

07/04/2020

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

### **Request for a Gateway Determination – 55 Wire Lane Planning Proposal, Berry**

I am writing to submit the attached Planning Proposal (PP) for Gateway determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*. At its Ordinary Meeting of 28 January 2020, the Council resolved (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*

Accordingly, Council is now seeking a Gateway determination to enable the attached PP to proceed. It is noted that, subject to a positive outcome, this may require any inconsistencies with the Section 9.1 Directions listed below to be resolved as the PP moves forward. The concurrence of the Minister (or their delegate) is sought on the basis that the Council considers that the PP is appropriate at this point to enable a decision to be made on this request.

- 1.2 Rural Zones
- 1.5 Rural Lands
- 5.10 Implementation of Regional Plans

This proposal was initially considered by the Council at its Development and Environment Committee meeting on 3 December 2019. A copy of the staff report and associated minutes can be viewed on Council's website at: <https://shoalhaven.nsw.gov.au/My-Council/Council-meetings/Agendas-and-minutes>

The attached PP document was submitted to Council by the landowner and is supported by a number of specialist reports as detailed in Appendices C-H. Council has determined that the planning proposal is considered adequate to enable a Gateway determination to be made, acknowledging that additional studies may be required to support/justify the proposal. It is also noted that the proponent's indicative timeline will need to be reconsidered if a favourable Gateway determination is received to accommodate any requirements, and also given the current uncertainties relating to the COVID-19 pandemic.

#### Delegation

Depending on the view of the Department on this Gateway determination request, Council is willing to discuss the issue of delegation.

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 (D20/123580).

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**