

Council Reference: 76934E/6 (D24/514529)

27/11/2024

Graham Towers  
Manager – Southern, Western and Macarthur Region  
Local Planning and Council Support  
NSW Department of Planning & Environment - Local & Regional Planning  
PO Box 5475  
WOLLONGONG NSW 2520

By NSW Planning Portal and email only: [wollongong@planning.nsw.gov.au](mailto:wollongong@planning.nsw.gov.au)

Attention: Graham Towers

Dear Graham

**Request for Gateway Determination  
Planning Proposal PP078 (PP\_2024\_1869)  
17 Prince Alfred Street, Berry (The Berry Inn)**

I am writing to request a Gateway determination for a proponent-initiated Planning Proposal that currently applies to Lot CP SP 93194, 122 Queen Street and 17 Prince Alfred Street, Berry.

The PP seeks to amend the Shoalhaven Local Environmental Plan (SLEP) 2014 to amend the controls that apply to part of the site, 17 Prince Alfred Street, on which 'The Berry Inn' is located as follows:

- Rezone the *R2 Low Density Residential* portion of the site to *E1 Local Centre*,
- Remove the mapped 500 sqm minimum lot size that currently applies to the R2 zoned part of the site, and
- Amend the mapped extent and land description of Heritage item 88 so that it only applies to the former CBC building and curtilage at 122 Queen Street.

When a recently approved subdivision application (DA23/3181) is completed, the current strata plan will be dissolved, and the land will be two Torrens Title lots. The buildings and uses will then be on separately owned freehold lots. The existing approved use (The Berry Inn) is potentially prohibited in the R2 zone and incompatible with the objectives of this zone. The proposed changes will ensure the zoning and existing uses are consistent/compatible.

The PP application was reported to Council for initial consideration on 12 November 2024. In response, the Council resolved to seek a Gateway determination for the PP (MIN24.610 attached). In recognition of the minor administrative nature of the proposed changes to the SLEP 2014, the Council resolved in part 5 to: "exhibit the PP and, *should there be no significant feedback, finalise the PP without reporting the matter back to Council.*"

## **Local Plan Making Authority request**

Subject to receiving a favourable Gateway determination and to the extent that it will help expedite the plan-making process, the Council also seeks delegated plan-making authority.

If you need further information about this matter, please contact Eric Hollinger, City Futures on (02) 4429 3320. Please quote Council's reference 76934E/6 (D24/514529).

Yours faithfully

A handwritten signature in black ink, appearing to read 'Eric Hollinger', with a long, sweeping horizontal line extending to the right.

**Eric Hollinger**  
**Coordinator - Special Projects Team**

Enc: Council Minute MIN24.610 – 12<sup>th</sup> November 2024

**CL24.352 Initial Consideration - Proponent Planning Proposal (PP)  
Application - 17 Prince Alfred Street, Berry****HPERM Ref:  
D24/378218****RESOLVED\*** (Clr Dunn / Clr Clancy)

MIN24.610

That Council

1. Acknowledge that the land on which The Berry Inn is located:
  - a. is currently part of an overall strata lot that is listed as heritage Item 88 (former CBC building, fence and trees) in Schedule 5 of the Shoalhaven Local Environmental Plan (LEP) 2014 at 122 Queen Street, Berry;
  - b. will be on a separate title to the former CBC building, fence and trees, when the two-lot Torrens Title subdivision approved on 6 May 2024 (DA23/3181) is registered;
  - c. does not contain the heritage features referred to in the State Heritage Inventory (Victorian Free Classical Style former CBC Bank including fence and trees) related to Item 88; and
  - d. is within a Heritage Conservation Area (C6) and adjacent to other heritage items identified in the LEP.
2. As a result, support the Planning Proposal (PP-2024-1869) to rezone the land currently zoned R2 Low Density Residential land at 17 Prince Alfred Street, Berry, to E1 Local Centre, and remove the 500 sq metre mapped minimum lot size that currently applies to the R2 land.
3. Support the removal of the land on which The Berry Inn is located from the mapped extent of heritage Item 88 when the approved Torrens Title subdivision has been completed, noting that LEP clause 5.10 (heritage conservation) still applies, as the site is adjacent to other heritage items and do this either as part of this PP or by seeking support from the NSW Department of Planning, Housing and Infrastructure (DPHI) to use section 3.22 (expedited amendments) of the *Environmental Planning and Assessment Act (EP&A Act)* to resolve the matter efficiently after the amendment has been completed.
4. Submit the PP to the DPHI for initial Gateway determination.
5. Subject to receiving a favourable Gateway determination, exhibit the PP and should there be no significant feedback, finalise the PP without reporting the matter back to Council.

FOR: Clr White, Clr Casmiri, Clr Dunn, Clr Cox, Clr Wilkins, Clr Proudfoot, Clr Tribe, Clr Norris, Clr Boyd, Clr Johnston, Clr Krikstolaitis and Clr Clancy

AGAINST: Nil

CARRIED