



New South Wales Government  
Independent Planning Commission

# **Gateway Determination Review Request for 55 Wire Lane, Berry**

## **Gateway Determination Advice Report**

Chris Wilson (Chair)

13 October 2020

# 1 INTRODUCTION

1. On 16 September 2020, the NSW Independent Planning Commission (**Commission**) received a referral from the NSW Department of Planning, Industry and Environment (**Department**) seeking advice pursuant to section 2.9(1)(c) of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**). The request for advice relates to a planning proposal (the **Planning Proposal**) and Gateway Determination in respect of 55 Wire Lane, Berry (Lot 1 DP 1246435) (the **Site**) within the Shoalhaven Local Government Area (**LGA**).
2. On 12 September 2019, the Proponent lodged their request for the Planning Proposal with Council seeking to amend the Shoalhaven Local Environmental Plan 2014 (**SLEP**) to:
  - Rezone land from RU1 Primary Production and RU4 Primary Production Small Lots to R5 Large Lot Residential and E2 Environmental Conservation; and
  - Change the minimum lot size to 1 hectare (**ha**)
3. On 3 December 2019, Council's Development and Environment Committee (**DE Committee**) adopted the resolution that Council should not proceed with the Planning Proposal, and that the proponent be advised to engage with the preparation of Council's Local Strategic Planning Statement (LSPS) process and any associated work on a rural land strategy. These findings were made available in a report (**DE Committee Report**).
4. On 28 January 2020, Council resolved to rescind the resolution of the Council's DE Committee and support the Planning Proposal, submitting it to the Department for a Gateway Determination.
5. On 10 June 2020, as delegate of the Minister for Planning and Public Spaces (**Minister**), the Department issued a Gateway Determination that the Planning Proposal should not proceed as it lacked strategic merit (the **Gateway Determination**).
6. On 9 July 2020, the Proponent provided the Department with a request to review the Gateway Determination.
7. The matter was referred by the Minister's delegate to the Commission for advice. The letter accompanying the referral requested that the Commission "*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.*"
8. Professor Mary O'Kane, Chair of the Commission, nominated Chris Wilson (Chair), to constitute the Commission Panel to review the Gateway determination and provide the advice as requested.

## 1.1 Site and Locality

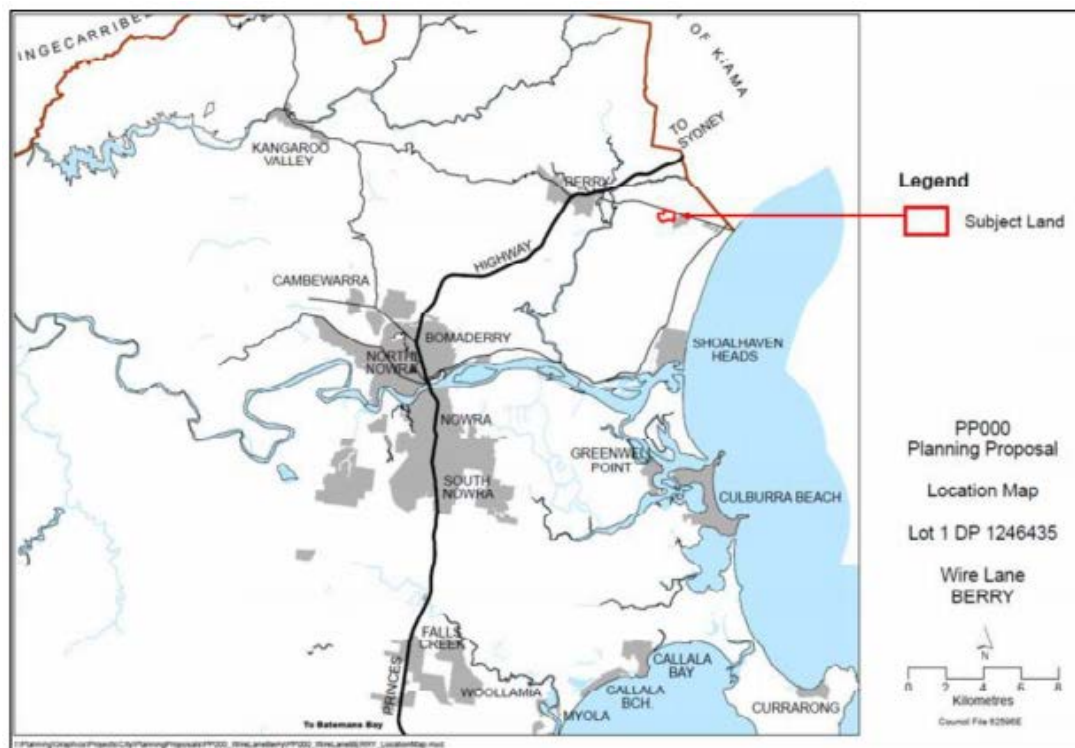
9. The 'Site' for the purposes of this Advice Report is defined as 55 Wire Lane, Berry (Lot 1 DP 1246435) (the Site). The location of the Site is illustrated in Figure 1 and the regional context is provided in Figure 2 below.
10. The Department's Gateway Determination Report (**Department's Gateway Report**), dated 5 June 2020, states:

*“The 41-ha site is located at 55 Wire Lane Berry 4.6 km east of Berry and is surrounded by Beach Road and rural land to the north, rural residential development to the east, rural land to the south and Wire Lane and rural land [small lots] to the west”*

**Figure 1 – Subject Site (Source: DE Committee Report)**



**Figure 2 – Regional Context (Source: DE Committee Report)**



## 1.2 The Planning Proposal

11. The Department's Gateway Review Justification Assessment (**Department's Assessment**), dated 16 September 2020 accompanying the Department's referral to the Commission, states:

*"The planning proposal seeks to rezone 55 Wire Lane Berry (Lot 1 DP 1246435) from RU1 Primary Production and RU4 Primary Production Small Lots zones to an R5 Large Lot Residential and E2 Environmental Conservation zones and with a 1-hectare minimum lot size under the Shoalhaven LEP 2014. The proposed rezoning and minimum lot size amendments have the potential to develop 29 large lot dwellings on the site".*

## 1.3 The Department's Determination

12. Officers of the Department, as the Minister's delegate, determined that the Planning Proposal should not proceed 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 (**Planning Panel's Recommendation**) 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 the rezoning of 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.*

## 1.4 The Proponent's Position

13. The Proponent states that there is a strong demand for rural residential lots between 1-4 ha in the northern part of Shoalhaven and specifically the Berry Region, and that the Planning Proposal seeks to address this specific market demand on a site which the Proponent considers to be infill rural residential development given the existence of rural residential development to the east of the site (Campbell's Run) and the rural lifestyle lots to the west of the Site.
14. The Proponent states that the Planning Proposal is consistent with a number of key goals and Directions of the Illawarra Regional Plan (**Regional Plan**) as it:



- aims to address a specific market demand for rural lifestyle lots which addresses Regional Plan direction 2.1 – to provide a variety of housing choices to meet the needs and lifestyles of local communities. The Proponent highlights that the Direction states “Councils are to plan for the mix of housing that suits the projected growth, changing demographics (such as an ageing population) and market demand particular to their area”;
  - the Proponent also views the Planning Proposal to be consistent with Section 9.1 Direction 3.1: Residential Zones given it addresses housing demand, is located between two existing rural residential subdivisions, and will utilise existing infrastructure; and
  - the Planning Proposal applies to land with the capacity to absorb development which addresses Direction 5.1 – which aims to ensure that development is located to avoid significant environmental impacts.
15. The Planning Proposal was supported by a Land Supply and Demand Analysis Report (**Market Analysis**). This found that there were few large lot residential homesites available in the northern Shoalhaven, only one of which is near Berry. The Market Analysis considered a positive potential sales volume for the Site.
- “There has not been enough transactions of large lot residential homesites to determine accurately the sales rates that could be expected for sites of this nature. Given the current demand and historic sales rates for Campbells Run and Berry Beach Estate, it could be expected sales volume of between 15 and 20 lots per annum could be achieved.”*
16. The Planning Proposal is supported by an Agricultural Assessment which found that the Site possessed significant constraints for profitable agricultural use of the Site such as size, soil profiles and topographical constraints, and also noted that the Berry – Kangaroo Valley Region and LGA is not known as a significant agricultural area. The Agricultural Assessment found that due to these factors, the Site was not able to support a family full time without an off-farm source of income.
17. The Proponent considers that given the findings of the Agricultural Assessment, the Planning Proposal is justifiably inconsistent with direction 4.1 of the Regional Plan. By extension therefore, the Proponent considers that the Planning Proposal is consistent with Section 9.1 Direction 5.10: Implementation of Regional Plans.
18. Regarding its inconsistency with Direction 1.2: Rural Zones, the Proponent considers that this was an error in the Department’s assessment which listed the adjoining land to the Site as consisting of 10ha lots when it actually consists of 1ha lots. For this reason, the Proponent finds the Planning Proposal to be consistent with planning controls and the local character of the surrounding area.
19. The Proponent acknowledges the Planning Proposal’s potential inconsistency with Direction 1.5: Rural Lands however considers it to be consistent with the rural planning principles and rural subdivision principles outlined in that Direction.
20. Regarding the Planning Panel’s Recommendation, that “the rezoning of any rural land in this location should be considered through a Council led strategic approach rather than as a spot rezoning” and which informed two of the reasons for the Department’s Gateway refusal, the Proponent considers that to not meet the demand for rural residential development while waiting for Council policy would be unreasonable and that the Site had been identified by Council to be rezoned in a previous planning process.

21. The Planning Proposal (as updated) concludes that *“while some minor potential inconsistencies exist with Section 9.1 Directions, they are considered to be minor in nature and justified”...The outcome of the PP will provide a greater housing choice in the Shoalhaven and address a specific housing demand in the area”*.

## 1.5 Council's Position

22. As set out in paragraph 3, on 3 December 2019, Council's DE Committee adopted the resolution that Council should not proceed with the Planning Proposal. The DE Committee Report found that the Planning Proposal is inconsistent with long-standing Council and NSW Government policies to retain and manage existing agricultural land and avoid making 'ad-hoc' planning decisions about rural residential development.
23. The DE Committee Report concluded that the Planning Proposal is inconsistent with Ministerial Planning Directions (1.2, 1.5 and 5.10), the Regional Plan and the NSW Government's guide to preparing planning proposals. The DE Committee Report also cited the Planning Panel's Beach Road Rezoning Review recommendations in its own recommendation that any rezoning of land in the area should not be considered until a rural lands or similar strategy has been completed by Council.
24. However, on 28 January 2020, Council resolved to rescind the DE Committee's resolution and to support and *“submit the proponent's Planning Proposal document to the NSW Department of Planning, Industry & Environment requesting the initial Gateway Determination...” (Rescission Motion)*.
25. In response to the Gateway Review Request, Council advised in its letter of 8 August 2020 that Council 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”*.
26. The Council's position was reiterated by Council representatives at their meeting with the Commission noting that the elected council resolved to submit the Proponent's Planning Proposal to the Gateway as in their opinion:
- it was suitable to be submitted for Gateway determination given there had been strategic decisions in the past that identified the general area as being suitable for rural residential development;
  - there was a clear desire to see additional supply of that type of rural residential development in the northern part of the Shoalhaven;
  - the proposal is generally consistent with the Regional Strategy as it would provide an additional form of residential supply that's needed in the market; and
  - the subject land is not necessarily viable agricultural land.

## 1.6 The Department's Position

27. The Department's Assessment concluded that the Planning Proposal lacked strategic merit given it is inconsistent with the strategic planning framework applicable to the land.

28. The Department's Assessment found that the Planning Proposal is not consistent with Direction 2.1 of the Regional Plan (to plan for a mix of housing that suits the projected growth, changing demographics and market demand particular to their growth), as the Direction specifically states that *"there is enough potential for the market to supply housing types over the long-term therefore no new release areas are required..."*. The Department's Assessment also concluded that neither the Shoalhaven draft Growth Management Strategy (**draft GM Strategy**) nor the draft Shoalhaven Local Strategic Planning Statement (**draft LSPS**) identify the area as suitable for additional long-term residential growth.
29. The Department's Assessment notes that the Proponent did not address the Planning Proposal's inconsistency with Direction 2.2 of the Regional Plan (Support housing opportunities close to existing services, jobs and infrastructure in the region's centres), as it proposes new residential development remote from Berry centre.
30. The Department's Assessment finds that notwithstanding the conclusions of the Agricultural Assessment, the Planning Proposal is inconsistent with Direction 4.1. The Department's Assessment included consideration of formal correspondence from Regional NSW (DPI Agriculture) confirming the Site's regional agricultural value and objecting to the Planning Proposal. The advice noted:
- The subject land includes Biophysical Strategic Agricultural Land (BSAL) with high quality soil and water resources capable of sustaining high levels of agricultural activity;
  - The land is not identified within the Illawarra Shoalhaven Regional Plan, any rural lands strategy or Local Strategic Planning Statement. Any rural residential development that is strategically assessed should consider a range of factors and localities across the Shire to identify where rural residential should be supported; and
  - The 40-ha minimum lot was considered the appropriate lot size to support agriculture in the LGA when developing the Shoalhaven Local Environment Plan. Justifying the subdivision of land on the basis that the subject land (41ha) is too small to support agriculture would apply equally to all rural land across the LGA and undermine the Shire's rural planning framework.
31. The Department's Assessment considers the Planning Proposal is generally consistent with Regional Plan Direction 5.1 (Protect the region's environmental values by focusing development in locations with the capacity to absorb development), due to its protection of part of the Berry wildlife corridor. The Department notes however, that a better environmental result would be achieved through a strategic approach to the Site and locality, and that any environmental benefits do not justify the Planning Proposal given its negative impact on agricultural land.
32. The Department's Assessment finds the Planning Proposal to be inconsistent with the following Ministerial Directions:
- Direction 1.2: Rural Zones - as the proposed R5 zoning and 1ha minimum lot size would allow for much denser development in the area, conflicting with the RU1 zoned land to the north and south of the Site;
  - Direction 1.5: Rural Lands - as it is inconsistent with the relevant strategic planning of the area and does not minimise fragmentation of rural land or reduce the risk of land use conflict because it would result in additional residential development;

- Direction 3.1 - Residential Zones: as it is not consistent with the requirement to reduce the consumption of land for housing and associated urban development on the urban fringe and does not make more efficient use of existing infrastructure and services; and
- Direction 5.10 - Implementation of Regional Plans: as set out in paragraphs 28-31 it is inconsistent with the Regional Plan, draft GM Strategy, draft LSPS and therefore Direction 5.10.

33. The Department's Assessment noted the Southern Regional Planning Panel's November 2016 findings relating to 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"*. The Department's Assessment further notes that the Planning Panel ultimately supported the rezoning on the basis that the increase in rural residential land coupled with the delivery of strategic biodiversity outcomes outweighed the loss of agriculturally viable land.
34. As set out in paragraph 30, The Department's Assessment finds the Planning Proposal to be inconsistent with Regional Plan Direction 4.1. In the Department's view *"it would result in a loss of viable agricultural land and considers the Proponent's justification for subdivision based on the Site being too small for profitable farming (41 ha) would undermine Council's rural planning framework as this argument would apply to much of the land across the LGA"*.
35. Overall, the Department finds the Planning Proposal to be inconsistent with the planning controls and local character of the surrounding area and that the rezoning of any land in this location should be the result of a strategic, Council-led process.

## 2 THE COMMISSION'S CONSIDERATION

### 2.1 The Commission's Meetings

36. As part of its review, the Commission met with various persons as set out in Table 1. All meeting and site inspection notes were made available on the Commission's website.

Table 1 – Commission's Meetings

Meeting	Date of Meeting	Transcript/Notes Available on
Department	24 September 2020	30 September 2020
Proponent	24 September 2020	30 September 2020
Council	30 September 2020	7 October 2020
Site Inspection	27 September 2020	13 October 2020

### 2.2 Material considered by the Commission

37. In this review, the Commission has carefully considered the following material (**material**):
- Shoalhaven draft Growth Management Strategy, dated May 2014;
  - Illawarra Shoalhaven Regional Plan, dated November 2015;
  - the Joint Regional Planning Panel's Recommendation report, dated 22 November 2016;



- Council's DE Committee Report, dated 3 December 2019;
- Council's Rescission Motion and accompanying meeting video, dated 28 January 2020;
- the updated Planning Proposal and associated documentation, dated 26 March 2020;
- the Department's Gateway Report; dated 5 June 2020;
- the Department's Gateway Determination, dated 10 June 2020;
- the Proponent's Gateway Review Request and justification dated 9 July 2020;
- Council's draft Local Strategic Planning Statement, dated July 2020;
- Council's comment on the Gateway Review Request, dated 4 August 2020;
- the Department's Assessment, accompanying the Department's referral, dated 16 September 2020;
- correspondence from the Department following its meeting with the Commission, dated 24 September 2020;
- DPI's (Agriculture) letter to the Department, undated, received 24 September 2020; and
- correspondence from the Proponent, dated 12 October 2020.

## 2.1 Consistency with Strategic Plans

38. Following consideration of this matter the Commission agrees with the Department that the Planning Proposal lacks sufficient merit to warrant passing Gateway, particularly given its inconsistency with the strategic planning framework applicable to the Site and LGA. The Commission agrees with the Department's view that the Planning Proposal is inconsistent with key strategic objectives in both the Illawarra Shoalhaven Regional Plan and the draft Growth Management Strategy. Both policies clearly establish the intention to:
  - limit residential development to locations near existing services and infrastructure particularly in and around the region's town centres and;
  - preserve and avoid fragmentation of prime agricultural land across the LGA including around Berry.
39. Council's existing Growth Management Strategy identifies five areas in the LGA which would be suitable for new housing over the next twenty years. Berry is identified in this strategy as having limited potential within close proximity to the town centre for long-term housing growth. The Commission does however note the views of both Council and the Proponent that this does not preclude the consideration of additional rural-residential development.
40. The Planning Proposal states that the NSW Government over recent years has encouraged additional rural - residential development by implementing specific goals and directions that encourage Council's to provide a variety of housing choices to meet the needs and lifestyles of their communities ( Direction 2.1). The Commission does not support this view noting to the contrary that regional planning policies have firmed over recent years in an attempt to ensure housing occurs in the right locations and further, to avoid the fragmentation and loss of productive agricultural land.

41. This is acknowledged in the report to Council's Development and Environment Committee which recommended the Planning Proposal not proceed given:
- *"the proposed development will have limited contribution to the number of new homes and does not address the underlying issues associated with housing location, affordability or diversity"; and*
  - *"it confirms the strategic direction for the management of productive rural land set out in the suite of NSW Government and Council strategic land-use planning documents".*
42. The Planning Proposal is in part justified as infill development noting the Campbell's Run rural residential subdivision to the east, and rural lifestyle lots to the west of the Site. The Commission notes that these subdivisions were approved prior to the release of both the Regional Plan and Council's draft Growth Management Strategy which are underpinned by the notions that:
- housing should be appropriately planned to ensure it occurs in an orderly fashion;
  - it should be situated in the right locations;
  - it should be supported by appropriate infrastructure; and
  - it should not occur at the expense of productive agricultural land.
43. The Commission also notes that on 29 September 2020, Shoalhaven City Council resolved to submit its revised draft Local Strategic Planning Statement to the Department. The LSPS includes a key planning priority regarding the management of productive rural land which aims to: *"retain and manage existing rural land, avoiding the rezoning of land for other uses including rural-residential and residential outcomes"*. In this respect the LSPS establishes the need to:
- identify and retain important agricultural land and protect it from inappropriate development until future need is established;
  - manage fragmentation and minimise land use conflicts with sensitive uses such as residential development;
  - review the contribution that rural-residential subdivision makes to dwelling supply needs; and
  - consider any further rural-residential proposals when completing Council's Rural Lands Strategy.
44. The Commission also supports the Department's conclusions regarding the consistency of the Planning Proposal with Direction 4.1. A key justification underpinning the Planning Proposal relates to the view that the site is not profitable for agriculture given the Site's size, soil profiles and inherent topographical constraints. On the other hand, DPI states that the land contains BSAL and is capable of sustaining high levels of productivity.
45. The Commission accepts that there might be some doubt over the agricultural viability of the land. It further acknowledges that there are likely to be other variables that contribute to its viability that have not been considered. Although it is difficult for the Commission to form a view either way, the Commission agrees with both the Department and DPI that justifying the Planning Proposal based on the land being too small to support agriculture has the potential to undermine Shoalhaven City Council's rural planning framework given that the RU1 zone has a minimum subdivision size of 40 ha. The Commission therefore accepts that the Planning Proposal is inconsistent with Direction 4.1.

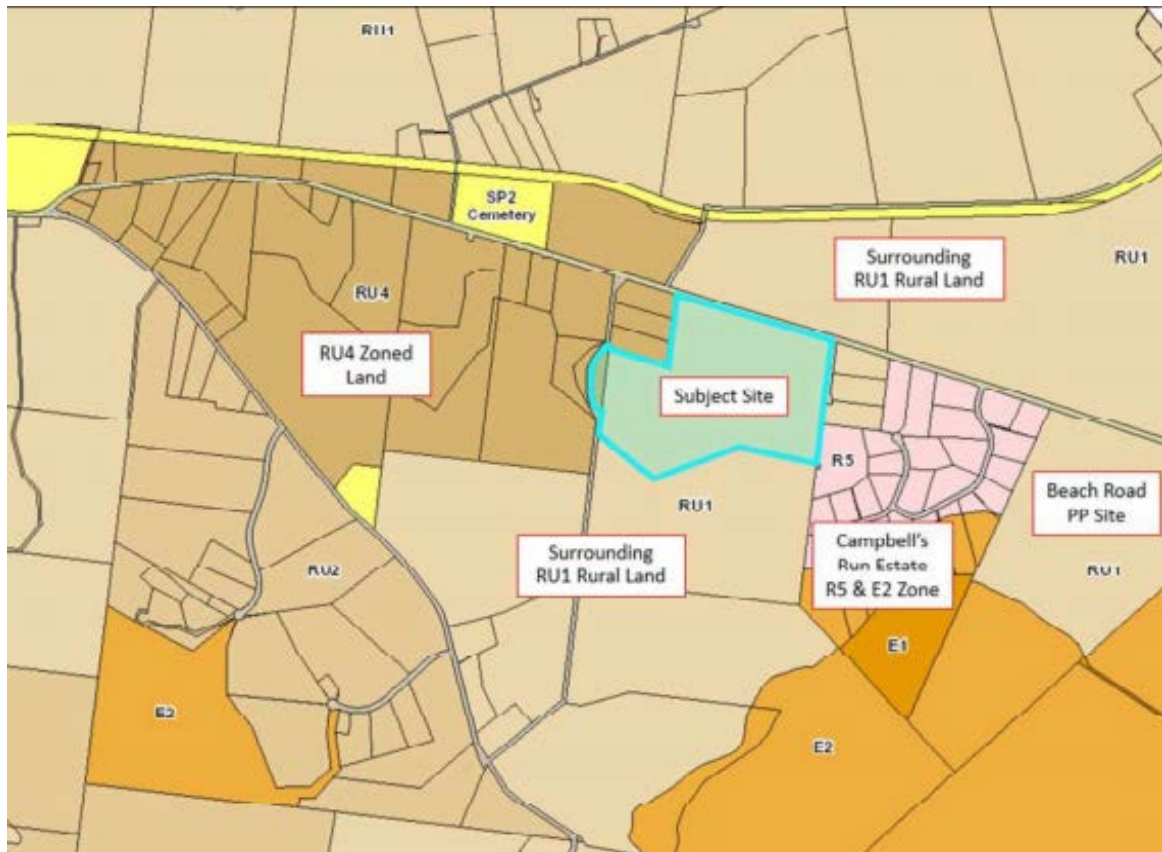
46. Although the Commission accepts that the Planning Proposal is consistent with Regional Plan Direction 5.1, as the Planning Proposal aims to protect part of the Berry wildlife corridor, it does not concur that the current agricultural land use poses a significant threat to the native vegetation on site. The Commission agrees with the Department that this land would be better managed in a more strategic manner.
47. The Planning Proposal considers that the rezoning is consistent with Regional Planning Direction 2.1 (to provide sufficient housing supply to suit the changing demands of the region) as it will satisfy the demand for additional rural-residential lots for a number of years particularly in the northern part of the LGA. A Market Analysis supporting the Planning Proposal concludes that there is an unassessed demand for rural living housing (see paragraph 18), particularly in the north of the LGA.
48. The Commission notes the Department's Assessment and Council's DE Committee Report concluded that the region contains enough capacity in existing rural-residential zones to meet the demands for this type of housing for some years. Furthermore, and as identified in the Planning Proposal, Direction 2.1 states that "*Councils are to **plan** for the mix of housing that suits the projected growth, changing demographics (such as an ageing population) and market demand particular to their area*". As outlined in Councils draft LSPS, further work is proposed at a strategic level that will ultimately determine whether the social and economic effects of a rural-residential zoning in this area can be supported.
49. Given the above, the Commission does not agree with the Proponent's position that it is unreasonable to await the outcomes of the additional strategic work to determine whether the land is suitable for rural – residential development.

## 2.2 Ministerial Directions

50. The Commission agrees with the Department's Assessment that the Planning Proposal is at odds with Ministerial Direction 3.1: Residential Zones as the Direction requires residential development to reduce the consumption of land on the urban fringe and does not make more efficient use of existing infrastructure, as the Site does not have access to municipal sewer services and would require on-site waste-water treatment or require an extension of the sewer network. The Commission finds the Planning Proposal is likewise inconsistent with Regional Plan Direction 2.2: support housing opportunities close to existing services.
51. As set out in paragraphs 38-48, the Commission concludes that the Planning Proposal is not consistent with the Regional Plan and Council's draft Growth Management Strategy and is therefore inconsistent with Ministerial Direction 5.10: Implementation of Regional Plans.
52. In addition to the arguments regarding agricultural viability, and as identified in Paragraph 42, justification for the rezoning relies heavily on it presenting as infill development, and the Site being generally contiguous with the Campbell's Run rural residential subdivision to the east, and the rural lifestyle lots to the west. However, the Commission does not support this view given that:
  - the developments to the east and west of the Site occurred prior to the implementation of both the Illawarra Shoalhaven Regional Plan and Shoalhaven Council's draft Growth Management Strategy, both of which focus on where housing should occur whilst also specifically aiming to prevent the loss and further fragmentation of agricultural land; and

- the site is as much aligned with the RU1 zoned land to the north and south of the site as it is to the smaller lot subdivisions to the east and west as identified in Figure 3 below. Consequently, the Commission finds that the Planning Proposal is inconsistent with Ministerial Directions 1.2 and 1.5 as it will result in the fragmentation and loss of productive agricultural land.

**Figure 3: Surrounding Land Map (Source: Council's DE Committee Report)**



## 2.3 Agricultural Land

- The Commission has considered the Agricultural Assessment which supports the Planning Proposal and the letter from DPI (Agriculture) objecting to the Planning Proposal. As set out in paragraph 45, the Commission is unable to form a view on the agricultural viability of the land. However, the minimum lot size of 40 ha for the RU1 zone was considered an appropriate size to support agriculture when implementing the Shoalhaven LEP. The Commission accepts that to rezone the Site based on the size limitations of the land has the potential to undermine Council's rural planning framework and that the work to be undertaken in accordance with Council's draft LSPS and Rural Lands Strategy should address this issue.

54. The Commission also finds that unlike the 2016 Beach Road Planning Proposal, there is no fundamental public benefit associated with the Planning Proposal that would offset the loss of agricultural land (including BSAL) or mitigate implications for the rural planning framework. Other developments to the east and west of the Site, to which the Planning Proposal relies on as precedent, offered arrangements for the protection of Coomonderry Swamp. The Commission also accepts the concerns raised by the Department regarding the application of the E2: Environmental Conservation zone to the Berry wildlife corridor. The Commission supports the view that the 1 ha minimum lot size has the potential to result in the loss of vegetation through edge effects which is also likely to undermine the value of the wildlife corridor as a public benefit.

## **2.4 JRPP's Recommendation**

55. The Commission acknowledges the Department's consideration of the Planning Panel's Recommendation for the Planning Proposal at 510 Beach Road in 2016. The Commission also acknowledges that the subject Planning Proposal is able to be considered on its merits regardless of the JRPP's recommendations.

## **2.5 A Council-led, Strategic Approach**

56. The Commission acknowledges the findings of the Market Analysis provided alongside the Planning Proposal which argues that there is an unassessed demand for rural living. However, the Commission does not view these findings as sufficient to overcome the inconsistencies with State, regional and local planning policies. The Commission is of the view that any potential discrepancy in residential modelling or demand should be investigated at a strategic level, and not through a spot re-zoning.
57. The Commission agrees with the conclusions of the Department's Assessment and the DE Committee Report. The Planning Proposal has not provided sufficient and compelling reasons demonstrating that it has strategic merit, and therefore that it should proceed through Gateway. The Commission is of the view that any proposal to develop the land in this location should be consistent with the strategic analysis to be undertaken in accordance with the draft LSPS, or other relevant city wide strategic considerations.
58. Having considered all the material and the circumstances of the case, the Commission agrees with the Department's Gateway Determination which concludes that the Planning Proposal lacks sufficient strategic merit to progress past Gateway.



### 3 CONCLUSION: THE COMMISSION'S ADVICE

59. The Commission has undertaken a review of the Gateway Determination as requested by the Department and provides the following advice on whether the Planning Proposal should proceed past Gateway.
60. Based on its consideration of the Material, the Commission finds that the Planning Proposal does not have strategic merit as:
- It is inconsistent with the locational housing objectives established in State, regional and local planning strategies and relevant environmental planning instruments given it is not located in an area identified for future residential development;
  - It is inconsistent with the rural land management objectives of State, regional and local planning strategies and environmental planning instruments which aim to maintain the rural character of the region and avoid the fragmentation of productive rural land; and
  - Any future consideration on whether to rezone this land should be considered within the broader suite of strategic work to be undertaken in accordance with Council's draft LSPS.
61. Accordingly, the Commission recommends that the Planning Proposal should not proceed past Gateway.



**Chris Wilson (Chair)**  
Member of the Commission