

NSW Department of Planning, Industry & Environment - Southern Region  
PO Box 5475  
WOLLONGONG NSW 2500

By email only: wollongong@planning.nsw.gov.au

Attention: Sarah Lees

Dear Sarah

**Gateway Review Request  
Planning Proposal to Rezone 55 Wire Lane, Berry**

I refer to your letter dated 23 July 2020 advising Council of the Gateway Review Request for the Planning Proposal (PP) at 55 Wire Lane, Berry. I understand the proponent is seeking a review of the Gateway Determination that the proposal should not proceed.

The proposal to rezone 55 Wire Lane Berry from RU1 Primary Production and RU4 Primary Production Small Lots to R5 Large Lot Residential was lodged with Council on 12 September 2019.

The proposal was reviewed by Council staff and initially reported to Council's Development and Environment Committee on 3 December 2019. The report to this meeting can be viewed on Council's website at the following link:

<https://www.shoalhaven.nsw.gov.au/Council/Meetings/Agendas-Minutes>

It was subsequently resolved on 28 January 2020, (MIN20.51) that:

1. Council support the proponent initiated Planning Proposal request to rezone 55 Wire Lane, Berry (Lot 1 DP 1246435) to R5 Large Lot Residential with a mapped minimum lot size of 1 ha under Shoalhaven LEP2014 on the basis that it is considered to be appropriate for a decision
2. Council submit the proponents Planning Proposal document, with the subsequent proposed zone modification tabled at the December 2019 Council Meeting, to the NSW Department of Planning, Industry & Environment requesting the initial Gateway determination, noting that additional and updated or additional studies will be undertaken post Gateway to support the Planning Proposal;

3. *Dependent on the outcome of the Gateway determination Council receive a further report on the Planning Proposal;*
4. *Council advise the proponents and submitters of this decision.*

The Council, in debate, indicated support for the matter to be considered at the Gateway based on the position/justification presented by the proponents in their PP document. This included: consistency with other development in the area; historical zoning decisions in the locality; and the need for additional residential land supply of the nature proposed.

In accordance with Part 2 of the Council resolution, the proponent provided an updated PP to Council on 26 March 2020. This PP was submitted to the NSW Department of Planning, Industry and Environment (DPIE) with a request for a Gateway determination on 7 April 2020. Council received a letter on 10 June 2020 from DPIE advising that the PP should not proceed, for the reasons outlined in the Gateway determination.

Council supports the PP proceeding through the Gateway and into the process for a range of reasons, some of which are outlined above. To assist the Independent Planning Commission in its review of this matter, Council is willing to provide additional information as required or answer any questions that may assist.

If you need further information about this matter, please contact Kristy O'Sullivan, Planning Environment & Development Group on (02) 4429 3511. Please quote Council's reference 62596E (D20/348679).

Yours faithfully

A handwritten signature in black ink that reads "Gordon Clark." The signature is written in a cursive, flowing style.

**Gordon Clark**  
**Strategic Planning Manager**