

Gateway Determination

Planning proposal (Department Ref: PP_2020_SHOAL_003_00): to rezone 55 Wire Lane, Berry (Lot 1 DP 1246435) from an RU1 Primary Production and an RU4 Primary Production Small Lots Zone to an R5 Large Lot Residential Zone and E2 Environmental Conservation Zone with a 1 hectare minimum lot size under the Shoalhaven LEP 2014.

I, the Executive Director, Local and Regional Planning at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Shoalhaven Local Environmental Plan (LEP) 2014 as described above should not proceed for the following reasons:

1. The proposal is inconsistent with the Illawarra Shoalhaven Regional Plan and the Shoalhaven Growth Management Strategy.
2. 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.
3. 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."
4. 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.
5. The proposal is not consistent with the planning controls or local character of the surrounding area.
6. The rezoning of any rural land in this location should be considered through a Council led strategic approach rather than as a spot rezoning.

Dated 10 June 2020.



Monica Gibson
Executive Director
Local and Regional Planning

Department of Planning, Industry and Environment
Delegate of the Minister for Planning and Public Spaces